المركز الوطني لحقوق الإنسان

The National Centre for Human Rights

First Annual Report on the State of Human Rights in the Hashemite Kingdom of Jordan 2003–2004

During the Period (1/6/2003 – 31/12/2004)

Amman – Jordan

31 May 2005

Disclaimer

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1. Introduction

In the Name of God, the Most Gracious, the Most Merciful

The National Centre for Human Rights (NCHR) was established under Provisional Law No. (75) of 2002, thereby becoming the de facto successor to the Royal Committee for Human Rights, which concluded its work in 2002 and recommended the establishment of a national human rights body by law.

The establishment of the Centre came as a further step along the path towards completing the building of a society governed by justice and equality among all citizens without discrimination, founded on respect for human dignity, rights and fundamental freedoms.

Under its Law, the Centre aims to promote the principles of human rights in the Kingdom, to entrench a human rights culture at the levels of both thought and practice, and to ensure non-discrimination among citizens on grounds of race, language, religion or sex; and to work to strengthen the democratic approach in the Kingdom so as to form an integrated and balanced model founded on the dissemination of freedoms, the guarantee of political pluralism, respect for the rule of law, and the guarantee of the right to economic, social and cultural development.

The Centre works to achieve its objectives through a number of means and methods, most notably: verifying the observance of human rights in the Kingdom in order to address any abuses or violations thereof, and following up on the taking of the measures necessary to that end, including settling such abuses or violations or referring them to the executive or legislative authority or the competent judicial authority in order to halt them and remove their effects.

Following the formation of the Board of Trustees and the selection of a Commissioner General for Human Rights, the Centre commenced its work on 1/6/2003. The Centre's General Secretariat comprises four units, through which twenty-seven staff members work, namely: the Research and Documentation Unit, the Complaints and Legal Services Unit, the Awareness and Training Unit, and a unit for Administrative and Financial Affairs.

In late 2004, the Centre's Strategic Plan for the three years (2005–2008) was completed and adopted following its approval by the Board of Trustees. The Plan comprised seven main pillars, which included:

- Human rights education, with the aim of integrating human rights concepts into educational curricula at their various levels.
- Strengthening justice and developing legislation relevant to human rights.
- Economic, social and cultural rights.
- Marginalised groups or those most exposed to violations (women, children in conflict with the law, persons with disabilities, older persons and refugees).
- Political development and the promotion of democracy.
- Building the institutional capacities of the Centre and strengthening the role of civil society institutions.
- Preparing specialised and comprehensive national reports in the field of human rights.

On 29/5/2005, the Board of Trustees approved the Report on the State of Human Rights in the Kingdom issued by the Centre. The Report consists of two parts: the first part addresses civil and political rights, and the second part covers economic, social and cultural rights.

This Report is the first national report and the foundation for subsequent national reports, as the Centre is working to issue its second report in the first month of 2006.

The Report contains a description and assessment of the state of human rights in the Kingdom during the period extending from (1/6/2003 – 31/12/2004). Its preparation drew upon the results of the Centre's work and its day-to-day follow-up of the state of human rights in the Kingdom, to the extent that it was able to do so. The findings and recommendations reached by the Report represent the opinion and position of the Centre on the various issues and developments witnessed in the course of human rights in the Kingdom, as monitored by the Centre during the period covered by the Report.

It is incumbent upon us here to point out that the Centre has faced financial difficulties and administrative obstacles which limited its ability to implement programmes covering its objectives as set out in its Law, and which prevented the building of a multidisciplinary national team at the required level to address the violations of human rights in the Kingdom and to raise awareness of these rights and protect them.

The most prominent of these obstacles include:

- The meagre funding provided by the Government to the Centre.
- The Centre also faced various forms of challenge to its legal mandate, the most important of which was the position of the Senate during the discussion of the Centre's Law in the Legal Committee, as reflected in the Senate's adoption of a number of recommendations that would have restricted the independence and effectiveness of the Centre, which caused a delay in the passing of the Law upon its referral to the House of Representatives. This in turn had a negative impact on the acceptance of the Centre as a full member of the Asia Pacific Forum, and prevented the Centre from enjoying the privileges of full membership.
- In addition, there was a lack of cooperation on the part of some executive administrations in responding to the Centre's requests for the data and information necessary for its work.
- The Centre's representatives were not permitted to visit places of detention at the security agencies.

In placing this Report before the Government and both the House of Representatives and the Senate, as required by its Law, the National Centre for Human Rights considers that the observations, findings and recommendations it contains constitute a serious call for a review of the state of human rights in the Kingdom, so as to ensure genuine protection of human rights and fundamental freedoms in the Kingdom, strengthen citizens' confidence in the rule of law, uphold the values of democracy and human rights, and give genuine meaning to national development in its political, economic, social and administrative dimensions.

On this occasion, the National Centre, while looking forward to further cooperation with all relevant official and civil national bodies, affirms that this Report does not involve any comparison between the state of human rights in the Kingdom and that of other countries of the

world. The assessment criteria adopted in this Report are essentially the international human rights standards approved by the United Nations, which have been recognised by the constitutions and national laws of civilised states.

On the basis of those standards, and in light of the economic, social, political and security conditions at the local, regional and global levels, the state of human rights in the Kingdom during the period covered by the Report may be assessed as:

Good at the level of plans and general policies;

Acceptable in the field of economic, social and cultural rights;

Weak in the field of civil and political rights.

2. Civil and Political Rights

The Jordanian Constitution provides for a range of civil and political rights for citizens and other persons subject to the legal jurisdiction of the Kingdom. This has been reinforced by a series of legislative enactments regulating the exercise of those rights and the obligations of the State to guarantee their enjoyment. In addition, Jordan has acceded to a number of international conventions which broaden the concept of those rights by adopting universal standards to guarantee the free enjoyment of those rights as part of the legal obligations of the State. The following is a brief presentation of the most prominent of these rights:

First: Citizenship Rights

These include:

- The right to vote and to stand for election.
- The right to participate in the conduct of public affairs.
- The right to hold public office.
- The right to nationality.

Parliamentary Elections

The election of the Fourteenth House of Representatives on 17/6/2003 constituted the most prominent event in the course of civil and political rights in Jordan in (2003), particularly **after the holding thereof had been delayed** beyond its constitutional date by seventeen months, **which was regarded as a regression in the democratic process of the Kingdom**.

This delay carried more than one implication, the most prominent of which are:

1. **The excessive sensitivity of the national agenda to developments in the region and the world**: it became clear that the delay in holding the elections was based, in part, on the repercussions of the Al-Aqsa Intifada, the faltering of the peace process, and the renewed violence between Palestinians and Israelis owing to the continuation by the Israeli occupation forces of acts of killing and destruction, as well as on the portents of war on Iraq and the attendant instability in the political and security situation. Those elections were not held until after the American invasion of Iraq and the fall of its regime.

2. **The Government's continued approach of issuing provisional laws**, which, from the suspension of the work of the Thirteenth House of Representatives until the election of the Fourteenth House, numbered (186) laws, divided between new laws and amending laws, of which (81) laws were issued during the first half of 2003, **without the conditions of the state of necessity clearly defined by the Constitution in Article (94) for the issuance of provisional laws being met**.

3. **Restricting the right of citizens to participate in the conduct of public affairs**, which contravenes the Constitution and contradicts the declared official orientation towards broadening the base of such participation. Moreover, the delay in holding the elections on time **raises** a number of questions as to the extent to which the right of citizens to participate in the conduct of

the public affairs of the State, whether directly or through freely chosen representatives, is observed, and whether the absence of the House of Representatives constitutes a waste of this right. It also raises many queries about the reasons for restricting this right or postponing its enjoyment, and the extent to which developments in the region can affect national security in a manner that requires the restriction of fundamental political rights.

4. **The expansion of the powers and competences of the executive authority** at the expense of both the legislative and judicial authorities, or what has been termed "the encroachment of the executive authority".

5. Be that as it may, the delay in holding the elections on their prescribed periodic date remains **a contravention of the established principles of democratic systems and of the essence of the citizen's right to vote, as set out in Article (25) of the International Covenant on Civil and Political Rights**; **observance of the principle of periodicity in holding general elections is considered one of the important guarantees for the enjoyment of a range of citizenship rights, the least of which are the right to participate in the conduct of public affairs and the right of the citizen to vote and to be elected.**

6. Numerous criticisms have been levelled at the Election Law, being the same criticisms that led influential political forces to boycott the parliamentary elections held in 1993, the most prominent of which are:

- **The adoption of the one-vote principle**: which has been faulted for a number of negative consequences for the democratic process, including:
  - That it weakens the opportunity of political parties to bring their representatives into Parliament.
  - That it limits freedom of choice and entrenches tribal loyalty.
  - That it contradicts the principles of justice and equality in opportunities for representation, particularly when combined with the number of constituencies and the distribution of their seats.
- **The distribution of electoral constituencies**: which has been faulted (particularly after their increase to 45 constituencies) for largely coinciding with tribal extension and regional affiliation, which enhanced the chances of winning for limited groups at the expense of the large regional and population concentrations qualified to produce political, legislative and professional competencies, which were unable to compete with tribal consensus and which political parties were unable to carry into the House. The ratio of voters in the constituencies of the capital, Amman, reached (52) thousand voters per candidate, whereas it stood at (6) thousand voters per candidate in many areas of the South. Increasing the number of parliamentary seats from (80) to (110) did not achieve fairness in the distribution of representation; rather, it led to the opposite.
- Nevertheless, the amended Law took a step forward when it **lowered the voting age to (18) years and adopted the personal identity card as an electoral card**, in order to facilitate citizens' enjoyment of the right to vote. These positive aspects were reinforced by **counting the votes at the polling stations themselves instead of transferring them to the main counting centre**.

The same applies to the Law's **affording the opportunity for six women to enter the House of Representatives**. It must be pointed out here, however, that the method of distributing the votes obtained by women candidates in the governorates did not achieve fairness among women candidates in other population concentrations.

7. No one could have questioned the integrity of the measures and procedures taken by the Government **had it not been for the discrimination that occurred in providing the voter lists to some candidates while withholding them from others**, although they are the right of all candidates, and **had it not been for the grave error in the method of stamping the voters' identity cards** as notification of the exercise of the right to vote, when it emerged that this stamp could be treated and removed through heat pressure by means of an iron. This enabled a number of voters to vote more than once with the same card, which provoked the indignation of candidates who, or whose voters, had not resorted to this method, causing a widespread uproar on election day and after the announcement of the results, which led to clashes between the supporters of candidates.

Although the importance of the swift detection of this breach and the commencement of its remedy, and of the official acknowledgement of the occurrence of this breach, should not be underestimated, nor the downplaying of its significance and its effect on the integrity of the electoral process and the soundness of its results, **it nonetheless cast a shadow of doubt over the soundness of the administration's assessment of the guarantees of the right to vote, foremost among which are integrity and equality among voters. The Centre did not observe anything indicating the referral of any of those who committed fraud to the judiciary, or the punishment of those who tampered with the will of the voters (Article 67/1 of the Constitution).**

Parliamentary Performance

The Jordanian Constitution has defined the **duties of the House of Representatives in the conduct of the public affairs of the State through its dual roles of legislation and oversight of governmental performance**. The legislative function of the House is not confined to discussing and passing draft laws and provisional laws referred to it by the Government; rather, it extends to the right **to propose draft laws** at the request of at least ten Members. Oversight of governmental performance also includes **monitoring resources and public expenditure, and discussing plans, policies and public issues**, and further includes **addressing questions and interpellations to ministers and the Government, and requesting the conduct of investigations**.

To shed light on the nature of parliamentary performance from the election of the House on 17/6/2003 until the beginning of 2005, we shall address that performance in two sections: the first covering legislative work and the second covering oversight work.

Legislative Work

The number of laws completed by the House, from the date of its convening for the extraordinary session on 15/7/2003 until the end of the extraordinary session of the first ordinary session on 21/7/2004, reached (91) laws, among which were a number of **laws directly affecting human**

rights, such as (**the Public Gatherings Law, the Higher Media Council Law, a law amending the State Security Court Law, a law amending the Expropriation Law, the Economic Crimes Law, the Correction and Rehabilitation Centres Law, the National Centre for Human Rights Law, and the Law Ratifying the United Nations Convention against Corruption …**), while fourteen laws were submitted to the House, having been referred to it pursuant to the Royal Decree convening it. Financial legislation, such as the General Budget Law, the General Sales Tax Law and others, took the lion's share of the work of the House.

Oversight Work

The number of **questions** submitted by the honourable Members during this period reached (308) questions; the House received answers to (168) of them, while no answer was received to (137) questions, and (3) questions were withdrawn by those who had submitted them. The number of requests for debate reached (4) requests, **concerning a debate on the policy of amending school curricula and a debate on rising prices**.

The number of **motions of desire** submitted by the House reached (15) motions, the most prominent being the motion of desire **to increase the value of military housing for individuals from (5,000) to (10,000) dinars**, which was referred to the Financial and Economic Committee, while the number of **motions for laws** reached (3) motions, the most prominent being **the counting of compulsory military service for military retirees, and the extension of free medical treatment to prisoners and detainees**.

The number of **petitions and complaints** submitted to the House during this period reached (41) petitions and complaints, (4) of which were referred to the Government, while the remainder were filed for lack of jurisdiction.

The number of **memoranda** submitted by the honourable Members during this period reached (130) memoranda; answers were received to only (9) of them, while no answer was received to the remaining (121) memoranda. During this period, the House issued (8) statements relating, in their entirety, to the situation in both the Occupied Palestinian Territories and Iraq. The House also debated two ministerial statements during this period: the first being the ministerial statement of the Government of Mr. Ali Abu Al-Ragheb, which won confidence after five days of debate, and the second being the statement of the Government of Mr. Faisal Al-Fayez, which likewise won confidence after five days of debate.

- Fairness requires that we point to the initiatives undertaken by the Committee on Public Freedoms and Citizens' Rights in the House of Representatives to follow up on the conditions of prisons and of detainees held by the security agencies, as well as of Jordanian prisoners held by Israel.

Observations on Parliamentary Performance

1. **Parliamentary committees are among the most important forms of work within the House of Representatives**, and the agenda of the meetings of the House relies on those committees. Nevertheless, it has been observed that agreements among parliamentary blocs played the most prominent role in the formation of those committees and the selection of their chairpersons and rapporteurs, rather than considerations of professional competence and specialisation. It has also

been observed that frequent changes in the membership and chairmanship of those committees prevent the accumulation of expertise, which leads to increased effort through the repetition of the work undertaken in studying laws, and consequently delays their submission to the House.

- The parliamentary committees did well in inviting experts, specialists and those concerned with the legislation referred to them; nonetheless, there remains a pressing need to support the work of the committees with national working teams and advisory and technical bodies, so as to enable them to adopt international standards in regulating the recognition of rights and the freedom to enjoy them, in addition to verifying the legitimacy and necessity of the restrictions which the Government may seek to impose on the free exercise of those rights.

2. **Failure to give legislation the necessary attention in terms of research and analysis**: the absence of the studies, surveys and research that would enable the House and its various committees to build their legislative position in light thereof has been observed. The House of Representatives' reliance on the statements of reasons for the enactment of laws submitted by the Government, often without reference to such studies, has a negative impact on the identification of legislative needs, rendering some of the legislation issued by the House instruments for strengthening authority rather than forms of regulating rights and guarantees for their enjoyment, which at times explains the contradictions and inconsistencies among a number of pieces of legislation issued during that period.

3. **The absence of the necessary criteria for studying legislative impact**: the House of Representatives had, for example, passed more than fifteen laws within what was called the package of economic legislation, the aim of which was to create and enhance investment opportunities and prospects in the Kingdom; when discussing another batch of legislation for the same purpose, the House should be presumed to have verified the adequacy of the existing legislation.

The same applies to the House of Representatives' approval of the amendment to the Owners and Tenants Law without regard to the economic and social dimensions for the segments and groups targeted by this amendment, which portends a wide-scale national crisis between owners and tenants at the end of (2010), the date set by the Law for lease contracts in force prior to 31/8/2000 to be deemed terminated by operation of law, unless otherwise agreed between the landlord and the tenant.

The House of Representatives' study of the impact of the application of legislation on citizens' rights lies at the very core of parliamentary functions, and the right of Members of the House of Representatives to propose draft laws rests essentially on a sound assessment of legislative need, which can only be based on an accurate understanding and examination of the impact of legislation in reality.

4. **Lack of clarity of priorities in the work of the House**: the activity of the committees and their capacity to deliver determine the subjects and laws considered by the House, without regard to considerations such as the size of the group expected to be affected by the provisions of a law, or the need to pass particular legislation to support economic, social or developmental orientations or to protect and promote human rights.

5. **The rejection and passing of laws by the House remain governed by political considerations and balances among the Members themselves, as blocs and as individuals, or between the Members and the Government, rather than being a response to the views, aspirations and needs of citizens. An example of this is the House's rejection of Provisional Law No. (86) of 2001 amending the Penal Code, which included the amendment of Article (340) of the Law** by replacing the exculpatory excuse with a mitigating excuse in the case of a man who kills his wife or one of his female relatives within the prohibited degrees upon catching her in the act of adultery or in an unlawful bed, and by extending the benefit of the same excuse to a woman should the same act be committed by her husband in the marital home, or what has become known as ("honour crimes").

Despite the widening demands for the repeal of the text of the said Article in order to protect women, prevent discrimination between women and men and recognise their equality before the law, and although the amended text fell far short of what was required (namely the repeal of that Article, which lends legitimacy to killing), **the House of Representatives insisted on rejecting** the said law without stating its reasons. The same applies to the House's rejection of the Law Amending the Personal Status Law No. (82) of 2001, known as the "Khula Law", **even though it included the recognition of more than one Shari'a and legal principle for the protection of women and children**. Whereas broad segments of citizens struggled for its amendment so as to allow the raising of the age of marriage for men and women to eighteen years, in response to social and economic reality, in harmony with the International Convention on the Rights of the Child, to which Jordan acceded in 1990, and without conflicting with the objectives of Islamic Shari'a, **the House of Representatives nonetheless rejected that law without any factual or legal reasons worth mentioning**.

- As for **the Public Gatherings Law**, against whose applications restricting the right of assembly complaints have never ceased, the House passed it in obscure circumstances, despite the declared positions of Members and parliamentary blocs on the necessity of rejecting it. The passing of the Law in the form in which it came **constitutes a violation of the international conventions to which Jordan is committed, on the one hand, and came, on the other hand, at the expense of the aspirations of citizens and political forces for the freedom of the right of assembly, to which the exercise of other political rights, such as the right to political participation and the right to freedom of opinion and expression, is linked and upon which it may depend**.

Municipal Elections of 2003

In July 2003, municipal elections were held under the provisions of a provisional law amending the provisions of the Municipalities Law, pursuant to which **the right of citizens was confined to electing half the number of members of municipal councils**. The holding of those elections was preceded by the merger of a number of village and municipal councils, bringing their combined number to (99) municipal councils with a total membership of (995) members, of whom (441) were appointed members, **in addition to the appointment of all council presidents**. Voter turnout was less than 59% of the total number of registered voters, who numbered (618,588) voters distributed over (365) electoral districts.

- At the end of 2004, the Audit Bureau prepared a financial report revealing the defects of the principle of merger and appointment as regards the public expenditure of those municipalities. The report indicated that the volume of waste in the public expenditure of those municipalities had exceeded (15) million dinars. However, **the greatest effect of merger and appointment was the curtailment of citizens' opportunities for free and equal participation in the management of their affairs**.

The Right to Hold Public Office

"1. Every Jordanian shall be entitled to hold public office under such conditions as are prescribed by law or regulations.

2. Appointment to public offices, whether permanent or temporary, in the State and its attached administrations and municipalities shall be made on the basis of merit and qualifications." Article (22) of the Constitution.

The right to hold public office is one of the fundamental citizenship rights guaranteed by the Constitution and provided for in the International Covenant on Civil and Political Rights. Until not long ago, the public service was the largest national employer. With the declared official orientation towards combating corruption and administrative slackness, and owing to privatisation policies, the number of government jobs was reduced from (166,000) in 1995 to (138,000) in 2004. The number of citizens appointed to permanent and temporary public posts during that year reached (9,050) citizens, with the Ministry of Health and the Ministry of Education accounting for 90% of total appointments.

- The National Centre for Human Rights received a number of complaints and requests for assistance to intervene with the Civil Service Bureau and other public administrations, seeking redress for the complainants in appointment procedures, in addition to numerous reports of breaches of the principle of equality in the right to appointment to public office, and others relating to recently graduated employees who were appointed well before those who had preceded them, and at salaries much higher than those of their colleagues who preceded them in grade and job experience. **Complaints continue to recur of the bypassing of the turn of candidates for appointment**, whether by neglecting the applications submitted, by requiring their annual renewal, or by appointing employees without recourse to the Civil Service Bureau, and at times owing to favouritism and the interference of the influential. **Appointment by contract, appointment in the fourth category, appointment charged to projects, and appointment at the wish of the minister or official are among the most prominent forms of infringement of the rights of entitled applicants for appointment and of favouring those with connections at the expense of the rightful holders.**
- **Appointment to leadership positions likewise remains surrounded by many problems, as the nomination and recommendation for the appointment of employees in this category take place according to procedures devoid of objectivity and transparency, and based on regional and tribal considerations and deference to the influential and to the interests of powerful groups and factions.**

More than one batch of those appointments was subjected to considerable criticism, which prompted the Government to form a special committee called the "**Merit Committee**" to select candidates for leadership positions; however, we have not perceived any noteworthy positive effect of the work of that committee on the appointments to leadership positions made on more than one occasion during 2004.

Nationality, Residence and Asylum

Nationality

"**Jordanian nationality shall be defined by law.**" Article (5) of the Constitution.

The effects of the governmental measures taken to implement the decision on administrative and legal disengagement from the West Bank, issued on 31/7/1988, continue to affect the rights of a large group of citizens, and involve infringements of the right to recognition as a person before the law, the right to freedom of movement and residence, and the right to education …

Those measures included (the withdrawal of the documents proving Jordanian identity from their holders (family book, passport, personal identity card), the cancellation of the national number, the replacement of ordinary passports with temporary ones, and the issuance of the green bridge-crossing card).

For its part, the Ministry of Interior consistently denies the validity of the allegations directed against it of persisting in restricting the right to enjoy Jordanian nationality in a manner contrary to the provisions of the Constitution and the laws and to human rights considerations. Meanwhile, the National Centre for Human Rights received more than seventy (70) complaints whose submitters allege that the Civil Status Department withdrew from them the documents proving their Jordanian nationality or replaced them with temporary ones, and that it thereby deprived them of the right to enjoy the Jordanian nationality to which they were entitled under the provisions of the law.

- The Ministry of Interior responded to most of the Centre's communications concerning those complaints **that these measures had been taken on the basis of the Instructions for the Implementation of the Decision on Disengagement from the West Bank**.
- The House of Representatives had also previously discussed with the Government the effect of applying the Instructions of the Disengagement Decision, and submitted to the Ministry of Interior a memorandum covering approximately (800) cases in which the documents proving Jordanian nationality had been replaced, contrary to the provisions of the law and on the pretext of their being subject to the Instructions of the Disengagement Decision. Cases of withdrawal of nationality on the basis of these Instructions continue to recur, whether at the crossing points with the West Bank or upon visiting the Civil Status Department or the Follow-up and Inspection Department. A number of observations on, and consequences of, the application of those Instructions may be set out, the most prominent of which are:
- **Place of residence was the criterion for determining whether a person remained a Jordanian national or had become a Palestinian**, as Article (2) of the Disengagement

Instructions provides: "Every person who was resident in the West Bank before 31/7/1988 shall be considered a Palestinian citizen and not a Jordanian", **whereas this criterion was subsequently expanded to include the following categories**: every person who (obtained a passport issued by the Palestinian Authority, anyone who works in its institutions, and those who obtained family reunification under the procedures of the Israeli occupation authorities, as well as those who were not resident in the East Bank prior to the issuance of the Disengagement Decision).

- The Instructions of the Disengagement Decision are, by every legal standard, acts of administration, and the regulation of nationality status on the basis of those Instructions is contrary to the provisions of Article (5) of the Constitution, which provides that "Jordanian nationality shall be determined by law". The Nationality Law No. (6) of 1954 contains no provision permitting the withdrawal, loss or revocation of nationality pursuant to any instructions or on account of failure to satisfy the condition of residence in the Kingdom.
- The administrative application of the Instructions of the Disengagement Decision has revealed **the weakness of the judicial and administrative remedies available for addressing violations of human rights**. Citizens repeatedly complain that recourse to the administrative judiciary to challenge decisions of the Minister of the Interior, or of other officials responsible for nationality matters and the issuance of identity documents, has become futile. There are judicial precedents that rely on the Disengagement Instructions as a substitute for the Nationality Law and the Passports Law.
- While acknowledging that the stability of Jordanian nationality status is linked to the final settlement of the Palestinian question, including the resolution of the refugee problem **and the guarantee of the right of return and compensation**, **it is unacceptable to continue altering the legal status of citizens residing in the Kingdom on the pretext of that settlement.**
- Citizenship is a legal relationship between the individual and the State, and the instability and lack of clarity of that relationship weaken the foundations of citizenship and heighten the sense of discrimination among citizens. **This obliges the State to work towards the stability of Jordanian nationality status on the one hand, and to uphold the right of Palestinian refugees to return in accordance with international resolutions on the other.**

The Situation of Asylum

During March and April 2003, several thousand refugees and asylum-seekers flowed towards the eastern borders of the Kingdom following the war in Iraq. The Government had taken the necessary measures to accommodate ten thousand (10000) persons, in coordination and cooperation with the United Nations High Commissioner for Refugees (UNHCR), the Jordan Hashemite Charity Organisation for Relief and a number of international and national partners. Three camps were designated to accommodate refugees and persons in transit: two of them inside the territory of the Kingdom in the Ruwaished area, and the third in the buffer zone between the Jordanian and Iraqi borders (Al-Karama). Fewer than five thousand (5000) persons were present in the three camps, **of whom, at the time of preparing this report, (124) persons remained in Ruwaished Camp, being of Palestinian origin and holders of Iraqi travel documents, and**

(584) persons in the buffer zone camp, most of them Iranian Kurds who had originally been refugees in Iraq for more than twenty years.

Observations on the situation of asylum in Jordan:

1. Jordan has not acceded to the 1951 Geneva Convention relating to the Status of Refugees, nor to the Protocol thereto issued in 1968, and there is no national asylum law. Over time, this has amounted to an official position opposed to Jordan's accession to that Convention.

2. Although the declared official position is that "**Jordan will not accept any more refugees**", the Government has extended numerous facilities to contribute to resolving the problems of refugees in the shelter camps on purely humanitarian grounds, the most prominent of which was the Royal Grace (Makrama) permitting approximately four hundred (400) persons holding Palestinian documents to enter and reside in the Kingdom as of 28/8/2003, as families of Jordanian women citizens.

- The National Centre for Human Rights exerted considerable efforts to urge the Government to fulfil the requirements of the Kingdom's positive obligation under the provisions of **the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women**. The Centre also intervened repeatedly to assist legal and humanitarian cases in gaining access to fundamental rights such as the right to recognition as a person before the law, which enabled a limited number of families to obtain documents proving their Jordanian nationality and to return to and reside in the Kingdom. The Centre was likewise able to secure the right to medical treatment for a number of medical cases. **However, the National Centre for Human Rights encountered difficulties in resolving some of the problems of these refugees owing to administrative and security procedures, and there remain at least three (3) cases suffering from deprivation of their right to nationality and barred from entering and residing in the Kingdom, notwithstanding the clarity of the grounds for their entitlement to Jordanian nationality.**

Second: The Right to Life and Personal Security

Life expectancy at birth in Jordan is (71) years; citizens aged over seventy constitute 8% of the total population; the infant mortality rate stands at (0.022) and the under-five mortality rate at (0.027). **These rates, together with other indicators, have declined at almost steady rates over the past three decades**, owing to the expansion of maternal and child health care services and increased public awareness and knowledge of reproductive health and child nutrition, while the overall mortality rate in the Kingdom stood at (0.050) during 2004.

Notwithstanding the commitment of the executive administration to safeguarding and protecting citizens' right to life, and the commitment of the judiciary to applying the provisions of the law and to showing no leniency towards any criminal act entailing deprivation of the right to life or infringing the personal security of the human being, **there remain general causes and factors that cannot be overlooked, which affect personal security and may lead to deprivation of the right to life**, the most prominent of which are the following:

1. **Traffic accidents:** According to statements published by the Public Security Directorate, the total number of traffic accidents recorded in the Kingdom during 2003 and 2004 was (22232), resulting in (1650) **deaths and (35101) injuries**. Their causes range from driver error, road defects and lack of traffic awareness to the poor effectiveness of traffic and transport regulation procedures. National statistics (the project for building the National Strategy for the Reduction of Traffic Accidents, prepared by the Jordan Insurance Federation) indicate that **the rate of fatal accidents in Jordan has reached sixteen accidents per ten thousand vehicles, which is among the highest rates in the world.**

- **In addition to death, disability and permanent incapacity are among the most serious consequences of injuries sustained in traffic accidents, particularly among children. The number of child victims of traffic accidents during 2004 reached (4300) children, representing 25% of the total number of victims.**

2. **Work injuries and occupational diseases:** Information available to the Social Security Corporation indicates that the number of work injuries registered with it during 2004 reached (13840) injuries, including (52) deaths and (560) cases of disability of varying degrees. **This is indicative of the low level of protection in the workplace and demonstrates the extent of the threat to the right to life and personal security of those working therein. Moreover, the failure to meet safety conditions may result in the worker being deprived of compensation for work injury under the provisions of the law.**

3. **Crime:** The rising rate of crimes against persons constitutes a particular threat to personal security. Figures of the Public Security Directorate for 2004 show that (156000) crimes were committed in the Kingdom during the year, including (99) murders and (573) offences of grievous bodily harm.

- It should be noted here that a range of assault offences may never come to the knowledge of the security authorities, or may never reach the courts, owing to social pressures and circumstances that make reporting them impossible, such as cases of domestic violence directed against women and children. Despite the considerable efforts exerted by the Family Protection Department of the Public Security Directorate and a number of civil society organisations to raise awareness of the dangers of domestic violence, the importance of reporting it and the need to address its causes, the greater part of such cases remains beyond the reach of prosecution and even beyond detection and statistical recording.

4. **Diseases and malnutrition:** Jordan is considered one of the countries that have achieved decisive results in combating epidemics and deadly diseases. Nevertheless, **there have been recurrent cases of mass infection with a number of diseases and epidemics, such as cases of poisoning, allergies, hepatitis and rubella among groups of students and prisoners and among the inhabitants of certain villages.** Doctors face on a daily basis many cases of illness arising from malnutrition among young and old **alike**.

Many citizens classified as living in pockets of poverty suffer from a deficiency in basic nutrients, which has prompted the Government to fortify flour with iron and to distribute vitamins to public school students, particularly in poor areas. In view of the importance and seriousness of the effects of malnutrition on physical and mental health, there is an intention to provide a meal

to students at the compulsory stage of education in order to compensate for the basic and essential nutrients required by this group, **given that malnutrition and nutritional imbalance play an important role in stunted growth and in the ability to resist disease.**

It should be pointed out, however, that **cases of cancer** reached (3745) cases during 2004, according to the data of the National Cancer Registry, an increase of (183) cases over 2003. Moreover, **the limited uptake of early screening for this disease, and the consequent high number of deaths resulting from it, have made this disease a national dilemma and have opened the door wide to diverse interpretations of the causes of this phenomenon. Environmental pollution, smoking and the quality of food, including methods of its preparation and preservation, remain the most prominent general causes of the spread of this disease.**

5. **Error, negligence and breach of official duties:**

Substantial violations of the right to life and personal security are suffered by citizens and others at the hands of certain persons entrusted with protecting human life and preserving human safety. These violations, though not systematic, have come to constitute a pattern in the conduct of such persons, and this report documents, in other sections thereof, some of their practices that constitute an assault on the right to life and personal security and a violation of human rights.

- **Medical errors likewise constitute one of the causes, of no small magnitude, of the impairment of the right to life and personal security**, and include both errors committed by doctors and errors committed by medical administrations.

In the absence of accurate figures on the number of deaths, or on the cases and rates of disability, resulting from medical errors, the National Centre for Human Rights has received a number of appeals from persons who lost relatives as a result of alleged gross medical errors, requesting the Centre's assistance in ascertaining the circumstances of death or in enabling them to have recourse to the courts to establish liability and obtain an award of compensation. A number of concerned persons, lawyers and judges have estimated the number of cases relating to medical errors filed before the various courts of the Kingdom at more than (40) cases during 2004, and that there are more than (300) deaths annually that may be attributed to medical errors, whether in diagnosis or treatment, or to the unavailability of the necessary medicines, equipment and instruments. **The greater part of violations relating to error, negligence and breach of official duties does not find its way to the available remedies, whether the judiciary or the disciplinary bodies of the professional associations.** Perpetrators are frequently not subjected to any penalty, either because the victims fear a repetition of the violation or any act of reprisal on account of the complaint where it is lodged against a security officer or public official, or because they believe that scientific/legal expertise may collude with the interests of professionals at the expense of victims and injured parties, which weakens the possibility of proving the error and leads them to refrain from seeking redress and litigation.

- It should be noted here that a **draft law on liability for medical errors** has been put forward for discussion among the competent authorities in preparation for its submission to Parliament (the National Assembly) for enactment, following numerous national efforts and endeavours over the past two decades.

Given the limited provisions addressing liability for medical errors, whether in the Penal Code or in the Jordan Medical Association Law and its regulations, and given the inadequacy of the methods of proof followed in determining the nature and extent of errors and the forms of liability therefor, the enactment of a law on liability for medical errors (preferably one covering all professional errors) has become indispensable to strengthening the guarantees for the protection of the right to life and personal security.

6. **Cruel treatment and punishment:**

The death penalty remains the most severe penalty prescribed in criminal legislation. Such legislation empowers the court to impose the death penalty for **more than thirty** criminal offences, which vary in degree of gravity between crimes against persons, crimes against the security of the State, and crimes posing a general danger to society, such as drug trafficking and the possession, manufacture and use of weapons and ammunition. Crimes punishable by death fall within the jurisdiction of the Major Felonies Court and the State Security Court, which during 2003–2004 handed down death sentences against (75) persons, of whom (45) were sentenced in absentia; the death penalty was carried out against (3) persons during the said period. **It is appropriate for us to set out the following observations on the death penalty in Jordan:**

- The number of persons awaiting execution has reached (26), four of whom were sentenced more than **twenty years** ago. While delaying the execution of the death penalty is, in principle, regarded as a protection of the right to life, prolonging the waiting period without certainty as to the abolition or commutation of the sentence entails psychological suffering, which constitutes a contravention of the basic standards governing the execution of the death penalty, foremost among which is that the execution of the penalty should involve no more than the minimum possible pain and suffering for the convicted person. **The question of reconsidering the execution of the death sentences against these persons has become pressing, particularly after the long isolation they have spent in prison and the change in the social and political circumstances and legal conditions that gave rise to the issuance of those sentences.**
- Both the judicial and the executive systems provide for the possibility of reviewing a death sentence, and the special pardon and commutation of sentence vested in His Majesty the King under Article (28) of the Constitution constitute one of the clearest forms of review.

The National Centre for Human Rights has received a number of appeals from persons sentenced to death and to life imprisonment with hard labour, requesting it to intervene with the Prime Ministry to recommend the commutation of those sentences. The death sentence against one of the convicted persons was commuted to life imprisonment with hard labour, on the ground that the decision issued involved discrimination between convicted persons and a breach of the principle of equality before the courts. There are numerous documented cases in which severe sentences (death and life imprisonment with hard labour) were commuted to lesser penalties.

- **There is no legislative or judicial criterion for the degree of criminal gravity warranting the imposition of the death penalty or other severe penalties, and the rule that the death penalty may be imposed only for the most serious crimes** is almost unclear or unapplied. **It is inconceivable that more than thirty crimes differing in nature and effect should be equal in gravity.**

- **No authority of the State has a clear official position on the abolition of the death penalty.** Despite the emergence of numerous national and international calls for **the abolition of the death penalty, or the restriction of recourse to it**, legislation providing for the death penalty continues to be issued, including the draft law amending the Penal Code, which contains a new provision imposing the death penalty in the case of the rape of a girl under fifteen years of age … on the pretext of strengthening protection for women/girls and removing the inconsistency between legal provisions governing this crime. **In any event, the enactment of new legislation providing for the death penalty constitutes an ill-considered and undesirable expansion in the imposition of a cruel penalty.**

Third: The Right to Liberty and Security of Person, which includes:

- **The right not to be subjected to torture or to cruel, inhuman or degrading treatment.**
- **The treatment of persons in detention.**
- **The treatment of prisoners.**
- **Medical experimentation and the sale of human organs.**

Article 7 of the Constitution provides that "**personal freedom shall be safeguarded**".

Article 9 of the Constitution provides that "**the State shall ensure work, education, tranquillity and equal opportunities for all Jordanians**".

Hardly any security centre or police department in the Kingdom is without the slogan "The Police in the Service of the People". Nevertheless, many citizens show no enthusiasm for dealing with the police; many avoid resorting to the police even when they are complainants or in need of protection, and some tend to delay attending the police in any transaction whose completion requires attending or resorting to the police.

Conversely, police officers suffer from citizens' slow response to police requests to attend security centres and departments, whether for the requirements of investigation or for the duties of enforcing the law and judicial and administrative decisions. **Despite all the constructive calls and encouragement to establish a relationship of cooperation and trust between the citizen and the security officer, that relationship continues to be based on fear and suspicion.**

The maintenance of security and order is not the sole duty of the police, nor are the police the only body concerned with the maintenance of security and order, as that responsibility is distributed in the Kingdom among three departments, namely: **the Public Security Directorate, the General Intelligence Directorate and the Military Security Directorate**. In addition to their duties in maintaining security and order, **the said security departments undertake the administration and provision of a range of services to citizens and State authorities, which services, whatever their value, relate directly to the security of persons and their freedom to exercise and enjoy their rights.** The issuance and renewal of driving licences and vehicle licensing remain entrusted to a security department; certificates of no criminal record and good conduct, which are required for employment, education, membership of professional associations and the founding of political parties, are issued only with the approval of the security departments; **and official**

departments continue to make the performance of their duties towards citizens' matters, applications and rights conditional upon, and to delay it pending, the approvals of the security departments. These approvals constitute an essential part of the criteria applied by official departments in dealing with citizens' rights and matters, whether by way of deprivation or of enablement; hardly any citizen or foreign resident is without the need to attend one of the security departments. **While acknowledging the gravity and importance of the role performed by the security departments, this does not justify the forms of violation committed by them, which constitute a clear and direct infringement of the right to security and personal liberty.**

- **Through dozens of complaints and reports, the National Centre for Human Rights documented (during the period covered by this report, from 1/6/2003 to 31/12/2004) the most prominent forms of such violations, which were as follows:**

1. **Deprivation of liberty:** Under the Criminal Procedure Code, the power of detention is vested in the courts and the public prosecutors, and the law requires the security departments to refer persons arrested or held by them to the competent judicial authority within (24) hours. **Nevertheless, persons are frequently held by investigation departments and security centres for periods ranging from several days to weeks before being referred, or without being referred, to the competent judicial authority.** Detainees are frequently not permitted to apply to the competent authority for release in cases of detention by the Criminal Investigation, Anti-Narcotics and Anti-Counterfeiting Departments; nor are they permitted to appoint or meet with lawyers during the preliminary investigation stage before the police; and the detainee is at times deprived of family visits or of contact with the outside world. Forms of inhuman and degrading treatment recur during the period of detention, ranging from persistent verbal abuse, threats and intimidation, and denial of basic needs such as food, rest, medical examination and treatment, to physical violence. **Although the provisions of the Penal Code and the Criminal Procedure Code, as well as the jurisprudence of the Court of Cassation, are clear as to the inadmissibility of basing a conviction on a statement or confession obtained under duress, and notwithstanding the frequency of the pleas raised by defendants before the State Security Court and other criminal courts that they were subjected to torture**, it is considered extremely difficult to prove that such confessions were obtained under duress, particularly in the absence of witnesses and given the prolongation of the period of detention in a manner that prevents forensic medicine from detecting traces of violence and physical coercion, and the diversity of the means and methods of pressure. Moreover, the victims do not know the identity of the perpetrators from among the members of the judicial police, all of which is served by a distribution of roles between those who exercise coercion and those who take down the statement, rendering it legal evidence during the trial proceedings when it is produced by those who drew it up.

- **Administrative governors contribute to the procedures of deprivation of liberty, and the violations accompanying them, through the extensive use of the power of detention under the Crime Prevention Law**, which permits the administrative governor to resort to detention in order to compel a person to provide the bail or undertaking required for refraining from breaching security. **However, this power is used for purposes other than those for which it is intended, where its aim is to enable the police**

to hold the wanted person beyond the period prescribed by law, and outside the competence of the Public Prosecution and the competent judiciary, in order to compel him to confess to an act he may or may not have committed, or to compel him to perform or refrain from an act which he would not have performed or refrained from but for the coercion arising from deprivation of liberty and ill-treatment.

- The General Intelligence Directorate enjoys a privilege that dispenses with the need for administrative governors to legitimise the deprivation of liberty and arrest carried out by it, by virtue of its housing **an Anti-Corruption Department and another department of the Public Prosecutor of the State Security Court**, both of which enjoy judicial powers that afford the opportunity to confer the description of lawful detention upon cases of deprivation of liberty and arbitrary arrest. The treatment of persons detained by it does not differ from that by the police in terms of the nature of the violations or their purpose; indeed, the period of deprivation of liberty (arrest or detention) is longer than that by the Public Security departments. While the number of persons subjected to any form of deprivation of liberty by the police for more than (24) hours during 2004 may be estimated at more than five thousand (5000) persons, we are unable to estimate the number of persons detained by the General Intelligence Directorate during this period for a number of reasons, the most important of which is that **the Centre was not afforded the opportunity to visit the places of detention of the General Intelligence Directorate in order to ascertain the number of their inmates, the manner of their treatment and the lawfulness of the grounds for their detention.**

2. **Torture and cruel and inhuman treatment:** On 13/10/2004, an independent committee formed by His Excellency the Prime Minister, composed of five judges and security and administrative officials, prepared a report on the conditions of the Correction and Rehabilitation Centres in the Kingdom and the treatment of their inmates, **in light of what the National Centre for Human Rights had set out in its two reports submitted to the Prime Minister on 4/5/2004 and 9/9/2004**. The committee's report stated that prisoners are subjected to beating, torture and corporal punishment in at least three prisons. This report comes to confirm what the National Centre made public concerning the forms of torture and ill-treatment suffered by the inmates of a number of Correction and Rehabilitation Centres at the hands of the departments charged with training, rehabilitation, education, care and protection, and as an example of the flagrant violations of the right to liberty and security committed by police officers, of which the prison has been as much a revealer as it has been an arena for their practice.

During 2004, the Centre received more than two hundred and fifty (250) complaints and reports against security centres and the Criminal Investigation, Anti-Narcotics and Anti-Counterfeiting Departments concerning the practice of torture in the form of physical and psychological coercion to compel persons to confess to crimes attributed to them.

The Centre also received three complaints of cruel and inhuman treatment against the General Intelligence Directorate, and two complaints against the Military Security Service. **Although these departments possess the broadest powers and duties in safeguarding the rights of individuals to security, liberty and personal safety, they are subject only to the weakest forms of judicial, legislative and even administrative oversight.**

The sensitivity of the work of these departments and the degree of secrecy and protection they enjoy must not preclude their being subject, as public bodies, and their personnel being subject, in their personal and official capacities, to forms of oversight, accountability and answerability for such violations by authorities independent of the executive departments to which they are subordinate.

- **The State Security Court and other special courts do not constitute a sufficient guarantee against torture and other forms of ill-treatment committed by law enforcement officials. The criminalisation of all forms of torture and inhuman treatment by clear and explicit provisions in the Penal Code and in the laws and regulations governing the work of the security departments and of all persons charged with enforcing the law has become a pressing necessity for guaranteeing the protection of the right to liberty and personal security; indeed, it is a requirement for the maintenance of security and order and a prerequisite of the rule of law.**

3. **Excessive use of force and excesses in raids and arrests:**

The toll of victims among the personnel of the Public Security Directorate during 2003/2004 was eight (8) killed and (43) injured, most of them during or on account of the performance of their duties; there are no accurate statistics on the number of persons injured or killed at the hands of security officers. The Centre received seven (7) complaints against Public Security officers alleging that they caused the death of two persons and serious injuries to five others through the excessive use of firearms during raids or pursuits. The Centre also received more than ten (10) complaints and reports in which the complainants alleged that security officers forcibly broke into homes, terrified children and peaceful residents, and arrested persons other than those wanted. Such incidents recurred more than once in the areas of Hisban/Na'ur District, Zarqa, Irbid, Al-Shouneh and the Al-Hashmi and Abu Nseir areas of Amman. The Centre further received complaints and appeals requesting it to intervene with the official authorities to secure compensation for persons for the damage caused to their property as a result of the use of force and the raids carried out by Public Security officers.

Cases of clashes and violence against citizens during marches and public gatherings have also recurred, as occurred in the Al-Wehdat and Al-Baqa'a areas in March 2004, **and frequently no member of the Public Security personnel is held responsible following investigations conducted by the administration, which lack the guarantees for the protection of victims or the provision of redress to them. This once again raises the importance of verifying the independence and impartiality of the special courts and investigative bodies, such as the Police Court and the Public Security Prosecution, in guaranteeing the protection of human rights, foremost among them the right to life and personal security and the right not to be subjected to torture, and in guaranteeing redress and the punishment of the perpetrator once his violation of those rights has been established.**

4. **The treatment of prisoners:**

"**Correction and Rehabilitation Centres**" has been the official designation of prisons in Jordan since the promulgation of the Provisional Correction and Rehabilitation Centres Law No. (40) of 2001, which replaced the Prisons Law No. 23 of 1953. **This designation was adopted to reflect**

the Kingdom's adoption of international standards on the treatment of prisoners, foremost among which are the Standard Minimum Rules for the Treatment of Prisoners, adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders held in 1955 and approved by the Economic and Social Council in 1957, with the aim of guaranteeing the protection of persons subjected to detention or imprisonment. The International Covenant on Civil and Political Rights of 1976 elevated the State's commitment to those rules to the level of a treaty obligation, by requiring in its Article (10) that "**All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person**". **Nevertheless, a clear impact of those standards is seldom apparent, whether in the Correction and Rehabilitation Centres Law No. (9) of 2004 or in the executive measures and procedures applied in the treatment of prisoners.**

The overall average number of prisoners in the Kingdom during 2004 ranged between (5900 and 6600) prisoners, distributed among nine prisons located in seven governorates, the most recently established of which is Aqaba Prison, which began receiving prisoners on 25/5/2004. **The said average number of prisoners does not include: the inmates of the Military Prison and police detention centres, or persons detained in the detention centres of the General Intelligence Directorate, the Military Security Directorate, and the investigation departments and security centres of the Public Security Directorate, whose conditions the Centre was unable to inspect for two reasons. The first is the absolute secrecy imposed by the departments concerned on the holding of persons by them, which extends to denying their presence when enquiries are made by their families or lawyers**; we have referred elsewhere in this report to the scale of the violations to which persons held pending investigation are subjected. **The second reason lies in the extreme complexity of the procedures followed for visiting those places, which amounts to prohibition, since such a visit is conditional upon the approval of the security department concerned, which may not be issued, or may be issued late, after the detainees have been transferred to other places or all evidence of violations of the rights of persons detained therein has been obliterated.**

- **The procedures followed for visiting prisons and places of detention hinder the ability of the National Centre for Human Rights to inspect the conditions of prisoners and detainees at any time, which limits the Centre's ability to perform its duties of verifying the human rights situation in those centres and of working to halt any abuse or violation of those rights.**

During the first eighteen months of its work, the Centre carried out (26) inspection visits to all prisons in the Kingdom, in which it examined the conditions of the inmates, the forms of protection and care provided to them and the treatment they receive, and received from them more than five hundred (500) complaints, appeals and grievances concerning several issues considered fundamental to prisoners' rights, including their need for regular and free health care, in addition to their complaints about the slowness of judicial procedures and the prolongation of the period of detention, and the inhuman treatment they receive from various security departments, the last of which being the prison administrations.

Through field visits and repeated meetings with prison administrations, and through the training courses and workshops held by the Centre for a number of prison staff from the Correction and Rehabilitation Centres Department and the Ministry of Social Development, as well as non-

governmental organisations concerned with human rights, particularly with the category of prisoners, **the Centre was able to identify and determine the most prominent problems facing human rights in the field of the protection and care of prisoners and detainees, which were as follows:**

1. **Prison overcrowding:** the increase in the number of prisoners in Al-Juwaideh Prison reached more than 60% above the prison's capacity, and ranged between 7% and 25% in other prisons. This reveals the **absence of considered criteria for determining the capacity of prisons** in the light of the growing number of prisoners, the time required by criminal proceedings at the investigation and trial stages, the length of the prescribed sentence and the degree of criminal dangerousness, and, finally, the prisoners' needs for protection, care and rehabilitation.

2. **The instability of prison administration staff, and the evident lack of training and preparation for dealing with prisoners.**

3. **The absence of a genuine criterion for classifying inmates based on the determination of the degree of criminal dangerousness.**

4. **The evident shortfall in the forms of health care** (preventive, curative and monitoring) received by inmates.

5. **The prevalence of illiteracy among prisoners** and the limited efforts made to combat it.

6. **Weakness in the design and implementation of prisoner rehabilitation programmes:** cases have been recorded of persons who have spent ten years in prison without being subjected to any training or rehabilitation programme.

7. **The absence of aftercare programmes for prisoners** to ensure their reintegration into society and to prevent their return to crime.

8. **The prevalence of violence and narcotic drugs among inmates.**

9. **Inmates' visits involve complications as to their duration, venues and the manner in which they are conducted**, which means that they do not achieve their intended purpose of maintaining contact between the prisoner and his family, nor do they fulfil the duty to respect the human dignity of the prisoner.

10. **The absence of judicial oversight over prisons and places of detention, and the absence of the concept of supervision of the execution of sentences.**

11. **Torture and cruel and inhuman treatment** suffered by prisoners and detainees in investigation and detention centres at the hands of police officers.

12. **The slowness of criminal proceedings at the investigation and trial stages**, and the resulting prolongation of the period of detention.

13. **Unjustified shortcomings in social care services for prisoners and their families.**

14. **The high rate of recidivism:** the number of prisoners who re-enter prison more than once is estimated at approximately 65% of the total prison population.

15. **The rise in the average number of administrative detainees to approximately (500) persons**, and the increase in the average length of administrative detention from days and weeks to several months.

16. **The evident weakness of the forms of legal aid available to prisoners:** the proportion of prisoners who retain lawyers is estimated at less than 50%, and the reluctance of prisoners to retain lawyers is attributable, on the whole, either to their poverty or to their ignorance of the importance of such assistance.

* The National Centre for Human Rights has sought to inform all official bodies concerned with the conditions of prisoners of the details of the problems it has monitored, through two general reports on the conditions of prisons in the Kingdom issued in April and October 2004. A special report was also submitted to His Excellency the Prime Minister on 5/9/2004 concerning the acts of torture and inhuman treatment to which a number of inmates in **Al-Juwaideh Prison** had been subjected. **In view of the gravity of the violation monitored, which resulted in the death of one of the inmates, the Centre requested that a prompt and impartial investigation be conducted to determine responsibility for that death and to ascertain the forms of treatment received by inmates.** An independent commission of inquiry was formed, comprising five judges in addition to the Director of the Correction and Rehabilitation Centres Department and a governor from the Ministry of Interior. The said committee conducted a series of visits to all Correction and Rehabilitation Centres in the Kingdom, closely examined the conditions of the prisoners, the treatment they receive and the forms of protection and care provided to them, and submitted its report to the Prime Minister on 13/10/2004. **That report contained a precise description of the range of violations to which inmates are subjected, which proved consistent with the findings reached by the Centre and referred to above.**

The Centre records its appreciation of the considerable effort made by the committee in arriving at the facts set out in its report, and stresses the importance of resorting to judicial and independent commissions of inquiry in verifying the soundness of human rights conditions and in remedying any violations thereof.

* The **national press** also contributed to attracting public attention by shedding light on the conditions of prisons and the treatment of prisoners, through publishing the Centre's reports and the comments of specialists and interested parties. **This raised the level of national interest in prison conditions and made it possible to achieve positive steps, the most prominent of which were:**

1. The formation of a ministerial committee to study prison conditions and to recommend legislative and executive proposals for improving prison conditions and the forms of care provided to inmates, and for strengthening the concept of the reintegration of prisoners/offenders into society (**this committee had not issued any statement on the outcome of its work as at the time of preparing this report**).

2. The level of health services in prisons was raised, including free treatment, an increase in the number of physicians working in prisons, and an increase in the number of beds allocated to prisoners in government hospitals.

3. For the first time since provision was made for its formation under the Correction and Rehabilitation Centres Law, the **Higher Committee for Correction and Rehabilitation** convened, in the presence of the members of the ministerial committee, to examine the problems and needs of prisons as set out in the Centre's reports.

4. The House of Representatives showed particular interest in the conditions of prisoners: the **members of the House's Freedoms Committee** visited Al-Juwaideh Prison, in the presence of the Director of Public Security, to look into the cases of ill-treatment to which prisoners are subjected, and following the visit held a series of meetings and contacts with the ministers concerned with a view to ensuring the punishment of those responsible for the death and the acts of torture and raising the standards of care provided to inmates.

5. Eleven officers and personnel of the Correction and Rehabilitation Centres Department were referred to the Police Court on charges of causing death and harm and of violating laws and instructions; their responsibility for the acts attributed to them was established, and at the beginning of the current year judgments were issued against them imposing imprisonment and dismissal from service.

While it is important to determine whether judgments in which the penalty of imprisonment did not exceed three years are to be regarded as deterrent or lenient; while it must be pointed out that punishing the offender is no substitute for compensating the victims; and while it is important to note that the investigation and trial proceedings were conducted by the Public Security Force Prosecution and the Police Court, which is a special court attached to the Director of Public Security and not part of the regular courts of general jurisdiction; given the absence of any provision in national criminal legislation penalising acts of torture, whether committed by law enforcement officials or by others; and since the judgment rendered against them has not yet become final, which precludes us from discussing its course, we confine ourselves here to welcoming any condemnation of torture that may be taken as heralding the possibility of the full implementation of the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Jordan acceded in 1984, and **which entails the State's obligation to prohibit and criminalise all forms of torture in its national legislation and in all measures taken by persons and authorities charged with law enforcement, to establish a complaints mechanism affording the opportunity to provide redress to and protect victims of torture, and to conduct a prompt and impartial investigation into complaints of torture falling within the general jurisdiction of the regular courts.**

* Note: (It must be pointed out here that the National Centre team which, in April and May (2005), carried out successive visits to eleven Correction and Rehabilitation Centres, submitted a preliminary report on the results of these visits, stating that a positive development had occurred in the administrations of these centres, and commending the initiatives taken by those administrations to address many of the inmates' complaints and to contact the relevant judicial and administrative authorities to help resolve their problems. The report also recorded a marked decrease in complaints lodged by inmates concerning exposure to violence or inhuman treatment compared with previous visits.)

6. The Centre succeeded in achieving consensus among all national and international partners that **the reform of prison conditions is linked to the reform of the criminal justice system as a**

whole. The Centre has developed work programmes with these partners with the aim of reviewing and reforming the criminal justice system, and implementation of the first part commenced during 2004. If the bodies concerned commit to implementing these programmes, their implementation will continue over the three years (2005–2008) within the strategic plan of the National Centre for Human Rights.

5. Medical Experiments and the Sale of Organs

The conduct of medical experiments on human beings without their free consent is one of the most prominent violations affecting the right to life and the right to physical integrity. More than one daily and weekly newspaper has published articles and investigative reports on young Jordanians undergoing drug trials in return for paltry sums not exceeding one hundred dinars for the duration of the trial, which may extend to one month. **Doubts surround the validity of the free consent of the persons used in these experiments, particularly in the light of the conditions of poverty and unemployment in which they live.** Nor is any information available on the risks of these experiments and the harm that may be caused to those on whom they were conducted. The persons used in these experiments do not enjoy any form of insurance (health or life) in the event that harm or pathological complications appear in the medium and long term.

Information has been received from more than one source concerning certain citizens being compelled to sell their organs, specifically kidneys, to patients of other nationalities; the accuracy of this information has not been confirmed. **However, medical sources have affirmed that all kidney transplant operations performed in Jordan were carried out from donors, most of whom were relatives of the patients, and that no case of the sale of human organs has been officially recorded.**

Fourth: Freedom of Opinion and Expression

The establishment of the Higher Media Council may be regarded as a prominent turning point, not only in the relationship between the State and the media and its institutions, but also in the transition of the media from subordination to independence, and from control and prohibition to freedom and responsibility. The Council, established in 2001 under a provisional law, had its law made permanent upon its adoption by Parliament (the National Assembly) as Law No. (26) of 2004, in force as of 1/8/2004. The work of the Council is based on a commitment to principles and constants, including adherence to the Constitution and the laws, the promotion of justice, respect for human dignity and for human freedom and privacy, raising citizens' awareness of their rights and duties, the free circulation of information, and credibility in the reporting of news. The Council aims to develop the media sector and to assist the media in their oversight role, on the basis of freedom, independence, professional duty, respect for freedom of expression, and the development of the capacities of media professionals… The Council was granted certain powers to enable it to achieve its objectives, foremost among them **the formulation of general and sectoral plans, the guidance of national media policies in the Kingdom, and the training of media professionals, among others**… However, the most prominent of the Council's powers has been **the consideration of complaints against media professionals and their institutions, and the settlement of media disputes**. The Council has also begun to establish a centre for the training of media professionals.

Since its inception, the Council has sought a comprehensive review of all legislation relating to the press and the media, and has shown particular concern for adherence to the international standards on the right to freedom of opinion and expression and the protection of journalists, including **narrowing the concept of offences committed by means of publication and defining the scope of criminal and civil liability for them**. It has also sought to **increase the legal guarantees** enabling media professionals to perform their professional duties freely, including **the prohibition of the imprisonment of journalists and the right of access to information and its circulation**; to that end the Council has drafted a bill of its own, which we hope will be adopted by Parliament soon.

Media Freedoms

Freedom of the press and the media is the counterpart of the right to freedom of opinion and expression, since the level of fulfilment of the media's duty depends to a great extent on the degree of freedom available in presenting facts, ideas and positions. **Press and media freedoms are the most vulnerable to all kinds of violations, in addition to being the most controversial of human rights issues; nevertheless, freedom of opinion and expression does not concern journalists alone, but is a right of all people.**

While it is important to point to a number of developments that enhance the exercise of the right to freedom of expression, such as the licensing of new daily and weekly newspapers, magazines, bulletins, research and study centres and radio stations in the Kingdom during 2003 and 2004, and notwithstanding the earnest efforts of the Higher Media Council and the Jordan Press Association to support the independence of journalistic work and to remove all legislative, administrative and judicial restrictions and obstacles that limit the free exercise of journalism, **the majority of journalists still agree on the existence of patterns of restrictions and violations that limit the freedom of journalistic work and seriously affect freedom of opinion and expression, the most prominent of which are: pressures and interference, prior censorship, and arrest and detention.** More than one national and international report has set out the most prominent features of these restrictions as follows:

First: stringency in investigation and trial procedures.

Second: the expansion of the scope of criminalisation and punishment.

Third: the enactment of legislation liable to impede the right of access to information and its circulation.

Fourth: the imposition of restrictions in legislation relating to the media and media professionals.

Manifestations of Freedom of Opinion and Expression

The most prominent manifestations of freedom of opinion and expression in the Kingdom during the period covered by this report were as follows:

1. **Addressing the public authorities:** the Constitution provides for the right of Jordanians to address the public authorities on personal matters affecting them or on matters relating to public affairs. The forms in which this right has been exercised have varied between applications and

petitions submitted to the official authorities, including those addressed to His Majesty the King, and complaints and grievances submitted by aggrieved persons against official administrations and those in charge of them. It should be noted that during 2004 the Prime Ministry received more than seventy thousand communications from citizens on personal or public matters. Most official administrations of the State have established special offices or sections to receive citizens' complaints and grievances. **However, it is not possible to determine the rate of response of those bodies to the substance of such communications, owing to the lack of clarity of the mechanisms for handling those complaints and their lack of transparency**, which weakens the capacity of these means to achieve redress. This prompted the Government, with the support of parliamentarians, to work towards establishing an office to investigate complaints lodged against public administrations, the so-called (Ombudsman Bureau), which is expected to be entrusted with the task of verifying that justice and fairness are observed in the measures, decisions and procedures issued by official administrations, whether relating to the rights of their personnel or of other citizens.

While the National Centre for Human Rights values this initiative to strengthen the means of redress available to citizens through the Ombudsman Bureau project, it hopes that a number of facts, findings and observations will be taken into consideration before its establishment, including:

- The need to treat the Ombudsman Bureau as an independent national human rights institution, applying the international standards for building and strengthening such institutions.
- Ensuring that there is no overlap or conflict in roles and functions between the Bureau and other oversight and redress institutions already in existence, such as (the National Centre for Human Rights, the Audit Bureau, the Anti-Corruption Directorate, the Public Freedoms and Citizens' Rights Committee of the House of Representatives, the parliamentary investigations committee intended to be established, as well as the internal inspection and oversight bodies in official institutions), **and, before all of these, the role of the judiciary. What is required is not to increase the bodies overseeing the executive authority, but to activate existing oversight in a manner that ensures redress.**
- The need to grant the Ombudsman the necessary legal authority and powers and adequate funding.
- While it is important to benefit from the experience of States that have made considerable progress in the work of such institutions, taking into account the conditions and requirements of the local social and administrative environment is indispensable to ensure that the work of the Bureau is consistent with that of other State institutions and that it is able to perform its functions without significant obstacles.

2. **Issuing statements:** political parties, professional associations, trade unions, human rights organisations and even political and intellectual groups have customarily issued statements as a means of expressing their positions and views on public issues and on demands-related issues. During the period of this report, the Centre received more than fifty statements issued by national institutions and associations announcing their positions on local and international events,

measures and developments. The Centre estimates the number of statements issued in the Kingdom during 2004 by various civil society institutions at more than three hundred, which were widely distributed, whether through the press, by fax and e-mail, or by direct distribution to individuals and institutions. **The Centre has not received any complaint or report of the prevention of the issuing of statements or of the questioning of those who issued them.**

3. **Public meetings and marches:** the right of peaceful assembly is one of the fundamental human rights provided for in the Constitution. The years (2003 and 2004) witnessed a broad national debate on **the Provisional Public Meetings Law No. (45) of 2001**, which Parliament adopted as Law No. (7) of 2004. The said Law regulates the conditions and procedures for holding public meetings, marches and rallies, and prohibits the exercise of the right of assembly save with the prior approval of the administrative governor. The number of applications for public meetings, including marches, meetings and rallies, submitted to administrative governors during 2004 is estimated at more than (400) applications, of which less than 30% were approved and the remainder were refused, while three public marches were dispersed by force, either on the pretext that they had not obtained the necessary approval or that they had departed from the requirements of security and order. **The Law's requirement that the right of assembly be exercised only with the prior approval of the administrative governor, and its failure to oblige the governor to state the reasons for decisions refusing the holding of meetings in a manner that would enable the judiciary to exercise its oversight over the lawfulness of those reasons, render the Public Meetings Law currently in force restrictive of the right of assembly, obstructive of freedom of expression and of the right to participate in the public affairs of the State, and contrary to the provisions of the Constitution.**

4. **Dialogues and seminars:** seminars, dialogues and lectures are among the most prominent forms of the exercise of freedom of opinion and expression in Jordan. Jordan Television has devoted several live talk programmes to enabling citizens and decision-makers to discuss public affairs. **While it is important to consider the value of these programmes in drawing the attention of public opinion and decision-makers to the obstacles and errors that govern the course of human rights, these dialogues remain subject to many restrictions, and participants are often carefully selected to ensure that details are not entered into that might require mention of specific incidents or criticism of official positions and policies. Seminars and lectures organised away from television recordings, however, enjoy a greater degree of exercise of freedom of opinion and expression.**

5. **Sit-ins and strikes:** the years (2003 and 2004) witnessed a number of sit-ins by professional groups, such as specialist physicians whose specialisation the Medical Council refuses to recognise, and persons wishing to train in the practice of law whose registration as trainees the Council of the Jordan Bar Association had delayed. The families of Jordanian prisoners and detainees held in Israeli prisons also expressed, by more than one means (including sit-ins), their position demanding that the Government be compelled to take serious steps to secure the release of those prisoners. The same period also witnessed several threats of resort to strikes, and limited strikes and work stoppages by labour and professional groups took place, while cases of hunger strikes recurred among prisoners and among refugees at the Jordanian–Iraqi border. **Although sit-ins and strikes of all kinds are regarded as acceptable and legitimate means of expressing protest, opinion and other positions related to demands-related and public issues, the**

disregard and neglect with which those protests were met may weaken the willingness to resort to these peaceful means of expression, which leads us to express concern about resort to more violent means.

6. **Restrictions on the means of expression and the right to communication:** the right to freedom of opinion and expression requires the availability of appropriate means for its exercise. Speech, writing, photography and the circulation of information in any form all require methods and means which are governed by legislation as to their permissibility or prohibition, and, before that, by the ability and capacity of individuals to use them. The low proportion of Internet users weakens the possibility of receiving and disseminating information; the high cost of telephone calls adds a further obstacle to communication; and the need for a permit or authorisation to hold educational or awareness-raising activities undoubtedly reduces the possibility of expression and of voicing opinion…

Mosque pulpits have not been spared restrictions on freedom of opinion and expression. During September 2004, administrative governors detained a number of preachers for violating the provisions of the Preaching and Guidance Law, on the pretext that they had not obtained a licence from the Ministry of Awqaf to deliver the Friday sermon. The Ministry went further by seeking to unify the topics of the Friday sermon, thereby exceeding not only the requirements of the right to freedom of opinion and expression but also the principles of the noble Islamic Sharia, which urges calling to the path of God with wisdom and good counsel, and enjoining what is right and forbidding what is wrong. **Mosques are houses of worship and learning and a place where Muslims gather to communicate and to deliberate on the affairs of their religion and their worldly life. Terrorism and religious extremism did not arise in mosques, where everything takes place in public; rather, they arose as a result of exclusion and marginalisation, and in the isolated environments of persons whose opportunities in life had diminished so that they preferred death, or whose ties with society had weakened and whose trust in the State had eroded so that they turned against both. Dialogue, the provision of means of knowledge and communication, and the strengthening of the means of expression, together with the observance of the requirements of justice, fairness and equality in the enjoyment of rights, are the acceptable means capable of countering terrorism and extremism, not prevention, prohibition, restriction and criminalisation.**

Fifth: Human Rights in the Administration of Justice

The Right of Access to Justice and Fair Trial Guarantees

Although courts of all types are spread throughout all the districts and governorates of the Kingdom, which means that physical access to the courts has in fact been achieved, the ability to benefit from the right of access to justice still faces a number of obstacles and restrictions, the most important of which are:

1. **The costs of litigation:** recourse to the courts to claim rights requires the payment of costs and expenses comprising court fees, which are calculated at percentages that vary according to the value of the claim; the need to pay these fees may recur when judgments are challenged on appeal and in cassation. To these are added the fees for notification of the judgment and the fees for the

enforcement of judgments, which equal the fees of the original action. Lawyers' fees also constitute an essential part of litigation expenses, and the matter may entail other expenses such as the costs of technical expertise or the summoning of witnesses. Owing to the high cost of litigation, many people refrain from resorting to the courts because of their actual inability to meet the expenses required for litigation. Moreover, the presidents of courts are not inclined to make broad use of their power under the Court Fees Regulation to defer the payment of court fees, and they may at times be strict in requiring proof of the plaintiff's financial incapacity, placing the plaintiff in an awkward position that may dissuade him from requesting deferral.

Legislators, judges, lawyers and interested analysts take the view that abolishing court fees would lower the level of seriousness with which many people assess the need to resort to the courts, which might lead to abuse of the right of access to justice and, consequently, to overburdening the judicial system beyond its capacities. While acknowledging the importance of the role of court fees in ensuring the seriousness of litigants and limiting the abusive exercise of the right of recourse to the courts, **a review and reduction of court fees could create a balance between ensuring seriousness and guaranteeing the right of access to justice.**

As regards criminal cases, with respect to the imposition of fees on appeals lodged against judgments rendered in criminal cases, **and given that these cases relate directly to freedoms and human rights**, no fees, however small, should be imposed on the parties to criminal proceedings that might constitute an obstacle between a person and his right to defend himself at all levels of litigation.

2. **The slowness of litigation procedures:** despite the introduction of many substantive amendments to the laws relating to judicial procedures, such as (the Civil Procedure Code, the Criminal Procedure Code and the Law of Evidence), which aimed at resolving the problem of the backlog of cases in the courts, shortening the time taken to decide them, and settling judicial disputes within a reasonable time, **complaints continue regarding the length of time litigants require to obtain a final, enforceable judicial judgment.** Opinions differ as to the causes contributing to the prolongation of proceedings: some hold the judge responsible for these causes or some of them; others attribute them to the lawyer; and a third group combines these causes and adds that one of the important causes of delay in settling disputes is **the legal rules governing litigation procedures**. Accordingly, there is still a pressing need to introduce amendments to the legal rules relating to litigation procedures so as to limit the procedures that contribute to prolonging the hearing of cases, **including applying the procedures for filing an action, responding to it and submitting evidence provided for in the Civil Procedure Code to cases before the magistrates' courts**, as well as expanding the application of the case management system, whether by applying this system in all courts in the Kingdom or by introducing certain amendments that enhance the capacity of civil case management to complete the evidence submitted and required in the case before its referral to the trial judge, **so that the civil case management judge becomes qualified to refer the case to the trial judge ready and complete.**

In addition, the judge is regarded as primarily responsible for the soundness of litigation procedures in accordance with the law, and for ensuring that the dispute before him is settled within a reasonable time. It should be noted here that the case management system is not confined to the stage of exchanging pleadings and receiving evidence, but extends to all the stages through

which the case passes, since case management is in reality the management of time, which must be used in productive procedures that have an effect in expediting the progress of the case. **It follows that the academic and professional competence of the judge is a key factor in expediting the settlement of judicial disputes.**

As for lawyers, it has become imperative for the Jordan Bar Association to play a more effective role in expediting litigation procedures by regulating the professional performance of lawyers, activating procedures for legal accountability for breaches of professional rules, and developing plans for continuing education, including reconsidering the training system of the Bar Association.

Overcoming these obstacles and devising interim and future solutions to them undoubtedly requires joint efforts and interaction among the relevant parties, whereby the obstacles are first diagnosed and plans are then developed and the measures necessary to address these obstacles are taken. This includes the requirement that every development plan or process include a system or procedures for **quality monitoring and control**, so that the results achieved from the development processes can be determined and strengths and weaknesses identified, whether in terms of the legislative rules or in terms of the persons involved in the litigation process.

3. **The absence of bodies providing legal aid:** experience has shown that many of the civil and criminal cases brought before the courts arise from some parties' misjudgement of their legal rights, as the determination of many of these cases reveals that there is no case at all, or that the action was not based on legal grounds requiring the protection or establishment of rights by the authority of judicial action.

While taking into account that some of these cases may be driven by vexatious motives or unlawful purposes, a large proportion of them are also brought before the courts owing to the lack of bodies able to provide free legal advisory services that would inform the parties of their rights and of the extent to which resorting to the courts on a particular matter would benefit them. It is evident that such cases consume the courts' time and the judges' efforts and affect the speed with which other cases involving genuine disputes are decided. The National Centre for Human Rights perceived this need and the extent of its contribution to reducing the burden of the growing number of cases before the courts, and therefore took the initiative of calling for the establishment of the **"Cooperation and Support Network for Human Rights"**, within which a **branch for lawyers** wishing to provide legal aid to those in need of it in all regions of the Kingdom on a voluntary basis has been allocated. This call met with a broad response among lawyers. The Centre looks forward to the nascent network receiving the financial support it needs, and to such support being continuously and clearly linked to the State's obligations to guarantee the right of access to justice and to uphold the principles of justice and fairness. The Centre also looks forward to the State and civil society institutions adopting this idea and establishing organised institutions to provide such free services, in a manner that achieves a reasonable level of provision of legal aid to those in need of it, particularly the poor and the groups most vulnerable to violation, such as women and children in conflict with the law.

4. **The impartiality and competence of judges:** the judge is the means of fulfilling the mission of the judiciary, namely the settlement of disputes and the resolution of litigation in accordance with the rules established in the legal system of the State, and thereby the upholding of the principle of justice and equality before the law and the protection of rights and freedoms from

infringement and arbitrariness. The gravity of the functions entrusted to the judge and their importance in protecting the social, economic and security order of the State require that the judge possess a high degree of academic and professional competence, in addition to a likewise high degree of commitment to ethical rules, **and in particular the professional ethics specific to judges**, including the judge's ability to perform his functions in a professional and objective manner, free from personal motives, the pursuit of self-interest and favouritism, which together constitute the basic elements of the principle of judicial impartiality.

Proximity to and dealings with the various segments of society, and in particular those involved in litigation procedures, whether judges, lawyers or litigants, clearly show that the question of the competence and impartiality of judges still falls short of aspirations, and that it is one of the obstacles preventing persons from enjoying their right to a fair trial and the protection of their property rights and civil liberties in the manner guaranteed by the Constitution, human rights principles and the relevant international instruments.

The establishment of clear standards for the requirements of the judicial profession has become a pressing necessity, to be relied upon in diagnosing the problems from which the judicial system suffers, and likewise to be relied upon in new judicial appointments.

Recognition of the importance of the role of the judge in fulfilling the mission and objectives of the judiciary necessarily requires attention to quality in the appointment of new judges and in the evaluation of serving judges and of their fitness to perform the duties of their office, since an increase in numbers without meeting the requisite professional qualifications in those who assume this function will serve only to multiply the obstacles and to set back the attainment of the noble objectives of the judiciary.

The "Code of Judicial Conduct" currently being adopted by the judiciary in the Kingdom constitutes an important step towards objective standards for the requirements of judicial office. These rules will not, however, be sufficient unless they are accompanied by a clear and effective system of judicial inspection that adopts the concept of technical oversight and quality control as the basis for evaluating results and for the annual appraisal of judges, determining the fitness of each judge to perform the duties of his office, or the support or assistance he requires to raise his level of performance, all of which must rest on objective and impartial foundations.

5. **Independence of the Judiciary:** Emphasis on the independence of the judiciary and on strengthening its capacity to deliver justice has become a standing directive in every Royal Letter of Designation addressed to any Government formed in the Kingdom.

Jordan ranked (26th) out of (102) States on the judicial independence index for 2004, and the Jordanian experience is regarded as one of the distinguished experiences at the Arab level in the field of judicial independence. This gives cause for optimism and for calling for further progress and for the removal of all the defects that have attached to or marred the independence of the judiciary in Jordan. The independence of the judiciary will remain incomplete unless the flaw represented by the establishment of judicial bodies outside the judicial authority is remedied. The expansive use of the constitutional provision permitting the establishment of special courts, without clear and sufficiently compelling justification, has plainly led to a breach of the original purpose of the rules of the Constitution, which vested judicial power in the judicial authority, to

be established in accordance with legislative rules guaranteeing its independence and its capacity to administer justice and to uphold the principle of equality before the law.

The establishment of special courts in which the judicial and public prosecution functions are performed by judges who do not enjoy independence, as is the case in the State Security Court, constitutes a clear breach of the principle of the independence of the judiciary.

Conferring a military character on the work of the State Security Court, into whose jurisdiction many offences falling within the jurisdiction of the regular courts have been brought, casts doubt on the capacity of this court to uphold the principles of justice and equality, bearing in mind that the judgments it issues do not enjoy the recognition and regard enjoyed by the judgments of the regular courts, which makes the enforcement of such judgments abroad difficult.

The issuance by the State Security Court of final judgments in misdemeanour cases constitutes a disregard of the right of accused persons to be tried at more than one level of jurisdiction, and in addition constitutes a breach of the constitutional rule of equality before the law.

Sixth: The Right to Form and Join Trade Unions

- There are seventeen (17) labour unions in Jordan, all of which operate under the umbrella of the General Federation of Jordanian Trade Unions. The membership of these unions exceeds (47,000) members, representing 32% of the labour force in Jordan.
- There are thirteen (13) professional associations, whose membership reached approximately (130,000) members by the end of 2004.
- No labour union or professional association was established or formed during 2003 and 2004.

Restrictions on the Right to Organise

- The right to organise in trade unions remains prohibited for one category of citizens, namely public servants, and teachers remain subject to the prohibition on forming unions, on the basis of Decision No. (1) of 1994 of the Special Bureau for the Interpretation of Laws, which held that the constitutional provisions do not permit the enactment of a law for a union of teachers who are public servants.
- It should be noted that Jordan has not acceded to International Labour Organisation Convention No. (151) of 1978 concerning Protection of the Right to Organise and Procedures for Determining Conditions of Employment in the Public Service, known as the "Labour Relations (Public Service) Convention", which provides for the right of public employees to establish organisations of their own that enjoy complete independence from the public authorities.
- Furthermore, the profession of chartered accountancy, in both its branches of accounting and auditing, continues to be regulated through the Jordan Association of Certified Public Accountants, which is subject to the direct supervision of the High Council for the Accountancy Profession. Although this association is treated in professional circles as a professional association, it lacks an essential element of the standards of union work: it is

neither administratively nor legislatively independent, and it is the High Council, not the Board of the Association, that regulates the profession.

Freedom of Association in Trade Unions

The broad powers vested in the competent Minister to dissolve the council of a professional association and to appoint a committee to manage the association in place of the council, together with the Minister's power to challenge the decisions of the council, particularly those relating to membership, constitute a curtailment of the independence of the association in managing the affairs of its members. None of the professional associations receives any financial support from the State Treasury, nor do they enjoy any facilities, exemptions or privileges in investing their funds. The procedures for amending the laws and regulations of the associations involve considerable complexity, and such amendments are not accorded the importance they deserve when submitted to the Legislation Bureau and the Council of Ministers; indeed, delay in approving them, if they are regulations, or delay in referring them to Parliament, if they are laws, is the prevailing feature of the official handling of such amendments, and the delay in their approval may extend to years.

- The executive authority and all the security agencies continue to view union activities with a degree of suspicion, and the associations are frequently accused of contravening their own laws, or of departing from the requirements of attending to professional matters, and of their leaders engaging in political activity at the expense of professional matters and the interests of their members…

At the beginning of the current year, the Ministry of Interior took a series of measures restricting union work, the most prominent of which was subjecting union activities to the provisions of the Public Meetings Law, with the attendant requirement to obtain the approval of the administrative governor for any activity held by an association, even within its own premises. Matters went so far as the forcible prevention of several activities during the first months of the current year, through a heavy police presence in front of the Professional Associations Complex, which prevented professionals and citizens from reaching the premises of the associations for long hours and on more than one occasion. The Government has announced its intention to enact a special law on professional associations that would redefine the functions and duties of those associations and subject them to the direct control of the executive administration, whether in respect of membership, discipline or financial oversight. It is observed that the proposed draft restricts the peaceful and lawful means available to the associations to defend the rights of their members and to achieve their developmental and educational objectives; such a law is not expected to see the light unless it is preceded by a national dialogue among the Government, union leaders, the professionals themselves, Members of Parliament, human rights organisations, political parties and other parties concerned with supporting union independence and professional competence.

- It should also be noted that Jordan has not acceded to International Labour Organisation Convention No. (87) concerning Freedom of Association and Protection of the Right to Organise, which contains provisions prohibiting the public authorities from any interference that would restrict the right of unions to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities

and to formulate their programmes; this may be the reason for the Government's reluctance to accede to that Convention.

Seventh: The Right to Form Political Parties and Associations

"Jordanians shall have the right to establish societies and political parties, provided that their objects are lawful, their means peaceful, and their by-laws not contrary to the provisions of the Constitution." Article 11/2 of the Constitution.

Political Parties

The Political Parties Law No. (32) of 1992 defines a party as:

"Any political organisation composed of a group of Jordanians in accordance with the Constitution and the provisions of the law, for the purpose of participating in political life and achieving specific objectives relating to political, economic and social affairs, and operating through lawful and peaceful means."

The year 1989 is regarded as a turning point in the course of party life, as political parties resumed their activities openly following the end of the ban on parties and party activity that had been in force since 1957.

Today, fifteen years after the resumption of party life, the number of political parties licensed and registered with the Ministry of Interior has reached thirty-four (34) parties, two of which were registered in 2004, namely the Jordanian Justice and Development Party and the Freedom and Equality Party.

The Jordanian Constitution made the right to establish political parties one derived from the Constitution itself and not from the law, pursuant to Article (16/2) concerning the right of Jordanians to establish political parties, in line with the constitutions of States that have adopted the democratic approach.

However, the new draft Political Parties Law contains a set of restrictions and conditions, couched in loose terms that are open to wide interpretation, and makes the violation of any of these conditions an offence punishable by imprisonment (Articles 3, 6 and 20 of the Law). This places parties under constant threat and enables government departments to accuse a party of violating the law under numerous interpretations, which constitutes a breach of constitutional principles and a negation of the constitutional right of Jordanians to form parties and to carry on their activities.

Despite the large number of political parties, they continue to suffer from critical conditions at several levels, the most important of which are the following:

Party Participation in Parliament

The results of the elections to the Fourteenth House of Representatives revealed the weak party presence in that House and the extent of the crisis the parties suffer in reaching citizens, their representation in the House having been confined to twenty (20) deputies who contested the

elections on declared party lists, representing 18% of the total number of deputies, being (110) deputies.

An examination of the political map of the elections to the Fourteenth House of Representatives shows that organised party political action that is effective in gaining access to the House of Representatives is almost confined to the Islamic Action Front Party, which succeeded in bringing (17) deputies into the current House. The centrist, nationalist and leftist parties, by contrast, have no parliamentary presence worth mentioning. In an opinion poll conducted by the Centre for Strategic Studies at the University of Jordan in (2003), the information and results showed that the Islamic Action Front Party is more representative of citizens' political, social and economic aspirations than any other political party, as stated by 14.7% of all respondents, followed in second place by the National Constitutional Party with 1%, while none of the remaining parties exceeded 0.2%. This explains their inability to bring any of their candidates into the House, and their absence from many electoral districts. Owing to the weakness of the party base and of party work, many party candidates preferred not to stand in the name of their party in the hope of securing the support of their tribe, which reflects the weakness of the electoral programmes of the candidates of most parties and has contributed to the migration of many of the votes supporting them to candidates with closer ties to the voters.

- The political parties consider that this weak representation is attributable to the current Election Law, the Provisional Law No. (34) of 2001 and its amendments, which divided the Kingdom into (45) electoral districts and adopted the "one vote" principle. This placed the voter before a single choice: either to vote on a party basis or to declare his allegiance to kinship and direct interest, and the choice ultimately favoured the tribe. Moreover, the single vote does not encourage party coalitions, which contributes to frustrating and weakening the parties' chances of reaching the dome of Parliament.

At a time when there is talk of preparing a new Election Law, the political parties consider that one of the conditions that must be met for this law to be democratic is the adoption of a mixed system (i.e. a proportional list together with the district system), which affords an opportunity to all components of society, and primarily to political parties through coalitions, to reach Parliament.

Women's Political Participation in Party Work

The level of women's participation in party work has been observed to be low. Of the thirty-four parties currently in existence, the proportion of women's participation in the founding bodies of the parties has reached one half in only one party, namely the Al-Ahrar (Liberals) Party, in whose founding (53) women participated out of (105) founders, whereas the average rate of women's founding participation across all parties did not exceed (10.15%). Such participation is non-existent in three political parties (the Jordanian Arab Ba'ath Socialist Party, the Arab Progressive Ba'ath Party and the Jordanian Arab New Dawn Party), which is wholly inconsistent with the Political Development Strategy and Plan of Action and with the National Strategy for Women, both of which aim to activate women's political participation and to increase their empowerment.

Party Mergers and Party Alliances

The year (2004) did not witness any party merger initiatives; rather, it witnessed the birth of a new party alliance and grouping comprising eleven parties regarded as belonging to the centrist current, under the name of the "Jordanian National Movement", which managed to agree on a programme characterised by generality; some of these parties had been formed no more than one year earlier. In addition to this grouping, there are two other groupings, namely the "National Council for Party Coordination", which comprises five parties, and the "Higher Coordination Committee of Opposition Parties", which comprises fifteen leftist, nationalist and Islamist parties.

Although these alliances represent a positive step along the path of party development, this kind of alliance remains closer to an interim and circumstantial understanding than to a merger, and remains vulnerable to weakness and dissolution for many reasons, the most important being disagreements and changes within the individual party and the resulting withdrawals and retreats from the commitments of previous party leaderships.

Political Development and the Role of Parties Therein

The political parties welcomed the Government's orientation towards political development during 2004; however, they played no tangible role in supporting that orientation. The Political Development Strategy and Plan of Action launched by the Government revealed the depth of the gaps and shortcomings in the political parties and in party work, and the absence of realistic programmes and solutions to the challenges and issues facing citizens and the State. The Plan also caused confusion among the parties, which attribute the failure to achieve political development to the Government and successive Governments, and to their disregard and marginalisation of the role of the political party; indeed, the Government failed in putting forward and promoting the slogan of political development when it replaced it with the slogan of administrative development.

- Political development requires a climate in which public freedoms are strengthened, opinion and opposing opinion and freedom of expression are respected, and all obstacles to party work are removed. The parties, however, consider that the Government, through a number of measures, is restricting public freedoms and suppressing opposing opinion, citing in this regard the repeated summonses by administrative governors and the security agencies, which extend to the deprivation of liberty of the leaders of some political parties and of prominent party and political figures, as well as the arrests among their members, which have recurred more than once and at times on a collective basis.

Subjects of Party Concern

The subjects of concern to the political parties are distributed among the following: guaranteeing political pluralism and protecting human rights; affirming justice and safeguarding public freedoms and equality; affirming the role of women and young people in political life; the rule of law; protection of the environment; combating corruption; rejecting all forms of repression and suppression of public freedoms; human resource development; supporting the right of the Palestinian and Iraqi peoples to liberation from occupation and to self-determination; and affirming loyalty to the homeland and calling for Arab unity. These are the very subjects of declared concern of the State and its authorities, which ought to create a rapprochement among the three parties: the political authority, the political party and the citizens. This rapprochement,

however, has not materialised; on the contrary, a kind of discord among the three parties has begun to deepen, particularly the closer one comes to the circle of political decision-making, in which neither the party nor the citizens take part, turning them into a permanent opposition to governmental decisions and measures that are issued without regard to their views and aspirations.

- Fifteen years after the return of party life, the reality of party work is still characterised by weakness and immaturity, which may be attributed to the following causes:

1. The ban on party activity for a period of more than thirty years (1957–1989), which led to the following consequences:

a. Apprehension about associating with parties as a result of past circumstances in which party members were subjected to prosecution, arrest and trial on account of their party affiliations.

b. The formation among citizens of negative and erroneous beliefs and convictions about political parties, which neither the official media nor the party media have undertaken to correct.

2. The lack of conviction among citizens that a political party can secure personal or public gains.

3. The large number of parties despite the similarity of their intellectual, political and programmatic frames of reference.

4. The absence of renewal and rotation in leadership positions in most parties.

5. The weakness of feasible party social, economic and political programmes addressing the demands and livelihood issues of citizens.

6. The weakness of party recruitment and promotion mechanisms: most existing political parties remain far from benefiting from scientific developments and from the political practices of States with advanced party experience. Some 87.14% of political parties have no website, and 82.35% do not publish a party magazine or newspaper; during 2004, 82.35% of the parties did not hold a conference, their activities being confined to periodic meetings; and 70.58% of the parties have no branches other than their headquarters.

7. Political parties remain captive to their historical, ideological, political and organisational legacy. Among the most prominent manifestations of the crisis from which political parties suffer is that they continue to suffer from a weak and shrinking popular base, and that they continue to rely in all their activities on political elites and to rest on the tribe and the family.

8. The absence of (legislative and financial) incentives for party work.

The Right to Form and Join Associations

The term “non-governmental organisations” is used to denote a wide spectrum of bodies whose work is based on the two principles of the right of assembly and freedom of association, as set out in Articles (21) and (22) of the International Covenant on Civil and Political Rights.

The designation “non-governmental organisations” encompasses a wide spectrum of legal persons, such as parties, professional organisations, unions and development associations, that work in the fields of education, awareness-raising and general community service, or in the service

of particular groups and categories. These associations draw on the concept of voluntary work, in that neither the making of financial profits nor their distribution among their members or administrators is among their objectives or means, which distinguishes them from any commercial enterprise; they are also distinguished from public institutions and government departments by the independence of their financial and executive bodies from the official administration of the State.

While parties and unions enjoy a specific description of their work and objectives through their own special laws, those laws leave wide scope for considering all other organisations as "associations" within the meaning of the Law on Societies and Social Bodies No. (33) of 1966, which is the law on which the competent authorities rely in licensing societies and social bodies.

The Law on Societies and Social Bodies No. 33 of 1966, as amended, defines a society as "any body composed of seven or more persons whose principal purpose is to organise their efforts to provide social services to citizens, without seeking, through its activity or work, to make and share material profit, to achieve personal benefit or to achieve any political objectives. This definition does not include political societies, that is, societies or bodies established under a special law." The registration of societies in the Kingdom is distributed among the following Ministries: Social Development, Interior, Culture, and the Ministry of Industry and Trade.

- The number of societies registered with the Ministry of Social Development by the end of 2004 reached (932) societies, of which (77) were registered during (2004). These societies are divided into two categories according to the manner in which they carry out their work: some specialise in the provision of educational services, health services or shelter services, whether for orphans or others; some provide social defence services, care for persons with disabilities or care for older persons; and some are based on the provision of food or medicine, or cash or in-kind assistance. In addition, many of these societies are based on providing care to a specific group, such as children, women, widows, orphans or older persons, or on providing services to patients with particular illnesses. All the development societies registered with the Ministry of Social Development fall under the General Union of Voluntary Societies. The number of such societies registered with the Ministry of Social Development by the end of 2004 reached (195) specialised societies, the remainder, i.e. (747), being multi-purpose societies. More than one third of the total number of societies, namely (318) societies, operate in the capital, Amman, while the remaining societies are distributed across all the governorates of the Kingdom. The predominant feature of these societies is the provision of humanitarian services, particularly to vulnerable groups. The number of volunteers in these societies stands at (105,000) volunteers according to the sources of the Ministry of Social Development; 80% of these volunteers are male and the remaining 20% are female, and the great majority of these volunteers are older persons.
- The number of social bodies registered with the Ministry of Culture by the end of 2004 reached (258) bodies, approximately half of which are headquartered in the capital, Amman, while the other half are distributed across the remaining governorates of the Kingdom under various names, such as societies, gatherings, forums, cultural clubs, artistic troupes and cultural leagues, aimed at serving the community. They do not seek material profit or the achievement of any political objectives through their numerous

activities, the most important of which are disseminating and supporting the cultural movement, preserving heritage, conducting social studies and research, and holding seminars, lectures and educational and training courses.

- The number of bodies registered during 2004 was (13), while two bodies were closed, namely the Cultural Creativity Forum – Zarqa, owing to the inability of its administrative board to carry out any activities worth mentioning, and Al-Fajr Club – Irbid, owing to its inability to rectify its financial situation. A number of applications for registration were also rejected for failure to meet the conditions of the Law on Societies and Social Bodies.
- The number of societies registered with the Ministry of Interior by the end of 2004 reached (315) societies, of which (22) were registered in 2004. The number of societies dissolved in the same year reached (11) societies for violating the instructions of the aforementioned Law on Societies and Social Bodies, while dissolution warnings were issued to (17) societies, and approval was refused for the establishment of (7) societies, either because of the existence of other societies similar to them in name or objectives, or because the Ministry lacked competence to grant the licence, or because their objectives were inconsistent with the Law on Societies and Social Bodies, as where their objectives were political, in which case an application for registration must be submitted under the name of a party and not a society.
- It should be noted here that the application for a licence is conditional upon obtaining prior security approval from the Ministry of Interior for all forms of societies and social bodies. Where it is desired to hold meetings, whether the annual meeting of the general assembly or an extraordinary meeting, or meetings relating to the approval of the financial and administrative report and the holding of elections, a representative of the Ministry must attend, and police officers usually attend; an application for prior security approval must also be submitted at least two weeks before the scheduled date.
- The number of institutions providing social and humanitarian services of public benefit that are registered with the Companies Controller at the Ministry of Industry and Trade as not-for-profit institutions reached (90) institutions by the end of 2004, of which (87) operate in the capital, Amman, two in Irbid Governorate and one in Ma'an Governorate. The number of institutions registered during 2004 was (24), of which (23) operate in the capital and only one operates in Irbid Governorate.

The number of institutions working in the field of human rights registered with the Ministry of Industry and Trade is (4) institutions out of the total number of institutions, three of which were registered in 2004; three of the four institutions operate in the capital, Amman, and one in Irbid Governorate. Resort to registering associations under the designation of not-for-profit companies reflects the desire to expand the legal forms and formats provided for in the Law on Societies.

The Principal Problems and Obstacles Facing the Work of Associations in Jordan

1. The multiplicity of executive authorities responsible for registering societies and social bodies, and the differing patterns of official oversight and supervision over them.

2. The outdated nature of the legislation governing the work of associations: the Law on Societies and Social Bodies No. 33 of 1966, which has undergone only minor amendments, requires

numerous substantive amendments in response to the requirements of international standards for the exercise of the right to freedom of association and peaceful assembly.

3. The weak capacity for innovation and renewal in forms and methods of work, and even in objectives.

4. The weakness of forms of coordination and cooperation among local non-governmental organisations on the one hand, and between them and international and foreign non-governmental organisations on the other. This constitutes an obstacle to the expansion of these associations and the broadening of the horizons of their work, leads to duplication of effort, and reduces their executive efficiency, which often requires levels of specialisation and professionalism that will not be available within the modest resources of each of them acting alone.

5. Limited financial resources and the absence of adequate and regular forms of official support, which has made it necessary to examine the advantages and disadvantages of foreign funding for those associations.

6. The question of security approval for the establishment of associations continues to constitute a fundamental obstacle preventing the exercise of this right. Such approval must be understood within the framework of the discretionary powers of the competent Minister, for there is nothing in the text of the law that makes approval of the establishment of associations conditional upon security approval; yet such approval has come to be regarded as a necessity, its grounds being confused between the competent Minister's need to verify the soundness of the conditions and requirements for registration and reliance on security correspondence and circulars… In any event, making the registration of an association conditional upon any approval constitutes a restriction on the right to form and join associations.

3. Economic, Social and Cultural Rights

- The right to work.
- The right to social insurance.
- The right to education.
- The right to health.
- The right to the environment.
- The right to an adequate and decent standard of living.
- Cultural rights.
- Women's rights.
- Children's rights.

The right to **work**, the right to **education** and the right to **health** are each among the broadest fields in which the impact of official measures and arrangements in enabling citizens to enjoy human rights becomes apparent. Indeed, such rights can neither exist nor be made available without a fundamental and effective role played by State institutions. Moreover, the rate of development in the services associated with those rights, and the size of the social groups benefiting from their free exercise, are among the principal indicators of the State's commitment to respecting human rights, in addition to serving as indicators of the success of development policies and plans.

The following is an analysis of the most prominent official measures (legislative, executive and judicial) taken to enable citizens to enjoy the economic, social and cultural rights guaranteed under the provisions of the Constitution and the laws, and under the Kingdom's obligations pursuant to international covenants, charters and agreements:

The Right to Work

- The Jordanian Constitution (Article 23) provides that work is a right of all citizens, and obliges the State to provide it to them by directing and advancing the national economy. The State shall protect labour and enact legislation therefor based on several principles, the most important of which are: granting the worker a wage commensurate with his work; limiting weekly working hours; weekly and annual paid holidays; compensation in cases of dismissal, sickness, disability and emergencies arising from work; laying down special conditions for the employment of women and juveniles; healthy conditions in workplaces; and free trade union organisation.
- The Labour Law No. (8) of 1996 has been amended seven times, in response to labour market indicators on the one hand, and to Jordan's obligations under international labour conventions on the other.
- Jordan acceded in 1975 to the International Covenant on Economic, Social and Cultural Rights (ICESCR), Articles (6, 7 and 8) of which provide for the right of everyone to work under just and favourable conditions that ensure a decent living ….

- Jordan has also acceded to twenty-six (26) international labour conventions out of a total of (189) conventions adopted by the International Labour Organization (ILO). The most prominent of these conventions in the field of human rights are the following: International Convention No. (138) of 1973 concerning Minimum Age for Admission to Employment; International Convention No. (159) of 1983 concerning Vocational Rehabilitation and Employment of Disabled Persons; International Convention No. (144) of 1976 concerning Tripartite Consultations to Promote the Implementation of International Labour Standards; the Right to Organise and Collective Bargaining Convention No. (29) of 1930; the Equal Remuneration Convention No. (100) of 1951; and the Abolition of Forced Labour Convention of 1957.

The Jordanian Labour Force

- The crude rate of participation in economic activity among Jordanians in (2004) (i.e. the labour force as a proportion of the total population) stood at 23.5%; this rate stood at 39.8% among all males, compared with 6.6% among all females. The Jordanian labour force was concentrated in the (25–39) age group, which accounted for (54.7%) of the total; the proportion of females in the same age group was (6.6%) and that of males (93.4%).
- **Indications show that increasing numbers of women are entering the labour market in new roles**, which represents one of the coping strategies of families in which the men have lost their jobs and moved away in search of new areas of work. This has led to an increase in women's entry into seasonal agricultural work, which does not require high skills, **and this is usually in return for meagre wages and under unsatisfactory working conditions, such as long working hours and the absence of health insurance for workers. The principal reason for this is perhaps that these labour sectors are not covered by the Labour Law, and that there is no body that oversees whether workers in these sectors obtain their rights.**
- Although **the rate of women's participation in the labour force in Jordan is low and is concentrated in stereotypical sectors such as nursing, teaching and secretarial work**, it has been observed in recent years that women, owing to higher levels of educational attainment and family planning, have been able to enter new sectors of work such as the services and banking sector. The proportion of women working in senior management positions rose from 1.4% in 1996 to 8.8% in 2002. **As regards senior posts**, the proportion of women working in them has risen, which indicates that the status of women in leadership positions and decision-making centres has begun to improve. **As regards women's participation in diplomatic work**, although such participation has increased over the past two years, particularly at the rank of diplomatic attaché, where women accounted for 16% of all those holding this post, it nevertheless remains low in general: women constitute a small proportion of those employed in the diplomatic service, there being one woman for every (13) men. Women's participation as ambassadors was very low, women accounting for about 4% of ambassadors, and women were entirely absent from the other senior posts in the diplomatic service, such as the posts of minister plenipotentiary and counsellor.

- **As for women's work in the judiciary**, although women have participated in judicial work since 1995, the proportion of women working in the judiciary did not exceed 2.8% in 2003.

The policies of economic restructuring, represented by the downsizing of the public sector and privatisation, and the opening of the door to Jordan's accession to the World Trade Organization, have also had a positive effect in opening new windows for the employment of women workers. **However, this was accompanied by low wages and limited training** in skills development, and by a gender-based division of occupational work, such that it has not led to opportunities for women's professional advancement.

Child Labour

Jordan suffers from **the spread of the phenomenon of child labour**, together with the other problems that usually accompany this phenomenon, the most important of which are **dropping out of school and the possibility of these children's delinquency**. Some local studies indicate that child labour is concentrated in the (11–15) age group in cities, and that most of the children belong to poor families.

Despite the difficulty of measuring the phenomenon of child labour accurately, its spread can be observed in large cities in particular, where children work in mechanics' workshops and as street vendors at traffic lights. **The Jordanian Labour Law No. (8) of 1996, as amended, prohibits in Article (73) thereof the employment of a juvenile who has not completed sixteen years of age in any form whatsoever**, in conformity with International Convention No. (138) of (1973) concerning Minimum Age for Admission to Employment, which the Jordanian Government ratified in 1997. **Article (75) of the Labour Law likewise prohibits the employment of a juvenile who has not completed eighteen years of age in hazardous or arduous work or work harmful to health.** The text of this Article was amended by Amending Law No. 11 of 2000 so as to prohibit the employment of a juvenile before reaching eighteen (18) years of age, **in conformity with International Convention No. 182 of 1999 concerning the Elimination of the Worst Forms of Child Labour, which Jordan ratified in 2000.**

The Ministry of Labour has taken certain measures to curb the phenomenon of child labour. It has begun implementing a national programme for the elimination of child labour in Jordan in cooperation with the International Labour Organization, with a duration of (38) months starting from 1/11/2003. **This project aims to withdraw and rehabilitate three thousand children under (18) years of age who are currently in the labour market, and to provide them with educational or training programmes.**

A legal committee has also been formed, comprising the Ministry of Labour, the General Federation of Trade Unions, employers and non-governmental organisations, with the mandate of reviewing, analysing and studying all legislation and laws relevant to child labour. The committee has completed its review of the list of hazardous occupations in which the employment of children is prohibited, in conformity with International Convention No. (182) of 1999 concerning the Elimination of the Worst Forms of Child Labour.

Employment of Persons with Disabilities: Since 2000, Jordan has taken the initiative of participating in the international meetings held to draft **an international convention concerned with persons with disabilities**, and has also participated in most of the Arab meetings held to formulate a unified Arab vision for the international convention on persons with disabilities, **out of a belief in the importance of having an international legal framework for the protection and care of the rights of persons with disabilities.**

In 2003, Jordan ratified International Convention No. (159) concerning Vocational Rehabilitation and Employment of Disabled Persons of (1983). The Jordanian Labour Law has also recognised the right of persons with disabilities to work, and has obliged the Ministry of Labour, in cooperation with other official institutions, to rehabilitate and train persons with disabilities so as to enable them to perform work which their disabilities do not affect.

The Labour Law has also obliged all establishments employing fifty or more persons to appoint persons with disabilities as 2% of their employees. Notwithstanding this provision, compliance with it on the part of the various employers is limited, owing to the absence of an effective oversight and enforcement mechanism on the part of the Ministry of Labour and the authorities concerned with enforcing the law.

Migrant Workers: According to Ministry of Labour statistics, migrant workers holding work permits for 2003 constitute (10%) of the size of the labour force in Jordan. Workers of Arab nationalities accounted for (74.3%) of all migrant workers.

Migrant workers are concentrated in the Capital Governorate, where their share of all migrant workers is (47.93%), followed by the Balqa Governorate at (12.47%) and then the Zarqa Governorate at (8.55%). **The reason for this is the concentration of economic activity in these governorates.**

Declared governmental measures are directed towards reducing the size of the migrant workforce, and the Government has begun to take a number of measures and steps necessary to that end, such as deporting workers in violation, closing (16) occupations to migrant workers and restricting employment in them to Jordanian workers, and regulating the granting of approvals for the employment and recruitment of migrant workers in certain sectors, such as the construction sector, and replacing them by employing in this sector Jordanian workers who possess the experience, competence and willingness.

The governmental orientation towards reducing the size of the migrant workforce explains Jordan's non-accession to the two ILO Conventions No. (97 of 1949) and No. (143 of 1975) concerning migrant workers, which could impose certain obligations on Jordan in the field of migrant labour.

Fixing and Protection of Wages: The Jordanian Labour Law guarantees, in Article (52) thereof, the fixing of a minimum wage, and Article (53) penalises with a fine an employer, or the person acting on his behalf, who pays a worker a wage lower than the minimum wage, the penalty being doubled whenever the violation is repeated.

Although the Government raised the minimum wage, as of 1/1/2003, **from (80) dinars to (85) dinars, this increase did not take into account the cost of living of the Jordanian citizen,**

which Article 52 of the Labour Law requires to be taken into account when fixing the minimum wage.

- Non-compliance by some employers with the minimum wage has been monitored. Statistics indicate that the wages of 23.2% of female workers aged (15) years and over are less than (100) dinars per month. The proportion of male workers aged (15) years and over who receive a monthly wage of less than (100) dinars is 16%, and in many cases these wages fall below the minimum wage of (85) dinars. Although the Ministry of Labour conducts intensive inspection campaigns at worksites to verify employers' compliance with paying workers the minimum wage, these measures are not sufficient to stop the violations of some employers.

Unemployment: Unemployment is one of the most important obstacles and challenges facing the economies of most States, whether developed or developing, and it is one of the main causes leading to poverty and the problems resulting therefrom.

The Jordanian economy has suffered at various stages from the problem of unemployment, which has often been linked to external political causes relating to political stability in the region, in addition to the mismatch between the needs of the labour market and the outputs of education, training and qualification. The number of public and private universities has increased, while the orientation in education has remained towards academic specialisations at the expense of vocational specialisations, which has led to an imbalance between supply and demand in the Jordanian labour market, **in addition to the modest level of performance of the Jordanian economy over the past two decades and the emergence of the phenomenon of migrant labour.**

Figures of the Department of Statistics indicate that the unemployment rate at the end of 2004 among holders of bachelor's degrees was (18.4%). The highest rate of male unemployment was at the educational level below secondary, where it reached (69.3%), whereas the highest rate of female unemployment was at the educational level of bachelor's degree and above (47.4%).

Among the measures taken by the Jordanian Government in 2004 to alleviate unemployment was the conclusion of an agreement with the International Labour Organization to strengthen the capacity of the Ministry of Labour to create jobs and reduce poverty.

As regards employment in State posts within ministries and public institutions, (9035) persons were appointed by the Civil Service Bureau in 2004, of whom (4572) were males and (4463) females, out of (139270), being the number of applicants for employment during the year.

The Right to Social Security and Retirement

The law guarantees the right to social security. The Social Security Law No. 19 of 2001 affirms, in Article (4) thereof, that **the provisions of this Law shall apply to all workers not less than sixteen years of age, without any discrimination on the basis of nationality, whatever the duration or form of the employment contract and whatever the nature and amount of the wage, and whether the work is performed mainly inside or outside the Kingdom, without prejudice to the provisions of international agreements regulating the rules on double insurance.**

The Social Security Law No. 19 of 2001 excluded certain categories from the application of its provisions, such as public servants subject to retirement under the provisions of the retirement laws in force, and certain workers employed in agricultural or forestry work or in herding, seafarers, fishermen, domestic servants and persons in a similar position.

Pursuant to Article (3) of the Social Security Law, social insurance covers:

- Insurance against employment injuries and occupational diseases.
- Insurance against old age, disability and death.
- Insurance against temporary disability due to sickness and maternity.
- Health insurance for the worker and beneficiaries.
- Family allowances.
- Unemployment insurance.

It should be noted that the types of insurance from which citizens have so far benefited are insurance against employment injuries and occupational diseases, and old age, disability and death, to the exclusion of the other types of insurance specified by the Law.

In 2003, the number of insured persons participating in social security reached (467044) workers, of whom (419169) were Jordanian workers and (47875) workers of other nationalities. The number of Jordanian male participants is (315675) workers and of Jordanian females (103494), while the number of insured non-Jordanian males is (34157) and non-Jordanian females (13718). The number of establishments participating in social security reached (10333).

Among the most important observations on the Social Security Law are the following:

- Numerous categories still do not benefit from social security, such as agricultural workers and workers in irregular work establishments, who receive an end-of-service gratuity upon termination of their service at the rate of one month's salary for each year of work. Although the end-of-service gratuity is a form of compensation, it is insufficient and is in no way equivalent to the pension received by those covered by the social security umbrella.
- Furthermore, the Social Security Law **discriminates between men and women as regards the age of entitlement to old-age insurance**, the old-age retirement age being (60) years for men and (55) years for women.
- The pensions of those covered by the social security umbrella are, in the great majority of cases, low and do not take account of the high cost of living, which calls for a reconsideration of the pension calculation laid down by the Social Security Law No. 19 of 2001.
- A small category of retirees receive monthly pensions amounting to several thousand dinars, which creates a wide gap between beneficiaries and reveals imbalances in the pension calculation adopted by the Corporation.
- The length of the procedures relating to the processing of the payment of social security entitlements or compensation to beneficiaries. (In 2004, the Social Security Corporation

began re-engineering its procedures with the aim of simplifying them, and it is currently in the process of introducing an automated response service for participants dealing with it and of organising the payment of insurance contributions through banks.)

- **As regards the retirement provisions laid down under the Civil Retirement Law No. (34) of 1959 and the Military Retirement Law No. (33) of 1959, it is to be criticised that the method by which the pension is calculated is unfair.** The pension is calculated on the basis of the basic monthly salary, since Article 2 of the Civil Retirement Law and Article 2 of the Military Retirement Law define the last monthly salary on the basis of which the pension is calculated as the basic monthly salary plus one quarter thereof, and it does not include allowances and other emoluments of any kind, **unlike the old-age pension established under the provisions of the Social Security Law, which is calculated on the basis of the total wage, including regular overtime pay and allowances.**

The Right to Education

The Jordanian Constitution provides for the right to education and the duty of the State towards education in Article (6, Paragraph 2): "The State shall ensure work and education within the limits of its possibilities, and shall ensure a state of tranquillity and equal opportunities to all Jordanians."

It also provides, in Article 19 thereof, for the freedom to establish private schools.

Article (20) thereof provides: "Elementary education shall be compulsory for Jordanians and shall be free of charge in Government schools."

School education is regulated by the Education Law No. 3 of 1994, as amended, the philosophy and objectives of which are based on a number of premises of humanitarian and developmental significance.

- **The Constitution has balanced the State's duty in the field of education against the freedom of communities to provide education, and has defined the limits of education by two criteria, namely the limits of the State's possibilities, and observance of the general provisions of the laws and Government supervision of community schools; however, it did not specify the level of these duties with respect to university education.**

The National Charter also referred to the right to education and the academic freedom associated with it. Item (17) of Chapter One thereof provides: "Jordanian universities are an important part of the nation's institutions and should be beacons of intellectual enlightenment and scientific progress, which requires that academic freedom be provided to them and that the exercise of this freedom be guaranteed." Among the requirements of education mentioned in the Charter is the provision of the second paragraph of Chapter Six: "Education policy in Jordan shall seek to raise the integrated individual …., imbued with the scientific and democratic spirit, and believing in human rights and the principles of justice, goodness and equality."

Jordan has ratified the Convention against Discrimination in Education (1960).

More than twenty years ago, the years of compulsory and free education were extended from six years, being the elementary education stage, to ten years, being the basic education stage.

Education in Government schools is regarded as entirely free of charge, although students make regular, modest school donations, and textbooks are also distributed to students free of charge. **Compulsory education at the basic stage aims to counter school dropout.** Statistics of the Ministry of Education for the 2001/2002 school year indicate that dropout rates at all school stages were 0.41%, being 0.48% among males and 0.35% among females. The Ministry of Education works to return students to school through the administrative governors, and also through awareness programmes implemented by school counsellors. The Ministry of Education is preparing a survey study on the causes of school dropout, which is expected to be completed by mid-2005.

Combating Illiteracy

According to the statistics of the Department of Statistics for 2004, the illiteracy rate among the population aged (15) years and over is estimated at 9.9% (of whom 64% are females and 36% males); this rate stood at 14.9% of all females and 5.4% of all males. **The illiteracy rate in Jordan is regarded as low** as a result of the official efforts made over many years in meeting many of the requirements of education and giving it the necessary attention, and of the orientations of society and its interest in education. The number of students at the school and higher education levels amounts to one third of Jordan's population.

The number of literacy centres of the Ministry of Education for the 2004/2005 school year reached (295) centres, of which (22) were for males and (273) for females, and the number of students benefiting was (3738), of whom (282) were males and (3456) females. Their success rate was estimated at 76% in the 2002/2003 school year. **However, the following observations may be made on literacy programmes:**

1. The focus on females is important, particularly since the majority of illiterate persons are females; however, a clear decline is observed in the proportion of males benefiting from literacy programmes.

2. Overall, the number of beneficiaries of literacy programmes, (3738) for the 2004/2005 school year, is regarded as very low compared with the total number of illiterate persons, who are estimated at half a million citizens.

3. Illiterate persons are taught by teachers engaged on a remuneration basis, at a rate of one dinar per teaching hour, which is less than the minimum wage.

4. The literacy programme lacks serious incentives for beneficiaries and complementary educational programmes after the fourth basic grade.

Education Indicators

During 2004, the number of schools in the Kingdom reached (5348) schools, attended by one million three hundred thousand (1,300,000) male and female students. The education sector is still

mainly under the supervision of the Ministry of Education: the Ministry of Education's schools constitute 58.4% of all schools and their students 71.5%; the average number of students per class is 27.5 students; female students account for 50% of the number of students; and there is approximately one teacher for every (20) students.

The foregoing figures and percentages, which appear reasonable in comparison with the education budget, do not explain the evident shortage in the number of teachers, particularly in scarce specialisations, nor do they explain the overcrowding of classrooms in a large number of schools. There is still a need for modern school buildings and for the maintenance of existing ones.

- The Jordanian Constitution provides for the right of communities to establish their own schools. There are in Jordan private schools owned by individuals or institutions, numbering (2076) schools, which constitute 38.5% of the Kingdom's schools, and their students account for 20% of all students enrolled, of whom females constitute 43%, **which indicates a relative bias on the part of citizens towards educating males more in private schools, in contrast with the equality in the proportions of males and females evident in Government schools.** Secondary education is also available to all, in various academic and vocational specialisations, for males and females alike.

The Ministry of Education, in cooperation with the Ministry of Health, provides health services and some meals to students in poor areas. It conducts health surveillance campaigns for communicable diseases and provides appropriate guidance and treatment. The Ministry also provides meals to schoolchildren in the less privileged areas under the Government School Children Feeding Project; in the 2004/2005 school year the project covered approximately (54000) male and female students in the first four basic grades.

On the basis of the health survey conducted among school students on **micronutrient** deficiency in (2002), indicators were found showing the existence of vitamin (A) deficiency, particularly among elementary-stage students. Accordingly, vitamin A was distributed at (200000) international units as a first dose to students of the first, second, third and fourth grades, covering (51863) male and female students from the less privileged areas.

However, there are still certain problems facing health services for students, such as **the lack of adequate heating** in most schools **and the lack of direct and continuous health services**, as there are no clinics in Government schools and places where students gather, in which dental diseases, gum inflammation, eye diseases and anaemia are common.

Teachers' Association

The development of teachers' skills is linked to the extent to which the rights of the teacher are respected and the teacher is involved in decision-making. Hence the discussion of the right to a teachers' association, on a par with the other professional associations, bearing in mind that the education sector is one of the largest professional sectors in the Kingdom, which necessitates a reconsideration of this matter.

Development of Curricula and Educational Policies

The process of educational development constitutes one of the most important national challenges in responding to the international standards relating to the right to education. During (2003 and 2004), the Ministry of Education adopted two initiatives in this field:

- The first: **the Human Rights Matrix of 2003**. The Curricula Directorate submitted to UNESCO a project entitled "Education for the Integration of Human Rights Concepts, a Culture of Peace and Shared Values at the Global Level". The project was implemented through the preparation of a national framework containing the concepts, as standards, intended to be integrated into school curricula. This was followed by a survey of the concepts contained in textbooks, which showed that there are many human rights concepts present in textbooks, and other concepts that need to be introduced into the curricula of Islamic education, Arabic language, national education and English language, totalling (41) concepts, with (305) main sub-concepts. The Matrix was approved by the Board of Education on 6/10/2003, and the activities planned to be implemented for the purpose of integration were also approved. **The Matrix gave rise to wide debate in Parliament and in civil society institutions; however, we have not observed any noteworthy application of the concepts of that Matrix in school curricula, and the integration of human rights concepts into school curricula remains a pressing national demand.**

It should be noted that the study conducted by the National Centre for Human Rights to measure the level of awareness of human rights concepts among students of the University of Jordan concluded that there is a clear weakness in the awareness of the students included in the sample, which raises the question of the educational level at which human rights should be taught, and of the capacity of the existing curricula to accomplish this task.

- The second: **the Education Reform for the Knowledge Economy Project**, the official initiative for which was launched during the meetings of the World Economic Forum held at the Dead Sea in June 2003, with the aim of developing education, adopting the most up-to-date educational programmes and making use of information technology systems in schools. This project will cover all components of the educational process. **While pointing out the importance of the project, we stress that the primary beneficiary of the project should be the student and the educational process, in a manner that does not affect the student's educational and pedagogical rights, within a vision that proceeds from human rights concepts and is not subject to economic concepts alone.**
- **It should also be noted that the subject of national education taught in the basic grades contains a small part of the concepts of democracy and human rights. While there is a need to review and develop this curriculum, it nevertheless remains an indicator of an educational policy aimed at promoting human rights concepts among students.**

Higher Education

The Higher Education and Scientific Research Law No. (4) of 2005 set out the objectives of higher education, among them: "Fostering and promoting the democratic approach in a manner that guarantees freedom of academic work, the right of expression, respect for the opinions of others,

teamwork, the assumption of responsibility and the use of critical scientific thinking; providing a supportive academic, psychological and social environment, excellence and innovation, and the refinement of talents …" (Article 3 of the Higher Education Law).

The Higher Education Council is responsible for regulating higher education in terms of policy-making, the licensing of educational institutions, admission criteria and other matters, while higher education institutions enjoy administrative and financial independence. Education is also accessible to all in accordance with standards set out in the admission criteria.

- By the end of 2004, the number of higher education institutions in the Kingdom had reached (21) universities offering various academic disciplines, with (166,598) students enrolled at the bachelor's level, of whom (83,321) were female students.
- The number of public universities reached (8), with (118,686) male and female students enrolled at the bachelor's level, representing 71.2% of the total number of students in the Kingdom, while females constitute 57.3% of the students at public universities.
- The number of private universities reached (13), with (47,912) male and female students enrolled at the bachelor's level, representing 28.2% of the total number of students in the Kingdom, while females constitute 31.8% of the students at private universities.
- The number of Arab and foreign students at all Jordanian universities reaches (19,542) male and female students.
- The number of postgraduate students enrolled at Jordanian universities reached (13,124), of whom (4,802) were female, a proportion of 36.6%. Furthermore, (23,920) students are enrolled in community colleges, of whom (14,561) are female, constituting 60.9% of the students enrolled therein.

The foregoing indicators lead us to the following conclusions:

1. Education is generally accessible in terms of the diversity of universities and disciplines and the number of students at the various levels of higher education.

2. **An increase is observed in the enrolment rate of females at the bachelor's level in public universities and community colleges, and a decline at the postgraduate level and in private universities.** It appears that students' parents tend to enrol females in public education and community colleges, which are less costly, and to enrol males in private education and postgraduate studies, which are more costly.

3. **It also appears that societal attitudes favouring males in education still persist** in terms of the costs of study and levels of education, as the cost of postgraduate studies and private universities is high compared with bachelor's studies at public universities. Although tuition fees at community colleges are low, this level of education faces difficulties in the labour market, which causes males to turn away from it in favour of education that is more rewarding in terms of employment, leaving the opportunities therein to females.

In light of the above, the following may be observed:

1. **The establishment of a student loan fund under a special regulation is a positive initiative** to support students' ability to enjoy the right to education, in particular to ensure that they do not discontinue their studies owing to a lack of adequate funding or high university fees.

2. **University fees are one of the obstacles to higher education in Jordan, as university fees are charged at a rate that is high relative to average household income.** University boards of trustees base their determination of fees on the high cost of education and the fact that university fees do not cover it. In addition, there are the high university fees paid by students in the parallel, evening, international and supplementary programmes, which reach approximately three to four times the fees paid by students in the regular programme.

3. **The disparity in university fees between public, community and private universities entails discrimination in the ability to enjoy the right to education, particularly in the absence of a clear policy to support higher education for citizens.**

- **As for the criteria for the admission of students to public universities,** the Unified Admission Coordination Office is responsible for the admission of students to universities in accordance with the admission criteria for Jordanian students at Jordanian universities, pursuant to the Higher Education Law. The following observations may be made on the admission criteria:

1. The large number of exceptions that limit competition on the basis of equal opportunity on the grounds of merit and ability; exceptions to competitive admission have reached more than 62%, such that they have become the rule rather than the exception. This constitutes, in practice, discrimination that is inconsistent with the principle of equal opportunity enshrined in the Constitution, and is also a departure from the principle of equality in educational opportunities and the principle of non-discrimination in education as established by international standards, including the Convention against Discrimination in Education of 1960, which the Kingdom ratified in 1962.

2. Despite certain **cases of affirmative action**, such as the allocation of 10% of seats to the least privileged schools and 300 seats to the children of the camps, it would be more beneficial to direct attention to these groups and to address the causes of their conditions that render them less privileged, and to work towards developing their standards of education.

3. **Although students with disabilities enjoy facilities for university study amounting to an exemption of up to 90% of fees, their access to higher education opportunities remains limited and lacks effective and incentivising mechanisms.**

- **With regard to human rights education in higher education institutions:** It should be noted that some universities offer a human rights course; however, this course remains confined to faculties of law or is offered as an elective subject for university students. The Ministry of Higher Education introduced the National Education course in universities at the end of 2004, and some universities began implementing it in the second semester of 2005, while other universities will begin doing so at the start of the 2005/2006 academic year. **However, human rights education at the levels of higher education still falls far short of having any significant impact, owing to its lack of linkage to the curricula and study plans prescribed for students. In addition, the abolition of some student**

human rights clubs that used to carry out awareness activities at certain universities, and their very absence at other universities, is an indicator of the extent to which a human rights culture is absent from the university environment.

- **Student participation and representation:**

The mechanism of student representation is still one of the problems hindering students' participation and self-expression, as there is no general union for the students of the Kingdom, and each university separately determines the principles, rules and mechanisms of student organisation. Furthermore, student societies do not receive adequate financial and administrative support of all kinds to achieve their objectives; consequently, their activities and achievements appear modest in comparison with the number of their members and constituencies.

The continued application of the principle of appointment to student councils and societies weakens the representative character of student leaderships and reflects the weak participation of students in the management of their affairs. **Students and their groups are also still prohibited from engaging in or taking an interest in political activity,** and students frequently allege interference and pursuit by the security agencies, either on account of their political activity or in order to influence the results of their elections. This adds a further obstacle to students' right to peaceful assembly, to participation in the management of their affairs and to freely choosing their representatives.

The Right to Health

First: International Obligations

Jordan has ratified a number of international conventions that affirm this right. **Paragraph (1) of Article (25) of the Universal Declaration of Human Rights** affirms that: "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services."

The International Covenant on Economic, Social and Cultural Rights provides in Article (12) for the right of everyone to "the enjoyment of the highest attainable standard of physical and mental health". This Article emphasises equal opportunities in access to health care and a minimum of guarantees of such care in the event of illness. **This Committee has adopted a General Comment on the rights of persons with disabilities, and the rights of persons infected with the immunodeficiency virus have received increasing attention from the Committee in recent years.**

The deliberations of the Committee on Economic, Social and Cultural Rights also indicate that the right to health is linked to a number of social and economic factors that create the conditions enabling citizens to lead a healthy life, and that it also encompasses the underlying determinants of health, such as **food**, **housing**, **access to safe drinking water**, **work under safe and healthy conditions** and **the right to a healthy environment**.

In its observations on the report of the Jordanian Government on the extent of its implementation of the rights set forth in the International Covenant on Economic, Social and Cultural Rights, **the Committee recommended that the various interrelated issues which, in turn, serve to secure**

the right to health be taken into consideration. The Committee also recommended that all data and information relating to malnutrition, particularly child nutrition, be collected.

The right to health is also set forth in the Convention on the Rights of the Child in Articles (24–27), as well as in Articles (11 and 12) of **the Convention on the Elimination of All Forms of Discrimination against Women**.

Second: National Legislation and Plans

There is a body of national legislation that sets out the standards and regulations related to public health, the most prominent of which are: (the Temporary Public Health Law No. (54) of 2002 and its amendments; the Temporary Drug and Pharmacy Law No. (80) of 2001 and its amendments; the Temporary Food Control Law No. (79) of 2001 and its amendments; the Narcotic Drugs and Psychotropic Substances Law No. (11) of 1988 and its amendments; the Civil Health Insurance Regulation No. (83) of 2004, issued pursuant to Paragraph (c) of Article (66) of the Public Health Law No. (54) of 2002; and the Welfare of Disabled Persons Law No. (12) of 1999).

- **It is noteworthy that none of these national laws contains explicit provisions affirming the responsibility of the State to take the measures necessary to secure the full exercise of the right to health, as embodied in the definition set forth in the International Covenant on Economic, Social and Cultural Rights.** National legislation lacks any provision affirming "the right of everyone to the enjoyment of the highest attainable standard of physical and mental health".

Although there are certain provisions that set out the role of the State in providing health care, they focus on physical health and the treatment of diseases and do not give sufficient attention to mental health.

Nevertheless, the Ministry of Health has worked to develop comprehensive plans for the health sector, based on the standards of the World Health Organisation, including a **national plan to combat AIDS**. It has also implemented numerous awareness programmes in previous years on specialised issues, including **thalassaemia and diabetes**, in addition to ongoing efforts to raise awareness of the dangers of smoking. The Poverty Alleviation Strategy in Jordan has also included a component dedicated to health. Nevertheless, heart disease, cancer, diabetes, hypertension and malnutrition-related diseases remain among the most common diseases.

- **The issue of health insurance is one of the most prominent issues requiring the attention, study and analysis of those responsible for health policy in Jordan:** it is evident that those who do not enjoy health insurance become more vulnerable to crises than others.
- **Reference should also be made to the increasing pressure on government hospitals and health care centres, and to the shortage of medicines, doctors and nurses.**

Third: Certain Matters Requiring Special Attention

1. Motherhood and Childhood

The health of the child is closely linked to the health of the pregnant mother. Jordan has witnessed continuous improvement in the level of maternal care and health, particularly with regard to the rate of maternal mortality resulting from pregnancy-related causes, which declined from (48) to (41) cases per one hundred thousand births between 1990 and 2002, while the proportion of mothers who give birth under qualified medical supervision has reached more than 98%, with no variation by geographical region. **However, the proportion of mothers who return to receive postnatal care remains low**, according to the results of the 2002 Family Health Survey.

- **Numerous challenges remain in the field of maternal health, the most important of which are establishing the mechanisms necessary to monitor and follow up high-risk pregnancies, investigating maternal deaths, improving the quality of services provided to mothers during pregnancy and after childbirth, and reducing the rate of anaemia among women of childbearing age.**

With regard to the health of children themselves, the mortality rate among children under five declined from (39) to (27) per thousand children between 1990 and 2002, while the infant mortality rate declined from (34) to (22) per thousand children during the same period. **It is noteworthy that more than 70% of infant deaths occur in the first month after birth, which necessitates the intensification of programmes concerned with maternal and child health in the perinatal period.**

Owing to the success of the National Immunisation Programme, the proportion of immunised children remains high: the proportion of children immunised against poliomyelitis reached 98% in 2002, and Jordan has remained free of this disease since 1995. However, there is a **need to address micronutrient deficiencies**, as recent studies have shown **that the proportion of children suffering from anaemia was 20%, while the proportion of children suffering from vitamin A deficiency reached 15%, and the proportion of children suffering from iodine deficiency 33%.**

2. Acquired Immunodeficiency Syndrome

With regard to acquired immunodeficiency syndrome (AIDS), the first case in Jordan was detected in 1986. The prevalence of the disease is considered relatively low in Jordan, the number of cases recorded since 1986 having reached (355) cases, (136) of them among Jordanians. This requires a continued focus on awareness campaigns on sound health practices and life skills, particularly among young people, in order to ensure continued control over the spread of this disease in Jordan.

The Right to a Healthy and Balanced Environment

The protection of the environment in Jordan is governed by the Temporary Environmental Protection Law No. (1) of 2003. **It is observed that this Law does not contain a binding provision recognising the right to a healthy environment at the national level**, even though the National Charter, which preceded the Law by twelve years, affirmed that **a balanced and**

clean environment is a human right, and that preserving the Jordanian environment and protecting it from pollution for the sake of present and future generations is a national responsibility requiring a high degree of public participation and concern for environmental issues and the dangers of pollution in all its forms, the adoption of policies that strike a balance between environmental preservation and sustainable development, and the enactment of legislation and standards broad enough to address the adverse effects that damage the natural environment.

It is noteworthy that the proposed amendments to the Temporary Environmental Protection Law (currently before the House of Representatives) include provisions affirming and establishing the right to a healthy and balanced environment, thereby strengthening the legal safeguards that limit the continuing violations of the right to the environment, foremost among which are the dangers of the Dimona reactor, the disposal of medical waste, the improvement of the environment of the Jordan Valley (Al-Aghwar) region, the resolution of the problems resulting from air and soil pollution, solid and hazardous waste and the deterioration of water quality, and the reduction of emissions harmful to health and the environment from the cement and phosphate industries and others.

In fairness, we should refer here to the tireless efforts that citizens and environmental protection activists in the relevant associations have made, and continue to make, to influence policies and decisions relating to certain environmental problems, particularly the issue of the use of petroleum coke in the Jordanian cement factories in the city of Al-Fuheis, where those efforts succeeded in preventing the use of this polluting source of energy.

- **We also refer here to the issue of scrap metal imported into Jordan, particularly from Iraq, and to the necessity of taking measures and adopting the requisite scientific studies and laboratory tests, by specialised bodies, to ensure that the tonnes of imported scrap are free of radiation harmful to human health and the environment.**

The following are the most important observations on the national measures for environmental protection:

1. Weak enforcement of the environmental legislation in force, and the absence of incentives for compliance with it.

2. The failure to issue the instructions and regulations capable of ensuring the effective application of the Environmental Protection Law.

3. The absence of an applied system of environmental impact assessment, notwithstanding that environmental assessment is one of the important requirements for the approval of project financing by international donors.

4. Weak cooperation and coordination among organisations concerned with the environment, particularly with regard to the organisation of joint activities in the field of environmental awareness and education.

5. The absence of environmental emergency plans in the Kingdom.

6. Weak cooperation and coordination among the government bodies concerned with environmental protection.

7. The failure of economic and social development plans to take environmental dimensions into account.

8. The lack of public participation in decision-making relating to the environment that directly affects the quality of people's lives.

9. The existence of a wall of secrecy surrounding information on the state of the environment, in a manner that limits citizens' ability to obtain such information and prevents them from defending their environmental causes.

The Right to Water

The issue of the shortage of water resources and the deterioration of water quality is closely linked to national, social and economic security. The waste and pollution of water constitute a clear infringement of the human right to water, which is recognised by the International Covenant on Economic, Social and Cultural Rights and affirmed by the competent international Committee in its General Comment No. (15) of 2002.

Among the most prominent legal foundations on which the right to water rests under international standards is that **"the human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses".**

The normative content of the right to water is that this right contains both freedoms and entitlements, and that the elements of the right to water must be adequate for human dignity and life. This right falls within the category of guarantees essential for securing an adequate standard of living, since it is one of the most fundamental conditions for survival. Furthermore, the right to water is inextricably related to the right to the highest attainable standard of physical health, the right to adequate housing and adequate food, and the right to life and human dignity.

- **Jordan is considered one of the ten poorest countries in the world in this respect. Owing to the water deficit from which Jordan suffers, the per capita share of water is estimated at (170) cubic metres per year for all uses, which is far below the water poverty line, estimated at (1,000) cubic metres per year according to World Bank studies.**

The Right to an Adequate and Appropriate Standard of Living

The Jordanian Constitution does not clearly and explicitly refer to the right to an adequate and appropriate standard of living (whereas the Jordanian National Charter, in Article (8) of its Third Chapter, states that: combating poverty and addressing its effects is a strategic objective of the Jordanian State and a national responsibility that requires providing employment opportunities to those able and seeking to work, with priority given to Jordanians, and ensuring justice in the geographical and social distribution of services and development projects, in a manner that meets the basic needs of the citizen, renders poverty an exceptional condition and limits the aggravation of its adverse effects that may afflict the individual and society).

Jordan has also ratified the International Covenant on Economic, Social and Cultural Rights of 1976, which provides for the right to an adequate and appropriate standard of living.

- The right to an adequate and appropriate standard of living is linked to a number of determinants that affect its enjoyment by the Jordanian citizen, the most important of which are **the small size of the Jordanian economy and the limited nature of its resources, together with the associated privatisation processes and structural adjustment policies, the state of unemployment, and the impact of international economic and political transformations on the Jordanian economy, as against the governmental and civil society efforts to address the challenges facing this right, particularly poverty.**

Combating Poverty

The Ministry of Social Development is the official body principally and directly concerned with confronting the challenges of poverty and the social problems linked to it in one way or another. It has numerous programmes for implementing anti-poverty policies, such as development lending, the care of marginalised groups such as children deprived of family support, convicted juveniles, persons with disabilities and older persons, and assistance to groups in need of health insurance.

The National Aid Fund is one of the most important institutions of the Ministry of Social Development in this field. (18) different categories benefit from the Fund, receiving protection and care through recurrent or emergency financial assistance, namely: (orphans' families; widows and orphans; families of persons unable to work; prisoners' families; older persons; foster families; girls over 18; divorced women; Jordanian women married to non-Jordanians; special cases; humanitarian cases; dual assistance (aid and rehabilitation); other categories determined by the Fund's Board; wives of absent husbands; disability care; and others).

The Ministry of Social Development conducted the 2004 Poverty Assessment Study in Jordan, covering a survey period in 2002, which reached a number of findings, the most prominent of which we refer to below:

1. There is an inverse correlation between poverty and education: the higher an individual's level of education, the lower his poverty, and vice versa.

2. The fertility rate of women in poor households is (5.2) children, which is higher than the fertility rate of women in non-poor households (3.1).

3. **70% of the poor can be lifted out of the circle of poverty, owing to the proximity of their spending level to the poverty line, and they can be assisted through loan programmes to develop their incomes rather than through the provision of assistance to them.**

- **With regard to this study and the indicators resulting from it, we note the difficulty of verifying the accuracy of the figures and percentages it contains concerning the level of the poverty line, its rates in the governorates, and the distribution of pockets of poverty in the various governorates and their causes.**

- **It is also observed that there is no clear national-level vision for this problem, and no preventive approach to confronting the problem of poverty, in place of pursuing a policy of improving the conditions of the poor through assistance.**

We particularly emphasise **the need to examine the adverse consequences of certain privatisation projects, and to develop the programmes of the National Aid Fund** (we also note the discrepancy between the figures and percentages issued by the various official bodies on the problem of poverty, and the lack of coordination among these bodies).

A report issued by the Ministry of Planning and International Cooperation indicated that the anti-poverty policy faces practical difficulties, such as the lack of coordination among institutions and the need for more accurate information, in addition to the failure to target the poor directly, and centralisation in decision-making, programme formulation and the allocation of resources to the institutions working in the field of combating poverty.

The Ministry of Social Development also undertakes the task of implementing other aspects of the policy of confronting poverty in the Kingdom, such as assisting citizens who are not covered by health insurance, who are mostly poor, by providing a service of exemption from treatment costs; the number of beneficiaries reaches approximately (3,500) citizens annually.

The "Social Safety Package" also aims to raise the general level of social productivity of Jordanians in general, and of the poor and less privileged groups of society in particular; the cost of its implementation has been estimated at approximately (157) million dinars.

The Right to Housing

The number of dwellings in the Kingdom reached (1,204,234) housing units according to the indicators of the Department of Statistics for 2004, while the proportion of vacant dwellings reached 22% of the total number of dwellings, equivalent to (264,000) unoccupied housing units, whereas this proportion was 19% in 1994.

The proportions of dwellings connected to the public water network, electricity and sewerage in 2003 were 97%, 99.5% and 60% respectively.

Although the sewerage service is a paid and priced service, as are water and electricity, the evident shortfall in the provision of that service is unjustified, particularly given its importance at both the health and environmental levels.

- **Government policies in the field of housing remain unclear**, and the civil and military housing funds still suffer from a clear shortage in the financing of their projects. Furthermore, the involvement of the private sector (banks and lending and financing institutions) in resolving the problem of housing loans has imposed additional burdens on citizens with limited incomes, who allocate the greater part of their incomes to housing expenditure at the expense of satisfying other basic needs. **This once again demonstrates the linkage of the right to housing to other fundamental factors, such as wage levels, interest rates and spending rates, as well as the linkage of the right to housing to other rights, such as the right to food, health, work and the environment, and, not least, the right to an adequate and appropriate standard of living.**

In implementation of Royal directives to support housing loans for government employees, the Council of Ministers decided at the beginning of 2005 to allocate (50) million dinars from privatisation proceeds to support housing finance for government employees, which reveals the faltering of government housing projects and the volume of financing required to discharge the obligations of this right.

- **Reference must be made here to the Owners and Tenants Law, the application of which will have adverse consequences for the right to housing, particularly at the end of 2010, when lease contracts concluded before 2000 expire. This will result in the eviction of many dwellings and the re-conclusion of contracts, with the additional costs this will place on the shoulders of citizens, which obliges the State to adopt and implement a national programme for the housing of poor families.**

Cultural Rights

There is no explicit provision in the Jordanian Constitution relating to cultural rights; however, a guarantee of freedom of cultural expression may be derived from Article (15) of the Constitution, Paragraph (1) of which provides that: "The State shall guarantee freedom of opinion, and every Jordanian shall be free to express his opinion by speech, writing, photography and all other means of expression, provided that he does not exceed the limits of the law." This freedom may be restricted only within the limits set out by the Constitution in Paragraph (4) of the same Article, which provides that: "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."

The Jordanian National Charter also sets out, in its Sixth Chapter, clear parameters for cultural rights, the most important of which is the provision of Paragraph (4) of the same Chapter: "Attention to raising the cultural level of Jordanian citizens in all regions of the Kingdom, and working to develop and advance their national culture by all possible means, so as to achieve their participation in comprehensive cultural development"; and Paragraph (6), which recognises cultural pluralism: "Care for the various forms of Jordanian folk heritage as creative tributaries that enrich the national culture, and working to develop them in keeping with the spirit of the age and in a manner that strengthens the unity of the nation's cultural fabric."

The Ministry of Culture sponsors cultural work on the basis of the Culture Promotion Law No. (3) of 2003, which defines the functions of the Ministry, the most important of which are: formulating the general policies for cultural work; developing cultural work by supporting cultural bodies and institutions; providing appropriate conditions for releasing creative and artistic energies; sponsoring, 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 entrenching the democratic concept with all that it represents in terms of commitment to human rights and freedom of expression and opinion. **Despite the establishment of a fund to support culture, the meagreness of the Ministry of Culture's budget is observed, which limits its capacity to support publishing and encourage creativity.**

The Ministry of Culture also grants awards to intellectuals in recognition of their works, within the framework of what are known as the State Appreciation and Incentive Awards, which have

been granted from 1989 to the present; the number of recipients has reached (86) intellectuals, institutions and cultural troupes in various cultural fields.

There are in Jordan numerous civil cultural institutions established by individuals to organise their cultural and creative activities pursuant to the Societies Law No. (33) of 1966. They operate independently under the sponsorship of the Ministry of Culture, and by the end of 2004 their number had reached (259) cultural bodies and associations registered with the Ministry of Culture in various cultural specialisations and in all regions of the Kingdom, of which (120) bodies are located in the capital, Amman, alone, representing 46% of their total in the Kingdom.

- **With regard to the development of cultural activities, it is observed, according to the statistics of the Department of Statistics, that while these activities have diversified on the one hand, their number declined in 2003 compared with the preceding five years on the other, which raises questions about the level of participation of Jordanian citizens in cultural activities in recent times.**
- **With regard to the right to the protection and enjoyment of scientific** and intellectual **creativity**, Jordan ratified two international conventions that entered into force in 2004, namely the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty.

A number of laws regulating intellectual property have also been enacted, **the most important of which is the Copyright Protection Law No. (22) of 1992.**

Among the protection measures under the Copyright Protection Law is the issuance of the Deposit of Works Regulation No. (4) of 2004, under which works are deposited with the National Library Department, and Article (36) of the Copyright Protection Law provides: "a. The employees of the Copyright Protection Office at the National Library Department who are authorised by the Minister shall be deemed members of the judicial police while carrying out the provisions of this Law. b. Where there is any suspicion indicating the commission of any violation of the provisions of this Law, the employees of the Copyright Protection Office shall have the right to inspect any place engaged in printing, copying or distributing works, including means of transport. They may seize the copies and all materials used in committing such violations and refer them, together with the perpetrators, to the court, and the Minister shall have the right to request the court to close the premises."

These legislative instruments have contributed in earnest to the protection of copyright: (383) cases of infringement of intellectual property rights were referred to the judiciary by the Copyright Protection Office in 2003. An increase in the number of deposits with the National Library has also been observed.

Women's Rights

First: International Obligations

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; however, it entered a reservation to Article 9(2), which concerns granting women equal rights with men with respect to the nationality of their children, since Item (2) of Article 9 of the Jordanian Nationality Law No. (6) of 1954, as amended,

provides that "the children of a Jordanian man are Jordanian wherever they are born". Official sources have explained that this Nationality Law is governed by political circumstances that compel the Government to take such a decision. Jordan had also signed the Convention on the Non-Permissibility of Dual Nationality among Nationals of the Arab States. It further entered a reservation to Article (15/4) of CEDAW, which concerns granting 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. It also entered a reservation to Paragraphs (c, d, g) of Article (16) thereof, which concern marriage and family relations.

- Notwithstanding Jordan's reservations mentioned above, Jordan has taken many of the provisions of the Convention into consideration, and a number of laws have been amended accordingly. For example, Article (3) of the Convention took concrete form through the establishment of the Jordanian National Commission for Women by a decision of the Council of Ministers in 1992 as a semi-governmental organisation concerned with national monitoring and accountability in respect of women's issues.

The National Council for Family Affairs was also established as a non-governmental institution concerned with the protection of women and children. The establishment of the National Centre for Human Rights in 2003, as an independent national institution charged with monitoring the human rights situation in Jordan and working to combat discrimination in all its forms, constitutes a reinforcement of the national monitoring and accountability mechanism concerning women's issues. Certain other amendments will be referred to in the section on national legislation.

Jordan has submitted two reports to the CEDAW Committee, in (1994 and 1998). The third and fourth reports will be submitted together during the current year, 2005, and are being prepared by a national working team representing the competent official bodies with the participation of non-governmental organisations. In its concluding comments on the second report, the international Committee on the Elimination of Discrimination against Women expressed its appreciation of the efforts made by Jordan, but considered that there remain areas of concern, that attention must be focused on the customs and traditions that affect society's view of women, and it stressed the need to enact a law criminalising customs that constitute discrimination against women. The Committee also made specific recommendations, including: amending the Nationality Law; amending the Penal Code with respect to honour crimes; and taking the measures necessary to curb the phenomenon of violence against women. These observations intersect with the observations of the United Nations Committee on Economic, Social and Cultural Rights on Jordan's report with respect to the situation of women's rights.

- It is noteworthy that the Convention on the Elimination of All Forms of Discrimination against Women has not yet completed the constitutional ratification procedures and, accordingly, cannot be invoked before the courts. Since its establishment, the National Centre for Human Rights has addressed the Prime Minister, requesting that this Convention, together with other human rights conventions, be submitted to Parliament (the National Assembly) in order to complete the constitutional procedures in respect thereof.

Second: National Legislation

The principle of non-discrimination is enshrined as a binding principle in the Jordanian Constitution, being set out in Article 6/1, which affirms that "Jordanians shall be equal before the law; there shall be no discrimination between them as regards their rights and duties on grounds of race, language or religion". The National Charter of (1991) likewise embodied this principle, providing that "Jordanians, men and women, are equal before the law". This principle has recently been reflected in the "Jordan First" document and in the Letter of Designation addressed by His Majesty the King to the Prime Minister in October 2003.

- However, the principle of non-discrimination is not embodied in all current laws and legislation, which are not free of provisions that are unjust to women and that constitute an obstacle to the advancement of women's status.
- It should be noted in this regard that certain legislation has been amended in favour of women, including: the Provisional Law Amending the Personal Status Law No. (82) of 2001, whereby the age of marriage was raised to 18 years for both sexes by amending Article (5) thereof. It also gave the wife the right to request separation from her husband, on condition that she return the dower she received and the expenses incurred by the husband, and, if the husband refuses to divorce her, the judge shall rule to dissolve the contract, which is known as "khul'", pursuant to Article (126). It is noteworthy here that the House of Representatives decided to reject this Article after debating it; the Law was then referred to the Senate, which approved it twice, pending a joint session of the Senate and the House of Representatives to adopt the opinion of the majority in accordance with the provisions of the Constitution. The amendment also equated the right of the mother with that of the guardian to see the minor child when the child is in the custody of another person who has the right of custody, at the rate of once a week. In addition, it provided for the requirement to notify the second and the first wife where the husband wishes to marry again, and the requirement to verify the financial capacity of a husband wishing to marry for a second time. Despite these amendments, the Personal Status Law still contains certain legal gaps that call for remedy, including the need to regulate matters of divorce and revocation of divorce (raj'a) so that they take place only through the court; divorce should also take place on the basis of specific controls, with the judge being given the authority to prevent divorce from occurring; and the rights of children should be taken into account first when divorce occurs. In addition, an explicit provision should be laid down permitting a married woman to visit her family and to receive visits from them.

Among the legislative developments is the Civil Status Law No. (9) of 2001, which provides for the issuance of a separate family book to a divorced woman upon her request, and for the issuance of a family book to every widow with her children and to a woman married to a foreigner (Article 58). Furthermore, the Provisional Passports Law No. (5) of 2003 provides for the right of a married woman to obtain a passport without the prior permission of her husband.

In addition, the Labour Law No. (8) of 1996 had provided that a woman's employment may not be terminated during pregnancy or during maternity leave, and provided for a woman's right to take unpaid leave not exceeding one year in order to devote herself to raising her children, with a guarantee of her right to return to work upon the expiry of the leave. It also guaranteed a woman's

right to ten weeks of paid maternity leave, in addition to paid periods for nursing her newborn child, and the Law obliged employers who employ twenty or more married women workers to prepare a suitable place for the children of working women who are under four years of age, to be in the care of a qualified nursemaid. Reference should also be made to Article (69) of this Law, which provides that "the following shall be determined by a decision of the Minister after consulting the competent official bodies: (a) the industries and occupations in which the employment of women is prohibited; (b) the times during which women may not be employed and the cases exempted therefrom". Some consider that this Article represents positive discrimination in favour of Jordanian women, while others consider that it restricts women's freedom to choose their fields of work. Furthermore, there is still no explicit provision on equality between male and female workers where they perform the same work. Statistics issued by the Department of Statistics indicate that the average monthly wage of male employees in the public and private sectors combined was (238) Jordanian Dinars, whereas this average for females was 211 Dinars, which indicates the existence of a gender-based gap. The disparity in wage levels in the public sector may be explained by government financial regulations that grant males certain privileges over females, such as the family allowance and the cost-of-living allowance.

At the same level, the Civil Service Regulation No. (55) of 2002 was amended so that maternity leave under this Regulation was increased from (60) to (90) days with full pay (Article 108). In general, this Regulation does not discriminate between the sexes in its provisions; however, aspects of discrimination are reflected in daily practice and in the practical application of the provisions of the law, particularly upon appointment, advancement or promotion. Information from the Department of Statistics indicates the weak participation of women in senior administrative posts, as the proportion of women in the senior category did not exceed 1.4% in 2002. Females also constituted 8% of all persons working as directors in public institutions, according to Department of Statistics information for 2002.

The Civil Service Regulation also lacks certain legal provisions that would facilitate the work of female employees, such as the absence of a provision obliging the government department or institution to establish a nursery for the children of female employees, along the lines of the Labour Law. It likewise lacks a provision prohibiting the assignment of a female employee to hazardous work or work harmful to her health and the health of her foetus if she is pregnant, in addition to lacking a legal provision prohibiting the dismissal of a woman during pregnancy or maternity leave.

As for the Social Security Law No. (19) of 2001, it allowed an insured woman to continue working after reaching the old-age pension age and up to the age of sixty, if this would enable her to complete the period required for entitlement to an old-age pension (Article 43). In addition, the heirs of a woman participating in social security are entitled to her pension after her death on the same conditions as if the deceased were a man. A woman has also become entitled to combine her own pension with any share devolving to her from her husband's social security pension (Article 58).

- Despite these achievements in the Social Security Law, it still contains certain gaps: the Law excludes from its provisions agricultural and irrigation workers and those in a similar position, as well as members of the insured person's family, which causes harm to women and to the possibility of providing them with economic and social security, given that

women constitute a high proportion of this category. Furthermore, the Law stipulates, as a condition for the mother of a deceased insured person to benefit from his pension, that she not be married to a man other than his father or have married another man after his death, which is considered discrimination against the mother and an injustice to her rights.

Without diminishing the importance of these legislative achievements in favour of women, there remain many laws and regulations for which amendments have been proposed for quite some time and which are still under study by the official bodies, such as (the Sharia Procedure Law, and the regulations pertaining to women members of professional associations, such as the health insurance regulation and the retirement regulations of certain associations).

Third: Specific Issues Relating to the Protection of Women

1. Political Participation

Department of Statistics data for 2002 indicate that women constitute 22% of the members registered in professional associations in Jordan; however, women's contribution to the leadership of professional association work remains relatively low, as there are no women members of the councils of professional associations except in only two associations, namely the Jordan Bar Association and the Jordan Pharmacists Association.

Females constitute only approximately 7% of all founding members of Jordanian political parties, having participated in the founding bodies of (31) parties out of the total number of parties in Jordan, which is (34) parties.

The picture differs with respect to the administrative bodies of voluntary organisations, as the data indicate that the proportion of women in the administrative bodies of voluntary organisations has risen to one quarter. Women also constituted a large proportion of the founding bodies of these organisations, estimated at approximately 23% (Report on the Situation of Jordanian Women for 2004). The increased proportion of women in the administrative bodies of voluntary organisations gives women the opportunity to exercise their right to take decisions or to participate in taking them.

In recent years, measures have been put in place to strengthen the role of women in political participation, including the amendment made to the Provisional Elections Law of 2003, by which the quota system was adopted. The quota is considered positive discrimination in favour of women in accordance with the provisions of Article (4) of the Convention on the Elimination of All Forms of Discrimination against Women. It should also be noted here that this temporary measure still faces many challenges, but work is under way to develop mechanisms to overcome these challenges through the Political Development Strategy and Plan of Action for 2004.

Statistics indicate that the number of women candidates in the most recent elections (2003) was the highest compared with previous electoral cycles, with (54) women candidates out of (760) candidates, i.e. 7% of the number of candidates, while the proportion of women voters was 52.12% of the total number of voters. Despite women's high level of participation as voters, none of the women candidates won on the basis of free competition, whereas (6) women entered Parliament through the quota, the women candidates having obtained only (36382) votes, equivalent to 2.658% of the total votes cast. Moreover, these statistics do not show the nature of

women's participation in decision-making, particularly with respect to the choice of whom they elect.

2. Violence against Women

The Convention on the Elimination of All Forms of Discrimination against Women placed the issue of violence against women at the heart of protection priorities and, accordingly, contributed to the creation of a normative framework on which governments rely in combating violence against women. Violence against women has become an issue raised clearly at all levels of Jordanian society and, through the National Strategy for Women, has become an official issue in respect of which the Jordanian Government has committed itself to establishing programmes to curb it. The National Strategy adopted in (1993) identified violence as a core issue within the social pillar, and violence was identified as part of the social protection and human security pillar of the updated National Strategy.

Jordan has witnessed the emergence of many institutions and organisations at both the governmental and voluntary levels working to protect and care for the family in general and women in particular, focusing on issues relating to all forms of violence and discrimination against women. These institutions provide legal, counselling, social and psychological services delivered by specialists in the field of violence against women.

At the legislative level, the Jordanian Government adopted the "Family Protection Homes Regulation" in 2004, which is a constructive step, albeit a belated one, coming after many years of demands by governmental and non-governmental bodies for the creation of a national mechanism to establish a shelter for abused women. Despite the adoption of this Regulation, its details are still under study; accordingly, a service gap remains in the protection mechanisms currently available to abused women. Reference should be made here to the shelter for abused women established by the Jordanian Women's Union to contribute to bridging this gap, which has undertaken to provide protection as well as legal and psychological assistance to the cases it receives.

- There is no clear picture of the scale of the phenomenon of violence against women in Jordan, because the phenomenon of violence is not comprehensively recorded and is not easily reported, owing to fear of the family or the woman's fear of divorce or of being deprived of her children. It is evident from studies aimed at describing the reality of the phenomenon of violence against women that physical violence is the most common type of violence.

This phenomenon, which is considered discrimination against women, has not been explicitly addressed by national legislation; however, the Jordanian Penal Code contains general provisions relating to acts of assault affecting the physical integrity of the human person in general, whether man, woman or child.

Certain provisions of the Penal Code have provoked much discussion and controversy in recent years, Article (340) being one of the most controversial articles; some link it to so-called honour crimes, which have emerged to some extent in Jordanian society. Before its amendment, this Article granted an exculpatory excuse to a husband who surprised his wife or one of his female relatives within the prohibited degrees in the act of adultery with another person and killed or

wounded both or either of them, while it did not grant the same right to a wife who surprised her husband in the same circumstances. Women's organisations, and in particular the Jordanian National Commission for Women, called for the repeal or amendment of this Article because of the injustice and inequity it inflicts on women. The Article was indeed amended so that it now grants a mitigating excuse to either spouse who surprises his or her spouse in the act of adultery with a partner and kills or wounds them; this amendment equated husband and wife by granting the mitigating excuse, in keeping with the Convention on the Elimination of All Forms of Discrimination against Women, which affirms equality between the sexes before the law. Nevertheless, major gaps remain that reflect aspects of gender-related inequality. The main gaps that must be addressed as quickly as possible have been identified in the recommendations of this Report, so that Jordan may complete its course towards the promotion and protection of women's rights.

Children's Rights

First: International Obligations

Jordan ratified the Convention on the Rights of the Child on 24/5/1991 and entered reservations to Articles (14, 20, 21) of the Convention. Article (14) provides for freedom of thought, conscience and religion. Jordan's reservation to this Article does not mean that it opposes freedom of thought and conscience, including for children, which is guaranteed by the Jordanian Constitution and the relevant legislation. Rather, the reservation was entered on the ground that the Article would permit a child to change his or her religion, which is not permitted by Jordanian law, Islamic Sharia and the customs followed in the Kingdom, bearing in mind that Articles (3/2) and (5) of the Convention require the State to take into account the rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for providing appropriate direction and guidance to the child in the exercise of the rights recognised in the Convention. As regards Articles (21) and (22) of the Convention, which relate to adoption, Jordan's reservation was entered because of Jordan's commitment to the teachings of Islamic Sharia and its application of the Islamic system of kafala, which is the equivalent of adoption but without giving the child the name and lineage of the guardian (kafil). It should be noted that the second paragraph of Article (20) provides for kafala, as set out in Islamic Sharia, as one of the forms of care that may be provided to a child deprived of his or her family environment.

- Despite Jordan's ratification of this Convention more than fourteen years ago, the Convention has not yet completed its ratification procedures pursuant to Article (33) of the Jordanian Constitution.

Jordan submitted its first and second reports to the international Committee on the Rights of the Child in (1993 and 1998). The observations of that Committee focused on the following matters: the need to publish the Convention in the Official Gazette; the need to establish an independent institution to monitor and evaluate progress made in implementing the Convention. They also included a query regarding the extremely low age of criminal responsibility, among other matters about which the Committee expressed concern. These matters have been addressed in the draft third report, and work is under way to submit this report; a steering committee composed of

governmental and non-governmental bodies, including the National Centre for Human Rights, has been formed to oversee the preparation of the report. It is noteworthy here that the establishment of the National Centre for Human Rights, together with the National Council for Family Affairs, together constitute a national mechanism for monitoring the situation of children's rights and evaluating Jordan's implementation of the Convention on the Rights of the Child.

Second: National Legislation and Measures

Perhaps the most important development in the previous period has been the completion of the drafting of the Draft Child Rights Law by the Ministry of Social Development in cooperation with official institutions and non-governmental organisations, and its submission to the Council of Ministers, which approved it and referred it to Parliament (the National Assembly) for debate and enactment in its final form. In light of the current legislative situation, it is important to expedite the debate and enactment of the Draft Child Rights Law, in addition to the need to submit the Convention on the Rights of the Child and similar international human rights conventions to Parliament so that the constitutional ratification procedures may be completed. The National Centre for Human Rights has addressed the Prime Minister, requesting that the Convention on the Rights of the Child be submitted to Parliament for approval as national legislation before the enactment of the Draft Child Rights Law.

Nevertheless, amendments have been made in previous years to national laws and legislation concerned with childhood, in order to ensure the conformity of Jordanian legislation with the standards set out in the Convention on the Rights of the Child. Among these amendments is the amendment made to the Personal Status Law No. (82) of 2001, whereby the age of marriage was amended to (18) years for both spouses. These and other amendments will be addressed in the subsequent paragraphs of this section.

At the level of strategic planning, several national strategies and plans directly related to children's rights have been adopted, the most important of which are: the National Plan of Action for Children 2004–2013; the National Strategy for Early Childhood Development 2003–2007; the National Strategy for the Elimination of the Worst Forms of Child Labour 2003; the Strategy of the Ministry of Social Development 2004–2006; the Comprehensive National Strategy for Combating Poverty 2003; and the National Youth Strategy 2004. The National Plan of Action for Children 2004–2013 sets out an integrated programme of action for childhood based on: Jordan's commitments under international instruments, the national strategies and plans relating to childhood, and the Millennium Development Goals. It also aims to build on the gains achieved by Jordan in the field of childhood.

Third: General Principles for Ensuring the Protection of Children's Rights

1. Non-Discrimination

Article (6/1) of the Constitution provides that (Jordanians shall be equal before the law; there shall be no discrimination between them as regards their rights and duties on grounds of race, language or religion). The National Charter of (1991) likewise affirmed this principle, providing that (Jordanians, men and women, are equal before the law…). Most Jordanian laws affirm the

principle of non-discrimination between children on the basis of race, colour, sex, language or religion, including the Education Law No. (3) of 1994.

- Jordanian legislation contains no specific provisions from which it may be inferred that children born out of wedlock do not enjoy the same rights as those enjoyed by children born of lawful marriage. Although children born out of wedlock enjoy certain rights, such as those relating to education, health and nationality, they are deprived of other rights such as lineage, inheritance and maintenance.
- Among the matters that should be highlighted here is the deprivation of the children of a Jordanian woman married to a non-Jordanian of nationality under the Jordanian Nationality Law No. (6) of 1954, as amended, which is considered a breach of the principles of equality set out in the Jordanian Constitution. The official bodies insist that the issue of nationality is subject to the political circumstances in the region and is not intended as any discrimination against children. There are currently no accurate statistics on the number of Jordanian women married to men who do not hold Jordanian nationality. However, Ministry of Interior sources have stated that amending the Nationality Law in this respect would concern approximately half a million persons constituting the families of Jordanian women married to non-Jordanians. During 2003 and 2004, the National Centre for Human Rights received more than forty (40) individual appeals from Jordanian women citizens to grant their children or husbands Jordanian nationality or the right of residence, work and education in Jordan. Furthermore, the information available from the Jordanian Women's Union on problems related to children's nationality indicates that the Union dealt with (66) cases of families of Jordanian women citizens married to non-Jordanians between 1998 and 2003, the total number of their children being (266).

The Centre had also received dozens of appeals from Jordanian women citizens in the Ruwaished shelter camp, requesting the Centre's assistance in granting approximately (290) persons Jordanian nationality or permitting them to enter and reside in the Kingdom. During August 2003, the Centre studied the situation of (70) families of a Jordanian mother and a non-Jordanian father in the said camp and, as a result, approximately (400) persons in this category were able to enter and reside in the Kingdom. The nationality of the children of Jordanian women continues to pose a real challenge to national efforts in the fields of eliminating all forms of discrimination against women and protecting the rights of the child.

2. The Best Interests of the Child

The principle of the best interests of the child is reflected in various pieces of Jordanian legislation, including the Jordanian Juveniles Law No. (24) of 1968 and its amendments of 1983 and 2002, which provides safeguards for juveniles aimed at protecting them before and during trial proceedings and upon the enforcement of the penalty, in addition to amending the description "vagrant child" to "child in need of care and protection".

As for the Draft Child Rights Law, Article 3/c, concerning general provisions, provides for safeguarding the best interests of the child. The same draft also provides for giving priority to the best interests of the child when taking any measure relating to the child (Article 6) and when taking any measure against either of the child's parents (Article 9/b).

As for the Education Law No. (3) of 1994, it affirms that the basic (compulsory) education stage extends to the age of sixteen, in pursuit of the best interests of the child, and affirms that a male or female student may not be expelled from school for any reason before reaching the age of sixteen.

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

Jordanian legislation affirms the child's right to life, and there are explicit provisions protecting this right in various laws. For example, the Jordanian Penal Code No. (16) of 1960 provides for the protection of the child from physical violence in Articles (333) to (338), and the crimes of homicide, Articles (326 to 329), also fall within physical violence. The Jordanian Penal Code further provides for the protection of the child from sexual assault or exploitation and for the protection of the child from attacks on his or her liberty.

The right to development is clearly reflected in the Jordanian National Plan of Action for Children (2004–2013), an entire pillar of which focuses on the development of the child and of his or her abilities, emphasising the need to "give effect to the right of every boy and girl to a sound and safe early childhood full of recreation, play and activities consistent with their developmental capacities; to obtain distinguished education, including pre-school, basic and secondary education, with the introduction of technology and the concepts of self-learning and lifelong continuous learning; to develop the educational system in line with the needs of the knowledge-based economy; to increase their knowledge of their positive cultural heritage; to equip them with skills, knowledge and the ability to take decisions and communicate with others; to develop their energies and creative potential; and to enable them to exercise their right to expression and effective participation".

Jordan is one of the first countries in the region to adopt a national strategy and plan of action for early childhood development. Studies indicate that the proportion of children enrolled in pre-school education programmes (kindergartens for the 4–6 age group) rose from 23% in 1990 to 33% in 2004. The proportion of children enrolled in public-sector kindergartens is 5%, while it is 77% in the private sector and 18% in the voluntary non-governmental sector (Jordanian National Plan of Action for Children 2004–2013).

The Ministry of Education supervises the licensing and establishment of private kindergartens and establishes public kindergartens in light of the resources available to it. In the year 1999/2000, fifteen kindergarten classrooms were introduced, and the number rose to (203) kindergarten classrooms in the academic year 2003/2004. The number of private kindergartens in the academic year 2003/2004 reached (1205) kindergartens in all governorates of the Kingdom. The Ministry of Education, in cooperation with the National Council for Family Affairs, has worked on preparing a national kindergarten curriculum, developing standards for the establishment and licensing of kindergartens, and training staff in the Ministry of Education's kindergartens on the national curriculum and on the principles of early childhood education.

- The National Plan for Early Childhood (2003–2007) indicates that there are numerous challenges in the field of pre-school education: the quality of the programmes provided is not at the required level, and most private kindergartens do not comply with the conditions for establishment and licensing owing to weak monitoring mechanisms. In addition, most

kindergarten teachers do not hold university degrees or are not specialised in child education, and they do not receive integrated "in-service" training on early childhood education and teaching.

- As regards children with disabilities, (300) resource rooms for learning difficulties have been introduced in various parts of the Kingdom, and the professional competence of those working with children in this category has been enhanced. However, these achievements do not represent the level to which governmental and non-governmental institutions aspire in adopting and implementing the concept of the inclusive school that integrates children with disabilities from the first years of schooling, developing teacher preparation and training programmes to suit the needs of children with disabilities, and activating the role of parents in programmes designed for this category of children.

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

The Jordanian Constitution guarantees freedom of opinion and expression to Jordanians without discrimination within the limits of the law, and Article (3/d) of the Draft Child Rights Law provides for the child's freedom to express his or her opinion and the child's right to participate in all matters affecting him or her. Although there are no explicit provisions in the laws in force granting the child the right to take his or her own decisions or to express his or her views, there is an increase in school and media programmes that give children the opportunity to participate and express their views. There is also a trend among civil society institutions to promote children's participation in development programmes.

It is noteworthy that the National Youth Strategy of 2004 devoted a separate pillar to participation. As regards the assessment of the nature of the participation of children and adolescents in social and political life,

The study "Jordanian Youth: Their Lives and Views 2003", prepared by UNICEF, indicated **that participation rates in youth sporting, social and cultural activities are below 10%, and that the proportion of young people in the 20–24 age group who belong to a political party does not exceed 1%**. The Ministry of Culture and the Greater Amman Municipality, together with numerous governmental and non-governmental bodies, work to provide cultural and recreational programmes, libraries, clubs, centres and parks for children. **However, there is a consensus that the cultural and recreational programmes that develop children's abilities are insufficient.**

Fourth: Children in Special Circumstances

1. Children with Disabilities

A gap still exists in determining the percentage of children with disabilities in Jordan, with estimated rates ranging between 2% and 10%. As regards centres serving persons with disabilities in Jordan, there are (105) centres specialised in serving children out of a total of (131) centres in Jordan.

As regards the legislative aspect, Jordan enacted the Law on the Welfare of Disabled Persons in 1993 and established a National Register of Persons with Disabilities in 1996. Jordan also

participates in the meetings of the committee mandated to draft the comprehensive international convention on the protection and welfare of persons with disabilities.

* **In light of this legislative and service environment, there remains a need to activate the Law on the Welfare of Disabled Persons No. (12) of 1993 and to raise public awareness of its provisions and rules. There is also a need to increase the number of centres providing free diagnosis of disabilities so that the services cover all geographical areas of the Kingdom.**

2. Juveniles

The National Study on Disadvantaged Children in Jordan, prepared by the National Council for Family Affairs, indicates that approximately thirty thousand (30,000) children were subject to legal accountability over a period of three years (1999–2001), according to the statistics of the Ministry of Social Development, the ages of the detained children ranging between 15 and 18 years. The same study indicates that 11% of the crimes committed are committed by juveniles, and that the Ministry of Social Development holds (800) children annually (Jordanian National Plan of Action for Children 2004–2013). Sources at the Ministry of Social Development state that the majority of misdemeanours committed by children are theft or assault, that males constitute 96% of those arrested, and that 56% of children in conflict with the law are enrolled in school. The Ministry of Social Development provides services to children in conflict with the law through seven correction centres (Jordanian National Plan of Action for Children 2004–2013). **It is worth noting that the age of criminal responsibility in Jordan is seven years; however, there is a proposed amendment to the Juveniles Law to raise the age of criminal responsibility to (10) years (and we believe that this amendment is necessary).**

According to the study "Evaluation of Child Care Institutions and Juvenile Education and Rehabilitation Centres in Jordan", prepared by UNICEF, the conditions of care institutions vary from one institution to another. The institutions meet most of the children's basic needs for food and clothing, **but they lack purposeful educational and social programmes and individual care plans for children, and they fail to meet the children's psychological, social, recreational and educational needs. There is a clear need to improve the performance of personnel working in the field of counselling, and to develop programmes for the rehabilitation and reintegration of children into their communities** (Jordanian National Plan of Action for Children 2004–2013).

In a study conducted in 2001 by the Anti-Narcotics Department on (122) juveniles in the juvenile correction and rehabilitation centres affiliated with the Social Defence Directorate of the Ministry of Social Development, it was found that 52% of the total sample had previous experience of abusing volatile substances and adhesives.

Notwithstanding the development of the treatment services provided to drug users, the services provided to children in this field still fall short of meeting national needs. Among the national achievements in this field is the enactment of the Juvenile Behaviour Monitoring Law to protect juveniles from the danger of intoxicants and narcotic substances; however, the monitoring and enforcement mechanisms are ineffective.

Children Exposed to Abuse

With regard to child victims of abuse, the number of cases reported to the Family Protection Department reached (1312) cases since the Department's establishment in 1997. In general, however, there are no clear and accurate statistics on the scale of the problem of abuse cases. The official figures reflect the number of cases or children identified through governmental or non-governmental protection mechanisms, but these figures are not indicative of the true scale of the problem.

Five new sections have been established in the Family Protection Department to serve children in the various governorates. A methodology for hearing children's testimony and statements using video recording has also been introduced, with the aim of alleviating children's suffering and providing them with the best integrated service.

* **As regards the legislative aspect,** there is a body of legislation and laws aimed at protecting children from ill-treatment, neglect and sexual exploitation, including (Articles 287, 285–292, 293/2, 294/2, 295–298, 279/2, 302, 304–306, 310, 314, 328/2, 330–336 and 389) of Penal Code No. 16 of 1960. **It should, however, be noted that these articles are deficient, in that they do not address emotional or psychological abuse through an explicit and direct provision.** Furthermore, Article 62/a of the same Law, which permits "forms of discipline inflicted on children by their parents in the manner permitted by general custom", requires amendment, since this provision may be interpreted contrary to the best interests of the child owing to the ambiguity attached to the concept of "general custom".

4. Street Children and School Drop-out

A study by the Department of Statistics and UNICEF indicates that 5.5% of children in the 10–14 age group were working in 2003. In a study conducted in 2004 by the Department of Statistics, **it was found that the main reason for children dropping out of school relates to economic factors, in addition to academic failure and the cost of education, particularly where there is a large number of children in the family.** Although the school drop-out rate is considered low in Jordan (0.8%), the National Study on Disadvantaged Children indicates that approximately (85,000) children under the age of sixteen dropped out of school over a period of ten years (1990–1999), calculated by the method of accumulating annual drop-out rates (Jordanian National Plan of Action for Children 2004–2013).

* **There are no accredited scientific studies on the scale of the problem of street children;** however, the records of the Ministry of Social Development for 1999 indicate that there were approximately (636) children working in the streets, 15% of whom were under the age of nine. The number of juvenile beggars reached 626 in 2002, of whom (134) were female. These figures reflect the negative impact of the prevailing difficult economic conditions on the ability of families to cope and maintain an adequate standard of living. The Juveniles Law has been amended to reflect the new view of this category of children as children in need of protection rather than as delinquent children.

In commitment to the principles of International Labour Convention No. (182) of 1999 concerning the Elimination of the Worst Forms of Child Labour, the Government **established a Child Labour Unit at the Ministry of Labour at the beginning of 2001**, in cooperation with the

International Programme on the Elimination of Child Labour (IPEC) of the International Labour Organisation. This Unit is tasked with studying the problem of child labour from its economic, social, educational and health aspects.

In February 2003, the Ministry of Labour also issued a National Strategy for the Elimination of the Worst Forms of Child Labour. The Strategy focuses on the principles laid down in the International Labour Organisation Convention, the most important of which are the following:

1. Preventing the engagement of children in the worst forms of child labour.

2. Providing the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration.

3. Ensuring that all children removed from the worst forms of child labour have access to free basic education and, wherever possible and appropriate, to vocational training.

4. Identifying children who are at special risk and establishing direct contact with them.

5. Taking into account the special situation of girls.

Child Victims of Road Accidents

The traffic accident statistics issued by the Traffic Institute for 2003 show that the highest pedestrian fatality rates were among children under (5) years of age, amounting to approximately (20.4%) of total fatalities in 2003. The number of children injured in road accidents also continues to constitute a considerable proportion, amounting to 23.7% of the total number of injuries in 2003.

4. Annex on Complaints Received by the Centre

Annex (1)

Statement of Complaints Received by the Centre from (1/6/2003 – 31/12/2004), Distributed by Nature of the Right and Subject of the Violation

Right Subject of the Complaint	Nature of the Violation	Number of Complaints	Closed with a Satisfactory Outcome	Closed without Reaching an Outcome	Under Follow-up
Right to recognition as a person before the law	Withdrawal and cancellation of nationality records and documents of proof of nationality, and refusal to issue identity documents	65	5	20	40
Right to freedom of movement and residence	Preventing Jordanian citizens from returning to the Kingdom, and deportation of foreigners	25	4	18	3
Right to physical integrity	Subjection to torture and cruel, inhuman and degrading treatment	53	10	25	18
Right to life	Deprivation of life as a result of: torture and cruel treatment and punishment, medical errors, excessive use of force and errors in law enforcement	7	3	2	2
Right to participate in the conduct of public affairs	Voting and candidacy	1	—	1	—
Right to form and join associations	Prohibition, dissolution, and restrictions on registration and membership	4	2	2	—
Right to organise in trade unions and trade union freedoms	Trade union membership	3	1	2	—
Right to freedom of opinion and expression		4	2	2	—
Right to freedom of religion and belief		2	1	1	—
Right to liberty	Deprivation of liberty, administrative detention, arbitrary arrest, prolongation of detention, and house arrest	43	13	22	8

Right Subject of the Complaint	Nature of the Violation	Number of Complaints	Closed with a Satisfactory Outcome	Closed without Reaching an Outcome	Under Follow-up
Right to the protection of property	Confiscation and destruction of property and prevention of its disposal	6	1	1	4
Right to protection from arbitrary interference with privacy	Raids, arrest and search	4	3	1	—
Right to health	Inability to obtain medical treatment	12	6	5	1
Right to education		11	2	8	1
Right to equality and non-discrimination	Breach of the principle of equality before the law and the courts, and discrimination on various grounds	16	7	5	4
Right to housing		2	—	2	—
Right to an adequate and appropriate standard of living	Complainants not covered by the assistance of the National Aid Fund	7	3	3	1
Right to work	Equality in conditions of work and fair wages	33	7	14	10
Right to social security		20	6	8	6
Right to litigation	Refusal to enforce judicial rulings	2	1	1	—
Right to a fair trial	Delay in conducting trials	4	2	1	1
Requirements of justice and equity	Violation of the provisions of laws and regulations and error in their application	12	5	4	3
Right to compensation for violations		4	—	3	1
Rights of the child		7	2	4	1
Right to asylum	Violations related to the work of the United Nations High Commissioner for Refugees	4	2	1	1
Right to a healthy environment		1	1	—	—
Outside the Centre's mandate		10	—	—	—
Total		**362**	**89**	**158**	**105**

* Number of complaints received involving more than one violation: (16)

Annex (2)

Distribution of Reports and Complaints Received by the Centre among the Concerned Bodies

Body	Number of Reports (to the nearest ten)	Number of Complaints	Number of Communications	Number of Follow-up Visits (to the nearest ten)	Number of Requests	Responses to Requests: Response Rate	Responses to Requests: Resolution Rate
Prime Ministry	30	4	9	20	9	66%	77%
Ministry of Social Development	210	9	18	60	30	8%	25%
Ministry of Justice	70	——	3	40	3	35%	—
Ministry of Interior	870	88	85	180	85	20%	8%
Ministry of Foreign Affairs	20	2	7	10	7	85%	0% (detainees and prisoners)
Ministry of Labour	20	2	3	10	3	35%	—
Ministry of Culture	10	1	2	10	2	50%	50%
Ministry of Finance	20	5	3	10	3	35%	35%
Ministry of Health	80	13	17	40	17	65%	55%
Ministry of Industry	10	1	1	10	1	0%	0%
Ministry of Higher Education	40	6	10	20	10	50%	10%
Ministry of Education	110	12	12	20	12	30%	15%
Ministry of Public Works and Housing	10	2	2	10	2	0%	0%
Ministry of Municipal and Rural Affairs	20	2	2	10	2	0%	0%
General Command of the Armed Forces	10	8	5	10	5	40%	10%
Public Security Directorate	1020	49	82	320	115	35%	18%
General Intelligence Directorate	240	53	41	80	57	62%	45%
Judiciary	270	17	11	30	4	30%	45%
Independent Public Departments	110	12	14	30	14	57%	35%
Private Educational Institutions	20	3	6	10	6	50%	50%

Body	Number of Reports (to the nearest ten)	Number of Complaints	Number of Communications	Number of Follow-up Visits (to the nearest ten)	Number of Requests	Responses to Requests: Response Rate	Responses to Requests: Resolution Rate
Professional Associations and Labour Unions	110	6	7	40	7	—	—
International Organisations	80	7	8	50	25	70%	40%
Diplomatic Missions	10	10	3	20	3	66%	33%
Associations and Organisations	10	2	5	10	3	60%	20%
Municipalities and the Greater Amman Municipality	50	5	4	10	4	50%	25%
Public Universities	50	13	13	10	13	45%	20%
Non-Jordanian Authorities	40	8	4	20	6	34%	51%
Companies	10	8	2	20	4	25%	25%
Individuals	30	14	1	40	14	7%	49%
Total	**3580**	**362**	**380**	**1150**	**466**	**38.27%**	**25.30%**

5. Recommendations

Report on the State of Human Rights in the Kingdom during the Period from 1/6/2003 to 31/12/2004

In light of the foregoing review of the state of human rights in the Kingdom during the period covered by this Report, and for the purposes of protecting and promoting the state of human rights in the Kingdom, the National Centre for Human Rights recommends that all official authorities adopt the following proposals and recommendations:

First: In the Field of the Full Adoption of International Human Rights Standards at the National Level, the Centre Recommends the Following:

a. Expediting the submission of the international human rights conventions ratified by Jordan to Parliament (the National Assembly) for approval and enforcement at the national level. The most important of these conventions are listed below:

1. The International Convention on the Elimination of All Forms of Racial Discrimination of 1965.

2. The International Covenant on Civil and Political Rights of 1966, to which the Kingdom acceded in 1975.

3. The International Covenant on Economic, Social and Cultural Rights of 1966, to which the Kingdom acceded in 1975.

4. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) of 1979, to which the Kingdom acceded in the same year.

5. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984.

6. The Convention on the Rights of the Child of 1989, to which the Kingdom acceded in 1990.

7. The Convention on the Reduction of Statelessness, to which the Kingdom acceded in 1961.

8. The Convention on the Political Rights of Women of 1949, to which the Kingdom acceded in 1992.

9. The Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages of 1962, to which the Kingdom acceded in 1992.

b. The necessity of the Kingdom’s accession to the following human rights conventions:

1. International Labour Organisation Convention No. (151) of 1978, entitled the “Labour Relations (Public Service) Convention”.

2. International Labour Organisation Convention No. (87) of 1948, entitled the “Freedom of Association and Protection of the Right to Organise Convention”.

3. The Convention relating to the Status of Refugees of 1951.

4. The Protocol relating to the Status of Refugees of 1966.

5. The Optional Protocol to the Convention against Torture.

6. The Optional Protocol to the International Covenant on Civil and Political Rights, concerning recognition of the competence of the Human Rights Committee to receive individual complaints regarding violations of the rights set forth in the said Covenant.

7. The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography of 2000.

8. Ratification by Jordan of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.

Second: In the Field of Legislation:

a. The National Centre for Human Rights commends the Kingdom's ratification of the Rome Statute of the International Criminal Court and its enactment as a provisional law published in the Official Gazette on 16/4/2002. The Centre recommends the completion of the constitutional procedures for its enactment as a permanent law by Parliament. At the same time, the National Centre for Human Rights draws attention to the danger of concluding bilateral agreements that diminish the value and importance of the Kingdom's commitment to the Rome Statute or empty it of its substance.

b. The Centre recommends the review and amendment of the following legislation:

1. **The Nationality Law:** in a manner that ensures the clarity and stability of the nationality status of all citizens within the following dimensions:

a. Harmonising the provisions of the law with the international standards relating to the right of every person to recognition as a person before the law, within the meaning of Article (16) of the International Covenant on Civil and Political Rights.

b. Removing the conflict and overlap between the Constitution and the laws in force, on the one hand, and the Instructions on Legal and Administrative Disengagement from the West Bank, on the other.

c. Granting Jordanian women a right equal to that of men with regard to the nationality of their children, this being a broad and pressing national demand concerning the right of the children of Jordanian women to acquire their mother's nationality.

d. Ensuring the reduction and elimination of cases of statelessness that have arisen as a result of harsh or unjust legislative and administrative measures.

2. **The Law on the Independence of the Judiciary:**

- So that the Judicial Council alone becomes responsible for the affairs of the judiciary, while the Ministry of Justice undertakes the task of coordination between the Government and the judicial authority, as well as the administrative affairs relating to staff and the administrative services supporting the work of the judiciary.

- Ensuring the financial independence of the judicial authority by making the judiciary's budget independent of the budget of the Ministry of Justice, such that it is allocated within the general budget of the State and the Judicial Council supervises the channels of its expenditure.
- Activating the role of the Public Prosecution as part of the judicial authority, in a manner that strikes a balance between the security and safety of society, on the one hand, and the preservation of human dignity and the protection of human rights, on the other.

3. **The State Security Court Law:** What is fundamentally required is the abolition of the State Security Court and its Public Prosecution and the return of its jurisdiction to the regular courts. Pending this, the law must be amended in a manner that ensures the removal of its military character, the curtailment of its jurisdiction, and the subjection of the judgments it issues (in misdemeanours and felonies) to all methods and stages of appeal against criminal judgments.

4. **The Personal Status Law:**

a. The National Centre for Human Rights recommends the enactment of a comprehensive and integrated personal status law which, in addition to the subjects it currently addresses, shall include **the provisions on guardianship, custodianship (wisaya) and wills, and capacity**, **the provisions on estates and inheritance**, and all matters relating to personal status for Muslims, in a manner that achieves greater justice, as follows:

1. Granting the Sharia judge broader powers in **the assessment of maintenance** of all kinds, in a manner that achieves justice for children, the father and the mother, and for every person entitled to maintenance among ascendants, descendants and collateral relatives; removing the injustice suffered by the custodian, whether the mother or another person; granting the judge the power to assess the custody fee, housing and the costs of transporting the child in custody to the place of visitation; and treating the judgment therein as effective from the date of the claim, like other maintenance claims, **provided that this power is subject, on the merits, to the oversight of the Sharia Court of Appeal**.

2. Addressing **the subject of visitation** in a manner that guarantees the father's right to care for and follow up on the affairs of his young children.

3. Adopting Sharia controls to limit the pronouncement of divorce, and applying **the family offices system** in the Sharia courts to reduce the occurrence of divorce registrations and to settle disputes amicably without resorting to litigation procedures.

4. Adopting the concept of **divorce compensation (mut'at al-talaq) instead of compensation for arbitrary divorce**, in a manner that ensures compensation for every divorced woman from the outset, regardless of the grounds for the divorce. This would help preserve the privacy of the family and keep its affairs out of court files, while at the same time serving as one of the controls limiting the pronouncement of divorce.

b. Establishing **a Sharia Court of Cassation** to unify legal principles and put an end to the inconsistency in the judgments issued by the various panels of the Sharia Courts of Appeal, thereby affirming the right to a fair trial and contributing to the stability of Sharia judgments in the courts.

c. **Establishing a Maintenance Fund** to address the particular cases that arise when a woman obtains a maintenance judgment that cannot be enforced for any reason, so that the woman may obtain the amount of maintenance from the Fund, and the Fund shall in turn have recourse against the person against whom the maintenance judgment was rendered, collecting the amount in the manner in which State funds are collected, while taking into account the need to impose a criminal penalty on any person proven to have used deception to benefit from the Fund's monies without need, such as collusion between the two parties. The Fund shall be financed from the State Treasury, and we recommend the imposition of additional fees on every divorce registration in the Sharia courts, to accrue to the State Treasury and form part of the financing of the Fund.

5. **The Public Gatherings Law:** in a manner that guarantees the right to peaceful assembly without any restriction or condition, such as obtaining the prior approval of the administrative governor.

6. **The Law on Societies and Social Bodies:** in a manner that ensures:

- Unifying the authority responsible for registration (publication/licensing) by establishing a "National Registry of Societies and Non-Governmental Organisations" as an independent body.
- Abolishing prior approval of registration and making do with the filing of the application for registration.
- Creating non-judicial mechanisms for complaints and for settling disputes between societies, between societies and their members or individuals from outside them, and between them and the Government, provided for by the law and forming part of the mechanism of the National Registry of Societies.
- Encouraging societies to expand their work and providing them with financial support commensurate with the size and nature of their activities, the number of their members and the type of their objectives.
- Giving them a role in the national plans and executive measures relating to their objectives.
- Facilitating their participation in, and representation of Jordan at, international activities and forums.

7. **The Law on the Election of the House of Representatives:** conducting a comprehensive review of the Law on the Election of the House of Representatives and of the Regulations and Instructions issued pursuant thereto, in a manner that ensures the protection of the right to freely vote and stand for election without any discrimination among citizens, such review to include the following:

- Reconsidering the system for the distribution of electoral districts, in a manner that ensures justice and equality in the ratio of the number of deputies to the number of voters in all electoral districts as far as possible.
- Judicial supervision of all stages of the electoral process, such that the Higher Elections Committee is constituted as an independent judicial body, in order to enhance the integrity of elections.

- Commitment to the principle of the periodicity of parliamentary elections and holding them on their prescribed constitutional date.
- The necessity of adopting a unified definition of political crime in Jordanian laws, including the Election Law.
- Reviewing the principle of allocating parliamentary seats to religious and ethnic groups, as well as those allocated to the Bedouin and on a gender basis, in a manner that achieves the unity of the social fabric and reinforces the concept of citizenship; and regarding the Constitution, and not the Election Law, as the authority for deciding this matter.

8. **The Political Parties Law:**

- The constitutional right to form and join political parties is a fundamental right that is indispensable for the exercise of other civil and political human rights. No law on political parties, however modern and contemporary it may be described, may infringe the remaining rights, foremost among them the right to participate in public affairs of the State, the right to peaceful assembly and freedom of opinion and expression. In light of these considerations, the National Centre for Human Rights recommends that the Election Law be reviewed in conjunction with the other relevant laws.
- The right to form and join political parties, within the meaning intended by the Constitution, is a right of every citizen/individual, matched by a clear obligation on the State to protect this right and to remove all obstacles and restrictions that prevent its enjoyment. Meanwhile, both the current law and the proposed draft are steeped in imposing restrictions on the freedom of this right under the pretext of regulating the manner of its exercise; **what is required is to free the forthcoming Political Parties Law from all the formal, substantive and procedural conditions (direct and implicit) contained in the draft law, which prevent the exercise of this right.**
- The forms of financial support proposed by the draft new Political Parties Law are more akin to prizes or incentives offered by an employer to those who accomplish the required work. While emphasising that political parties are national institutions and part of the civilisational structure of the State, **what is required is to deal with them on this basis and to establish a system of financial support for them that reflects the standing of political parties within the structure of civil society and their role in building the State and developing society, and that makes their budgets a clear part of the State's development expenditure.**
- Part of the stated grounds for amending the law rests on the importance of raising the rate of political participation among citizens. The National Plan of Action for Political Development, adopted by the Government and put forward for public discussion among citizens and political groups, emphasised the importance of raising the rate of political participation through strengthening the role of the party and its ability to attract citizens to such participation, signalling the emergence of a national consensus on this matter. **What is required here is to set a national benchmark for the rate of political participation that the Political Parties Law is required to achieve.** This is a matter which, even if not included in the draft, should be specified in its stated grounds, against which the success

or failure of the law in attaining the desired objective, and its future need for amendment, would be measured.

9. **The Environmental Protection Law:** such that the law includes provisions guaranteeing the citizens' right to a healthy environment; providing for the "preference principle" in favour of projects that are environmentally friendly or least harmful to the environment; guaranteeing the right to access and obtain information relating to the environment; and defining environmental crimes and their penalties in the same law.

10. **The Government Claims Law:** amending the Government Claims Law in a manner that achieves equality between the State, as a legal person of public law, and its adversaries, by abolishing the provisions that specify the types of cases that may be brought against the Government; including in this law clear provisions guaranteeing the right to claim compensation from the State for damage arising from negligence, default or infringement of the human rights guaranteed by the Constitution, the laws in force and the relevant international human rights conventions; and abolishing the provisions requiring any person who files a claim to prevent the Government from claiming funds from him to furnish a guarantee.

11. **The Correction and Rehabilitation Centres Law:** in a manner that ensures:

- Full compliance with the Standard Minimum Rules for the Treatment of Prisoners.
- Precise definition of the responsibilities of all official bodies and persons charged with the protection and care of prisoners.
- The independence of the administration of Correction and Rehabilitation Centres from police work, in a manner that ensures the stability of their administrations and that they receive the training and qualification necessary for the care, protection, rehabilitation and reintegration of prisoners into their society.
- The necessity of including in the law provisions criminalising all acts of torture and inhuman treatment that may be committed by law enforcement officials.

12. **The Juveniles Law:** in a manner that enables the juvenile judiciary to:

- Prosecute adults in cases of neglect and default in the care of a child and of responsibility for the child's delinquency.
- Expand recourse to alternatives to custodial penalties for children.

13. **The High Court of Justice Law:** in a manner that ensures that administrative appeals are heard at two levels of jurisdiction, in the interests of justice.

14. **The Crime Prevention Law:** by repealing the said law, or amending it in a manner that ensures a reduction in the extensive use by administrative governors of the power of detention, and the accompanying cases of deprivation of liberty in the form of detention and the imposition of compulsory residence.

15. **The Municipalities Law:** so that citizens exercise their right to elect all members and presidents of municipal councils; and reviewing the conditions and provisions governing the

merger of municipalities and greater municipalities in a manner that achieves the purpose of local governance and administrative decentralisation and the control of expenditure.

16. **The Law on the Protection of State Secrets and Documents:** in a manner that permits freedom of access to and circulation of information and enhances media freedoms.

17. **The Criminal Procedure Code:** in a manner that guarantees the right to compensation for every person proven to have been arbitrarily detained, or tried and acquitted by a final judicial judgment.

Second: The Necessity of Drafting and Enacting the Following Legislation:

1. The Child Rights Law, which has been referred to the House of Representatives since the Second Extraordinary Session of 2004.

2. The Law on Freedom of Access to Information, referred by the Higher Media Council to the Prime Ministry since September 2004.

3. A law on liability for medical errors, as a first step towards the enactment of a law on liability for all professional errors.

4. The Constitutional Court Law.

In the Field of the Administration of Justice:

1. Reviewing the programmes for the preparation and training of judges, in a manner that ensures they are provided with knowledge relating to human rights principles and the international conventions governing these rights.

2. Activating the role of the judiciary in monitoring prisons and places of detention to ascertain the soundness of the procedures and measures taken therein, and taking legal action to address any breach of the provisions of the law and of the rights of prisoners provided for by the law and the international standards for the treatment of prisoners.

3. Adopting an effective system of accountability for serious professional errors and disciplinary misconduct by judges.

4. Reconsidering judicial legislation that provides for **the death penalty**, so as to reduce the number of crimes punishable by death and to restrict it to the crimes most serious to society.

5. The necessity of establishing the principle of the right to compensation, and of personal and service (institutional) liability therefor, in the following matters:

- Damage arising from acts of torture and other forms of inhuman treatment.
- Arbitrary arrest and unlawful detention.
- Serious judicial errors.
- Negligence and default in enabling citizens to enjoy their guaranteed rights.

6. **Reviewing the criminal justice system:** in a manner that ensures the development of the concept of punishment so as to include, in addition to personal sanction, compensation of society and the reform of offenders and their reintegration into society, by adopting the concept of **"community sanctions"** as a parallel alternative, in terms of punitive value, to custodial penalties, and by establishing genuine criteria to verify the reform of offenders and their ability to live in dignity in their society after undergoing the rehabilitation and guidance necessary to ensure their reform. This requires a broad legislative and judicial initiative along the following lines:

1. Amending criminal trial procedures in a manner that ensures the involvement of social and psychological expertise in determining the degree of criminal dangerousness and the type of penalty that may be imposed on the offender, such that the interests of society, the victim, the offender and their families are taken into account when determining the penalty to be imposed, by requiring that the judgment be based on **a pre-trial report** prepared on the basis of specific scientific criteria.

2. Amending the provisions specifying the types of penalties and the power of the court to impose them.

3. Reinforcing the concept of reform and rehabilitation by adopting **"conditional release"** for offenders who have proven to be reformed, which requires **the creation of the office of a sentence enforcement judge**.

4. Training and qualifying judges and all those concerned with the application and enforcement of criminal justice in the skills required for the new practices in the field of criminal justice.

5. Strengthening the system of legal aid and judicial assistance by establishing a special fund for this purpose, financed from the Treasury, to support access to the justice system for those in need, the indigent poor and the groups most exposed to violations, particularly women and children in conflict with the law.

Parliamentary Performance (Legislation and Oversight):

1. Training parliamentarians in the analysis of legislation and in aligning the purposes and formulations of legislation with human rights principles and concepts.

2. Approving the international conventions in the fields of human rights.

3. Establishing an institute for the preparation and training of parliamentarians.

4. Supporting the work of deputies, senators and parliamentary committees with full-time working teams comprising advisers, researchers and executive staff, to enable them to perform their role efficiently and effectively.

In the Field of Education:

1. The necessity of developing and implementing a national plan of action for human rights education and awareness-raising at the following levels:

- The level of compulsory, secondary and university education: in a manner that ensures the integration of human rights and democracy concepts and principles into all educational curricula at their various levels.
- All levels of preparation, training and qualification for teachers, public servants and professionals, and all persons charged with enforcing the provisions of the laws.
- The general public of citizens of all groups and ages.
- Eliminating all forms of discrimination between citizens in the level of educational services and in opportunities for admission to higher education, on fair competitive bases founded on ability and freedom of choice; and removing all restrictions and obstacles imposed on the children of non-Jordanian residents preventing them from benefiting from the formal education opportunities available to citizens.
- Reconsidering the establishment of a teachers' syndicate and opening the door for academics to establish their professional, scientific and social organisations.

Advancement of the Status of Women:

The Centre recommends supporting and facilitating the implementation of all national plans and strategies adopted by women's bodies and organisations in the Kingdom, and adopting the resolutions and recommendations of international conferences and committees regarding the national measures that should be taken to advance the situation of women and enable them to enjoy their guaranteed rights without any discrimination, including: equality in participation in public affairs and in appointment to the public offices of the State, and combating all manifestations of violence against women.

Government Performance:

The Centre recommends the following:

1. Adopting institutional and equitable criteria for appointment to public office that ensure equality and equal opportunities among all citizens, and adopting transparent, scientific and publicly announced bases for the selection of holders of senior leadership positions.

2. Adhering to the provisions of the Constitution with regard to the legislative role of the Government, and not exceeding its provisions in issuing provisional laws.

3. Supporting and respecting the right to trade union organisation and trade union and professional freedoms, and assisting syndicates to develop their situation, serve their members and advance the profession, instead of attempting to impose control over them.

4. Imposing strict oversight over conditions in work environments.

5. Reviewing security policies in a manner that ensures respect for human rights, and activating oversight of security measures in a manner that ensures the application of the law without arbitrariness, while preserving the dignity of citizens in all circumstances and conditions.