



Eighth Annual Report On the State of Human Rights in the Hashemite Kingdom of Jordan 2011

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Table of Contents

Board of Trustees of the National Centre for Human Rights	2
Eighth Annual Report on the State of Human Rights in the Hashemite Kingdom of Jordan: Annual Report Committee.....	3
General Supervision	3
General Editor of the Report	3
Editorial Committee	3
Drafting Team.....	3
Preface	7
Civil and Political Rights	12
The Right to Life, Liberty and Security of Person	12
The Right to a Fair Trial	29
The Right to Hold Public Office.....	33
The Right to Nationality, Residence and Asylum	37
The Right to Vote and to Stand for Election	41
The Right to Freedom of Opinion, Expression, the Press and the Media	49
The Right to Assembly	57
The Right to Establish and Join Political Parties.....	61
The Right to Form and Join Trade Unions	63
The Right to Form and Join Associations	68
Economic, Social and Cultural Rights.....	72
The Right to Development	72
The Right to an Adequate Standard of Living.....	75
The Right to Work.....	82
The Right to Education.....	88
The Right to Health	91
The Right to a Healthy Environment.....	104
Cultural Rights.....	111
Rights of Groups Most Vulnerable to Violations	117
Women's Rights.....	117
The Rights of the Child	121
The Rights of Persons with Disabilities	125
The Rights of Older Persons.....	130
Complaints and Requests for Assistance Received by the Centre during 2011	135
Assessment of Jordan's Fulfilment of its Obligations under International Human Rights Instruments.....	147

Annexes	165
Annex No. (1): Fact-Finding Report on the Events at the Interior Ministry Roundabout / Amman, 24–25 March 2011	165
Annex No. (2): Fact-Finding Report on the Events of Al-Nakheel Square, 15/7/2011	181
Annex No. (3): Press Statements Issued by the Centre during 2011.....	192

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

Preface

The National Centre for Human Rights issues this, its Eighth Annual Report on the State of Human Rights in the Hashemite Kingdom of Jordan, setting out the changes and developments that have occurred in the state of human rights across all relevant fields and spheres, including what is contained in legislation and laws and the policies and decisions adopted that have an impact on the reality of human rights, whatever that impact may be; and what the Centre has gathered from the totality of its observations and studies, the tours of its Commissioners and the field visits of its staff, in order to ascertain the extent of these changes and developments and the degree to which they respond to, or approach, internationally and nationally recognised standards; what obstacles, impediments or intractable difficulties are inconsistent with the functions entrusted to the Centre under its Law and the duties it is expected to discharge; and the extent of the progress and achievement the Centre has made in performing its mission and in its dealings with the relevant State institutions, as well as with the facts and with the groups whose rights it is tasked with safeguarding, principally civil society organisations. It goes without saying that we should point out in this regard that the year 2011, by virtue of its events, constituted a significant landmark in current and future trends in the field of human rights protection, and that it opens broad horizons for an eventful and different future and for new visions that these developments will reinforce.

This will necessarily be reflected in the working mechanisms and strategies of human rights institutions, since the movement of peoples and the outcomes of the Arab Spring, although not yet fully determined, will necessarily entail radical and perhaps sweeping changes in the matter of human rights protection movements, such that primary consideration will be given to the demands to which the forces of the Spring movement adhere, particularly in the Arab world, and to the rapid developments in the proclamation of vehement demands by the Arab peoples, which may go beyond the classical classifications in the fields of human rights and take on new features, breaking away from the moulds and standards of the rights of the previous millennium, which centred on demands for improving the quality of life and calls for the right to exercise freedoms, beginning with freedom of expression and assembly, and extending to the various types of demands for the right of peoples to life, physical integrity, liberty and security of person, the right to the administration of justice, residence, asylum and nationality, the right to development and to an adequate standard of living, the right to a healthy environment, the right to work and to education, economic, social, cultural and health rights, the right to the administration of justice and the preservation of human dignity, all other civil and political rights, and other rights that occupy varying positions on the scale of priorities.

There is no doubt that this is not the place to delve into the details of what we have alluded to by way of discerning the features of the coming era and their effects on the body of concepts and standards governing the protection of human rights. What concerns us here is to state that the Kingdom was not immune to the winds of the Arab Spring; however, owing to the difference in its system of government and its approach from those of the other Arab States swept by the Arab Spring movement, and because its leadership grasped the nature of the new phase and responded to the overwhelming desire for change that swept the Arab world, and owing to its objective circumstances and the nature and make-up of the Jordanian people, it was able to

respond to the aspirations for change and development. It thus took the initiative of adopting its own project for reform and change, and set about adopting and implementing a very important set of changes and measures aimed at achieving broad reforms, on the initiative of the leadership itself, comprising a number of genuine changes that revealed a latent desire to carry them out.

The most important of these reform steps was His Majesty the King's initiative in announcing his wish to carry out constitutional amendments, which for the most part went beyond the general demands that had been calling for amendment. The King charged a Royal Committee with preparing them within a record time. These amendments covered more than one third of the articles of the Constitution, including the principal articles relating to the freedoms and rights enjoyed by citizens, among them amendments concerning fundamental rights and freedoms and citizenship rights, the separation of powers, the independence of the judiciary, the entrenchment of human rights principles, the strengthening of the parliamentary system, and meeting international standards of justice and of the protection of human rights of all kinds and categories. They also introduced important changes regarding the rule of law and litigation rights, the most important of which may be summarised as follows: a dedicated provision on the protection of motherhood, childhood, old age, young people and persons with disabilities from abuse and exploitation (Article 6); the criminalisation of any infringement of rights and freedoms (Article 7); the prohibition of torture in all its forms (Article 8); affirmation of the freedom of scientific research and literary creativity (Article 15); the strengthening of media freedoms by providing that the State shall guarantee freedom of the press (Article 15); and affirmation of the right of individuals to form trade unions (Article 16). The amendments also contributed to strengthening the right of individuals to a fair trial by providing for: the financial and administrative independence of the judiciary (Articles 27 and 98); affirmation of the public nature of trials (Article 101); the presumption of innocence (Article 101/4); the establishment of a two-tier administrative judiciary (Article 100); and the commitment to try civilians before courts all of whose judges are civilians (Article 101); as well as a dedicated chapter on the establishment of the Constitutional Court. The constitutional amendments further contributed to strengthening the principle of the separation of powers by reinforcing the role of the legislative authority, through providing for the establishment of an independent elections commission (Article 97) and entrusting the judiciary with deciding on the validity of the membership of members of the House of Representatives (Article 71). The cases in which elections could be postponed were also abolished (Article 73), and the article on the trial of ministers before the House of Representatives was likewise repealed, ministers now being referred to the ordinary judiciary (Articles 55 and 75). It should be noted that most of these amendments touched upon substantive matters relating to rights and freedoms and to the distribution and separation of powers, and adopted measures capable of preventing or eliminating the factors of tyranny and corruption, and toughened the penalties for violations of human rights and freedoms, in respect of political, cultural, economic and social rights.

It may be useful to explain the most important of these amendments, which were drafted and adopted by the legislative and executive authorities swiftly, without delay or procrastination, received His Majesty's assent and Royal Will before the end of 2011, and entered into force, without being conditioned upon their being the end of the road for any future amendments:

Perhaps the most important, effective, influential and comprehensive of the amendments in terms of the texts is the amendment to Article (128), the first paragraph of which prohibits the laws (whether ordinary or provisional) issued under this Constitution to regulate rights and freedoms from affecting or prejudicing the essence of these rights or their fundamentals. Before the amendment, laws contained provisions that prejudiced these rights and freedoms and their fundamentals, and this text had in the past been used as a pretext for circumventing the constitutional provisions guaranteeing the rights and freedoms of citizens and for claiming the legality of measures that prejudiced or violated these rights. This constitutional amendment to Article (128) has put a definitive end to any claim that the breach or violation of rights and freedoms is lawful so long as it is provided for by law, where the law does not expressly prohibit it. This is a very important step in entrenching the obligation to guarantee the rights and freedoms enshrined in the Constitution without prejudice to them, and it has closed the door definitively to any claim of this kind.

Whereas it is clear that the Royal Letter of Designation for carrying out the constitutional amendments affirmed that these amendments are neither final nor conclusive, and as His Majesty the King affirmed in several subsequent statements that what has taken place is not the end of the road, the National Centre hopes that consideration will be given to completing this process with the necessary amendments that would close the remaining gaps in other matters, most notably:

- Reforming and rectifying the tax system so that it conforms to the constitutional provisions, by adopting the principle of progressive taxation.
- Introducing amendments that would close loopholes and tighten procedures and measures relating to the protection of public funds and to holding accountable those who violate the rules for the protection of public funds, whatever the form of such violation; strengthening the guarantees that ensure the recovery of misappropriated funds transparently and clearly; and affirming that such funds are not covered by amnesty or prescription.
- Launching a national dialogue to settle the existing disagreement and debate over the mechanism for designating the Prime Minister, in order to reach a national consensus on the existing constitutional provision.
- Abolishing the State Security Court and its Public Prosecution and restoring its jurisdiction to the regular courts, in line with the important amendment introduced to Article 101 of the Constitution.
- Completing the alignment of the provisions on the prohibition of torture with international human rights standards, particularly the issues of prescription and compensation.
- Settling the disagreement over the application of the Disengagement Instructions by means of clear legal provisions.

Although the issuance of provisional laws has declined considerably, and a sufficient awareness has grown among the legislative authorities and citizens in general that the issuance of provisional laws constitutes a violation of constitutional rules where the conditions for their

issuance are not met, as was the case with most of the provisional laws issued previously, we cannot but note that there has been a delay in the issuance of important and central laws, such as the Municipalities Law, which took a long time to be adopted amid considerable confusion, as well as the Law on Elections to the House of Representatives, which has not yet been decided upon despite having been submitted a long time ago, and despite the fact that the national dialogue conducted on this law also took a long period of time, although there is a national consensus on the need to expedite its issuance in preparation for holding elections before 2012.

The Centre also observes that no decision has been taken on whether some of the laws relating to freedom of opinion and expression need to be changed, amended or re-regulated, and that the debate is still raging over whether or not they extend to electronic journalism, which is causing further confusion for those working in journalism and for citizens alike. The Centre further observes, at the level of economic, social and cultural rights, that the poor economic conditions of citizens have persisted, that pockets of poverty have widened, that unemployment rates remain high and are rising, and that the increase in the cost of living owing to the rise in food prices continues to affect large segments of society and is leading to greater deprivation in the areas of health, housing and education in favour of meeting other needs, which will leave very negative effects on the social fabric and among young people and will lead to an increase in societal violence in its various forms. Moreover, the worsening indebtedness and the budget deficit are continuing, which will have a direct negative effect on the livelihood of citizens and on stability.

As regards the Centre's institutional achievements, the Centre, by virtue of its national, regional and international credibility, succeeded in winning the confidence of the independent national human rights institutions of the world and in winning the chairmanship of their International Coordinating Committee as of early 2012. The Centre also made clear contributions to the discussion of draft laws and legislation and participated in national dialogues and in various workshops relating to rights and freedoms and judicial development. The year 2011 also witnessed the strengthening of fruitful and constructive cooperation between the Centre and the relevant official bodies, such as the various law enforcement institutions, as well as participation in delivering training courses and workshops in some of these institutions on matters relating to the practical aspects of human rights. At the same time, the Centre was keen to strengthen and develop its relations with most of the civil society organisations working in the fields of human rights and the public interest, and reached a number of alliances with them. The Centre likewise continued to retain the confidence of citizens, who have come to regard it as a centre for recourse, complaint and hope and for redressing violations. The Centre endeavours by all means to provide services to citizens who request them, to the extent permitted and made possible by the provisions of the laws governing its work, particularly complaints relating to violations of rights and freedoms, and is keen to follow up their cases and the complaints in which violations of rights are alleged. The tables published in this report show the number of complaints and requests for assistance that the Centre received and dealt with in all its activities.

The growing number of citizens approaching the Centre to submit their grievances, and the increase in the number of those who resort to it, have made it necessary for the Centre to open additional branches, starting in the north and south of the Kingdom, in order to serve citizens,

follow up their affairs and facilitate their access to the Centre. It hopes to be able to establish these offices during 2012.

In conclusion, this report is the outcome of the efforts of all the staff of the National Centre for Human Rights over an entire year and of the fruitful cooperation of the various institutions and individuals who did not hesitate to respond to the Centre's enquiries. On this occasion, the Centre reiterates its sincere thanks and appreciation to all the relevant official and national institutions that helped facilitate the Centre's tasks and enabled it to discharge its legal duties, with sincere thanks and appreciation to everyone who worked on preparing this report and contributed to it or to its review and verification.

Chairman of the Board of Trustees

Taher Hikmat

Civil and Political Rights

The Right to Life, Liberty and Security of Person

1. The right of every human being to life, physical integrity, liberty and security of person is among the fundamental rights guaranteed by international instruments¹, the Jordanian Constitution and national laws². The year 2011 witnessed a number of important constitutional amendments representing a positive development, namely the express prohibition, for the first time in the constitutional text, of torture and the protection of human dignity. This was achieved by adding a second paragraph to Article 8 of the Constitution, which provides: “Every person who is arrested, detained, imprisoned or whose liberty is restricted shall be treated in a manner that preserves human dignity, and may not be tortured in any manner whatsoever, or harmed physically or mentally; nor may he be held in places other than those permitted by law. Any statement made by any person under the duress of any torture, harm or threat shall not be relied upon.” The same constitutional amendments also affirmed the right to liberty and security of person by providing that “no person may be arrested, detained, imprisoned or have his liberty restricted except in accordance with the provisions of the law”, the words “arrest” and “restriction of liberty” having been added to the original text of the Article, which read: “No person may be detained or imprisoned except in accordance with the provisions of the law.” Furthermore, by adding a second paragraph to Article 7, the constitutional amendments criminalised every infringement of the public rights and freedoms or of the inviolability of the private life of Jordanians. In addition, there is the important amendment contained in the first paragraph of Article 128, which prohibits laws issued under this Constitution to regulate rights and freedoms from affecting or infringing the essence or fundamentals of such rights. The Centre considers that these amendments are consistent with the recommendations set out in its previous reports and take into account the tenth recommendation of the Committee against Torture, which stressed the need to incorporate the prohibition of torture into the Constitution in order to demonstrate the rejection of torture in all its forms and manifestations.³ Notwithstanding the importance of this constitutional amendment, it needs to be complemented by a range of legislative, administrative and judicial procedures and measures to prohibit all the forms of torture set out in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, foremost among which are the amendment of Article 208 of the Penal Code, and the review of grievance mechanisms and of the investigation of torture complaints, together with a study of the effectiveness of these mechanisms in ensuring that the perpetrators of this crime are held accountable and do not escape punishment. Although the Government has adopted a number of national mechanisms concerned with receiving and

¹ See Articles (3, 5) of the Universal Declaration of Human Rights, Article (6) of the International Covenant on Civil and Political Rights, Article (2) of the European Convention for the Protection of Human Rights and Fundamental Freedoms, Article (4) of the African Charter on Human and Peoples’ Rights, Article (4) of the American Convention on Human Rights and Article (5) of the Arab Charter on Human Rights.

² Such as the Jordanian Penal Code and the Military Penal Code.

³ See the concluding observations issued by the Committee against Torture following its consideration of the combined (second, third and fourth) report of Jordan at its 44th session, Geneva, 26/4–14/5/2010. See the recommendations of the Committee against Torture at: www2.ohchr.org/arabic/bodies/cat/index.htm

following up complaints relating to torture, whether by the Centre, through the Ministry of Justice in cooperation with the Public Prosecution, or by the Grievances and Human Rights Office of the Public Security Directorate, none of these national mechanisms has been able to give effect to the principle that the perpetrators of torture crimes shall not go unpunished, or to provide redress and rehabilitation to victims.

2. The Centre expresses its concern at the continued receipt of complaints of torture and ill-treatment committed by law enforcement officials and the various security departments, in addition to the limited number of investigations into torture complaints in such cases and the very limited number of convictions in the cases that are investigated. In 2011, the Centre received (73) complaints, compared with (85) complaints against the various security centres and departments⁴ in 2010. It also received two complaints concerning beating and torture in correction and rehabilitation centres, compared with four complaints in 2010. According to the statistics available at the Centre, 2011 witnessed a decrease in the number of complaints concerning beating in the temporary detention facilities of security centres and police directorates, and complaints of beating and torture in prisons also decreased in comparison with 2010, as shown in Table (1). It should be noted that no person was tried during 2011 and 2010 under Article (208), as amended, of the Penal Code. On 16/1/2011, the Centre took the initiative of writing to the Speaker of the House of Representatives on the need to amend Article 208 of the Penal Code so as to bring it into line with the definition contained in the Convention, while the Legal Committee of the House of Representatives was considering Provisional Penal Code No. 10 of 2010; however, the final text of the law did not include the Centre's proposal⁵, which allows the impunity of the perpetrators of torture to persist. The Centre considers it necessary for the Government to strengthen the measures aimed at ensuring prompt, thorough and impartial investigations into all complaints of torture and ill-treatment of convicted prisoners and detainees, and that law enforcement officials who have committed, consented to or acquiesced in such practices be brought before the ordinary courts, prosecuted, and appropriate penalties imposed on those convicted. Such investigations should be conducted by an independent body, and in cases where there is prima facie evidence of torture or ill-treatment, the suspect ("accused") should be suspended from duty during the investigation in order to

⁴ The information and complaints received by the Centre indicate that personnel of the Criminal Investigation and Anti-Narcotics Departments of the Public Security Directorate resort markedly to beating in order to obtain statements and information from defendants.

⁵ The Centre's proposal was as follows: Paragraph (1): For the purposes of this Article, "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions. Paragraph (2): Any public official who commits any of the acts of torture referred to in paragraph (1) shall be punished by temporary hard labour, and the penalty shall not be less than fifteen years if the act of torture results in the death of the victim. Paragraph (3): Notwithstanding anything contained in any other law, the regular courts and the Public Prosecution attached thereto shall have jurisdiction to investigate and adjudicate this crime, and the provisions on statutory limitation and amnesty set out in the Penal Code in force shall not apply to this crime. Paragraph (4): The State shall guarantee to victims of torture the direct right to fair and adequate compensation.

avoid the risk of the investigation being obstructed. The Centre has pointed out in its previous annual reports⁶ the shortcomings of the investigation and prosecution procedures relating to allegations of torture and the problems associated therewith, in particular the need to refer such investigations to the regular courts rather than to the Police Courts, which pursue such acts within a disciplinary approach rather than through criminal prosecution under Article 208 of the Penal Code.

Table (1): Settlement of complaints relating to torture and ill-treatment received by the Centre during the years 2008–2011

Category	Settlement of complaints	2011	2010	2009
Number of complaints against the various security centres and departments	Number of complaints closed at the request of the complainant	4	15	5
Number of complaints against the various security centres and departments	Number of complaints closed because the violation was not established	15	10	8
Number of complaints against the various security centres and departments	Number of complaints referred to the Police Court	–	3	6
Number of complaints against the various security centres and departments	Number of complaints still under follow-up	39	57	32
Number of complaints concerning beating and torture in correction and rehabilitation centres	Number of complaints closed at the request of the complainant	–	-	1
Number of complaints concerning beating and torture in correction and rehabilitation centres	Number of complaints closed because the violation was not established	1	2	2
Number of complaints concerning beating and torture in correction and rehabilitation centres	Number of complaints referred to the Police Court	–	-	0
Number of complaints concerning beating and torture in correction and rehabilitation centres	Number of complaints under follow-up	2	2	3

3. During its visits to temporary detention centres in 2011, the Centre observed an increase in individual complaints concerning the ill-treatment of inmates and detainees. Through its visits to temporary detention centres and its meetings with detainees or their family members, and through the complaints it received during 2011, it also observed that law enforcement officials in certain security departments continued to commit abuses in various forms, the most important of which are: defamation and humiliation, beating on the soles of the feet (*falaqa*), *shabh* (suspension in stress positions) and others, with the aim of obtaining a statement or confession. Such abuses are difficult to prove, which contributes to many perpetrators of the crime of torture escaping punishment, for numerous reasons, the most important of which are⁷: the length of detention under administrative detention orders and the disappearance of the traces of physical

⁶ See http://www.nchr.org.jo/Arabic/ModulesFiles/PublicationsFiles/Files/nchr_stat_rep7_2010.pdf

⁷ The Centre has been compelled to reiterate the content of this paragraph, although it has appeared in its annual reports since 2008, because no notable progress has been made in this regard.

violence with the passage of time; the difficulty of securing witnesses or forensic medical reports⁸; and the difficulty victims face in identifying which members of the judicial police practised torture against them. Moreover, the absence of effective judicial oversight of places of administrative detention in lock-ups contributes to a great extent to exposing detainees to ill-treatment and to physical and psychological coercion, in addition to depriving them of the right to lodge grievances with the competent authorities and to submit complaints during the period of preliminary investigation by the police, owing to the secrecy surrounding the investigation, as well as their fear of reprisals by police officers should they file a complaint against them, and the conviction of some of them that filing complaints with the security agencies is futile, since those agencies are the ones competent to conduct investigations and to consider torture complaints. The Centre stresses that the persistence of these violations to which inmates and detainees are subjected calls for a review by the competent authorities, particularly since the period of initial detention by the police is often beyond effective judicial oversight and beyond any contact between detainees and the outside world, whether with their families or even with a doctor. Furthermore, the legal detention period of (24) hours is often not observed, as this period is extended to a week or more under administrative detention orders issued by administrative governors upon the recommendation of the security department concerned, without adherence to the necessary legal procedures laid down by the Crime Prevention Law of 1954. These violations have been pointed out in the Centre's previous reports.

4. The year 2011 witnessed a marked decrease in the number of administrative detainees, which reached (11345) persons, compared with previous years. The chart shows the total number of persons administratively detained during the past three years. Despite the decrease in the number of administrative detainees, the problems of administrative detention and its consequences, whether social, psychological or even economic, persist in the light of the failure to address the range of legal and procedural problems arising from the application of the Crime Prevention Law, foremost among which is the problem of administrative detention. The authorities concerned (the administrative governors) advance justifications for continuing to apply this Law, such as the national need to protect the security and safety of society, the particular nature of Jordanian society, and the preservation of public order and public morals, especially in tribal cases, revenge cases and others. The Centre, however, considers that the continued enforcement of the provisions of this Law is inconsistent with the principle of the separation of powers and contravenes the principle of criminal legality, which rests on two fundamental rules: "the accused is innocent until proven guilty" and "no crime and no punishment except by law", in addition to contravening international standards on the right to liberty and the legislative provisions that reinforce human rights. Although the abuses and irregularities which the Centre previously pointed out in its report on administrative detention (*Judicial Powers in Executive Hands*)⁹ in 2010 still persist, the Government has taken no initiatives to implement the recommendations contained in that report, which has led to the

⁸ The National Centre for Forensic Medicine conducts medical examinations of victims of torture only at the request of the judiciary or the Public Security Directorate, which constitutes an obstacle for victims in proving the torture inflicted on them. The National Centre for Human Rights also finds it difficult to verify the veracity of the complaints it receives concerning torture.

⁹ See the report at: www.nchr.org.jo/Arabic/ModulesFiles/PublicationsFiles/Files/تنفيذية-بايدي-قضائية-صلاحيات.pdf

continuation of the problems mentioned therein, the most important of which are: administrative governors have continued to detain persons administratively and to prolong such detention, especially in the case of holders of foreign nationalities, some of whom have been detained for up to three years because they were unable to provide a guarantee and because of delays in taking deportation procedures or in deciding on the detainee's case, which contributes significantly to prison overcrowding and the occurrence of disturbances. Administrative governors have also continued to fail to comply with the legal rules governing administrative detention, by not allowing lawyers to attend the questioning of the suspect, and by conducting investigations in the absence of a written complaint and without ascertaining that the matter is not pending before the courts, despite the circular of the Minister of Interior dated 16/10/2009¹⁰. In addition, administrative governors have continued to apply decisions imposing compulsory residence on the basis of the security record (a cumulative record of the entries against suspects) and upon the recommendation of the security agencies, which constitutes a measure contrary to the principle of criminal legality, since the Penal Code has exhaustively defined these penalties in its Articles (14–17), and compulsory residence is not among them. Furthermore, women administratively detained under the heading of “honour cases” continue to suffer deprivation of their liberty on the pretext of protecting their right to life, some of them having been detained for ten years or more; national efforts are under way to secure their release or to place them in a special shelter. In 2011, the Centre received a number of complaints and reports relating to administrative detention and to the imposition of compulsory residence on persons, most of whom were administratively detained after serving their sentences.¹¹ Based on the complaints received by the Centre during the years 2007–2011 and their analysis, it is evident that there has been a clear expansion in the exercise by administrative governors of the powers conferred upon them under the provisions of the Crime Prevention Law.

Chart: Number of persons administratively detained during the years 2009–2011

Year	2009	2010	2011
Number of persons administratively detained	16050	12345	11345

¹⁰ The substance of the circular is the need to ensure respect for human rights and to provide legal and procedural guarantees when applying the Crime Prevention Law, by allowing a lawyer to attend the questioning conducted by the administrative governor of the suspect concerning the acts attributed to him, provided that the lawyer holds a special legal power of attorney from the suspect authorising him to exercise the right of defence, pursuant to the provisions of Articles (4 and 5) of the Crime Prevention Law, and in line with Article (32) of Bar Association Law No. (11) of 1972, as amended. The circular also emphasised the responsibility of the administrative governor to investigate the acts attributed to the suspect before issuing a summons against him, in order to ascertain that the acts attributed to him do not fall within the jurisdiction of the regular courts; if they do fall within the jurisdiction of those courts, the complainant is instructed in writing to have recourse to them without the need for an investigation. Finally, the circular emphasised that the complaint must be written, properly drawn up and signed by the complainant in accordance with legal requirements in order to be considered by the administrative governor, and that the administrative governor must refrain from interfering in cases pending before the judiciary, in line with the principle of the separation of powers. The Centre considers that this circular constitutes progress in rectifying the procedures followed in administrative detention, but that it is insufficient to curb abuses, and that legal amendments must be made to the Criminal Procedure Law and the Penal Code in order to transfer the powers of administrative governors under the Crime Prevention Law to the judiciary and public prosecutors.

¹¹ It should be noted that no study containing statistics on this issue specifically has previously been prepared; however, most of the complainants who approached the Centre confirmed this.

5. In 2011, the Government submitted a draft law amending the Crime Prevention Law, which included the following amendments: (a) restricting the powers of the administrative governor in cases of arrest and detention and requiring him to issue a decision within a period not exceeding 24 hours from the date of the arrest of any person, instead of the broad powers held by the administrative governor under Article 4 of the original Law, which were replaced by the following text: “If any of the persons referred to in Article (3) of this Law is served with a summons to appear before the administrative governor and fails to appear before him within the period specified in the summons, the administrative governor may issue a warrant for the arrest of that person, provided that the administrative governor issues his decision concerning that person in accordance with the provisions of this Law within a period not exceeding 24 hours from the date of his arrest.” (b) Restricting the period within which the administrative governor may issue a detention decision, which the amendment set at (15) days, non-renewable, after which the detainee is either referred to the judiciary or released, under amended Articles (8) and (11) of the draft law, whereas the current Law grants the administrative governor absolute power of detention without any time limit. Notwithstanding these amendments, the Centre stresses the need to repeal this Law, in response to the recommendations set out in its previous annual reports, and to include in the criminal laws provisions on preventive measures to curb criminal dangerousness, conferring such powers on judges, since the powers of the administrative governor remain broad, open-ended and subject to no oversight. The draft amending law still contains vague and discretionary expressions that grant the administrative governor quasi-absolute powers. In addition, the amending law does not lay down clear objective bases or criteria for determining “what constitutes a state of dangerousness”, on which the administrative governor relies in issuing his administrative detention decision, leaving this to the administrative governor’s discretion, unlike judicial detention, which is based on charging the defendant with committing specific crimes on the strength of evidence linking him to the offence, in accordance with the principle of the judge’s inner conviction, which is subject to legal and objective safeguards ensuring its proper application. Moreover, the Crime Prevention Law in force and the proposed amendments contravene Article (128) of the Constitution, which laid down controls on legislation regulating rights and freedoms and ensures that laws do not depart from their true purpose and aim of protecting rights and freedoms, as well as the provisions that reinforced the independence of the judiciary, which adjudicates in all civil, criminal and commercial matters, and over which, in their judgments, there is no authority other than the law.

6. With regard to the security record¹², the Centre observed that in 2011 it continued to be used as a pretext for administrative detention on the grounds of protecting society from persons with previous convictions, even where the person was a juvenile at the time¹³, which constitutes a flagrant violation of the right to liberty and security of person and a clear breach of the provisions of the Juveniles Law. On the other hand, the Centre observed that when the records of many persons are checked by the Public Security during inspection campaigns, a list of their criminal records appears, exposing them to improper treatment by them. The Criminal

¹² A cumulative record held by the security departments of persons who have engaged in conduct contrary to the law.

¹³ Even though the Juveniles Law provides in Article 6 thereof that “the conviction of a juvenile of an offence shall not be considered a previous conviction”.

Procedure Law permits persons against whom final judgments have been rendered, after the lapse of a certain period depending on the type of crime, to apply for rehabilitation with a view to clearing their criminal record; however, notwithstanding the rehabilitation of such persons, the security agencies retain these records, which calls for expediting the implementation of the Centre's recommendation, reiterated over past years, to establish a judicial record based on final court judgments rather than relying on the previous-conviction records held by the security authorities.

7. In the area of deprivation of liberty, the Centre observed that there has been no new development in the manner of addressing violations committed by the judicial police during the arrest of defendants and the deprivation of their liberty, as the problems of administrative detention decisions overriding judicial decisions of acquittal or non-liability issued by the competent courts persist. It is also observed that administrative governors continue to issue decisions detaining administrative detainees in correction and rehabilitation centres far from their families' places of residence, even though correction and rehabilitation centres are distributed across most governorates of the Kingdom, which imposes additional financial and moral costs on detainees' families; at times their families are not notified in advance of their sudden transfer from one prison to another or from one detention centre to another, as pointed out in the annual reports on correction and rehabilitation centres¹⁴. The Centre also observed the continued resort to arbitrary administrative detention of persons whose cases are still pending before the courts, and of others in order to compel them to reconcile with their adversaries despite their not acknowledging their adversaries' claims.

8. With regard to judicial detention, the Centre observes that the number of persons judicially detained is high¹⁵: in 2011, (23118) persons were detained, compared with (23502) in 2010, (29547) persons in 2009 and (26088) persons in 2008. This prompted the relevant authorities to take a number of measures to curb the phenomenon of the rising number of judicial detainees, whose number exceeded that of convicted prisoners for the years 2008–2011. The amendments made to the Criminal Procedure Law by Amending Law No. (19) of 2009 with regard to the crimes for which detention is mandatory and the conditions of detention have not led to a reduction in the number of judicial detainees. The Centre calls upon the judicial authorities to study the reasons for the failure to expedite the determination of cases brought before the courts in the light of international standards and national laws, especially given the continued detention for long periods that sometimes exceed the length of the sentence. Cases have been documented of persons detained for periods exceeding three years who were ultimately acquitted or found not liable by the court. It is well established that detention may not serve as a punishment, since that constitutes a clear breach of the guarantees of a fair trial and of the individual's right to be tried without undue delay.¹⁶ In order to give effect to this right, procedures must be in place to ensure that trials proceed “without undue delay”, both at first instance and on appeal.

¹⁴ See <http://www.nchr.org.jo/arabic/إصدارات/تقارير مراكز الإصلاح والتأهيل/إصدارات.aspx>

¹⁵ The direct and principal reason for the high number of persons judicially detained is the expansive use of detention by public prosecutors, as detention orders are issued at the outset of the investigation stages, as well as other reasons, including the extreme slowness of trial proceedings and of the notification of witnesses or the attendance of defendants, or the deliberate prolongation of trials by some lawyers.

¹⁶ Article 14 of the International Covenant on Civil and Political Rights.

Legislation must also be amended to provide for the right of anyone who has been the victim of unlawful detention or arrest to obtain compensation, in accordance with the international instruments by which Jordan is bound.

9. With regard to places of temporary detention of the Public Security Directorate¹⁷, the Centre carried out (22) visits to such places in 2011 in cooperation and coordination with the Grievances and Human Rights Office of the Public Security Directorate. The Centre commends the Public Security Directorate for establishing a number of security centres in 2011 that include model temporary detention facilities in accordance with international and national standards, with due regard to providing separate facilities for juvenile and female detainees and waiting rooms for visitors to the security centre. On the other hand, however, most places of temporary detention and custody and security lock-ups still suffer from a number of shortcomings that affect the rights of detained persons and constitute a violation of the relevant international and national standards, and accordingly call for immediate and effective action by the Public Security Directorate to protect the rights of detainees in such places. The most important of these are: (a) a severe shortage of the services that must be provided to detainees; (b) depriving detainees of the right to the assistance of a lawyer; (c) the holding by certain security departments of the defendant or detainee, during the preliminary investigation stage, in solitary confinement cells lacking sanitary facilities, natural light and healthy ventilation, for long periods that sometimes exceed two weeks, under a detention order issued by the administrative governor; (d) the failure of certain judicial police officers to comply with Article 100 of the Criminal Procedure Law, and their encroachment on the powers of the public prosecutor by interrogating defendants instead of merely hearing their statements; (e) the failure to deposit the investigation papers and seizure records (case files) drawn up by judicial police officers during the preliminary investigation period with the Public Prosecution, which is the competent investigating authority, for long periods; (f) the practice by the Criminal Investigation Department and the Anti-Narcotics Department of referring the cases of wanted persons with previous records to the judiciary successively, one at a time, pending the execution of the prison sentence in each case separately, on the pretext of protecting the security of society and defending “national interests”; (g) resort to depriving persons of their liberty and ordering police measures against them on the pretext of security considerations and the preservation of public security under the Crime Prevention Law and through return requests; (h) exposure to beating, torture and ill-treatment (insults, verbal abuse and humiliation) during the preliminary investigation stage (inquiry and evidence-gathering) by certain security departments, in particular the Criminal Investigation Department and the Anti-Narcotics Department.

10. As regards deaths and suicides in places of temporary detention of the Public Security Directorate, during the period covered by this report the Centre recorded the death of a detainee in the lock-up of the Criminal Investigation Department as a result of suicide by hanging. The Centre considers it necessary to be alert to and observe changes and suicidal tendencies among detainees, and to give due attention to the psychological aspect of the detainee by having him

¹⁷ These include the lock-ups of police directorates and security centres, and the places of custody of the Criminal Investigation Department, the Preventive Security Department, the Anti-Narcotics and Counterfeiting Department, and the Family Protection Department.

examined by psychiatrists. Deaths in the temporary detention centres of the Public Security Directorate in 2011 numbered one, and one death was recorded in a lock-up of the Military Security Directorate¹⁸, while deaths numbered five in 2010 and one in 2009. The Centre observes that certain decisions of the security committees formed to investigate these cases lack transparency, that the forensic medical reports issued in respect of them are drafted in a vague and imprecise manner, and that in most cases the Centre is unable to obtain these reports directly.

11. As regards places of temporary detention of the General Intelligence Department, in 2011 the Centre carried out two announced visits to the detention facilities of the General Intelligence Department¹⁹. It was observed that the periods of detention of detainees in those places varied between one week and one year, under detention warrants issued by the Public Prosecutor of the State Security Court. The complaints of detainees held by the General Intelligence Department centred on the isolation in which they live in solitary rooms inside the detention centre, the lengthy judicial detention of some of them, inmates not being permitted to meet their visitors in private during visits, and the prohibition, at times, of visits to some detainees by decision of the Public Prosecutor of the State Security Court²⁰, depriving them of meeting their families, relatives or lawyers. Table (2) summarises the complaints received by the Centre against the General Intelligence Department in 2011 compared with 2010 and 2009. The Centre calls upon the Department to comply with the requirement to inform the detainee's family of his whereabouts, and to allow the Centre's competent team to carry out unannounced visits to its detention centre, similar to the visits the Centre carries out to the detention facilities of the Public Security Directorate.

Table (2): Number of complaints received by the Centre against the General Intelligence Department during the years 2009–2011

Type of complaint	2009	2010	2011
Satisfactory outcome reached	11	22	25
Complaints under follow-up	2	7	2
Complaints outside the Centre's mandate	2	6	5
Complaints closed for absence of a violation	0	5	5
Complaints in which no satisfactory outcome was reached	0	0	0
Total	15	40	37

12. With regard to correction and rehabilitation centres, in 2011 the Centre carried out (33) surprise and semi-surprise visits covering all correction and rehabilitation centres in the Kingdom, in cooperation and coordination with the Grievances and Human Rights Office of

¹⁸ The case is still pending before the civilian public prosecutor.

¹⁹ The Centre's team examined the conditions of the places of detention and the legal status of the detainees, whom it met in private and whose demands and complaints it heard. It also examined the forms of care, the specifications of the prison environment, the quality of food, and the level of health care and mental health services.

²⁰ Article 63, paragraph 2, and Article 64 of the Criminal Procedure Law No. 9 of 1961, as amended.

the Public Security Directorate. The number of inmates in correction and rehabilitation centres in 2011 ranged between (8000–8500) inmates. This year witnessed a number of measures taken within the policy of developing correction and rehabilitation centres, the most prominent of which were: (a) on 11/4/2011, the Higher Committee for Correction and Rehabilitation discussed several topics of concern to the correctional process and ways of improving the services provided to inmates; and the second fine art exhibition for inmates of correction and rehabilitation centres was held in cooperation with the Ministry of Culture during the period 14–18/7/2010; (b) the third fine art exhibition for inmates of correction and rehabilitation centres was held at Al-Hussein Gardens in cooperation with the Greater Amman Municipality, running from 6/2/2011 until 10/2/2011; (c) a bazaar of handicrafts made by inmates of correction and rehabilitation centres was held in cooperation with the Department of Cultural Programmes of the Greater Amman Municipality from 22/6/2011 until 25/6/2011 at the Ashrafiyeh Cultural Complex; (d) Aqaba Correction and Rehabilitation Centre was provided by the Ministry of Education with ten computers for use in training inmates, and the Knowledge Station was put into operation in correction and rehabilitation centres (Swaqa, Umm Al-Lulu, Muwaqqar 1, Women's); (e) work commenced in the carpentry and metalwork workshops at Muwaqqar 1 Correction and Rehabilitation Centre after receipt of all raw materials was completed on 3/10/2010; (f) the "Mazaya" health wing initiative was launched at Umm Al-Lulu Correction and Rehabilitation Centre, aiming to create a sound and healthy environment in the correction and rehabilitation centre; (g) continued implementation of the "Tahween" programme²¹ in all correction and rehabilitation centres; (h) continuous networking and coordination by the Public Security Directorate with all the parties concerned, the launch of a project to raise awareness of the dangers of drugs and AIDS among staff of correction and rehabilitation centres, and the launch of the "Musnada" programme for quitting drugs; (i) the launch of the "A Library in Every Centre" initiative.

13. On the other hand, in 2011 the Centre observed the persistence of a number of problems that adversely affect the protection of inmates' rights and the right to liberty and security of person, which were pointed out in its previous reports, the most prominent of which are: (a) the failure to close Juwaida (Men's) Correction and Rehabilitation Centre, despite its lacking the minimum international standards for correction and rehabilitation centres; (b) the weakness and limited scope of the legal aid services provided to prisoners, with the exception of the Juwaida Women's Prison; (c) the weakness and ineffectiveness of the social care services provided to inmates and their families; (d) the limited scope of primary, preventive and curative health care services, including psychological care and counselling services, and ill-treatment by doctors working in the hospitals which inmates attend when the necessary medical services are provided to them; (e) the continued suffering of inmates when transferred to hospitals in cases of illness, owing to the administrative procedures followed; (f) the continued suffering of inmates from not obtaining potable water, the inadequacy of the breakfast and dinner meals provided to them, the acute shortage of blankets and heating in winter in some prisons, and the lack of hot water for bathing in winter; (g) prisoners' continued suffering from the problem of missing court hearings, either because of delays in the arrival of notification papers, or because they are not

²¹ This programme targets inmates whom circumstances forced to commit an act that brought them to the correction centre without any prior criminal intent or predisposition.

sent on time for those hearings owing to the large number of inmates in the inmate transport bus, who are distributed to different courts and multiple hospitals; (h) continued overcrowding in some centres despite the construction of new centres, and the failure to adopt a studied criterion for determining the capacity of prisons that takes into account the total area of the prison and the area allocated to service facilities and to each inmate's sleeping space, which has led to the spread of the phenomena of "selling the right to use equipment", "selling services" and "bribery among prisoners", and to the spread of narcotic pills and violence among prisoners; (i) the limited extent of judicial oversight of prisons, which was confined to only (63) visits; (j) the high rate of recidivism, reaching (33%) among men and women, and the lack of accurate statistics showing the types of crimes, age group, geographical area and reasons for reoffending; (k) the failure to apply in practice the system of classification of prisons and classification of prisoners; (l) the delay in transferring the supervision of prisons from the Ministry of Interior to the Ministry of Justice; (m) the breach of the Correction and Rehabilitation Centres Law and the Execution Law by allowing an inmate to leave the country without any legal or procedural basis and treating him in a discriminatory manner.

14. The Centre also recorded the occurrence of (276) strikes in 2011, compared with (422) strikes in 2010 and (606) in 2009, distributed among correction and rehabilitation centres as shown in Table (3). Despite the decrease in the frequency of such strikes compared with the previous year, their continued occurrence is an indicator of the problems from which inmates still suffer. As regards deaths inside correction and rehabilitation centres, the Centre recorded (18) deaths in 2011, compared with (17) deaths in 2010, (18) deaths in 2009 and (24) deaths in 2008. The Centre stresses the role of the Ministry of Health and of the doctors working in correction and rehabilitation centres in paying greater attention to the health conditions of inmates, and the need to deal seriously with the inmate's health condition in terms of providing him with the required emergency care in a timely manner, and to deal with greater attention with inmates suffering from serious illnesses, elderly inmates, or those with a medical history, in response to the provisions of the relevant international instruments and national laws.

Table (3): Number of strikes in correction and rehabilitation centres during the years 2009–2010–2011

Prison	2009	2010	2011
Swaqa Centre	51	74	31
Juwaida (Men's) Centre	114	82	13
Qafqafa Centre	80	24	20
Birin Centre	51	47	10
Muwaqqar 1 Centre	73	23	27
Karak Centre	19	2	–
Ma'an Centre	82	21	17
Aqaba Centre	20	3	9
Balqa Centre	67	49	57

Prison	2009	2010	2011
Umm Al-Lulu Centre	2	12	11
Juwaida Women's Centre	30	6	16
Muwaqqar 2 Centre	17	49	30
Rmeimin Prison	-	30	35

15. In the area of excessive use of force and excessive raids and arrests during 2011, the Centre received (22) reports of homes being forcibly stormed and of children and residents being terrorised in a number of areas of the Kingdom during the arrest of persons wanted in security cases²², and in drug cases in particular, as well as in certain cases of major theft and embezzlement and fraud cases, and during the security campaigns that extended to all governorates of the Kingdom. The most prominent of these incidents occurred during the arrest of a number of suspects in the course of security campaigns in the governorates of the Capital, Jerash, Irbid and Zarqa. The Centre also received a number of reports and complaints concerning the abusive use of force by the police and Gendarmerie forces to disperse certain sit-ins or marches that took place during 2011: the Centre received (12) complaints following the “Interior Ministry Roundabout” sit-in on 24–25 March 2011²³, (10) complaints following the “Al-Nakheel Square” sit-in on 15 July 2011, which specifically targeted journalists, (33) complaints following the “Salafist group” sit-in in Zarqa Governorate on 16 April 2011, and (13) complaints following the “Return” march in the Karameh area on 13 May 2011. The complaints centred on the use of force by the security and Gendarmerie forces, in the form of sticks, batons and tear gas, in addition to insulting individuals and kicking them. The year 2011 also witnessed tribal protests in a number of governorates of the Kingdom, most notably in the governorates of Balqa, Ma'an, Jerash and the Capital, during which a number of persons were injured as a result of the use of force by the public security forces. Such protests are no longer confined to family disputes but have also extended to Jordanian universities. The Centre calls upon all the parties concerned to join efforts to confront this phenomenon and curb its growth, especially among young people, by addressing its causes and roots and working within an integrated system of legislative, judicial and educational solutions, beginning with awareness-raising about the dangers of violence and the affirmation of its rejection by strengthening the system of values and following modern educational methods based on dialogue, tolerance and acceptance of others, starting with the family, the school and universities, while stressing respect for the principle of the rule of law and recourse by individuals to the judicial authority to obtain their rights, rather than taking the law into their own hands through the use of violence.

16. As regards the death penalty, which is still prescribed in criminal legislation despite the partial reduction of the legal provisions punishable by this penalty and its restriction to serious criminal offences (such as murder, terrorism and the rape of a minor), its non-application to persons under the age of (18) years, as well as to pregnant women and persons suffering from

²² The city of Zarqa, during the arrest of members of the so-called “Salafist” group in the course of the events of the sit-in of 15/4/2011.

²³ The Centre issued a fact-finding report on the events of the Interior Ministry Roundabout; see Annex (1) to this report.

insanity, and the possibility of general and special amnesty for those sentenced to this penalty, in addition to the fact that this penalty is carried out only after a series of procedures²⁴ consistent with the safeguards established by international covenants and instruments, sentences imposing this penalty were nevertheless handed down in 2011 by the Major Felonies Court and the State Security Court, as shown in Table (4). Jordan's vote of abstention since 2010, instead of voting against the General Assembly resolution recommending the abolition of the penalty, as well as the moratorium on the execution of the death penalty since mid-2006, are positive developments aimed at protecting the right to life and physical integrity. The year 2011 witnessed the enactment of the Provisional Penal Code issued in 2010, under which two articles were amended, replacing the death penalty with the penalty of life imprisonment with hard labour. These articles are (137/1), concerning the crime of inciting armed rebellion against the authorities established under the Constitution, and Article (372), concerning the crime of arson resulting in the death of a person. The Centre notes that the legislature has taken steps towards restricting the application of the death penalty to the most serious or most dangerous felonies, within legislative, administrative and judicial controls that ensure its limitation and its proper application, and towards strengthening preventive means of reducing the crime rate, in line with the process of criminal reform pursued by the Kingdom, particularly in the field of human rights.

Table (4): Number of sentences imposing the death penalty during the years 2008–2011

Year	Major Felonies Court	State Security Court	Total sentences
2008	5	1	6
2009	7	–	7
2010	9	–	9
2011	20	–	20

17. The problem of drugs and drug abuse, particularly among young people, continues to constitute another factor affecting the right to life and physical integrity, as no notable development took place in 2010 in the mechanisms for combating its spread in society. This is confirmed by the data issued by the Public Security Directorate (Anti-Narcotics and Counterfeiting Department), which dealt with (6447) cases in 2011, compared with (3420) cases in 2010 and (3641) cases in 2009. In 2011, (420) addicts were treated in the addiction treatment centres of the Anti-Narcotics Department.

In this regard, the Centre stresses the need for serious work to curb this problem through the adoption of effective social, legal and administrative measures focusing on preventive, curative, care and rehabilitation programmes among all groups of society, in particular women and

²⁴ The Criminal Procedure Law requires the presiding judge, in crimes punishable by death, to ask the accused whether he has chosen a lawyer to defend him; if he has not, the court appoints a lawyer for him whose fees are paid from the State Treasury. Under the law, a death sentence is subject to automatic review by the Court of Cassation even if the convicted person does not request it (Article 275/c). If the Court of Cassation finds any defect in the application of the law or that the evidence is insufficient to convict the accused, it quashes the death sentence and remands the case to the court that rendered the judgment to reconsider its decision.

children, and the strengthening of penalties for anyone who exploits children and women in drug trafficking and abuse. Emphasis must also be placed on the educational aspect by including in educational and school curricula scientific material on the harms of drug abuse, and by activating the role of school principals, teachers and counsellors in using preventive and curative methods in dealing with this phenomenon. Emphasis must likewise be placed on the rehabilitative aspect for the families of drug users and addicts, by equipping them with the skills to deal with all cases of drug use, with the aim of creating a healthy environment resistant to deviance and enhancing social competence.

18. Suicides also constitute another factor affecting the right to life and physical integrity. In 2011, (40) persons committed suicide, compared with (46) persons who committed suicide in the previous year, 2010, and (65) persons in 2009, according to the statistics of the Public Security Directorate. The chart shows suicide statistics for 2010 compared with previous years.²⁵ The statistics also revealed that the majority of those who committed suicide were young people aged between 18 and 27 years. The phenomenon of threatening suicide in public places has also emerged in society: some have attempted to set themselves on fire, and others have threatened to throw themselves from the roofs of high-rise buildings if their demands are not met. Most of the suicides or suicide attempts by citizens during the past two years were an expression of the economic, political and social frustrations felt by these persons.

Chart: Suicide statistics, 2009–2011

Category	2011	2010	2009
Suicide cases	40	46	65
Suicide attempts	301	232	450

19. Among the issues raised that affect the right to life is so-called “mercy killing” or “killing out of compassion”, one of the manifestations and ideas that emerged at the beginning of the twentieth century, when explicit calls began to be made in certain Western countries, such as the Netherlands and Belgium, advocating the legitimacy of killing out of compassion, since it is carried out at the request of a patient suffering from an incurable disease and out of compassion for his health and social suffering. However, these ideas met with opposition from the other Western, Arab and Islamic countries, whose beliefs and laws do not permit this, on the basis that the right to life is a sacred right which no human being may infringe. This was affirmed by Article (3) of the Jordanian Medical Constitution, which provides that “the life of a patient suffering from an intractable, incurable disease may not be ended, whatever pain may accompany it, whether by direct or indirect intervention, except in the case of brain death, which shall be in accordance with the scientific conditions approved by the Association.”²⁶

20. Abortion is likewise regarded as a factor affecting the right to life of children, as an inherent right of every child in accordance with Article (6) of the Convention on the Rights of the Child

²⁵ These figures are considered approximate owing to the lack of a national database.

²⁶ It should be noted here that the National Centre did not receive or report any violation relating to the subject of mercy killing during 2011.

of 1989²⁷. This is one of the rights guaranteed by the Jordanian legislature, which laid down provisions criminalising abortion in Jordanian Penal Code No. 16 of 1960, in its Articles 322, 323 and 325²⁸, guaranteeing the child's right to life in the pre-natal stage, the beginning of which it considered to be the moment the foetus is formed in the womb, except where the mother's life is endangered, upon the unanimous agreement of doctors, in order to preserve the life of the pregnant mother. Indeed, the Jordanian Penal Code contains no provision permitting abortion in the event of congenital malformations of the foetus. Nor does the Jordanian legislature permit abortion to be used as a means of contraception or family planning, or to terminate an unwanted pregnancy, under any circumstances, whether the pregnancy results from rape or indecent assault.

21. In the light of this situation, the Centre reiterates the recommendations set out in its previous annual reports and calls upon the Government to take the following measures promptly, the most prominent of which are:

- Repealing the Crime Prevention Law of 1954. Pending its repeal, the Centre stresses the need to respect and comply with judicial decisions and final judgments of acquittal or non-liability, and to follow the principle of proportionality between the police measure and the criminal dangerousness when imposing compulsory residence. Administrative governors should also comply with the procedures required under Article (4) of the Crime Prevention Law when resorting to issuing an arrest warrant, hearing the statements of persons and subsequently issuing administrative detention orders; and the administrative governor's umbrella should be lifted from the investigative procedures carried out by the police to track down the perpetrators of crimes, in a manner that ensures that persons are not held for questioning for long periods on the basis of detention orders issued by administrative governors.
- Expediting the closure of Juwaida Prison owing to the deterioration of the humanitarian conditions therein as a result of the age of its buildings and the deterioration of its infrastructure.
- Finding solutions to the problem of prison overcrowding, including the enactment of legislation on alternative non-custodial measures and the activation of the legislative

²⁷ Article 6 of the Convention on the Rights of the Child: "1. States Parties recognize that every child has the inherent right to life. 2. States Parties shall ensure to the maximum extent possible the survival and development of the child."

²⁸ Article (321) of the Penal Code of 1960 provides: "Every woman who procures her own abortion by means she has used, or consents to another person using such means on her, shall be punished by imprisonment from six months to three years." Article (322): 1. Anyone who, by any means whatsoever, procures the abortion of a woman with her consent shall be punished by imprisonment from one to three years. If the abortion or the means used to procure it results in the death of the woman, the perpetrator shall be punished by temporary hard labour for a period of not less than five years. Article (323): 1. Anyone who intentionally causes the abortion of a woman without her consent shall be punished by hard labour for a period not exceeding ten years. 2. The penalty shall not be less than ten years if the abortion or the means used results in the death of the woman. Article (324): A woman who procures her own abortion to preserve her honour shall benefit from a mitigating excuse, as shall anyone who commits any of the crimes set out in Articles (322 and 323) to preserve the honour of one of his descendants or female relatives up to the third degree. Article (325): If the perpetrator of the crimes set out in this Chapter is a physician, surgeon, pharmacist or midwife, the prescribed penalty shall be increased by one third.

provision on the suspension of the execution of sentences (Article 54 bis of the Penal Code).

- Modernising detention facilities in existing security centres according to standards that ensure the provision of care and protection for detainees, in a manner consistent with the relevant international standards.
- Addressing the issue of judicial detention and the length of such detention before and during trial; working to develop legislation and judicial practices in order to expedite trial proceedings and to reduce notification problems between the courts and prisons; establishing a clear mechanism, with emphasis on renewing detention warrants within the legal time limits and refraining from automatic renewal; and activating the mechanism for the inspection of prisons by the judicial authority.
- Concerted national efforts, including by the media, to promote the concepts of pluralism, dialogue and respect for human rights and to spread a culture of tolerance.
- The need for the Public Security Directorate to redouble and take all measures that curb abuses by personnel of certain security departments, to pursue the perpetrators of torture crimes and bring them before the judiciary, and to develop training plans aimed at disseminating the Convention against Torture to all Public Security personnel and incorporating it into foundation curricula, lectures and promotion examinations, with the aim of achieving the prevention of torture.
- Incorporating human rights concepts into all educational curricula, including university curricula.
- Continuing to study legislation restricting the application of the death penalty, and laying down stricter controls and conditions on investigations in criminal cases punishable by death and on ascertaining the strength of the evidence of guilt against the accused; the need for the courts to apply mitigating excuses more broadly where the act is a felony punishable by death, while subjecting the penalty to all means of appeal, both on appeal and in cassation; and stressing that the penalty may not be pronounced except by unanimous decision of the members of the court.
- Calling upon the Government to recognise the competence of the Committee against Torture referred to in Article (22) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984, which is competent to consider communications from individuals.
- The need to accede to the Optional Protocol to the Convention against Torture, as well as to the two Optional Protocols to the International Covenant on Civil and Political Rights relating to the abolition of the death penalty, in addition to recognising the competence of the Human Rights Committee to receive complaints from individuals concerning violations of the rights set forth in the said Covenant (Article 41).
- Establishing specialised centres for the rehabilitation of victims of torture and establishing a national fund for their compensation.
- Amending the text of Article (208) of the Penal Code so as to be consistent with the substantive amendment introduced to the text of Article (8) of the Constitution and with

the provisions of the international conventions against torture, in a manner that ensures that the crime of torture is treated as a felony; increasing the penalty for law enforcement officials who commit this crime; providing for the right of victims of torture to direct compensation from the State when the crime is committed by a public official; and providing that torture crimes shall not be subject to statutory limitation and shall not be covered by amnesty.

- Restricting jurisdiction over torture crimes to the regular courts instead of the special courts, which lack the guarantees of a fair trial under international standards. Until this is done, all judgments issued by the courts competent to punish law enforcement officials who commit torture crimes must be subject to review by the Court of Cassation.
- Amending the Penal Code so as to make the officials in charge of correction and rehabilitation centres or detention centres responsible for the safety of detainees where it is not possible to identify the person who committed the crime.

The Right to a Fair Trial

22. The independence of the judiciary is one of the pillars of the fundamental system of government in Jordan. The Constitution provides that the judiciary is an independent authority, that judges are subject to no authority in their judicial work other than that of the law, and that the right to litigation is guaranteed equally to citizens and residents of the Kingdom. The year 2011 marked an important stage in affirming the independence of the judiciary and guaranteeing the right to a fair trial, following the constitutional amendments introduced to the Constitution, under which: (a) provision was made for the establishment of a Constitutional Court whose function is to interpret the articles of the Constitution and to review the constitutionality of laws and regulations in force;²⁹ (b) provision was made for the establishment, by law, of a Judicial Council to handle all matters relating to regular judges, with their appointment vested exclusively in the Judicial Council; (c) it was provided that an accused person is innocent until proven guilty by a final judgment; (d) the regular judiciary was granted jurisdiction over challenges to the validity of the membership of any deputy, a jurisdiction previously exercised by the House of Representatives; (e) it was provided that ministers shall be tried for offences attributed to them arising from the performance of their duties before the regular courts, whereas they were previously tried before the High Council for the Interpretation of the Constitution; (f) provision was made for administrative justice, which hears administrative challenges, to be exercised at two levels of jurisdiction, by introducing a system of appeal against the decisions of the Administrative Court to an Administrative Court of Appeal; and (g) it was provided that no civilian may be tried in a criminal case before a court not all of whose judges are civilians, with the exception of the offences of high treason, espionage, terrorism, drug offences and currency counterfeiting. Notwithstanding the constitutional amendments, there remains a need for radical reforms of all aspects of judicial work so as to bring it into line with the constitutional amendments in letter and in spirit, with a view to establishing a judicial system that ensures justice, meets the needs of litigants, responds

²⁹ It should be noted that during 2012 the Government referred the draft Constitutional Court Law to the National Assembly, and it has not yet been issued in its final form.

to international and global developments, and achieves the highest degree of transparency, clarity and efficiency. The Centre recommends that litigation be made easy and expeditious, and that it be free of charge or its cost be reduced.

23. The year 2011 also saw the National Assembly reject a number of provisional laws issued in 2010 and 2011 that contained provisions affecting the independence of the judiciary. These laws were: (a) the rejection of Provisional Public Prosecution Law No. 11 of 2010, which permitted the Minister of Justice to give directions to members of the Public Prosecution; (b) the rejection of Provisional State Cases Administration Law No. 14 of 2010, which provided for the establishment within the Ministry of Justice of a department called the “State Cases Administration”, to be responsible for representing State departments in cases brought by or against them, including cases relating to the Treasury; and (c) the House of Representatives’ postponement of its consideration of Provisional Law on the Independence of the Judiciary No. 21 of 2010 in order to allow sufficient opportunity to examine the amendment introduced by the House Legal Committee to Article 5 of the Law, raising the minimum age for the appointment of judges to 29 years instead of 25 years as a condition of appointment under the provisional law, in addition to abolishing the exemption granted to graduates of the Judicial Institute whereby they were appointed without sitting the judicial competitive examination. Positive developments relating to the judiciary during 2011 included: (a) an increase in the number of judges to (859) following the appointment of (61) judges during 2011; and (b) the Judicial Council’s adoption of a number of recommendations and proposals for amending legislation relating to the judiciary so as to harmonise it with the proposed constitutional amendments, in preparation for submitting them to the Government, the most important being the Law on the Independence of the Judiciary and the draft Judicial Authority Law.

24. Notwithstanding the positive developments referred to under the administration of justice for 2011, the Centre monitored a number of challenges impeding citizens’ enjoyment of the administration of justice, most notably: (a) the continued application of certain legislation containing provisions that derogate from human rights and conflict with the provisions of the Constitution and with the general principles of the administration of justice,³⁰ such as Economic Crimes Law No. 11 of 1993, which granted the Prime Minister the power to refer any of the offences set out therein to the State Security Court; (b) although the constitutional amendments provided for the prohibition of the trial of civilians before special courts, civilians continue to be tried before a special court, the “State Security Court”, whose judges are predominantly military in character, which violates the principle of the independence of the judiciary and derogates from the guarantees of a fair trial, particularly as the continued application of the State Security Court Law constitutes an encroachment upon the jurisdiction of the regular judiciary, which holds general jurisdiction; (c) certain public prosecutors referring cases to the courts despite the absence of any evidence linking the accused to the offences attributed to them, and failing to apply Article (130) of the Code of Criminal Procedure, which provides that “If it becomes apparent to the Public Prosecutor that the act does not constitute an offence, or

³⁰ Many laws contain provisions that conflict with the human rights conventions ratified by Jordan, including, in addition to the above-mentioned Economic Crimes Law, the Law on the Protection of State Funds No. 20 of 1966, the Crime Prevention Law, the Prevention of Terrorism Law and Customs Law No. 32 of 1998.

that no evidence has been established that the accused committed the offence ... he shall, in the first and second cases, decide not to prosecute the accused ...”; (d) the issuance of a decision by the Minister of the Interior permitting a person sentenced to imprisonment to receive medical treatment outside Jordan, which cast doubt on whether all citizens are treated equally and fairly and without discrimination, thereby affecting the authority of judicial rulings; and (e) the submission by (120) judges of a memorandum to the President of the Judicial Council calling for the amendment of Articles (16), (23/a) and (41) of the Law on the Independence of the Judiciary,³¹ in a manner that would enhance the independence of judges in their work.

25. Although the implementation of the Jordanian Judiciary Development Strategy³² for the years 2010–2012 has continued, the institutional structure of the departments supervised by the Ministry of Justice remains weak, as does the training of staff, particularly with regard to communication skills and dealing with members of the public. The problem of the enforcement departments also persists in terms of the slowness of enforcement procedures and the designation of very few specific days in the month for follow-up and collection, which delays the recovery of litigants’ rights. Moreover, the shortage of administrative staff in many courts persists; this became clearly apparent in 2011 after more than (60) judges were appointed who did not commence their duties for several months owing to the lack of support staff.

26. It is worth noting that during 2011 the Centre received (59) complaints and (6) requests for assistance in the field of the administration of justice, focusing on the jurisdiction of the State Security Court and the length of detention pending trial before it, as well as the absence of a fixed point of reference in personal status matters for non-Muslims, the absence of national oversight of the ecclesiastical courts and the protracted duration of trial proceedings before them.

27. In the area of the Sharia courts,³³ the challenges cited by the Centre in its previous reports remain unchanged, with no new developments during 2011. Given the importance of the challenges in this regard, the Centre reiterates the most significant of them: (a) the Sharia enforcement departments continue to suffer from overcrowding and low productivity; (b) the failure to adopt the project for family reform and reconciliation offices and the alimony fund, despite their having been completed a long time ago; (c) the absence of a specialised judicial institute for the preparation and training of Sharia judges; (d) the inadequacy of the financial allocations for the Sharia judiciary, in addition to the low salaries of its staff; (e) the lack of suitable court buildings, most of which are rented and unfit for purpose;³⁴ (f) the failure to adopt the draft law on the social solidarity fund for Sharia judges and Sharia judicial assistants; and

³¹ Article 16 grants the Judicial Council absolute powers to terminate the service of any judge without stating reasons; Article 23/a grants the President of the Judicial Council the power to second any judge to any regular or special court; and Article 41 places the Judicial Inspection apparatus under the Minister of Justice.

³² Its main pillars were: strengthening the independence and integrity of the judiciary; enhancing institutional efficiency; attracting outstanding human resources; developing court services and infrastructure; computerising the courts and linking them with the bodies concerned with judicial work and court services; and developing civil and criminal enforcement, notary public procedures and support operations.

³³ The number of Sharia courts in Jordan is (68), including three Sharia courts of appeal inside Jordan and one in Jerusalem. The number of Sharia judges of all grades is (171).

³⁴ The number of rented court buildings is (60), while the number of court-owned buildings is only (8).

(g) the failure to issue the regulations and instructions necessary for the implementation of Provisional Personal Status Law No. (36) of 2010.

28. In the area of the ecclesiastical judiciary, 2011 saw no notable progress in addressing the obstacles it faces, which the Centre highlighted in its previous annual reports. Reaffirming the importance of examining these obstacles, the Centre restates them here owing to their importance: (a) the laws of certain ecclesiastical courts are not published in the Official Gazette or made available to the public, and some of them have not been translated into Arabic, which makes it difficult to access and become acquainted with those laws; (b) the absence of a fixed code of procedure applicable to all cases, which creates instability for citizens; (c) the high court fees before the ecclesiastical courts and the absence of a fixed scale for them, their amount being left to the discretion of the judge; (d) the existence of certain courts (of second instance) outside Jordan, which undermines the independence of the Jordanian judiciary and prolongs trial proceedings; (e) certain judges serving in the ecclesiastical judiciary do not meet the legal requirements; and (h) the protracted duration of trial proceedings, as some cases take years to be decided, causing the gravest harm to litigants and resulting in the loss of their rights.

29. In this regard, and with a view to developing the judicial system and enabling it to perform the functions entrusted to it, the Centre recommends the following:

- Examining the observations relating to the constitutional amendments and harmonising the provisions of the laws in force with the provisions of the constitutional amendments, which have entered into force and become binding.
- Establishing a new administrative structure for the Judicial Council – plans for which were drawn up years ago but never implemented – dividing its work into directorates, including a financial directorate, an administrative directorate, a judicial inspection directorate, a public prosecution directorate, a media and training directorate, and others as needed, and guaranteeing its financial and administrative independence.
- Granting judges further guarantees and privileges, and working to change the concept of judicial work.
- Introducing an effective computerised system in the judicial enforcement departments of the regular and Sharia courts.
- Expediting the construction of the High Judicial Palace, and completing the construction of courthouses in the governorates and districts and equipping them with the infrastructure needed to accommodate the technological means required for judicial work.
- Removing all obstacles facing the religious courts (the Sharia and ecclesiastical judiciary) in a manner that ensures compliance with international standards of fair trial.

The Right to Hold Public Office

30. The right to hold public office is one of the fundamental rights of citizens guaranteed by the Constitution³⁵ and by international instruments.³⁶ Article 7 of the United Nations Convention against Corruption, which the Kingdom ratified in 2005, requires the adoption of the principles of efficiency and transparency and of objective criteria such as merit, equity and aptitude in the systems and procedures for the recruitment of civil servants and other non-elected public officials.³⁷ The current Civil Service Regulation No. (30) of 2007 sets out the main institutional foundations and values governing appointment to public office, such as non-discrimination on the basis of sex, race, religion or marital status. It also links appointment to civil service posts to the needs approved in the job establishment schedules, so as to ensure the employment of the best-qualified candidates in accordance with the principles of entitlement and merit and to realise the principles of transparency, justice and equal opportunity.³⁸ The Regulation lays down conditions for holding public office, such as nationality, age, medical fitness, good conduct and fulfilment of the requirements of the post, and these conditions apply equally to men and women.³⁹ In implementation of the provisions of the Civil Service Regulation, the Civil Service Council issued the Instructions on the Selection and Appointment of Employees to Government Posts of the First, Second and Third Categories pursuant to Article (42) of Civil Service Regulation No. (30) of 2007, which emphasised the need to select and appoint employees on the basis of the principles of competence and seniority, whereby competition lists for job applicants of the first and second categories are prepared according to the following criteria: 1. Competition lists for job applicants are prepared once a year according to specialisation, governorate and sex, on the basis of the following factors: (a) the grade point average in the highest academic qualification, which is allotted 12 points; (b) the grade in the General Secondary Education Certificate, which is allotted 8 points; (c) the year of graduation, which is allotted 10 points; and (d) the year of submission of the application, which is allotted 10 points, making a total of 40 points. 2. On the basis of the total points in the competition list, out of 40 points, six persons are nominated for each vacant post to sit the competitive examination. 3. Any candidate who obtains 20 points out of 40 is deemed to have passed the examination, and passing the examination is a basic condition for nomination for interview. 4. The three persons with the highest marks in the competitive examination and competitive points are nominated for a personal interview. 5. The competitive points (out of 40), the competitive examination mark (out of 40) and the personal interview mark (out of 20) are added together to obtain the

³⁵ Article 22 of the Constitution provides that “1. Every Jordanian shall be entitled to be appointed to public offices under such conditions as are prescribed by law or regulations”, and Article 6/2 provides that 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. “2. Appointment to any government office, whether permanent or temporary, in the State and in departments attached thereto, and in municipalities, shall be made on the basis of merit and qualifications.”

³⁶ See Article (21) of the Universal Declaration of Human Rights, Article (25) of the International Covenant on Civil and Political Rights, Article (7) of the Convention on the Elimination of All Forms of Discrimination against Women and Article (33) of the Arab Charter on Human Rights.

³⁷ Paragraphs 2 and 3 of Article 7 of the United Nations Convention against Corruption provide for the need to establish criteria concerning candidature for and election to public office.

³⁸ See Article (4) of Civil Service Regulation No. (30) of 2007.

³⁹ See Article (43) of Civil Service Regulation No. (30) of 200 [sic; year truncated in source].

final result out of 100. 6. The persons with the highest marks out of 100 are nominated for appointment in accordance with the number of vacancies. Table (5) shows the number of job applicants and the number of those appointed, according to the statistics of the Civil Service Bureau, broken down by academic qualification and sex for the period 2010–2011. It will be noted that the total number of job applications received by the Civil Service Bureau in 2011 was (45040), compared with (24951) applications received in 2010. According to the 2011 establishment schedule, appointments were confined to the Ministries of Health and Education owing to the difficult financial circumstances facing the State Treasury, with the salary bill for employees and retirees for 2011 estimated at approximately JOD 3.3 billion.

Table (5): Number of Job Applications and Number of Appointees

Year	Qualification	Applicants : Males	Applicants : Females	Applicants : Total	Appointees : Males	Appointees : Females	Appointees : Total
2010	University degree	7799	11980	19779	3218	3552	6770
2010	Diploma	1679	3493	5172	856	1339	2195
2010	Total	9478	15473	24951	4074	4891	8965
2011	University degree	6258	21126	27384	3883	3941	7824
2011	Diploma	2426	15230	17656	1092	1754	2846
2011	Total	8684	36356	45040	4957	5696	19394

31. With regard to unemployment, according to the reports issued by the Department of Statistics, the unemployment rate in 2011 stood at (13.2%), with an unemployment rate of (11.3%) among males and (21.4%) among females, compared with (10.4%) for males and (21.7%) for females in 2010, and (10.3%) for males and (24.3%) for females, respectively, in 2009. The statistics of the Jordanian Civil Service Bureau indicate that the increase in the number of applicants in recent years has clearly been among female university graduates. This may be attributable to the limited employment opportunities for women in the private sector and the difficulty of their travelling abroad in search of work, in addition to their preference for working in the public sector, given that working conditions in the government apparatus suit their social circumstances. The Centre also noted that the Civil Service Bureau and the Ministry of Higher Education detected (50) forged certificates in institutions falling under the civil service, out of (2665) postgraduate certificates and (16) thousand bachelor's degree certificates.

32. Notwithstanding the efforts made by the Civil Service Bureau to rank entitlement to appointment according to objective criteria consistent with international standards, on the one hand, and with purely national motives, on the other, the Centre records the following observations: (a) the continued appointment of senior administrative leaders in the State – secretaries general, directors general, heads of independent public institutions, commissioners of regulatory bodies and others – which are the most important posts in terms of stimulating the public sector, increasing its productivity and overseeing public funds, without being subject to fixed and specific criteria, despite the international obligations undertaken by the State;

moreover, the procedures for appointment to these positions require the foundations of justice and transparency to be strengthened; (b) the persistence of the scourge of “wasta (connections) and favouritism” in appointments to posts, particularly third-category posts, since the Civil Service Regulation granted government departments the power to make appointments to third-category posts in accordance with their needs for such posts, by advertising them directly in the daily newspapers, subject to prior coordination with the Civil Service Bureau in this regard; and (c) in 2011, Jordanian holders of doctoral degrees addressed a letter to His Majesty the King calling for the regulation of the process of appointment in universities, since appointment in universities is not subject to any criterion so much as to the most powerful wasta. They also called for a special allowance to be granted to holders of doctorates in government institutions, pointing out that ministries grant an allowance for a doctoral degree not exceeding five dinars, and for attention to be paid to graduates of Jordanian and Arab universities on an equal footing with their colleagues who graduated from foreign universities.

33. This year also witnessed a number of sit-ins by persons aggrieved by Civil Service Bureau appointments, who called for the Bureau’s file to be opened and for a halt to what they described as irregularities in the appointment of the unemployed owing to favouritism and wasta. Table (6) summarises the number of complaints and requests for assistance relating to the right to hold public office received by the Centre during the period 2009–2011.

Table (6): Number of Complaints and Requests for Assistance Received by the National Centre

Classification of complaints and requests for assistance	2009: Complaints	2009: Requests for assistance	2010: Complaints	2010: Requests for assistance	2011: Complaints	2011: Requests for assistance
Satisfactory outcome reached	2		2	1	1	1
Under follow-up	2	2	4		18	4
Outside the Centre’s mandate	3		1		6	1
Closed owing to absence of a violation		1			1	1
Closed owing to complainant’s non-cooperation		1			1	–
No satisfactory outcome reached	2				–	–
Total	13		8		33	

34. In 2011, the Government also restructured salaries, wages and allowances in the civil service and all public departments, which it justified as aimed at improving the standard of posts and employees by subjecting salaries to a single reference and a unified basis of measurement,

which would improve the salaries of approximately 200 thousand employees subject to the Civil Service Regulation, in addition to improving the income of a group of approximately 40 thousand employees subject to civil retirement. The Centre noted the continued low level of employment of citizens with disabilities in the various public administrations, despite the emphasis in Article (4/c/3)⁴⁰ of the Law on the Rights of Persons with Disabilities on obliging public sector institutions to employ persons with disabilities at a rate of (4%) of their workforce.

35. The Centre stresses the importance of paying attention to enhancing cooperation between the Civil Service Bureau and the private sector in order to reduce unemployment and create employment opportunities, and of enabling the competent authorities to access the database of job applicants. The Centre further stresses the need for the Civil Service Bureau to adopt the principles of transparency and integrity in appointments, particularly in view of the grievances and objections received by the Bureau from citizens regarding public posts, most of which concern the competitive ranking of applicants, humanitarian cases and place of residence of certain candidates for appointment, cases of withdrawal from the examination or from nomination for appointment, and the cancellation by the Bureau of applications for appointment after the procedures had been completed in accordance with the law. This points to the need for the Civil Service Bureau to adopt the principle of maximum disclosure of information, in line with the Law on Guaranteeing the Right of Access to Information.

36. In light of the above, the Centre reaffirms the recommendations contained in its previous annual reports, in addition to its recommendations for this year, which include the following: (a) the need to strengthen the principles of transparency, integrity and equality in holding public office; (b) the unification of the legal provisions relating to the employment of persons with disabilities contained in Article 13 of the Labour Law, which requires the employment of persons with disabilities at a minimum rate of (2%), Article 4 of the Law on the Rights of Persons with Disabilities No. 31 of 2007, which requires the employment of persons with disabilities at a minimum rate of (4%), and the Instructions on the Selection of Employees in Government Departments issued by the Civil Service Council, which set a quota of 6% for humanitarian cases, including persons with disabilities; (c) the need for the Government to adopt a national programme for training and building the capacities of public sector employees in keeping with technological and administrative developments in the posts they occupy; and (d) the need to expedite the publication of the electronic competition list for 2012 so that job applicants may view their applications and have the opportunity to verify them.

The Right to Nationality, Residence and Asylum

37. International instruments have affirmed the right to nationality as one of the most important elements of the legal personality that every individual must enjoy. In this regard, Article 15 of the Universal Declaration of Human Rights provides that “Everyone has the right to a nationality. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality”, while Article 16 of the International Covenant on Civil and Political Rights provides that “Everyone shall have the right to recognition everywhere as a person before the

⁴⁰ Law on Persons with Disabilities No. 31 of 2007, as amended.

law". The Jordanian Constitution, in Article 5, provides that Jordanian nationality shall be defined by law. In implementation of this constitutional provision, Nationality Law No. (6) of 1954 was enacted, which sets out the conditions for the acquisition of original nationality, nationality by dependency and naturalisation, and other matters relating to nationality.

38. The year 2011 saw no legislative developments in the legal framework relating to the right to nationality. Nor did the constitutional amendments add the word "sex" to Article 6 of the Constitution as a ground of discrimination and inequality, and there was no response to the demands of women's and human rights organisations that it be expressly stipulated, rather than relying on the assertion that the courts have interpreted the term "Jordanians" as meaning both men and women. Consequently, no change occurred this year in the practical application and exercise of the right to nationality, with the exception of the decision of the Council of Ministers issued in October 2011 transferring the powers to withdraw or reinstate national numbers and to change the colours of the yellow and green bridge cards from the Follow-up and Inspection Department and vesting them exclusively in the Council of Ministers. Nevertheless, the challenges and problems that infringe upon this right, which were referred to in the Centre's previous annual reports, remain unchanged, most notably: (a) the continued withdrawal of nationality from citizens of Palestinian origin on the basis of the Disengagement Instructions, whether at the crossing points to the West Bank or when they visit the Civil Status and Passports Department or the Follow-up and Inspection Department, based on personal judgements and vague, unsettled, unclear and ambiguous interpretations involving an expansive interpretation of Article (2) of the Disengagement Instructions – which provides that "Every person residing in the West Bank before 31/7/1988 shall be considered a Palestinian citizen and not a Jordanian" – so as to include, in addition, the following categories: anyone who obtained family reunification under the procedures of the Israeli occupation authorities, and anyone who was not resident in the East Bank when the Disengagement Decision was issued. The Centre has pointed out in its previous reports that these measures contravene the Constitution and international human rights standards, in addition to contravening the provisions of Nationality Law No. (6) of 1954, which contains no provision permitting the withdrawal or loss of nationality other than as provided for in Article (18) thereof; (b) the official authorities' continued adoption of a reading that is contrary to the text and essence of the Nationality Law of 1954, whereby they discriminate between Jordanian men and women in the transmission of nationality to their children on the basis of Article (3/3) of the Law, notwithstanding that Article (9) of the Law affirms that "The children of a Jordanian are Jordanians wherever they are born", and notwithstanding that the interpretation of the latter provision according to the recognised rules of interpretation indicates that the word "Jordanian" includes both male and female, and hence that the children of a Jordanian mother are entitled to enjoy Jordanian nationality. In practice, however, a Jordanian mother is deprived of the right to transmit her nationality to her children if she marries a non-Jordanian. Table (7) shows the number of complaints relating to nationality received by the Centre during 2011 compared with previous years, whose authors stated that the Civil Status and Passports Department had withdrawn their documents proving Jordanian nationality or replaced them with temporary ones. The Centre addressed the Ministry of the Interior regarding all the complaints it received, numbering (52) complaints and requests for assistance; however, the Ministry of the Interior replied to only (22) of the Centre's letters, stating that these measures had been taken pursuant to the Instructions of the Decision on

Disengagement from the West Bank, without clarifying the grounds for its decision, and requested that the complainants refer to the Follow-up and Inspection Department; (c) a new phenomenon emerged in 2011 concerning a considerable number of residents of population clusters in the town of Al-Ruwaished and certain other villages in the Eastern and Western Badia districts who possess no official documents establishing their legal personality. This phenomenon began on a small scale in the late 1980s and grew in the following years into the third millennium, such that demands for nationality began to increase. In 2012, 79 of these persons submitted a collective complaint to the Centre stating that they are Jordanian nationals and that they possess certain evidence proving this; however, the Ministry of the Interior refused to grant them Jordanian nationality owing to the lack of sufficient proof or evidence as required by law. It should be noted that in 2012 the Government granted nationality to approximately (240) of them and refused to grant it to the others because, in the view of the Ministry (of the Interior), they hold Syrian nationality, particularly as they are located and reside in the border area and lack sufficient proof to support their applications, and the matter relates to considerations of sovereignty and the conditions of the Nationality Law in force.

Table (7): Number of Complaints Relating to Nationality Received by the Centre

Year	Number of nationality complaints received by the Centre
2007	30
2008	64
2009	38
2010	148
2011	52

39. With regard to the right to freedom of movement and residence, the Centre notes the constitutional amendment introducing into the second paragraph of Article (9) the phrase “or be prevented from moving”, which affirms the right of Jordanians to freedom of movement. On the other hand, the Centre did not record any new development in 2011 in the protection of this right in practice. The analysis of the complaints received by the Centre, numbering (24) complaints, as shown in Table (8), indicates that they concern: (a) the withholding of foreigners’ passports by employers, contrary to Provisional Passports Law No. 5 of 2003, which impedes their freedom of movement; (b) the issuance of deportation decisions against foreigners married to Jordanian women without regard to their social and family circumstances; (c) the refusal or delay in granting residence to certain spouses of Jordanians who hold other nationalities; and (d) the continued deportation of foreigners under the Residence and Foreigners’ Affairs Law No. 24 of 1973 without affording them the guarantees set out in Article (13) of the International Covenant on Civil and Political Rights, which provides that an alien lawfully resident may be expelled only in pursuance of a decision reached in accordance with law and after being allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.

Table (8): Analysis of Complaints Received by the Centre Relating to the Right to Residence and Movement

Year	Number of complaints
2007	166
2008	89
2009	101
2010	67
2011	24

40. With regard to the right to asylum, 2011 saw no change in Jordan's position on ratification of the United Nations Convention relating to the Status of Refugees of 1951 and its 1966 Protocol, nor was any step taken towards the adoption of a national asylum law, as recommended by the Centre in its previous reports. On another level, the problem of Syrian refugees in the Kingdom emerged. A delegation from the Centre visited the dwellings in which they are staying in the city of Ramtha, and as a result of its follow-up and monitoring the Centre found the following: (a) the influx of Syrian refugees into Jordan began on 1/5/2011, when the first Syrian refugee entered the city of Ramtha; (b) the Syrian refugees reported that they were treated well by the public security personnel deployed around the area in which they are staying; (c) the Ministry of Education issued a decision admitting Syrian students to Jordanian schools; (d) the limited services provided by the Office of the High Commissioner for Human Rights in following up and addressing the situation of Syrian refugees, namely the failure to provide them with asylum application documents and the failure to continue registering new arrivals, which weakens the protection afforded under international humanitarian law; (e) the severe weakness and absence of institutional action by the Government and the Office of the United Nations High Commissioner for Refugees in assuming responsibility for providing refugees with adequate shelter, health and medical services, food, clean drinking water, sanitation, and psychological and legal counselling; and (f) restrictions on the freedom of movement of refugees who had worked in the security and military services, in a manner inconsistent with the right to freedom of movement, placing some of them under pressure to choose between seeking international protection as refugees or a quasi-forced and indirect return, which threatens the concept of voluntary return. As regards Iraqi refugees, there was no change in the practical situation during 2011; however, their problem began gradually to recede, particularly following the changes taking place in Iraq, leading to a tangible decrease in the number of resettlement applications and in actual resettlement carried out by the Office of the High Commissioner for Refugees, as shown in Table (9) above.

Table (9): Comparison of Resettlement Applications Submitted by Iraqi Refugees

Year	2009	2010	2011
Resettlement applications	8529	5057	3298
Actual approval	4852	3350	995
Percentage	56.9%	66.2%	30.1%

41. In order to protect the rights of individuals to nationality, residence and asylum, the Centre reaffirms the importance of implementing the recommendations set out in its previous reports, the most important of which are:

- Giving effect to Article (5) of the Constitution, so that nationality is neither granted to nor withdrawn from any person except in accordance with the provisions of the law, and so that nationality and other identity documents are not withdrawn except by virtue of a final judicial decision.
- Establishing a committee to consider complaints submitted by citizens concerning the withdrawal of their national numbers and to reinstate them to those from whom they were unlawfully withdrawn.
- Amending Article (37) of the Residence and Foreigners' Affairs Law, which grants administrative governors and other executive officials the power to issue deportation decisions against foreigners.
- Refraining from deporting the husbands of Jordanian women and the wives of Jordanian men by administrative decisions, in order to ensure the stability of their family and living circumstances.
- The need to harmonise national legislation and the asylum mechanism with international standards, to consider ratifying the 1951 Geneva Convention relating to the Status of Refugees and its supplementary 1967 Protocol, and to establish a national asylum mechanism in the Kingdom consistent with international human rights standards.
- Granting refugees registered with the Office of the United Nations High Commissioner for Refugees preferential treatment with regard to higher education, work and health, and paying greater attention and care to Syrian refugees and intensifying efforts to assist and protect them.

The Right to Vote and to Stand for Election

42. The right of individuals to free and fair elections is one of the most important political rights of individuals, being the principal means of their participation in the political process and public life. It is the only means available to the people to choose their representatives in the legislative authority and the main driving force in directing the public policy of the country, the people having a real role, rather than a merely theoretical framework, in choosing the government that will govern the country throughout the legislative term. Accordingly, the Jordanian

Constitution⁴¹ and international⁴² and regional⁴³ human rights instruments have affirmed the right of individuals to free and fair elections.

43. The year 2011 witnessed a broad popular and political movement, among whose most prominent demands was the adoption of an electoral law⁴⁴ consistent with the provisions of the Jordanian Constitution and international human rights instruments in guaranteeing the holding of free, fair and transparent elections, ensuring the representation of all Jordanians, contributing to the development of political life, and producing a House of Representatives capable of performing the functions required of legislative councils, both in legislation and in oversight of the work of the executive authority. In response to this popular movement, the Government took the initiative of forming the Jordanian National Dialogue Committee, chaired by Mr Taher Al-Masri, President of the Senate, and composed of (52) members, on 14/3/2011. The Royal Letter to Mr Al-Masri requested the Committee to draft a democratic electoral law that would produce a House of Representatives representing all Jordanians and constituting a qualitative shift in parliamentary work, so that the House would be a legislative and oversight platform expressing the voice of every Jordanian man and woman, contributing to entrenching equal opportunity, confronting *wasta* and favouritism and playing an effective and institutional role in combating corruption, in addition to drafting a political parties law that would enrich party pluralism, entrench it as a firmly established approach, and enable all active political forces to participate in the democratic process and in decision-making. Five members of the Committee, four of them from the Islamic Action Front, announced their withdrawal from participation in its work in protest at the manner in which it had been formed.

44. The Committee pointed to several matters of concern, such as the spread of financial and administrative corruption, unemployment and poverty, rising social violence, the emergence of sub-identities, the weakness of representative institutions and the faltering growth of civil society. The Committee also called for a review of the press and publications, associations and

⁴¹ As provided in Article (67) of the Jordanian Constitution: “The House of Representatives shall consist of members elected by secret, general and direct ballot in accordance with an electoral law which shall ensure the following matters and principles: a. The right of candidates to monitor the electoral process; b. The punishment of those who tamper with the will of the voters; c. The integrity of the electoral process at all its stages. 2. An independent commission shall be established by law to supervise and administer the parliamentary electoral process at all its stages, and it shall also supervise any other elections decided upon by the Council of Ministers.”

⁴² Article (21) of the Universal Declaration of Human Rights provides that: “1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. 2. Everyone has the right of equal access to public service in his country. 3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.” Article (25) of the International Covenant on Civil and Political Rights provides that: “Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; (c) To have access, on general terms of equality, to public service in his country.”

⁴³ Paragraph 3 of Article (24) of the Arab Charter on Human Rights provides for the right of every citizen to stand for election or to choose his representatives in free and impartial elections, in conditions of equality among all citizens that guarantee the free expression of their will.

⁴⁴ It should be noted that during 2012 the Government referred a new draft electoral law to the National Assembly, and it is still before the Legal Committee of the House of Representatives.

public assemblies laws and the laws on detention, the enactment of an illicit enrichment law, the affirmation of the general jurisdiction of the Government and of the independence of the judiciary, and the establishment of a two-tier administrative judiciary, and it called for the reform of educational institutions in order to instil the values of citizenship and respect for the rule of law and human rights.

45. As for the outputs of the National Dialogue Committee in the field of the right to vote, the Committee affirmed that the objectives of the electoral law should be to produce a House of Representatives that genuinely represents all social groups, geographical regions and intellectual and political trends; that this House should be capable of exercising its constitutional role in legislation, oversight and accountability; and that it should also be the principal forum for holding national debates resulting in policies in all fields and decisions implemented on the ground. To achieve all these objectives, the Committee recommended certain necessary constitutional amendments, most notably: (a) the adoption of a mixed electoral system combining open proportional lists at the governorate level, allocated 115 seats, and open proportional lists at the national level, allocated 15 seats; (b) the establishment of an independent body to supervise elections; (c) the assignment to the judiciary of the task of deciding challenges to the validity of the membership of members of the House of Representatives; (d) the deletion of paragraphs (4), (5) and (6) of Article (73) of the Constitution concerning the postponement of elections in the event of force majeure; (e) the amendment of Article (88) of the Constitution concerning the vacancy of the seat of a member of the House of Representatives or the Senate, and the amendment of paragraph (3) of Article (78) of the Constitution concerning the duration of the ordinary session of the National Assembly so that it becomes six months instead of four; (f) the amendment of Article (54) of the Constitution so as not to permit the Government to treat the Speech from the Throne as its ministerial statement; (g) the amendment of Article (45) of the Constitution concerning the general jurisdiction of the Council of Ministers in administering all affairs of the State, and the deletion of the exception contained in that Article; and (h) the amendment of Article (94) concerning the issuance of provisional laws so as to restore it to the wording that applied before its amendment in 1958.

46. The Committee also submitted a proposed draft electoral law, the most important feature of which, in contrast to previous electoral laws, was the provision for the establishment of an independent national higher commission for elections and political parties, having legal personality and enjoying financial and administrative independence, to be entrusted with administering and supervising parliamentary elections at all their stages and guaranteeing their fairness, integrity, transparency and credibility. It is to be composed of thirteen members from among persons of recognised integrity, probity and expertise, appointed by Royal Decree upon the recommendation of the Council of Ministers, seven of whom shall be retired judges, and the commission may draw upon public officials and others in carrying out its functions. In addition, the draft provided for opening the official media to all candidates during the electoral campaign period, for their equal and fair use at comparable times and free of charge, on condition that they refrain from attacking the electoral campaign of other candidates, whether directly or through their campaign aides. The Centre considers that the recommendations of the Dialogue Committee contribute to strengthening the right of individuals to free and fair elections. It should be noted that the Committee included in its proposed draft electoral law a

large part of the recommendations made by the Centre in its previous annual reports and in the draft law it proposed to strengthen the right of individuals to free and fair elections.

47. The positions of political parties and forces on the outputs of the Dialogue Committee regarding the draft electoral law varied. Some parties regarded them as progress, given the tangible positive elements they contained compared with the existing laws, whereas the “opposition parties” grouped under the banner of the Higher Coordination Committee of Opposition Parties considered that the draft electoral law fell short of what was required, and expressed their wish for the adoption of a system along the following lines: the adoption of a mixed system combining geographical constituencies and a national list at the level of the Kingdom, at a ratio of 50% each. As for the constituencies, they proposed the adoption of a free open list at the governorate level whereby the citizen votes for a list up to the number of seats allocated to the governorate, while stressing the need to enlarge constituencies so that each governorate becomes a single constituency in order to address the fragmentation of society and to strengthen the alliances that consolidate the social fabric. The larger governorates would be divided into a number of constituencies, approximating the number allocated to a small governorate, so that the constituencies’ shares would be similar though not equal, ranging from (3–5) deputies per constituency. As for the national list, they proposed the adoption of a closed proportional list, in order to move Jordanian society towards voting on the basis of the list’s political programme rather than on a regional, tribal or personal basis; this would also lead to the emergence within the House of Representatives of political blocs possessing an integrated political vision for running the State, so that the elected House of Representatives would be prepared to form a parliamentary government.

48. The formation of the National Dialogue Committee was followed by the formation of a Royal Committee to Review the Constitution, chaired by former Prime Minister Ahmad Al-Lawzi and comprising ten figures who had previously held numerous important posts.⁴⁵ This Committee was entrusted with submitting the constitutional amendments it considered necessary to restore balance to the Constitution, after that balance had been disturbed as a result of the numerous amendments introduced over nearly five decades. The Committee submitted its recommendations to His Majesty the King, who referred them to the Government to proceed with the constitutional procedures for the adoption of these amendments. The Government in turn examined them and introduced certain changes before transmitting them to the National Assembly, which adopted them in its extraordinary session after introducing certain changes of its own. The most important of the amendments issued that relate to the right to vote and to stand for election are the following: (a) the amendment of Article (54) of the Constitution by deleting the phrase “and if the House is not in session or is dissolved, the Speech from the Throne shall be deemed a ministerial statement for the purposes of this Article”, which appeared in the third paragraph of that Article. The amendments added three paragraphs to this Article: the first obliges the Cabinet, if the House of Representatives is not in session, to convene it in

⁴⁵ The Committee was composed of the following: Mr Ahmad Al-Lawzi (Chairman), and as members Mr Taher Al-Masri, President of the Senate; Mr Faisal Al-Fayez, Speaker of the House of Representatives; Dr Fayez Al-Tarawneh; Mr Ratib Al-Wazani, President of the Judicial Council; Mr Rajai Al-Muasher; Dr Said Al-Tal; Mr Taher Hikmat; Mr Marwan Dudin; and Mr Riyad Al-Shakaa. It should be noted that Mr Taher Hikmat is the Chairman of the Board of Trustees of the National Centre for Human Rights.

an extraordinary session, to present its ministerial statement to it within one month of the Cabinet's formation and to request a vote of confidence on the basis of that statement; the second provides that if the House of Representatives is dissolved, the Cabinet shall present its statement to the new House within one month of the date of its convening and request a vote of confidence on that basis; and the third brought about a radical change in the concept of confidence, requiring, for the Cabinet to obtain confidence, that an absolute majority of the members of the House vote in its favour, whereas previously, under Article (53) of the Constitution, which became Article (54) after the amendment, a government against which an absolute majority did not vote would win confidence even if half the members voted against it and the other half abstained, and even if not a single member of the House of Representatives voted in its favour. The amendments to this Article set matters right in two respects: first, by preventing a newly formed government from taking cover behind the Speech from the Throne and treating it as its ministerial statement; and second, by requiring positive confidence from a majority of the members of the House of Representatives in favour of the government, rather than mere absence of opposition to it by a majority of the members of the House; (b) the amendment repealing Article (67) of the Constitution and replacing it with an article whose second paragraph provides for the establishment of an independent commission to supervise and administer the electoral process at all its stages, as well as to supervise any other elections decided upon by the Council of Ministers.⁴⁶ In this regard, it should be recalled that the recommendations of most of the parties calling for the amendment of the Constitution focused on and stressed that the supervision of elections should be entrusted to an independent judicial authority, or to a body elected for this purpose from among persons characterised by expertise, integrity, knowledge and impartiality, rather than its formation being entrusted to the Government; (c) the amendment repealing Article (71) of the Constitution, which required, for the invalidation of the membership of a deputy whose election was challenged, the approval of two thirds of the members of the House of Representatives – something that never occurred in the history of Jordanian parliaments despite the hundreds of challenges submitted in this regard – and replacing it with a provision vesting jurisdiction in the Court of Appeal within whose jurisdiction lies the electoral constituency of the deputy whose election is challenged. This provision constitutes a qualitative shift in this area, and it could have been better had the amendment granted the right to appeal the decision of the Court of Appeal before the Court of Cassation, in order to unify judicial jurisprudence among the three Courts of Appeal existing in the Kingdom and to achieve justice and equality among the various persons challenging the validity of deputies' membership and among the deputies whose membership is challenged; (d) the amendment repealing paragraphs (4), (5) and (6) of Article (73): paragraph (4) granted His Majesty the King the right to postpone the holding of general elections if there were circumstances of force majeure in the light of which the Council of Ministers considered the holding of elections impossible, and the Centre considers that this amendment affirms the right of individuals to take part in the conduct of public affairs by keeping the Council of Ministers

⁴⁶ It should be noted that the Independent Election Commission Law No. 11 of 2012 was adopted and published in Official Gazette issue No. 5152 of 9/4/2012, and that a Royal Decree was issued on 6/5/2012 appointing the Board of Commissioners of the Independent Election Commission, chaired by Mr Abdul-Ilah Al-Khatib, with Messrs Riyadh Al-Shakaa, Atef Al-Batoush, Mohammad Al-Alawneh and Eid Juweid as members.

operating under the oversight of the House of Representatives; as for paragraphs (5) and (6), concerning the filling of vacancies in the House where elections could not be held, these two provisions had been added to overcome the impossibility of holding elections for the representatives of the West Bank, and there was no longer any need for them following the issuance of the Decision on Administrative and Financial Disengagement from the West Bank in 1988; (e) the amendment made to the second paragraph of Article (75) of the Constitution, which required that no person claiming foreign nationality or protection may be a member of the House of Representatives or the Senate; it was repealed and replaced with a provision that no person holding the nationality of another State may be a member of either House. In justification of this amendment, it was said that a person who holds a foreign nationality may have sworn an oath of allegiance and loyalty to the foreign state whose nationality he holds, whereas a member of either House is expected to owe allegiance and loyalty to his own country alone. As for the third paragraph of the new article, which addresses the automatic forfeiture of the membership of a member of either House, it ought to have included details concerning the body that determines cases of ineligibility, or those that arise after the election; and it would have been preferable to vest a judicial body with the competence to issue such a ruling determining that a state of ineligibility existed from the outset or arose subsequently.

49. With regard to municipal elections, the year 2011 witnessed numerous measures and activities relating to the Municipalities Law. On 15 March 2011, the Council of Ministers dissolved the Greater Amman Municipality Council and all municipal councils in the Kingdom, and formed interim committees to carry out the functions and exercise the powers of these councils. On the same date, the Government affirmed that the municipal elections would be held on their legally prescribed date under a new law. Accordingly, it submitted a draft Municipalities Law to the National Assembly, which passed the law after an arduous process; Municipalities Law No. 13 of 2011 was published in the Official Gazette on 13 September 2011. An examination of the Law shows that it contains a number of positive features, most notably: (a) increasing the representation of women in municipal councils through the quota system, which was raised from 20% to 25%; (b) abolishing the one-vote system, as each voter in every electoral district was granted a number of votes equal to the number of that district's representatives on the municipal council, in addition to one vote for the election of the mayor (president of the municipal council). However, the Law also contains numerous negative aspects, the most important of which are: (a) the inconsistency of the Law's provisions with the concept of the principles of democracy and decentralisation, as many of its provisions entrench the concept of centralisation to a large extent, owing to the failure to grant municipal councils real powers enabling them to discharge their duties in serving citizens, and the granting to the Minister of extensive powers going to the very core of the work of municipalities rather than mere supervision; these powers are provided for in more than twenty places in the text of the Law; (b) the failure to adopt the elective principle in full, as one third of the members of the Greater Amman Municipality Council are still appointed by the Council of Ministers, in addition to the appointment of the Mayor of Amman rather than his direct election by voters; (c) the conditions and procedures for voter registration require the assignment of large numbers of personnel to this task, which burdens the Government, increases financial expenditure and complicates the voter registration process, a matter that may deter citizens from registering their names; furthermore, recourse to manual means of registration paves the way for numerous

irregularities in the voter lists; (d) the Law does not entrust the management of municipal elections to an independent and impartial body, but rather leaves this task in the hands of the executive authority, as the Law grants the Ministry of Municipal Affairs the power to manage the electoral process in all its stages; (e) the Law contains provisions that may deprive the residents of municipalities, for long periods of time, of their right to manage the affairs of their municipal councils through elected councils, as the Law empowers the Council of Ministers, upon the recommendation of the Minister, to dissolve a council before the expiry of its term and to appoint a committee to act in place of the dissolved council for a period not exceeding one year, during which the new council shall be elected.⁴⁷ The Law further provides that all municipal councils shall be deemed dissolved three months before the expiry of their term, and that the Minister shall appoint interim committees for the dissolved councils to manage the affairs of the municipalities until new elections are held and the mayor and members of the new council assume their posts and commence their duties.⁴⁸ At the same time, the Law permits the postponement of elections in one or more municipalities for a period not exceeding six months where the public interest and the integrity of the elections so require, provided that the period of postponement is counted as part of the term of the previous council;⁴⁹ (g) the Law does not include clear and objective mechanisms for the separation and creation of municipalities.

50. In implementation of the provisions of Municipalities Law No. (13) of 2011, the Council of Ministers set 27 December 2011 as the date for holding the municipal elections. The Council also decided to create 99 new municipalities in various regions of the Kingdom, bringing the number of municipalities in the Kingdom to 192. The Government commenced voter registration procedures during the period from 1 October to 25 November 2011, and the Centre formed a national coalition comprising a select group of Jordanian civil society organisations to monitor the municipal elections.⁵⁰ A number of observations were recorded on the voter registration procedures during the above-mentioned period, the most important of which are: (a) during the registration period, the Kingdom witnessed numerous popular protests demanding the separation of many municipalities, and the registration process was halted in a number of governorates. Examples include the firing of gunshots in the Jiza area in the Capital

⁴⁷ Article 8(a) provides: “The term of the council shall be four years from the date on which it assumes its functions pursuant to Article (31) of this Law. The council may be dissolved before the expiry of its term and a committee appointed to act in place of the dissolved council for a period not exceeding one year, during which the new council shall be elected, by a decision issued by the Council of Ministers upon the recommendation of the Minister, stating the reasons justifying the same.”

⁴⁸ Article 4(d)(1) provides: “All municipal councils shall be deemed dissolved three months before the expiry of their term, and the Minister shall appoint interim committees for the dissolved councils to manage the affairs of the municipalities until the new elections are held and the mayor and members of the new council assume their posts and commence their duties.”

⁴⁹ Article 4(d)(3) provides: “Notwithstanding the provisions of item (2) of this paragraph, the Council of Ministers may postpone the elections in one or more municipalities for a period not exceeding six months where the public interest and the integrity of the elections so require, provided that the period of postponement is counted as part of the legal term of the council.”

⁵⁰ The Centre, through (30) monitors, commenced monitoring the voter registration stage and the subsequent stages in five cities, namely Amman, Zarqa, Irbid, Salt and Karak, by providing them with the monitoring forms prepared by the Centre and deploying them to the registration centres located throughout the said cities; subsequently, (250) monitors will be trained for polling day.

Governorate in demand of the separation of municipalities, followed by the closure of the international road leading to the airport for a long period; while citizens from the areas of Mdain and Marwad, located at the northern gate of Mu'tah University, closed the main road leading to the University with stones and prevented vehicles from passing in protest at their towns not being separated. The same occurred in more than one area of Karak Governorate, where protesters resorted to violent means to express their demands; (b) the voter registration process witnessed collective registration carried out repeatedly and conspicuously by citizens, as many citizens were seen registering large numbers of family books, which indicates the possible use of political money in these elections, particularly in the final days of the registration process, which witnessed noticeable activity by certain candidates' agents, who paid money to citizens in return for bringing family books for registration and facilitated the reservation of places in the queue for them at registration centres; (c) the manual registration mechanism led to repeated errors and bureaucracy in the registration process; (d) throughout the registration period, the voter registration centres lacked any notice boards or guidance signs for citizens to help them understand all the procedures required for the monitoring process, and cases were recorded of citizens attending with personal identity cards but without family books for the purpose of registration; (e) the early commencement of electoral campaigning was observed, in the form of certain candidates in a number of governorates sending text messages via mobile telephones encouraging registration for the elections, hanging banners and distributing leaflets at mosques; (f) many citizens complained of unlawful transfers of voters, as the unlawful transfer of numerous family books for registration in other districts was observed; (g) no arrangements whatsoever were made for persons with special needs; (h) the unlawfulness of the voter registration process and the accompanying creation of new municipalities without their boundaries being announced, as many voters who were registered in certain municipalities would, following the creation decisions, vote in other municipalities, in addition to the disregard of the basic reference point in determining the place of voting, namely the geographical boundaries of each municipality.

51. On 26 October 2011, the Government decided to postpone the municipal elections, stating that a new date for holding the municipal elections would be announced within days. However, as at the date of preparation of this Report, no new date for the elections had been set. On 3 January 2012, the Government announced, through the Minister of Municipal Affairs, that the Council of Ministers had referred the draft law amending the Municipalities Law to the Legislation and Opinion Bureau in order to complete the legislative and legal procedures relating to it before its referral to the House of Representatives. On 22 January 2012, the House of Representatives referred the draft law to the joint committee composed of the Legal and Administrative Committees, after the Government had defended the draft law amending the Municipalities Law on the ground that it was intended to remedy the errors proven to exist in the current Law. These amendments included the following: adopting the place of residence recorded on the civil status card for the purposes of preparing voter lists, and adopting voter rolls issued by the Civil Status Department on the basis of place of residence. The Government further explained that, under the amendments, a committee would be formed to supervise and manage the municipal elections, which, according to its proposal, would consist of five members, the chairman and two members being appointed by the Council of Ministers and the other two members being appointed by the Judicial Council from among judges of the highest

grade; this committee would have the right to appoint representatives in each municipality to supervise the electoral process.⁵¹

52. With a view to arriving at a Municipalities Law that guarantees the sound application of the principles of decentralisation, the Centre proposes that the following amendments be introduced to the Law: (a) abolishing the permissibility of dissolving municipal councils three months before the date of the elections and restoring the provision as it stood in 1952, so as to require anyone wishing to stand as a candidate in the forthcoming elections to resign three months before the date of the elections; (b) abolishing the permissibility of postponing elections without a convincing justification or force majeure; (c) repealing the provision that deprives the residents of the Capital, Aqaba and Petra of electing their local councils, particularly as the residents of these regions are Jordanians who have the right to manage their affairs through a municipal council elected by them, on an equal footing with other municipalities and in conformity with Article 6 of the Jordanian Constitution (“Jordanians shall be equal before the law”); (d) amending the Law to include objective rules ensuring that the Council of Ministers does not expand its exercise of its right to dissolve local councils, and providing that elections shall be held within three months of the date of dissolution of the municipal councils rather than within one year; (e) providing in the Law that the management of the electoral process for municipal councils be entrusted to, and supervised by, the Independent Election Commission, as is the case with parliamentary elections; (g) establishing clear mechanisms for the merger and separation of municipalities on the basis of the national interest, and adopting objective criteria for the creation of new municipalities in order to preserve the sustainability of municipalities and their capacity to deliver services to citizens, while taking into account the preservation and broadening of the base of participation and the achievement of sustainable development. The Centre further proposes that the following principles be observed when creating municipalities of this kind: analysing the impact of such changes on the economic sustainability of the municipality; ensuring that such changes have a positive impact on the performance of municipal functions; observing the equitable distribution of property, rights, procedures, debts and obligations when deciding on the separation of municipalities; observing the equitable distribution of the staff of the existing municipalities and the new municipality in a manner that serves citizens; and clarifying the boundaries of the new municipalities and determining their population clearly and accurately.

The Right to Freedom of Opinion, Expression, the Press and the Media

53. International instruments guarantee freedom of opinion, expression and the media as a fundamental prerequisite for realising the principles of transparency and accountability. It is inconceivable that human rights and human dignity can be respected, corruption combated and

⁵¹ It should be noted that, on 2 June 2012, the Council of Ministers decided to postpone the municipal elections for 6 months from 15 September 2012, the date previously set for holding them. The Council of Ministers’ decision to postpone the municipal elections was based on an opinion issued by the Bureau for the Interpretation of Laws, published in the issue of the Official Gazette of 31 May 2012, which affirmed the permissibility of postponing the elections on the basis of a legal provision contained in Article 4, paragraph (d)(3), of the Municipalities Law, which grants the Council of Ministers the power to postpone the elections in one or more municipalities for six months where the integrity of the elections and the public interest so require.

society advanced economically, politically, socially and culturally without guaranteeing the right to freedom of expression and opinion and freedom of the media. Moreover, the media serve as a mirror reflecting violations of human rights, and their existence contributes to halting abuses, restoring rights to their holders and holding violators accountable. The International Covenant on Civil and Political Rights contains an express provision on the right to freedom of opinion and expression, freedom of the press and the media, and the circulation of information. The Human Rights Committee, in its General Comment issued in 2011, further emphasised the need to extend the protection of freedom of expression to the new media, including the phenomenon of bloggers or so-called “citizen journalists”.⁵² The State, through its various authorities and pursuant to its international and constitutional obligations, is bound to respect this right by refraining from acts that infringe it, to protect it from violations, and to adopt the legislative and administrative measures necessary to give effect to it in practice and to guarantee the freedom to seek, receive and impart information without interference.

54. The year 2011 witnessed the introduction of amendments to Article (15) of the Constitution that strengthened freedom of opinion and expression and freedom of the press and the media, most notably: (a) the addition of a new clause providing that “The State shall guarantee freedom of scientific research and shall guarantee freedom of literary, artistic and cultural creativity, in a manner that does not contravene public order and public morals”; (b) newspapers may not be suspended, nor their licences revoked, except by judicial order in accordance with the provisions of the law, whereas the previous constitutional provision stipulated that newspapers could not be suspended nor their concessions revoked except in accordance with the provisions of the law, without requiring a judicial order; (c) although the amendments retained the phrase “provided that he does not exceed the limits of the law” in clauses one and four of Article 15, the constitutional amendments added Article 128, which affirms that “Laws issued under this Constitution to regulate rights and freedoms may not prejudice the essence of such rights or affect their fundamentals”, thereby establishing a barrier preventing laws from emptying these rights of their content. However, the Centre faults these constitutional amendments relating to Article 15 in that they (a) do not provide that every person has the right to seek, receive and impart information of all kinds, whereas the right of access to information is the cornerstone for guaranteeing freedom of expression and opinion and freedom of the media; moreover, the three words “seek, receive and impart” information are enshrined in all international human rights instruments whenever freedom of expression and opinion is addressed, being provided for in Article 19 of the Universal Declaration of Human Rights, Article 19 of the International Covenant on Civil and Political Rights and Article 32 of the Arab Charter on Human Rights, which demonstrates the importance of this right in all its dimensions; (b) retain the phrase “every Jordanian” in clause one of Article 15, which was not replaced by the phrase “every person shall freely express his opinion ...”, in harmony with the universal vision of human rights, which is not confined to the citizens of the State alone.

55. The year 2011 also witnessed the introduction of amendments to the Press and Publications Law, consisting of the inclusion of electronic publications within the provisions of that Law.

⁵² This is stated in General Comment No. (34) of the Human Rights Committee on Article 19 of the International Covenant on Civil and Political Rights, adopted by the Committee on 21 July 2011.

The Centre considers that these amendments may constitute a restriction on freedom of opinion and expression and run counter to global trends regarding Internet freedom, for a number of reasons, the most important of which are: (a) including electronic news websites within the Press and Publications Law, on the same footing as printed publications, will reinforce self-censorship among the owners of these websites, particularly in their interactive aspects with the public, since the Law imposes exorbitant fines that reinforce prior censorship; this means curbing freedom of expression on electronic websites, which would infringe freedom of opinion and expression and impair the essence of the right as enshrined in the Constitution; (b) differential treatment between registered and unregistered websites in matters of advertising and invitations, such as attending events and activities, and other aspects of journalistic work, leads to a violation of the principle of equality between them and to discrimination between websites affiliated in one way or another with the Government and independent websites, whereas the principle is that the media should be free, economically and editorially independent, and equal in rights; (c) the Law vests everything relating to optional registration in the powers of the Director of Press and Publications under a special regulation to be issued by the Council of Ministers, and such regulation may contain additional restrictions on media freedom; (d) notwithstanding what is stated in the explanatory memorandum of the Law regarding granting electronic websites the additional privileges contained in the Press and Publications Law, an in-depth study of the Press and Publications Law as a whole shows that these grounds are neither accurate nor sound, as the amendments introduced to the Law will not prevent journalists from being tried, detained and imprisoned under other penal laws; furthermore, including electronic websites within the scope of the Press and Publications Law as regards trial before a specialised judicial chamber does not mean that the owners or publishers of electronic websites, the authors of journalistic material on them, or those posting comments will not be referred to court under the Penal Code, the Contempt of Court Law, the Information Systems Crimes Law, the Law on the Protection of State Secrets and Documents and the State Security Court Law; (e) the freedom of the public to comment and criticise, and to publish information on sensitive subjects, will be restricted in one way or another when electronic websites are made subject to the requirements of the Jordan Press Association and the procedures of the Press and Publications Department. Notwithstanding the foregoing, the Centre considers that electronic news websites⁵³ need to develop their performance in line with the standards of professionalism, impartiality, objectivity and integrity, and in harmony with international human rights standards, particularly those relating to respect for the rights and freedoms of others and refraining from harming their reputation, impugning their dignity or engaging in character assassination, particularly in the matter of character assassination, as well as the protection of national security and public order in a democratic society.

56. Among the positive developments witnessed by the right to freedom of opinion and expression and freedom of the media in 2011 were: (a) the promulgation of General Amnesty Law No. (10) of 2011, which included press and publication offences within the general amnesty; (b) the Senate's rejection of Article (23) of the draft law amending the Anti-

⁵³ There are more than 60 electronic news websites.

Corruption Commission Law⁵⁴ of 2011, in response to the demands of the media community and civil society organisations, in view of the restrictions that the provisions of this article would impose on freedom of opinion and expression, specifically through electronic means;⁵⁵ (c) the adoption of the Media Strategy for 2011–2015, which aimed to provide a legally, politically and administratively appropriate environment for developing the media sector, strengthening the independence of official and private media and protecting them, in addition to providing a legal, political, social and scientific environment conducive to developing media pluralism and guaranteeing the right of access to information. It should be noted that the Media Strategy called on local media to develop their tools of professional self-regulation in order to ensure adherence to the ethics of the media profession, by calling on all media outlets to adopt a national code of honour through which they commit to the ethics of the journalism and media profession. It also approved the establishment by the media community of a fully independent complaints council, representing a moral and ethical force within the media community, whose task would be to receive citizens' complaints and grievances against media outlets. In the field of electronic media, the Strategy affirms the need for those working in such media to come under the umbrella of the Jordan Press Association. However, through its monitoring of the media environment, the Centre has not observed effective implementation of the Strategy, despite the positive elements it contains, bearing in mind that the demand for the removal of all restrictions on freedom of expression must go hand in hand with the existence of a national code of honour and the establishment by the media community of an independent complaints council that is bound to follow and observe it, so as to ensure a genuine balance, in the matter of freedom of expression, between the unfettered exercise of this freedom and maintaining the commitment to respect and protect the rights of others, together with balanced safeguards at the same time.

57. Furthermore, the Centre distributed 70 questionnaires to media professionals working in daily and weekly newspapers and electronic websites with the aim of monitoring the extent to which they were subjected to abuses affecting media freedoms during 2011. Twenty-five (25) questionnaires were completed, representing 2.5% of the total number of journalists working in the Kingdom. The Centre also distributed ten (10) questionnaires to the editors-in-chief of daily and weekly newspapers and electronic websites with the aim of recording the incidents to which their press institutions were subjected. The results are as shown in Tables (10) and (11).

Table (10): Percentage of violations affecting media institutions relative to sample size

⁵⁴ Article 23 of the draft law amending the Anti-Corruption Commission Law provided: "Anyone who disseminates, imputes or attributes without right to any person, or contributes thereto, by any public means whatsoever, any of the acts of corruption set out in Article (5) of this Law, which results in harming his reputation, impugning his dignity or assassinating his character, shall be punished by imprisonment for a period of not less than six months and by a fine of not less than one thousand dinars and not more than five thousand dinars."

⁵⁵ The Centre issued a statement on the need to seek a legal solution that safeguards a person's right to preserve his freedom and dignity from defamation and the public's right to knowledge and information, and strikes a balance between them. Media Statement of the National Centre for Human Rights on the Proposed Amendments to the Press and Publications Law and the Anti-Corruption Commission Law, 22 August 2011, retrieved from: <http://www.nchr.org.jo/Arabic/tabid/95/mid/448/newsid448/126/Default.aspx>

(10) Editors-in-chief	Frequency	Percentage of sample size
Physical abuse	1	3.13
Administrative detention	0	0.00
Threats from an official party	1	3.13
Threats from an unofficial party	2	6.25
Summons by the security agencies	2	6.25
Prevention from attending public meetings and events	1	3.13
Trial	3	9.38
Suspension from work	0	0.00
Prior censorship	1	3.13
Subsequent censorship	3	9.38
Obstruction of distribution	0	0.00
Confiscation of equipment and documents	0	0.00
Pressure by official parties to disclose sources	2	6.25
Administrative obstacles by official parties	2	6.25
Costs of continuing journalistic work	4	12.50
Interference in appointments	0	0.00
Pressure by official parties to suppress dissenting opinion	3	9.38
Difficulty in obtaining information	3	9.38
Withholding or reduction of advertising by official parties	4	12.50
Owner interference in editing media content	0	0.00

The results of the questionnaires showed the following: (a) no case of killing or abduction of media professionals was recorded, bearing in mind that Jordan has never in its history recorded any case of a journalist being killed, and this is the most important indicator in measuring press freedoms. Nor was any breach recorded relating to the permanent or temporary closure of any newspaper, and no case of expulsion of foreign correspondents from the Kingdom was recorded; (b) repeated cases were recorded, at varying rates, for certain heavily weighted indicators of abuses affecting press freedoms, namely: physical abuse, administrative detention, temporary suspension from work, trial, prior censorship and subsequent censorship; (c) repeated cases were recorded for certain medium-weighted indicators, namely: threats from an official party, threats from an unofficial party, summons by the security agencies, and administrative obstacles; (d) a high number of repeated cases was recorded for lightly weighted indicators, namely: difficulty in obtaining information, the high costs of continuing work, pressure to promote a particular opinion and not to be open to dissenting opinion, and bias on the part of the Government in providing news and placing advertisements. It is apparent from the two tables that the greatest obstacle facing the work of media professionals is the difficulty

of obtaining information, as twenty (20) media professionals out of the sample that answered the questionnaire, i.e. (80%), reported that they had experienced difficulty in obtaining information. In addition, one media professional reported being prevented from attending public meetings and gatherings, which compounds the problem of difficulty in obtaining information. Furthermore, three (3) editors-in-chief, i.e. (30%) of the sample size, indicated that their institutions face difficulties in obtaining information. It may also be noted that the rate of threats from an unofficial party was high compared with threats from an official party, as five media professionals reported having been threatened by an unofficial party, compared with (4) who reported having been threatened by an official party; this phenomenon merits study and attention. It is further noted that, in the view of the editors-in-chief, the principal problem facing press institutions is the high cost of continuing their work owing to the rising cost of the raw materials and equipment used in this industry, as well as the problem of the withholding or reduction of advertising by official parties.

Table (11): Percentage of violations affecting the freedom of journalists relative to sample size (75 journalists)

Violations	Frequency	Percentage of sample size
Physical abuse	2	4.08
Administrative detention	4	8.16
Threats from an official party	4	8.16
Threats from an unofficial party	5	10.20
Summons by the security agencies	5	10.20
Prevention from attending public meetings and events	5	10.20
Trial	0	0.00
Suspension from work	2	4.08
Dismissal from work	0	0.00
Arbitrary transfer from one workplace to another	2	4.08
Difficulty in obtaining information	20	40.82

The Centre monitored a number of violations affecting press and media freedoms in the Kingdom in 2011 that were published by various newspapers and electronic websites, the most prominent of which, with regard to physical assault, were the following: (a) the beating of a number of journalists while they were covering the events of Friday 24 March 2011 in Gamal Abdel Nasser Square (“the Interior Ministry Roundabout”). It should be noted that the Minister of State for Media Affairs and Communication, the Government Spokesperson, for his part expressed the Government’s condemnation of the assault to which the journalists had been subjected, attributing it to the confusion and chaos witnessed at the Interior Ministry Roundabout, and affirmed that the Government would investigate the events; however, no report has been issued on the results of this investigation; (b) the beating by Gendarmerie forces of 16 journalists who were covering the “15 July” sit-in in downtown Amman, despite prior

arrangements with the Public Security Directorate requiring journalists to wear special vests distinguishing them from the other participants in the march. It should be noted that the report of the committee of inquiry formed by the Director of Public Security held the security agencies, in their institutional capacity and as a legal person, fully responsible for the conduct of their personnel in this incident, particularly with regard to the personal rights of the injured media professionals and their compensation for the equipment (cameras) lost or damaged as a result of what happened at the sit-in; (c) the beating and verbal abuse to which more than 20 journalists were subjected while covering the Return March in the Karameh area. It should be noted that the Minister of Media Affairs and Communication, the official Government Spokesperson, expressed his concern for press freedom in Jordan, and the media spokesperson of the Public Security Directorate requested journalists to approach the media office to submit any complaints they had in the course of covering events, in order to study the errors with a view to addressing them and ensuring that they are not repeated. In this context, the Centre stresses that assaults on journalists by the security forces constitute a serious phenomenon that is incompatible with the Government's responsibility to protect and promote freedom of opinion and expression, constitute an assault on the right of media professionals to convey the facts to public opinion transparently, and deprive them of the exercise of their professional duty to cover peaceful sit-ins.

58. With regard to the detention and trial of journalists, the Centre monitored the following cases: (a) a judicial decision was issued declaring the writers Sufyan Al-Tal and Muwaffaq Mahadin not liable for the charges brought against them, following their detention by the Public Prosecutor of the State Security Court, who had charged them with committing acts liable to disturb relations with a foreign state, inciting racial strife, encouraging, through speeches, a change of the existing government, and committing acts liable to undermine the prestige and standing of the State, in addition to a fifth charge against Al-Tal, namely defamation of an official body ("the Jordanian Army"), on the basis of statements they had made in the media criticising Jordan's military role in Afghanistan following the Khost operation; (b) the detention of the editor and owner of an electronic website on account of publishing journalistic material on his website, and the referral of his case to the State Security Court on charges of incitement to change the Constitution by unlawful means and of undermining the institution of the Throne; (c) the referral to the State Security Court of a case against a journalist for *lèse-majesté* on account of his preparing a book entitled *Wasaya Al-Dhabih* ("The Testaments of the Slaughtered"), the publication and circulation of which was banned by the Press and Publications Department; (d) the referral to the Public Prosecutor of a case brought by the Press and Publications Department against a journalist on account of material published in a weekly newspaper attacking Hizb ut-Tahrir, and because the editor-in-chief published the party's reply to his article. The Centre considers that the aforementioned facts demonstrate that freedom of opinion and expression continues to suffer from restrictions and pressures aimed at curbing it and at reinforcing prior self-censorship among writers, journalists and opinion-holders.

59. Through the media, the Centre also monitored the recurrence of the phenomenon of threats of assault against a number of journalists on account of their coverage, the most prominent of which were: (a) threats against a number of journalists at electronic websites on account of their coverage of the Interior Ministry Roundabout sit-in; (b) an assault by unknown persons on the

office of Agence France-Presse in Amman and the destruction of part of its contents on account of its publication of a news item; (c) the confiscation by the security and Gendarmerie forces of tapes and cameras belonging to satellite channels, and the destruction of a broadcasting vehicle belonging to a satellite broadcasting company, on account of the coverage of the events of the Return March in the Karameh area; (d) preventing a satellite channel from broadcasting a recorded television episode with a former minister on the casino affair, the besieging of the channel by the security authorities, the threat to close it should the programme be broadcast, and the demand that those running the channel hand over the tape of the episode to them; (e) certain electronic news websites were subjected to hacking, unlawful access and blocking from the Internet for a short period, on account of publishing a statement by tribal figures criticising figures in the State and speaking of corruption in the country; (f) the father of a university student received a threat from the security agencies that his daughter would be expelled from the university unless she stopped her writings critical of the Government on her blog.

60. The year 2011 also witnessed a group of journalists staging a sit-in under the title “Liberating the Jordanian Media from the Hegemony of Tutelage and Interference”, affirming the Royal wish for the independence of the managements of media and press institutions. The journalists demanded the lifting of tutelage and security interference in official and non-official newspapers and media outlets, the transparent provision of information and guaranteeing its free flow to the media. They also demanded that professional standards be adopted as the sole point of reference in the management of the various press and media institutions, that direct and indirect security interference and pressure exerted on the Jordan Press Association and its elections be halted, that an investigation be opened into the (ATV) television file and those responsible be referred for trial, that the Code of Conduct governing the relationship between the press and the Government, previously approved by the Government, be revoked, and that the hacking attacks faced by electronic websites at the hands of institutions affiliated with the Government and its agencies be stopped, thereby affirming the Royal wish for the independence of the managements of media and press institutions.

61. The Centre makes a number of recommendations aimed at enhancing freedom of opinion and expression and media freedoms, the most important of which are:

- Amending the text of Article 15 of the Constitution so as to affirm the right of “every person” to express his opinion and to seek, receive and impart information of all kinds, rather than confining it to the phrase “every Jordanian”.
- Reviewing the legislation governing media work in line with the constitutional amendments of 2011 and international standards on the human right to freedom of opinion and expression, most importantly the Press and Publications Law, the Penal Code, and the Law on the Protection of State Secrets and Documents No. (50) of 1971, among others, so as to ensure the repeal of articles providing for custodial penalties (imprisonment); re-examining and adopting objective, clear and transparent criteria for the classification of documents; the repeal of exorbitant fines for publication offences committed through printed matter; abolishing the requirement of prior licensing for the establishment of newspapers; removing the jurisdiction of the State Security Court; and

ending Government or public-sector ownership of newspaper shares; and guaranteeing the application of the principle of maximum disclosure of information.

- Implementing the Media Strategy for 2011–2015 and being guided by its vision in raising the standard of media work and freeing it from any restrictions impeding its development, particularly when amending the legislation governing freedom of opinion and expression and press and media work.

The Right to Assembly

62. The Constitution⁵⁶ guarantees citizens the right to public assembly. International human rights instruments⁵⁷ likewise guarantee this right, as it is closely linked to the right to form and join associations and political parties and to the right to freedom of opinion and expression. Certain restrictions have been imposed on its exercise; however, no restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security, public safety, public order or the protection of public health.⁵⁸

⁵⁶ Article (16/1) provides that “Jordanians shall have the right to hold meetings within the limits of the law.”

⁵⁷ Article (20) of the Universal Declaration of Human Rights provides: “1. Everyone has the right to freedom of peaceful assembly and association. 2. No one may be compelled to belong to an association.” This right is likewise affirmed by the International Covenant on Civil and Political Rights in Article (21) thereof, which provides: “The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.” It is clear that the foregoing article of the International Covenant expressly guarantees the right to public assembly as a general rule, meaning that no restrictions may be placed on the exercise of this right except in the cases mentioned in Article (21), bearing in mind that these restrictions constitute an exception to the general principle, namely the freedom to hold public meetings; accordingly, they may not be extended or applied by analogy and must always be interpreted in the narrowest sense. Regional instruments likewise guarantee this right: Article (24/6) of the Arab Charter on Human Rights provides that “Every citizen has the right ... to freedom of association and peaceful assembly.” The Arab Charter also affirmed the importance of freedom of assembly by enshrining the right to form and join associations and professional unions and the freedom to exercise trade union activity.

⁵⁸ This is what was stated in the report of the Special Rapporteur on the situation of human rights defenders submitted to the General Assembly on 4 August 2009: “Restrictions imposed on the exercise of this right by government decrees or administrative orders, without clear legal provisions, are considered contrary to international law, as they do not satisfy the requirement of legitimacy and legality; and laws containing vague and broad provisions that can easily be exploited or misinterpreted may not be adopted. Moreover, the requirement that measures be necessary in a democratic society entails guaranteeing the existence and functioning of a number of associations, including those that work peacefully to disseminate ideas that may not accord with, or may contradict, the vision of the Government or of the majority of the population.” Resolution No. 2000/67 of the United Nations Commission on Human Rights, adopted at its (56th) session, also states: “... Bearing in mind” — that is, the Commission — “that the International Covenants on Human Rights constitute the first all-embracing and legally binding international treaties in the field of human rights and, together with the Universal Declaration of Human Rights, form the core of the International Bill of Human Rights; Reaffirming that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and that the promotion and protection of one category of rights should never exempt States from the promotion and protection of the other rights.” Article (35/1) of the Arab Charter on Human Rights of 2004. This is affirmed by the African Charter on Human and Peoples’ Rights of 1981, Article (11) of which provides: “Every individual shall have the right to assemble freely with others. The exercise of this right shall be subject only to necessary restrictions provided for by law in particular those enacted in the interest of national security, the safety, health, ethics and rights and freedoms of others.” It is likewise provided for in the European Convention on Human Rights of 1950, Article (11) of which

63. The year 2011 witnessed a fundamental amendment to Public Meetings Law No. (7) of 2004, which is consistent to some extent with the international standards governing this right. Under Public Meetings Law No. (5) of 2011,⁵⁹ the requirement of the prior approval of the administrative governor for holding public meetings and organising marches was abolished. Under the amendment, it now suffices for the organisers of a meeting to submit a mere notification stating the place and time of the meeting, the names of its organisers and the purpose of the meeting. Article (8) of the same Law was also amended so as to confine liability for any breach of public security or public order, or for damage caused to others or to public or private property, to the persons who cause such damage, whereas previously such liability lay with the organisers of the meeting. The Centre considers that this legislative amendment is consistent to some extent with the requirements of international conventions, foremost among them the International Covenant on Civil and Political Rights. Nevertheless, the Centre considers that this Law still requires a number of amendments, the most important of which are: (a) redefining public meeting in the Law so as to include the generally recognised basic elements that form part of the definition of any public meeting,⁶⁰ and distinguishing between a public meeting and a private meeting, which is presumed not to be subject to the provisions of the Public Meetings Law; (b) permitting legal persons to submit written notification of the holding of a public meeting, or to sign it together with natural persons; (c) limiting the absolute powers of the Minister of the Interior under the Public Meetings Law, consisting in his right to exempt certain meetings from the provisions of the Public Meetings Law relating to the submission of prior written notification of their holding, and his right to issue the instructions necessary for the application of the provisions of the Law at any time he wishes; (d) specifying in the Law the nature of the precautionary and security measures that the administrative governor may take in cooperation with the security agencies attached to him, and requiring that they be communicated to the organisers of the public meeting or march before the date on which either is to be held; (e) expressly providing for the possibility of submitting notification electronically.

64. As regards practice, the year 2011 witnessed numerous marches and meetings calling for reform and the combating of corruption, held without strict adherence to certain provisions of the Public Meetings Law, which, prior to its amendment, required the prior approval of the administrative governor.⁶¹ In 2011 there were more than four thousand demonstrations and sit-

provides: “1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests. 2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This Article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.”

⁵⁹ Jordanian Public Meetings Law No. (45) of 2001, published on page 3647 of Official Gazette issue No. 4503 of 28 August 2001.

⁶⁰ Namely, the element of organisation, the element of timing, the element of the purpose of the meeting, the element of publicity and the public nature of the invitations, and finally the element of number.

⁶¹ The Public Meetings Law was amended by Amending Law No. (5) of 2011, published in Official Gazette issue No. 5090 of 2 May 2011.

ins, the majority of which took place without notification being lodged,⁶² with the exception of four sit-ins that obtained prior approval from the administrative governor and were not subjected to any harassment or assault. The Centre notes that these marches and sit-ins were characterised by their peaceful nature on the part of their organisers and participants, and that the Government and its security institutions, to a large extent, respected the right of Jordanians to peaceful assembly. However, a number of these sit-ins and marches witnessed various forms of harassment of and assaults on their participants, the most important of which were: (a) the dispersal of the Interior Ministry Roundabout sit-in on 25 March 2011, owing to the state of chaos and rioting witnessed in the square when a group of persons opposed to the principle of the sit-in protested against the disruption of public service facilities by a group of young people staging a sit-in in protest at Government policies, which prompted the public security and Gendarmerie forces to use force to disperse the demonstrators' sit-in, resulting in injuries to nearly one hundred persons, including a number of members of the security agencies, in various parts of their bodies. It should be noted that the Centre formed a fact-finding team to establish what had happened and issued its report in this regard; (b) a clash between sit-in participants in Zarqa Governorate on 15 April 2011 and the Public Security, in which the sit-in participants, who had come prepared in advance, used sharp implements to confront public security personnel, which prompted the security personnel to respond in kind, disperse the sit-in by force and arrest those who had assaulted security personnel and citizens. It should be noted that a group of the sit-in participants submitted complaints to the Centre concerning raids on their homes by members of the security agencies. The Centre followed up these complaints and wrote to the Director of Public Security on 22 May 2011 regarding the contents of those complaints, but received no reply. The Centre's representatives also attended the trial sessions before the State Security Court in order to assess the extent to which fair trial guarantees were met, and the Centre likewise followed up their complaint concerning their exclusion from the General Amnesty Law; it should be noted that a special pardon was issued in their favour on 26 November 2011; (c) on 15 July 2011, "Al-Nakheel Square" in downtown Amman witnessed a sit-in which the security agencies used force to disperse, resulting in injuries to many sit-in participants, members of the Public Security and journalists. The report of the committee of inquiry formed by the Director of Public Security held the security agencies, in their institutional capacity and as a legal person, fully responsible for the conduct of their personnel in this incident, particularly with regard to the personal rights of the injured media personnel and their compensation for the equipment (cameras) lost or damaged as a result of the intensive use of force. The organisers of the sit-in stated that this violence by public security and Gendarmerie personnel had been premeditated, whereas officials affirmed that it occurred because the march had departed from its objectives. Contradictory statements by officials emerged regarding what had happened: the then Minister of the Interior said that the authorities had succeeded in foiling a plan to turn the Nakheel area into a permanent sit-in, or what might be described as a sit-in participants' settlement within it, and that they had "triumphed over, or prevailed against" the demonstrators. However, the harm inflicted on journalists who were wearing distinguishing insignia raised suspicion that there was a desire to conceal evidence of

⁶² According to a statement by the Minister of the Interior on 23 July 2011. Under the amended Public Meetings Law, notification of the administrative governor of the activity intended to be carried out is required.

the use of force; (d) on 16 October 2011, the Salhoub area witnessed an assault by some local residents on the participants in a public rally, resulting in numerous injuries among the participants, in addition to assaults on journalists and the smashing of their cameras in such a manner that no one was able to film what had happened. The Gendarmerie forces intervened to break up the clash only after a number of injuries had occurred among the participants in the rally; (e) on 24 December 2011, the city of Mafraq witnessed an assault on participants from various political currents and parties in the demonstration, and on the headquarters of the Islamic Action Front party, whose contents were burned; more than 30 persons, from among both participants and security personnel, were injured. The Government announced the opening of an investigation into the incident, affirming that it would pursue those responsible in order to hold them accountable; however, the results of such an investigation have not been issued, bearing in mind that political parties and civil society organisations have continually called on the Government to disclose the results of the investigation. The Centre wishes to state that it wrote to the Government regarding the events at the Interior Ministry Roundabout, Zarqa and Al-Nakheel Square, calling on it to hold accountable anyone proven to have assaulted citizens and media professionals, but it received no reply in this regard.

65. To ensure respect for the right to assembly, the Centre recommends the following:

- That law enforcement agencies protect marches and sit-ins, as they are among the acquired rights guaranteed to citizens by the Constitution.
- Working to take the necessary measures and steps to ensure that marches and demonstrations are not exposed to assault by persons who obstruct their progress or block their route.
- Affirming that no member of the security agencies shall participate in protecting or dispersing marches and sit-ins unless he has received adequate training in international human rights standards and in the rules governing the use of force during law enforcement operations; and the need to take all necessary measures to ensure that every member of the security and Gendarmerie forces participating in law enforcement operations can be identified, through clearly visible name or number insignia.
- Affirming the importance of the role played by media professionals in investigating and documenting facts, which requires law enforcement agencies to facilitate their tasks and provide them with the necessary security and protection.
- The need to follow international standards on the use of force by law enforcement officials and on the investigation of violations committed by law enforcement officials, and to review the legislative framework so as to entrust the task of investigating and adjudicating such violations to the regular judiciary, in order to guarantee the speed, comprehensiveness, effectiveness, promptness and impartiality of the proceedings.
- Ensuring that all necessary procedural measures are taken to guarantee that no more than one intellectual or political event is held at the same time and place, in order to prevent the possibility of any disputes or clashes between the various parties that will be, or are to be, present.

The Right to Establish and Join Political Parties

66. The Jordanian Constitution,⁶³ together with Arab⁶⁴ and international⁶⁵ human rights instruments, guarantees the right to establish and join political parties. This right was regulated by Political Parties Law No. (19) of 2007, which was issued at the time, according to the official viewpoint, “to activate party life and enable parties to operate effectively and efficiently”. It should be noted that the Centre addressed this Law in its previous Annual Reports and set out its observations thereon, and also made numerous recommendations calling for amendments to a number of its provisions. However, the executive and legislative authorities did not act upon these observations.

67. The year 2011 did not witness any amendment to the Political Parties Law to address the criticisms contained in the Centre’s Annual Reports.⁶⁶ The Centre recorded a number of criticisms that constitute restrictions on the exercise of the right to establish and join parties, the most important of which were: (a) the Law requires registration with the Ministry of the Interior, whereas the Law should have confined itself to the right of the administration, should it have an objection, to file an action before the judiciary for a ruling on the matter; (b) the Law requires that the number of founders of a party be not less than (500) persons, residing in at least five governorates, with at least (10%) from each governorate; (c) the Law provides for custodial penalties (imprisonment); (d) the Law restricts the right of parties to express their opinions, principles and political positions on internal and external public issues. On the other hand, the Centre notes the development witnessed in 2011 in the field of guaranteeing the right to establish parties, consisting of the formation of the National Dialogue Committee, which submitted a draft Political Parties Law aimed at developing party work, creating conditions and an enabling environment that encourage citizens to join political parties, and overcoming the obstacles and impediments to establishing a serious political life and organised party work. The draft is based on the following principles: (a) respect for the rules of democratic practice in the general conduct of governments and political parties; (b) broadening the values of tolerance, objectivity and respect for the beliefs of others, and keeping party practices away from personal conflicts and the vilification of persons and bodies; (c) guaranteeing respect for the fundamental freedoms of all citizens; (d) achieving equality, justice and equal opportunities among citizens; (e) providing the conditions for forming political parties and organisations and the freedom to join them, and not including in the laws governing party work provisions that would, expressly or implicitly, lead to the suspension of the constitutional right to establish parties; (f) providing a favourable climate for the exercise of democratic political activity through effective parties

⁶³ Article (16/2) provides that “Jordanians shall have the right to form associations, trade unions and political parties, provided that their objectives are lawful, their means peaceful and their statutes not contrary to the provisions of the Constitution.”

⁶⁴ Article (24/5) of the Arab Declaration on Human Rights provides that “Every citizen has the right ... to freely form and join associations with others.”

⁶⁵ See Article (20) of the Universal Declaration of Human Rights and Article (22) of the International Covenant on Civil and Political Rights.

⁶⁶ It should be noted that during 2012 the Government referred a new draft Political Parties Law to the National Assembly, which has not yet been finally promulgated, bearing in mind that some of its articles underwent changes during its discussion by the House of Representatives and the Senate.

influential in power, by involving them in advisory bodies and councils, committees, boards of directors and the government, and by including in school curricula courses that promote party membership. The draft bill proposed by the Committee also contained a number of provisions that strengthen the protection of the right to establish and join political parties, the most important of which are: (a) affirming the right of Jordanians to form political parties and to join them voluntarily in accordance with the Constitution and the provisions of the law; (b) the right of parties to participate in elections and in the formation of governments; (c) the right of parties to establish associations, clubs and cultural and research centres; (d) establishing an independent body to oversee the application of this law, including the procedures for the establishment and funding of parties and enabling them to perform their role; (f) reducing the number of founding members of a party from 500 to 250 persons, provided that the number of women founders is not less than 10% of the total number of founding members; (g) a party or its leadership may not be dissolved except in accordance with the provisions of its statute or by a judicial ruling; (h) simplifying the procedures for establishing a party by allowing five Jordanians wishing to establish a party to notify the Party Establishment Body of that wish in writing, whereupon they shall be entitled, from that moment, to engage in preparatory political activities and to promote the party's ideas, provided that they submit the application for establishment upon fulfilling the prescribed conditions; (i) removing the administrative obstacles facing the establishment of parties by obliging the Body to announce the establishment of the party within 60 days from the date of notification of receipt of the application for establishment and, should the prescribed period lapse without the Body announcing its rejection or approval of the establishment of the party, the party shall be deemed established by operation of law. The bill also obliges the Body, in the event that it rejects the establishment of a party, to state the reasons for such rejection, and any of the founders shall have the right to challenge the rejection decision before the courts; (j) facilitating parties' access to funding from their supporters within Jordan, and the funding of part of the costs of their election campaigns.

68. In this context, 2011 witnessed a number of governmental practices aimed at activating political parties and their role, particularly with regard to involving parties in consultations on the formation of governments and on laws affecting their work. Most parties also took part in the sit-ins and marches that took place in the Kingdom without lodging a notification thereof with the administrative governor.⁶⁷ Nevertheless, the Centre observed certain restrictive practices against party work and party activists. In 2011, the Centre received two complaints: the first concerned the refusal to grant a citizen security clearance to fill a post because of his party affiliation; the second concerned the undertaking required of students admitted to universities under the "least fortunate" royal grant (makrumah) not to join political parties before commencing their studies at public universities. Upon the Centre's correspondence with the Ministry of Higher Education, the Ministry stated that students sign an undertaking prohibiting them from taking part in unlawful organisations and in demonstrations that offend public decency, and requiring them not to engage in any political activity within the university

⁶⁷ According to the statement of the Minister of Interior dated 23/7/2011. Under the amended Public Assemblies Law, notification of the administrative governor of the activity intended to be carried out is required.

that is inconsistent with the interests of the Kingdom, as well as not to join any unlawful party.⁶⁸ The Centre stresses the need to create an enabling environment for party work within universities, since it constitutes a foundation for civic and political education, and to refrain from any acts that may influence or limit Jordanians' affiliation with political parties, given that party life is still in a phase of construction and political development; such practices would obstruct party work and perpetuate negative societal attitudes towards party work. It is worth noting that the number of political parties licensed under the aforementioned Political Parties Law had reached 19 by the end of 2011, while one other political party is still seeking official licensing and the completion of the legal requirements.

69. In order to protect the right to establish political parties and to develop and invigorate party life on democratic foundations, the Centre considers it necessary to adopt the following recommendations:

- Developing the legal environment in line with international standards on the right to form and join political parties, and granting parties further guarantees for the dissemination of their principles.
- Entrusting the registration of political parties to an independent and neutral body.
- Developing school and university curricula in the field of civic and political education and removing any material that conflicts with freedom of opinion and expression and political pluralism.
- Ending all official practices that may affect affiliation with political parties or engagement in their activities.
- Involving all civil society forces, including political parties, in development plans and community programmes, and refraining from infringing the right of parties to address public opinion, including young people.

The Right to Form and Join Trade Unions

70. The Constitution guarantees the right to form and join trade unions: Article (16/2) and Article (23) set out this right for Jordanians.⁶⁹ International instruments also guarantee this

⁶⁸ Letter of the Minister of Higher Education and Scientific Research No. (Makrumah/53/2011) dated 27 October 2011.

⁶⁹ Article (16/2) provides that "Jordanians shall have the right to establish associations, trade unions and political parties, provided that their objects are lawful, their means peaceful, and their statutes not contrary to the provisions of the Constitution". Article (23) provides that "1. Work is a right of all citizens, and the State shall provide it for Jordanians by directing and promoting the national economy. 2. The State shall protect labour and enact legislation therefor based on the following principles:

- a. Granting the worker a wage commensurate with the quantity and quality of his work.
- b. Fixing weekly working hours and granting workers weekly and annual days of paid rest.
- c. Providing special compensation for workers supporting families, and in cases of dismissal, disability and emergencies arising from work.
- d. Determining special conditions for the employment of women and juveniles.
- e. Subjecting factories to health rules.
- f. Free trade union organisation within the limits of the law."

right, in Article (23) of the Universal Declaration of Human Rights and Articles (21) and (22) of the International Covenant on Civil and Political Rights,⁷⁰ and the International Covenant on Economic, Social and Cultural Rights reinforces this international approach in a number of its provisions.⁷¹

71. 2011 witnessed notable progress in the realisation of the right to form and join trade unions, the most prominent aspects of which were: (a) the constitutional amendments included a provision affirming the right of Jordanians to form trade unions, as well as a provision, under Article 128, prohibiting the enactment of any laws or provisional laws that contain anything affecting the rights and freedoms set out in the chapter on rights and freedoms; moreover, laws that conflict with the amended provision must conform, in letter and in spirit, to the said new constitutional amendment; (b) the establishment of a trade union for public-sector teachers, after the government had refused to allow the formation of such a union on the basis of Decision No. 1 of 1994 of the High Council for the Interpretation of the Constitution, which held that the provisions of Article 23 of the Constitution did not permit the establishment of a teachers' union.⁷² Decision No. (1) of 2011 of the High Council for the Interpretation of the Constitution has thus come to reinforce the right to form trade unions, closing a long chapter of demands, appeals and sit-ins that had extended over past decades on the part of a broad segment of teachers numbering nearly 100 thousand male and female teachers. The first elections to the union council were expected to be held at a later date on the basis of⁷³ an electoral system agreed upon among the teachers' committees, following the promulgation of the Teachers' Union Law No. (14) of 2011. While the Centre welcomes this step in principle, it must be pointed out that the provision making membership of the union compulsory is contrary to (Article 20, paragraph 2) of the Universal Declaration of Human Rights, which provides that no one may be compelled to belong to an association; (c) the Preparatory Committee of the Sharia Lawyers' Association prepared a draft law for the Sharia Lawyers' Association, with a view to submitting it to the Chief Justice Department (Qadi Al-Qudah). The main features of the draft law focused on providing protection and immunity for Sharia lawyers and establishing a fund for retirement, social solidarity, social security and health insurance, in addition to setting a number of controls to regulate the profession; (d) the independent union of workers in the phosphate sector was proclaimed at a conference organised by the members of the founding

⁷⁰ Article (23) provides that "1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment ... 4. Everyone has the right to form and to join trade unions for the protection of his interests". Article (21) of the International Covenant on Civil and Political Rights provides that "The right of peaceful assembly shall be recognized", and Article (22) thereof provides that "1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests. 2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others."

⁷¹ See Articles (4), (5) and (6) of the International Covenant on Economic, Social and Cultural Rights.

⁷² The interpretative decision issued by the High Council for the Interpretation of the Constitution No. (1) of 1994 had been "confined to the ruling derived from Article 120 of the Constitution, whereas the present interpretation is based on the ruling of Article (23) of the Constitution", which permits the formation of a union for teachers in the teaching profession in its various sectors, along the lines of the unions of physicians (...), and other unions.

⁷³ It should be noted that these elections were held on 29/3/2012, and the union has commenced its work as set out in its Law.

body of the independent union of workers in the phosphate sector. The founders affirmed their constitutional right to form a new union serving the workers, and called upon the Council of Ministers and the National Assembly to give effect to Article 16 of the new Jordanian Constitution and to enact labour legislation regulating trade union work; (d) the Ministry of Awqaf and Islamic Affairs and Holy Places announced its approval in principle of the establishment of a union for mosque workers, provided that a legislative formula for achieving this is found.

72. On the other hand, there are still demands for the establishment of unions for workers in other sectors, the most important of which are: (a) the establishment of a trade union organisation for those working in the profession of chartered accountancy in both its branches, accounting and auditing, as this profession is still regulated by the Association of Chartered Accountants, which is subject to the direct supervision of the Higher Council for the Accounting Profession; (b) the continued demands of the workers of the Arab Potash Company, estimated at 2500 employees, to establish a union of their own separate from the General Trade Union of Workers in Mines and Mining; in addition to workers in the pharmaceutical industries, numbering more than 8 thousand male and female workers employed in 25 pharmaceutical manufacturing establishments; and the demand of the Preparatory Committee for the establishment of a union of civil pilots, both employed and job-seeking, estimated to number 700 pilots, to be officially permitted to establish a pilots' union; (c) the lack of homogeneity in union representation still prevails in many unions, such as the unions of mines and mining, petrochemicals, food industries and printing presses, to which non-journalist newspaper workers are affiliated, who continue to demand representation in independent unions. The Centre considers that there is still an imbalance in the classification of occupations and their distribution among the types of unions, as there is no homogeneity among many of them, and it calls upon the competent authorities to review the classification of occupations and open the door to the establishment of new trade unions and labour federations; (d) trade unionists and labour activists continued to direct their criticisms of and objections to the monopolisation by the heads of labour unions of leadership positions, board membership and the representation of unions inside and outside the Kingdom. They also called for substantive changes to the internal by-laws of the labour unions and of the General Federation so as to strengthen the protection of workers, and they further called for a prohibition on standing for the office of President or Vice-President of the Federation for more than two consecutive terms, and for a reduction of the length of the union term from 5 years to 4 years.⁷⁴

⁷⁴ During 2011, the Centre monitored a movement by labour unionists representing the Professional Labour Union Gathering, the Day Labourers' Committee, the Jordanian Gathering of the Unemployed and union activists from the electricity, spinning and textiles, construction and mining sectors to establish an independent federation of labour unions as an alternative to the currently existing General Federation of Jordanian Trade Unions, since in their view it does not serve the interests of workers. As soon as they announced this, technical and legal obstacles began to emerge preventing the establishment of such a federation under Article 110 of the Labour Law, which requires the approval of the existing federation for the establishment of any new union federation. Moreover, the currently existing workers' federation is recognised at both the governmental and the civil society level, in addition to the refusal of a broad segment of workers to join the new labour movement owing to conflicting interests, according to labour experts, not to mention the inability of the new gathering to obtain funding to cover its activities, bearing in mind that the current Federation of Trade Unions

73. As for women's participation in trade union work, it remains very weak. The number of women participating in trade unions amounts to some 15 thousand out of 132 thousand members in all unions (that is, a mere 11%). There is also a weak presence of women at the level of union leadership bodies: of some 153 members on all the executive boards of the seventeen unions, there are only 20 women, representing 13.1% of all members of the executive boards.⁷⁵ The Centre observed the persistence of a number of challenges and obstacles that prevent the increase and activation of women's role in trade union work, including: women's weak awareness of the importance of participating in trade union work and of the content of the Labour Law; the nature of women's family and social circumstances; the weakness of the labour unions themselves; fear of losing one's job, given the long daily working hours and the holding of union meetings and activities outside official working hours; fear of security prosecution as a result of participating in trade union work; and the failure of women's organisations to encourage working women to participate in trade union work.

74. 2011 witnessed labour protests unprecedented in the history of the Kingdom, estimated at some 607 protests, the majority of which were concentrated in the public sector, at a rate of 61.5%, while the remaining protests took place in the private sector. A notable feature of these protests is that the overwhelming majority of them were carried out without the existing labour unions playing a prominent role in them, which points to the limited role played by most labour unions and to the limited extent to which they represent workers and pursue the realisation of their demands.⁷⁶ There is a prevailing conviction among workers that unions are often subject to government control or interference, and sometimes co-optation, in order to distance them from workers' issues and from working in a serious and committed manner. 2011 also witnessed the Jordan Medical Association carrying out a general strike in public hospitals and health centres for 62 days, in protest at the government's failure to respond to the Association's demands contained in the draft regulation on allowances and salaries of the Ministry of Health, which had been submitted to the government more than once. The Jordan Nurses and Midwives Council also staged a sit-in to press the government to adopt a regulation on the salaries and allowances of nurses working at the Ministry of Health, and the pharmacists working at the Ministry of Health carried out a partial work stoppage at all Ministry of Health centres and hospitals for two hours, as an initial measure to demand a review of the regulation governing their allowances and incentives. The administration of Prince Hamzah Hospital attempted to prevent pharmacists from carrying out the stoppage called by the Association; however, the pharmacists insisted on responding to the Association's call, and the rate of compliance with the work stoppage reached 90% in government hospitals. It should be noted that the government reached formulas of understanding that met the minimum of the aforementioned demands of

receives funding and support estimated at 450 thousand dinars from the Social Security Corporation and the Ministry of Labour.

⁷⁵ For further details on women's participation in the executive boards of unions, see the study by Dr Khulood Marashdeh entitled "The Reality of Jordanian Women's Participation in Labour Unions", Jordanian National Commission for Women, available at http://www.women.jo/ar/news_details.php?news_id=66&f=1

⁷⁶ Report issued by the Labour Watch of the Phenix Center for Economic and Informatics Studies entitled "Labour Protests in the First Half of the Current Year", 2011.

those concerned, which brought these strikes and sit-ins to an end in a manner that allowed the medical sector to continue providing its health services to citizens.

75. On the other hand, cases of assault on trade union professionals, whether doctors or nurses working at the Ministry of Health, continued in 2011 while they were performing their duties inside the hospitals affiliated with it,⁷⁷ and the Ministry of Health and the other competent State agencies remain unable to take measures that would protect doctors and nurses from these assaults and preserve their dignity, noting that the Penal Code had increased the penalty for assaulting a doctor during the performance of his duties, treating it as an assault on a public official performing his official duties, so that the penalty became imprisonment from one to three years.

76. It is worth noting that 2011 witnessed several protests by professional associations and labour unions expressing their objection to the amendments introduced to the Social Security Law in 2010, particularly with regard to the suspension of early retirement and the reduction of the benefit coefficient, which may lead to lower retirement pensions in future, and the application of maternity and unemployment insurance, which raised the monthly contribution for participants by 1% for the insured and 1.25% for establishments. They regarded this as a negative indicator that would not benefit the value of retirement pensions in the days to come, and consequently would not benefit the employee participating in social security in the future.

77. In order to protect the right to form and join trade unions, the Centre reaffirms the recommendations made in its previous annual reports and considers it necessary to adopt the following additional recommendations:

- Amending the Labour Law so as to bring it into line with the provisions of the Constitution and international standards, and the importance of developing consensual visions among all parties on the content of the amendments before proceeding with their constitutional procedures.
- Pending the amendment of the Labour Law, addressing the Tripartite Committee on the need to review the classification of occupations that are permitted to form trade unions, and to allow members of newly emerged occupations to form unions concerned with their affairs.
- Allowing the formation of new independent unions in due form in addition to the currently existing unions, and giving them an opportunity to prove their existence should it be established that they have a large number of members, since nothing in international standards prevents a plurality of unions for workers in the same occupation.
- Enacting a general law that genuinely guarantees the right to labour union organisation for every sector and ensures the fair representation of its members, in the drafting of which the labour unions participate, so that it does not conflict with the international

⁷⁷ According to the statistics of the Jordan Medical Association and the Nurses' Association, the number of doctors subjected to beatings reached 20, and of nurses 6.

conventions issued by the International Labour Organization that have been ratified by Jordan.

The Right to Form and Join Associations

78. The Constitution⁷⁸ guarantees the right of individuals to form and join associations, and entrusts to the law the task of regulating the manner in which associations are formed and of monitoring their financial resources, while preserving the essence of this right and guaranteeing its exercise. The constitutional amendments of 2011, under Article 128, also affirmed that no law or provisional law may be enacted that contains anything affecting the right to form and join associations or that empties it of its substance; moreover, the constitutional amendments affirmed that the law must be amended so as to conform to the letter and spirit of the Constitution. International human rights instruments⁷⁹ likewise affirm this right and that no restrictions may be imposed by law in regulating this right in a manner that empties it of its content.

79. There were no new developments in the legislation regulating the right to form and join associations during 2011, and the Associations Law⁸⁰ No. (51) of 2008, which regulates this right, still contains numerous problems and gaps that restrict the exercise of this right, as the Centre noted in its previous annual reports. It is worth noting that the practical application of this law over past years has given rise to numerous legal and practical problems that confirm the need to review this law, the most important of which are: (a) the Board of the Registry took a decision to suspend the registration⁸¹ of the private associations provided for in Article Three of the Law, since no difference had been established between them and ordinary associations and the purpose of providing for them in the Law no longer existed, which led to the suspension of the implementation of the Private Associations Regulation⁸² No. 32 of 2010; (b) the elitism of associations' work and the absence of the principles of good governance in the conduct of their activities, and the absence from their internal by-laws of any time limit on the tenure of persons in any leadership position, in addition to the failure to adopt the principles of transparency and the provision of information in the work of associations, which deprives

⁷⁸ Article (16) of the Jordanian Constitution provides that "2. Jordanians shall have the right to establish associations, trade unions and political parties, provided that their objects are lawful, their means peaceful, and their statutes not contrary to the provisions of the Constitution. 3. The law shall regulate the manner of establishing associations, trade unions and political parties and the control of their resources".

⁷⁹ Article (20/1) of the Universal Declaration of Human Rights provides that "Everyone has the right to freedom of peaceful assembly and association", and Article (22) of the International Covenant on Civil and Political Rights provides that "1. Everyone shall have the right to freedom of association with others". Article (24) of the Arab Charter on Human Rights provides as follows: "Every citizen has the right: ... 5. To freely form and join associations with others".

⁸⁰ For the purposes of this Law, the word "association" means any juristic person composed of a group of persons numbering not fewer than seven, registered in accordance with the provisions of this Law to provide services or carry out activities on a voluntary basis, without aiming to make and distribute profit, to achieve any benefit for any of its members or for any specific person, or to achieve any political objectives falling within the scope of the work and activities of political parties in accordance with the provisions of the legislation in force.

⁸¹ The term "private association" means an association whose membership is confined to a group of persons numbering not fewer than three and not more than twenty.

⁸² Published on page 3976 of Official Gazette issue No. 504[?], dated 1/7/2010, pursuant to Article 30 of the Associations Law and its amendments No. 51 of 2008.

beneficiaries and the public of access to such information. In addition, most of these associations are still confined to and concentrated in the capital, Amman,⁸³ which confirms the need to expand the work and activities of associations in the various governorates and for the Ministry to adopt programmes and activities to support associations in the other governorates of the Kingdom.

80. 2011 also saw the issuance of the Instructions on Expenditure and Support to Associations from the Associations Support Fund⁸⁴ for 2011, which defined the forms of support to associations from the Associations Fund in the areas of programmes and projects falling within the objectives of these associations. The Centre has a number of observations on these Instructions, the most important of which are: (a) defining the forms of expenditure and support to associations by means of instructions constitutes a legal irregularity that leads to instability in the bases of support provided to associations, particularly as these instructions are liable to be amended and altered at any time; accordingly, the Associations Law ought to have defined these bases; (b) the Instructions contain numerous delegating provisions that grant the Board of the Registry broad powers to determine the forms of support it decides upon;⁸⁵ (c) the Instructions grant the Minister the power to set the bases and criteria for direct financial support to associations, which is inconsistent with legislative stability, which requires that such bases and criteria be issued by a regulation so as to ensure stability of practice; (d) these Instructions contravene international standards relating to the right of associations to obtain financial support.

81. The number of associations registered and operating in the Kingdom in 2011 reached (2846) associations, as follows:⁸⁶ supervised by the Ministry of Social Development (1944) associations; the Ministry of Interior (307); the Ministry of Political Development (39) associations; the Ministry of Culture (477) associations; the Ministry of Health (18) associations; the Ministry of Industry and Trade (9) associations; the Ministry of Agriculture (3); the Ministry of Environment (29); the Ministry of Awqaf and Islamic Affairs and Holy Places (2); the Ministry of Information and Communications Technology (2); the Ministry of Tourism and Antiquities (15); and the Ministry of Justice (1). The number of foreign associations registered with the Ministry reached (49) associations. The number of associations registered during 2011 reached (521) associations, while the number of associations in respect of which a dissolution decision was issued in the same year reached (36) associations. In addition, (50) associations were notified by the Ministry of Social Development of their violation of the Associations Law, and no other action was taken against them.

⁸³ The number of associations registered and licensed in the capital, Amman, reached (1307) associations; in Irbid (320) associations; Zarqa (212) associations; Balqa (148) associations; Madaba (140) associations; Mafraq (195) associations; Jerash (65) associations; Ajloun (89) associations; Karak (142) associations; Tafileh (76) associations; Ma'an (94) associations; and Aqaba (58) associations.

⁸⁴ Published in the Official Gazette on page 571 of Official Gazette issue No. 5077 dated 1/2/2011, pursuant to paragraph (c) of Article 22 of the Associations Law and its amendments No. 51 of 2008.

⁸⁵ As provided in Article 5, paragraph 6, thereof and in Article Four, paragraph Eight, thereof.

⁸⁶ These statistics are according to the letter of the Secretary General of the Registry of Associations No. S D J/2/183 dated 24/1/2012.

82. As part of the efforts of civil society organisations to develop Associations Law No. 51 of 2008 in line with the provisions of the Constitution and the international instruments ratified by the Kingdom, 35 Jordanian associations carried out an advocacy campaign for the draft law they had proposed. The proposal called for a number of amendments, the most important of which are: (a) adopting a notification system as an alternative to registration and its complex procedures, and guaranteeing that associations may conduct their activities so as to achieve their objectives without any restrictions or obstacles; (b) affirming the right of associations to draw up their internal by-laws and their freedom to receive domestic and foreign support, while ensuring adherence to the principles of good governance, integrity and transparency and the disclosure of any funds received in their annual budgets.

83. The Centre stresses the need to introduce a number of necessary amendments to Associations Law No. 51 of 2008 to bring it into line with the constitutional amendments, which prohibit emptying this right of its substance, and with the international standards that guarantee the exercise of this right, in the light of the following principles:

- Freedom to form associations by notification to the administration, which shall have the right to object thereto before the courts, and the formation of an association shall not be conditional upon the approval of the governmental administration.
- Associations shall enjoy the right to draw up and amend their own charters and by-laws, without any restrictions other than those necessary in a democratic society in the interests of national security, public safety, public order, public health or public morals, without broad interpretation of the concept of “public order”.
- Supervision of associations shall be vested in an independent body composed of representatives of the governmental administration and representatives of civil society organisations.
- Associations shall enjoy complete freedom in managing their affairs under the supervision of the independent body referred to in item (c), which shall have the right to resort to the courts to hold accountable any association that violates the law.
- Associations shall enjoy the right to elect their executive boards in complete freedom without interference by the administration.
- The law, as provided in the Constitution, shall regulate all the affairs of associations, and many regulatory matters shall not be referred to regulations and instructions, as was repeatedly the case in the Associations Law of 2008.
- The government shall cease using the right to appoint interim executive boards to manage associations and federations, as happened in the case of the Islamic Centre Association, the Federation of Capital Associations and the General Federation of Charitable Societies.
- The penalties set out in the Law shall be abolished, and the handling of any violations committed by associations shall be referred to the Penal Code, which provides therefor.

- No governmental body may be granted the right to dissolve associations; this matter shall be entrusted either to their general assemblies, by a large relative majority, or to the competent judiciary.
- Affirming the right of associations to receive assistance and donations from Jordanian and foreign sources, provided that this is disclosed to the independent body supervising associations, that it appears in their annual budgets, and that the manner of its expenditure is shown on the basis of their objectives and purposes in accordance with their statutes.

Economic, Social and Cultural Rights

The Right to Development

84. The normative framework of the right to development is reflected in the broad vision embodied in the set of Millennium Development Goals, for which 2015 was internationally agreed as the target date for reducing extreme poverty, expanding gender equality and advancing health and education opportunities, in addition to goals relating to the availability and safety of water and to nutrition.⁸⁷ Progress towards these goals constitutes a reference point for assessing the Kingdom's determination to translate these commitments into concrete actions, as a fundamental entry point for creating a life for citizens characterised by high levels of prosperity, security, freedom and sound governance. Jordan took part in the international conference held by the United Nations in New York on 20–22 September 2010 to review the progress made on the eight goals and to identify the requirements for achieving them before the expected deadline at the beginning of 2015. Jordan obtained an international certificate from the United Nations documenting the progress made in this regard, and also obtained an international pledge to support its programmes to achieve the first goal, relating to the eradication of extreme poverty and hunger, and the seventh goal, relating to ensuring environmental sustainability.⁸⁸

85. Jordan has maintained its position among the countries with medium human development according to the 2011 Human Development Report issued by the United Nations Development Programme, ranking (95) out of (187) countries covered by that report, noting that Jordan ranked (82) in 2010 out of 169 countries. Table No. (12) shows the change in the value of the Human Development Index, which shows an improvement in the index and a decline in the ranking, based on the improvement in three basic factors, namely: the life expectancy at birth index, standing at 0.732; the education index, standing at 0.551; and the income index, standing at 0.449.⁸⁹

Annexed Table No. (12): Increase in the Value of the Human Development Index

Year	Human Development Index value
2009	0.677

⁸⁷ The right to development is one of the human rights guaranteed by international human rights instruments, which prompted the United Nations General Assembly to adopt the Declaration on the Right to Development in 1986. It was also embraced by the Millennium Declaration of 2000, from which the eight Millennium Development Goals, to be achieved by 2015, were derived.

⁸⁸ In this context, the Centre referred in its Seventh Annual Report for 2010 to the report prepared by the Ministry of Planning and International Cooperation with the support of the United Nations Development Programme, entitled "Second National Millennium Development Goals Report", issued in 2010, which set out the achievements and the challenges facing Jordan in achieving the eight goals with a view to attaining a better standard of life and living for citizens. For further details on the report, see the website of the Ministry of Planning: <http://www.mop.gov.jo/uploads/Joradn%20MDGs%20Arabic%2014-11%20low.pdf>
http://www.mop.gov.jo/arabic/pages.php?menu_id=314

⁸⁹ For further information, see the Human Development Reports for 2010 and 2011, published on the websites: <http://hdr.undp.org/en/reports/global/hdr2010/chapters/ar/> <http://www.un.org/ar/esa/hdr/hdr11.shtml>

Year	Human Development Index value
2010	0.681
2011	0.698

86. On the other hand, the 2011 Human Development Report sets out a number of challenges that adversely affect the development process in Jordan, most notably: (a) the worsening of poverty and the strain on renewable water resources. The report indicated that the proportion of the population living in multidimensional poverty stands at 2.4%, the proportion of the population at risk of poverty at 1.34% and the proportion of the population living in severe poverty at 0.1%, while the proportion of the population living below the poverty line (USD 1.25 a day) was 0.4%; (b) the high proportion of children under the age of five suffering from stunting, at 12%, and from underweight, at 3.6%; (c) the well-being and environment indicator showed that the majority of respondents were dissatisfied with the living conditions they experience in Jordan, the dissatisfaction rate standing at 5.6 on a ten-point scale; dissatisfaction was concentrated on water quality (41%), air quality (29%) and the measures taken to preserve the environment (40.6%); (d) there is a clear disparity in the levels of development achieved in the various governorates of the Kingdom, as the capital still enjoys the largest share of the gains of development,⁹⁰ which represents a challenge to expanding the development umbrella and providing health, education, housing and other public services in all governorates so that all segments of society may benefit from them equally.⁹¹

87. The Centre attributes the absence of a fair distribution of the gains of development, and the increase in the number of poverty pockets and their concentration in the governorates, to the limited popular participation in the formulation of national development strategies and programmes and to the inadequacy of realistic financial allocations for achieving their objectives. Consequently, the data of the Department of Statistics on poverty and unemployment rates and consumer prices have remained relatively unchanged for about five years.⁹² The Centre also observed the continuation of adverse effects on the development process and the distribution of its gains over the past two years as a result of the widening

⁹⁰ With regard to the distribution of the gains of development, the data of the Department of Statistics indicate that poverty rates vary from one governorate to another: Mafrq Governorate recorded the highest poverty rate, at 31.9%, followed by Ma'an Governorate at 24.2% and Tafileh at 21.1%, while Amman recorded the lowest poverty rate, at 8.3%, followed by Zarqa at 11.2% and Aqaba at 11.8%. The number of poverty pockets in the Kingdom also increased by 14 pockets compared with 2006, so that in 2010 there were 32 pockets. For further details, see: Report on the State of Poverty in Jordan for 2010, Department of Statistics, July 2010.

⁹¹ Report on the Role of Micro, Small and Medium Enterprises in Human Development in Jordan, United Nations Development Programme, available at http://undp-jordan.org/index.php?page_type=publications&press_id=197

⁹² In 2009, 2010 and 2011, the unemployment rate stood at 12.9%, 12.5% and 13.2% respectively, and the poverty rate stood at 13.3% on the basis of 2006, being the proportion of individuals whose expenditure is below the average general poverty line in Jordan. The absolute poverty line (food and non-food) stood at 680 dinars per person per year, and the number of people below the extreme poverty line was 15 thousand in 2008, having been 32 thousand in 2006. The consumer price index for all items (food and non-food) stood at 118.5 in 2009, 124.5 in 2010 and 129.96 in 2011. Interview with the Department of Statistics, during which a special report entitled "Report on the State of Poverty in Jordan", issued in July 2010, was obtained, in addition to other data.

budget deficit and rising public debt,⁹³ the continued economic recession and the decline in economic growth rates owing to global economic crises, the lack of regional stability, the rise in the prices of oil derivatives and raw materials and the increased cost of goods and services. Furthermore, the failure to base development processes and public expenditure policies on human rights, in their comprehensive and integrated sense, when planning, implementing and evaluating them has distorted their outputs and weakened their development impact.⁹⁴

88. 2011 witnessed the issuance of the Royal Directive (makrumah) establishing a special fund for the development of the governorates with an initial capital of up to 150 million dinars, to serve as a tool for providing sustainable financial support for development projects in the governorates and for remedying the imbalances they have suffered over past years.⁹⁵ The Centre also calls upon the Ministry of Municipal Affairs to commence implementation of the comprehensive master plan for all municipalities of the Kingdom, in a manner that allows full popular participation in the planning and implementation of development projects that take into account the specificity of each area, provide employment opportunities and reduce the problems of poverty and unemployment.⁹⁶

89. With regard to promoting the active and free participation of citizens in the equitable sharing of basic resources and their management, diversity, means and mechanisms, the Centre still considers that there is slowness in developing mechanisms for the institutional participation of citizens in the formulation of public policies and public sector reform. This is most clearly evident when reviewing, for example, the Public Sector Development Plan for 2004–2009, which contains no clear reference to the role of civil society, whether in providing advice or in providing services. It is also evident in the failure to translate into practice the decentralisation project, which aimed at strengthening the development dimension, particularly in rural areas, as it has seen no new tangible developments during the past three years; moreover, the change in official positions on this issue with each change of government points to a degree of confusion and the absence of a clearly defined strategy in this regard.

⁹³ Government data indicate that the level of indebtedness and the budget deficit in 2011 rose to some 65% and 6.2% of gross domestic product respectively. See the Budget Speech for 2012, Ministry of Finance, 12/12/2012, available at <http://www.mof.gov.jo/ar/pages.php?page=news&id=25970&num=3>

⁹⁴ The Centre's study on economic and social rights in the budgets of the Jordanian State during 2000–2010 revealed the pattern of public expenditure: total expenditure on education, health and labour did not exceed (11%), (10%) and (2%) respectively of total public expenditure, so that the share of the three branches amounted to (23%) of total expenditure; that is, less than a quarter of the budgets of Jordanian governments during the study period was spent on these economic and social rights, compared with expenditure on military security amounting to (24%) of total public expenditure, expenditure on public debt service amounting to (8%), and salaries and pensions (25%). Moreover, when price growth (49%), which rose with rising inflation rates, is factored in, it may be said that half of the growth in any expenditure on the study variables during the study period was nominal expenditure rather than real qualitative expenditure. See the study "The Reality of Expenditure on the Rights to Health, Education and Work in the Budgets of Jordanian Governments: An Evaluative Study 2000–2010", at <http://www.nchr.org.jo/Arabic/ModulesFiles/PublicationsFiles/Files/budjet22.pdf>

⁹⁵ Jordan News Agency (Petra), 27/7/2011, available at http://www.petra.gov.jo/Public_News/Nws_NewsDetails.aspx?lang=1&site_id=2&NewsID=39001&Type=P

⁹⁶ Al-Arab Al-Yawm, 29/4/2011, available at http://www.alarabalyawm.net/pages.php?news_id=297647

90. Since the main reasons limiting the expansion of the development process and the distribution of its gains in Jordan are primarily economic and social, the Centre recommends the following:

- Adopting the human rights-based approach in the planning, implementation and monitoring of development projects and the distribution of their gains, in a manner that achieves social justice in the fair distribution of development returns on the one hand, and contributes to strengthening citizens' participation in, ownership of and defence of such projects on the other.
- Adopting the human rights-based approach in the formulation of the State's general budget, such that citizens' rights to education, health, work and other rights take priority in expenditure.
- Encouraging and generalising the establishment of micro, small and medium-sized enterprises and expanding the mechanisms for supporting them, particularly in the poorest governorates, given their essential role in stimulating economic growth, providing employment opportunities and promoting competitiveness and creativity.
- Harmonising the provisions of the Income Tax Law with the spirit of the Constitution, which expressly establishes the principle of progressive taxation on companies, banks and other institutions.
- Reducing the rate of the general sales tax, in order to ease the burden on the poor and those on middle incomes in purchasing basic goods and services.
- Rationalising government expenditure and abolishing the "other expenses" item found at the end of each ministry's expenditure, and directing expenditure towards "labour-intensive" productive projects implemented in poverty pockets.
- Regularly resorting to opinion polls and conducting studies to gauge citizens' views, positions and satisfaction with the services provided by the various State institutions, as well as when commencing any project.

The Right to an Adequate Standard of Living

91. The Jordanian Constitution does not refer clearly and explicitly to the right to an adequate standard of living, whereas the Jordanian National Charter, in Article (8) of its Chapter Three, states that: "Combating poverty and addressing its effects is a strategic objective of the Jordanian State and a national responsibility, requiring that employment opportunities be made available to those able and seeking to work, with priority given to Jordanians therein, and that justice be pursued 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 negative effects that may befall 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 standard of living.⁹⁷

⁹⁷ The Universal Declaration of Human Rights recognised the right to an adequate standard of living in Article (25/1) thereof, which provides that "Everyone has the right to a standard of living adequate for the health and well-being of

92. During 2011, the Jordanian economy continued to face the same economic and financial challenges referred to in the Centre's Annual Report over the past two years, the most significant of which are the continuing repercussions of the global financial crisis and the high global prices of imported commodities, particularly oil and gas,⁹⁸ in addition to the swelling of the budget deficit and public debt. The persistence of these challenges is liable to weaken the Government's capacity to provide its basic services to citizens and to guarantee their enjoyment of the right to an adequate standard of living. Government policies also remain ineffective in rationalising public expenditure, although 2011 witnessed an increase in the number of cases referred to the Anti-Corruption Commission and to the judiciary to be dealt with. In this context, the Centre values the adoption of Financial Control Regulation No. 3 of 2011, which is considered an important tool for reforming the system of internal financial control in government ministries and institutions and for combating the roots of corruption, noting that the issuance of such legislation on the control of public funds in accordance with international financial control standards makes the Kingdom the first Arab State to have this legislative precedent in this field.⁹⁹

93. The Centre observed that, during 2011, the various media continued to broadcast complaints from limited-income citizens about the rising cost of living. Suffice it, as evidence of this, to point to the rise in the inflation rate this year by 4.4% over 2010, as a result of the rise in the prices of the "transport" group by 8.6%, the "rents" group by 4.8%, the "education" group by 5%, the "clothing and footwear" group by 6.2% and the "meat and poultry" group by 7.6%.¹⁰⁰ Moreover, the general sales tax (on goods and services), which constitutes 48.2% of the volume of tax revenues for 2011, grew by 1.3% over 2010, noting that the general sales tax represents approximately 8% of gross domestic product, whereas the share of tax on income and profits amounts to 15.1% of the volume of tax revenues.¹⁰¹ This means placing an additional tax burden on citizens in light of the rising cost of living, and calls for reconsidering the fairness of the tax system and strengthening the imposition of progressive taxes on income in order to achieve social justice.¹⁰²

himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control." Article (11) of the International Covenant on Economic, Social and Cultural Rights reaffirmed this right, and the said Article, in its second paragraph, also linked this right with freedom from hunger.

⁹⁸ The annual cost of energy imports (crude oil and its derivatives, natural gas and imported electrical power) in 2010 amounted to approximately 2604 million dinars, thus constituting approximately 13.5% of the value of gross domestic product at current prices.

⁹⁹ On the basis of the Audit Bureau Law, which provides for the subsequent audit of expenditures, and Financial Control Regulation No. (3) of 2011, which provides for prior audit by financial control units, a memorandum of understanding was signed paving the way for the gradual withdrawal of the Audit Bureau from prior audit once competent and effective financial control units have been made available in these government departments. Ministry of Finance, quoted from the link <http://www.mof.gov.jo/ar/pages.php?page=newsdetails&id=25382&num=3>

¹⁰⁰ Interview with the Department of Statistics on 13 January 2012.

¹⁰¹ General Government Finance Bulletin, Ministry of Finance, Volume 13, Issue 10, November 2011. Quoted from the link http://www.mof.gov.jo/admin/Upload/Optional/PDF_Arabic_FB_Nov2011.pdf

¹⁰² Report on the Role of Micro, Small and Medium Enterprises in Human Development in Jordan, United Nations Development Programme, quoted from the link http://undp-jordan.org/index.php?page_type=publications&press_id=197

94. The results of the poverty survey in Jordan indicate that 13.3% of the Kingdom's total population fall below the general absolute poverty line of 680 dinars per person per year, being the amount sufficient to meet an individual's needs for food and services of all kinds. That is, about 781 thousand persons are poor, concentrated in the most populous governorates, namely the Capital, Irbid and Zarqa, notwithstanding the low poverty rate in these governorates relative to their total population. It should be noted that the absolute poverty line for the standard family of (5.7) members amounted to 3876 dinars annually, equivalent to 323 dinars monthly, while the food (abject) poverty line amounts to 292 dinars per person per year. The Government is credited with its intervention to reduce the poverty rate from 16.4% to 13.3% as a result of the aid and subsidies provided by its affiliated institutions, particularly the National Aid Fund.¹⁰³ This requires raising the financial allocations for anti-poverty programmes, especially since the rise in the prices of foodstuffs and oil derivatives witnessed by the Kingdom over the past two years will aggravate poverty rates, reduce the ability of limited-income earners to meet their needs and lower their standards of living.

95. In this regard, most of the programmes and projects implemented in poverty areas — important as they are — still do not target the treatment of poverty directly or through the involvement of the poor themselves in the development process. This may be explained by the inability of the poor to own shares and stakes in the cooperative societies established to manage and own development projects; their lack of ownership of land and buildings as collateral enabling them to obtain loans from the funds that have been established; the lack of integration among cooperative societies; the weakness of local administrative bodies (such as municipalities and district centres), their budgets and their financial, human and logistical development capacities; and high illiteracy rates.¹⁰⁴ Furthermore, the lack of coordination among the bodies concerned with social protection in Jordan, particularly between employment programmes and the empowerment of lower-income groups, has led to the duplication of social benefits obtained from more than one body.¹⁰⁵ The Centre refers to the incident of the woman who set fire to the office of the National Aid Fund in Deir Alla in protest against the Fund administration's refusal of her request for cash assistance for herself and her children, as a case indicative of the weakness of anti-poverty mechanisms in the Kingdom and of the need to reconsider the mechanism and methodology for targeting the poor.¹⁰⁶ The Centre calls upon the National Aid Fund to continue evaluating the cases of its beneficiaries in accordance with precise, objective criteria in determining the case to which assistance is supposed to be provided.¹⁰⁷

¹⁰³ Report on the State of Poverty in Jordan, Department of Statistics, July 2010.

¹⁰⁴ Studies surveying the economic, social and service conditions of poverty-pocket areas, Ministry of Planning and International Cooperation, Al-Arab Al-Yawm newspaper, 23 May 2011, quoted from the link http://www.alarabalyawm.net/print.php?news_id=302621

¹⁰⁵ The Integrated Social Protection Document prepared by the Economic and Social Commission for Western Asia (ESCWA), Al-Rai, 16 April 2011, quoted from the link http://archive.alrai.com/pages.php?news_id=397279

¹⁰⁶ Al-Ghad newspaper, 25 July 2011, quoted from the link <http://alghad.com/index.php/article/412356.html>

¹⁰⁷ The Fund provides financial assistance amounting to about 75 million dinars to about 74 thousand families. National Aid Fund, http://www.naf.gov.jo/index.php?option=com_content&view=frontpage&Itemid=1&lang=ar

96. The Centre also monitored appeals conveyed by the media from limited-income and poor citizens holding health insurance cards under the social safety net for the renewal of their cards, which had expired at the end of May 2011, after government health centres and hospitals refused to treat them upon the expiry of these cards. The Council of Ministers approved the renewal of these cards, noting that the number of beneficiaries covered by this net is estimated at (300) thousand citizens across the Kingdom.¹⁰⁸ The Centre values the Social Security Corporation's inclusion of 6 thousand Jordanian housewives in voluntary social security following the entry into force of the Social Security Law on 1 May 2010, which contributes to providing social protection for this group, securing them retirement pensions and guaranteeing them a secure future.¹⁰⁹ The Centre draws attention to the fact that broad sectors of workers in private-sector establishments, especially in small establishments and informal sectors, are still not covered by the social security umbrella, notwithstanding the amendments to the Social Security Law in this respect.¹¹⁰ Furthermore, the majority of private-sector workers do not enjoy any form of health insurance, which makes it necessary to expand the umbrella of social insurances provided for in the Social Security Law to include health insurance for subscribers, and to bring additional sectors of workers under its umbrella.

97. As regards unemployment, its rate reached 13.2% in 2011 compared with 12.5% in 2010; the rate for males was 11.3% as against 21.4% for females, and the unemployment rate among holders of university degrees was 15.3% compared with its value for other educational levels. The highest unemployment rate was recorded for the two age groups 15–19 years and 20–24 years; the highest unemployment rate was in Karak Governorate at 17.6% and the lowest in the Capital Governorate at 11.2%.¹¹¹ This means that unemployment is one of the most prominent challenges facing young people, calling for prompt and effective remedies, especially since the challenges facing Jordanian labour in the labour market remain unchanged, as indicated in the Centre's Annual Reports in previous years.¹¹² It is also worth mentioning that the Government has not contributed to creating the jobs necessary to alleviate unemployment except for traditional jobs in the Ministries of Education and Health. The Centre also monitored numerous cases in which Jordanian workers were laid off from private-sector establishments in the wake of the global economic crisis, which calls for intensifying government efforts to protect workers' rights and to require the business sector to respect these rights and to compensate them appropriately, in addition to taking measures to provide alternative employment opportunities, in keeping with the principles adopted by the United Nations on human rights in the field of business.

98. The year 2011 witnessed a series of labour sit-ins demanding a decent living for workers by raising the minimum wage to (300) dinars instead of (150) dinars, in a manner commensurate

¹⁰⁸ Al-Arab Al-Yawm, 9 June 2011, quoted from the link http://www.alarabalyawm.net/pages.php?news_id=306282

¹⁰⁹ Al-Sabeel, 12 July 2011, quoted from the link <http://www.assabeel.net/>

¹¹⁰ The social security umbrella will be completed, with the coverage of the entire workforce in micro-establishments in the Capital and Zarqa Governorates, during 2011.

¹¹¹ Interview with the Department of Statistics on 13 January 2012.

¹¹² For further information, see: Study on the Situation of the Labour Market in Jordan for 2010, Ministry of Labour, quoted from the link <http://www.mol.gov.jo/Portals/0/Studies/العمل%20سوق.pdf>

with the current economic situation and balancing the cost of living against the worker's ability to provide for his family. They also demanded the amendment of the provisional Social Security Law, which has caused considerable harm to workers as a result of the amendment of the pension calculation, which contributed to reducing retirement pensions and raising the early retirement age, and the amendment of the Labour Law and the removal of the articles that infringe upon workers' rights and gains, namely Articles (26, 27, 28 and 31), which allow employers the opportunity to dismiss dozens of workers on the pretext of reorganisation and restructuring. A not inconsiderable proportion of the protesters' demands relating to raising wages was met.

99. With regard to the cost of living, the Centre records that in 2011 the Government provided 1791.5 million dinars for social protection programmes, of which 824 million was for subsidising commodities, 724 for subsidising foodstuffs and fuel, and 80 million for the social safety net, compared with 1032.3 million in 2010.¹¹³ It also records the exemption from sales tax of 260 food commodities consumed by limited- and middle-income earners.¹¹⁴ On the other hand, a weakness was observed in the Government's ability to control the prices of basic foodstuffs in local markets effectively,¹¹⁵ despite the amendment of Competition Law No. 18 of 2011, which made excessive pricing by any establishment having a dominant position in the market, or in a significant part thereof, an explicit violation of the law and a prejudice to, restriction or prevention of competition.¹¹⁶ The daily newspapers carried citizens' complaints about the erosion of their purchasing power for foodstuffs, as the average food prices in the Kingdom rose by 3.8% in the first third of 2011 over the same period of 2010. The Food Security Status Report¹¹⁷ showed that most families relied on plant-based food during the years (2002–2009), as plant products constituted 86% of the individual's daily share of total calories. It also indicated that the proteins obtained by citizens in their daily diet were mostly from plant sources, at a rate of 61% from the plant group and 39% from the animal group, which led to a decrease in total calories at a rate of 20 calories per person per day since 2002, out of 2919 calories being the average daily energy in the diet of Jordanians. The Centre attributes the predominance of plant products in the food consumption pattern in Jordan to the current economic conditions and to low incomes, which can no longer bear the record rises reached by the prices of animal products, foremost among them red meat, which have forced citizens to resort to plant-based alternatives.

¹¹³ General Government Finance Bulletin, Ministry of Finance, Issue 10, November 2011.

¹¹⁴ Al-Rai, 11 November 2011, quoted from the link http://archive.alrai.com/pages.php?news_id=414107

¹¹⁵ The Ministry of Industry and Trade took decisions setting price ceilings, which were then swiftly cancelled owing to their ineffectiveness in eliminating monopolistic practices, which made the Ministry appear incapable of devising firm reform mechanisms and decisions that protect consumers from the control of importers and limit the effectiveness of cartels and tacit agreements between importers and merchants. Al-Arab Al-Yawm, http://alarabalyawm.batelco.jo/pages.php?news_id=286760

¹¹⁶ See Article 6/h of Competition Law No. 18 of 2011, Official Gazette, Issue 5118, quoted from the link <http://www.pm.gov.jo/DWWebClient/IntegrationViewer.aspx?DWSubSession=8095>

¹¹⁷ Report on the State of Food Security and the Food Balance Sheet in Jordan, prepared by the Department of Statistics for 2009, quoted from the link http://www.dos.gov.jo/sdb_pop/sdb_pop_a/food_1.pdf

100. The Centre observed that many price offers on foodstuffs in working-class areas, particularly canned goods, fast-preparation foodstuffs and various frozen foods, are past their expiry date or within days of expiry, which means exposing the health and safety of citizens to danger, requiring the Ministry of Industry and Trade to tighten control over these markets. The Centre also monitored complaints reported by the local press from the residents of many villages, towns and small cities about poverty, pollution, poor health services and the lack of projects that could contribute to improving their economic and social situation.

101. Although achieving food security is considered the foremost priority, especially following the rise in global foodstuff prices, and although 2009 was designated a Year of Agriculture, the contribution of the agricultural sector to gross domestic product remains modest and is disproportionate to its increasing water consumption in light of limited water resources. Agricultural produce is still sold below the cost borne by the farmer, to the benefit of wholesale and retail trade, and farmers still suffer from indebtedness to the Agricultural Credit Corporation and the Cooperative Corporation following the freezing of the Agricultural Risk Fund owing to the unavailability of financial allocations, which has led to increased rates of poverty and unemployment among them and to their abandonment of agriculture.

102. As regards the right to housing, debate continues over how to deal with the legislative change under the Owners and Tenants Law issued in 2000, as the Government responded to the objections raised by merchants concerning the time limits for terminating lease contracts, which the repealed law had set for the end of 2010. The expiry dates of contracts were also divided into different time stages until the end of 2015, and a distinction was made between leases for residential purposes and other contracts. In 2011, the Centre monitored media reports of collective cases of termination of lease contracts on King Talal Street in the downtown area of the capital, Amman, after the tenant merchants refused to pay the rent increases; shop owners in downtown Amman also went on strike in protest against the application of the Owners and Tenants Law and the owners' raising of the "rent" on them.¹¹⁸ As regards dwellings, the Centre monitored media reports of citizens living in tents and tin shacks in various areas of the Kingdom's governorates, which lack the most basic necessities of daily life. It also monitored media reports about the lack of services in the dwellings of needy families, particularly the absence of schools, health centres and transport. It was also observed that the financial crisis of the municipalities was reflected in the low level of services they provide to citizens, particularly waste collection, the provision of insecticides, the poor sewerage network and other matters relating to the protection of citizens' health and safety.¹¹⁹

103. In the water sector, Jordan continues to face the problem of water deficit,¹²⁰ which has become a national concern in light of the increase in population and the rising demand for water for multiple uses, particularly for drinking, agriculture and industry. As the Centre indicated in

¹¹⁸ It is worth noting that the Centre records continued attempts to reconsider this Law.

¹¹⁹ See, for example: Al-Rai newspaper, 11 November 2011, quoted from the link http://archive.alrai.com/pages.php?news_id=414129, and Al-Rai newspaper, 2 July 2011, quoted from the link http://archive.alrai.com/pages.php?news_id=411376

¹²⁰ Jordan is considered one of the four poorest countries in the world in terms of water at the global level, as the per capita share of water available for use does not exceed 130 m³ per year.

its previous reports, the problems impeding the uses of water remain unchanged, the most important of which are: the problem of water wastage and the high rate of water loss, which constitutes 43%; sewerage problems and water pollution in various areas of the governorates; the problem of water cuts, particularly in summer; and the problem of the deterioration and corrosion of the water network and the decline in water quality as a result of the ingress of pollutants.¹²¹ The Centre also monitored citizens' complaints in the media about continuous power cuts to their dwellings.¹²²

104. While reiterating its recommendations contained in the Annual Reports of previous years concerning the reduction of poverty and unemployment levels and the raising of citizens' standard of living, the Centre stresses the following:

- Strengthening the system of prior and subsequent control over the use of public funds as one of the most important factors in combating financial and administrative corruption.
- Enacting legislation that helps the private sector assume "social responsibility" in supporting the local community in several fields, most importantly: education and training, and the establishment of small and medium-sized enterprises, in a manner leading to the achievement of human development.
- Expediting the implementation of comprehensive master plans for cities and villages, given their great impact in limiting urban expansion at the expense of the remaining agricultural land.
- Re-evaluating the national agricultural strategy in Jordan, providing financial support to this sector and increasing its productivity and its share of contribution to gross domestic product.
- Giving the utmost importance to vital water projects such as the Two Seas Canal, expediting the completion of the Disi Water Project, and attending to water harvesting projects, expanding them and utilising them in a manner that serves the public interest.
- Rationalising water use, halting its wastage, modernising networks and stopping encroachment on groundwater wells and their over-pumping.
- Increasing the responsibility of private companies towards limited-income earners through the adoption of economic programmes that create employment opportunities and contribute to limiting the effects of the problem of poverty.
- Allocating technical and financial support to small and medium-sized enterprises, particularly in the governorates, given their role in providing employment opportunities, solving the twin problems of poverty and unemployment and stimulating the national economy.

¹²¹ Al-Rai, 3 July 2011, quoted from the link http://archive.alrai.com/pages.php?news_id=411772

¹²² See, for example, the news item published in Al-Rai, 20 July 2011, quoted from the link http://archive.alrai.com/pages.php?news_id=414767

- Increasing coordination among the bodies concerned with social protection in Jordan, particularly between employment programmes and the empowerment of lower-income groups, in order to avoid duplication in obtaining social benefits from more than one body.
- Adopting a consumer protection law that takes into account the economic circumstances of citizens, whose purchasing power is declining, and that prevents the monopolisation of certain commodities by some merchants, noting that the law was drafted in 1999 and has been awaiting a decision by the Council of Ministers since 2006.
- Activating the Competition Law in order to tighten control over markets, regulate market relations and prevent monopolies and commercial cartels.
- Developing and qualifying human resources in order to reduce the phenomena of poverty and unemployment and increase rates of economic growth.

The Right to Work

105. The Constitution, in Articles (6/2) and (23), guarantees the right to work for all citizens and obliges the State to provide it for them by directing and advancing the economy. Accordingly, Labour Law No. (8) of 1996 was enacted to regulate the bases of the contractual relationship between workers and employers, and thus workers' enjoyment of the rights, benefits and legal measures guaranteed by this Law. Jordan has also published in the Official Gazette the International Covenant on Economic, Social [and Cultural] Rights, which addresses in Articles (6, 7 and 8) the right of individuals to enjoy satisfactory conditions of work and guarantees equal employment opportunities for all workers, fair, equitable and equal wages for all without discrimination, a decent living, working conditions in which safety and health are ensured, and reasonable limitation of paid working hours, including rest and leisure. Furthermore, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990, which entered into force on 1 July 2003, established an adequate, all-embracing and comprehensive codification of all the guarantees and rights of migrant workers that must be observed;¹²³ the Centre calls upon the Government to accede to this international convention. The International Labour Organization has also issued (189) international conventions, of which Jordan has ratified (24), in particular the fundamental conventions, with the exception of Convention No. (78) concerning freedom of association, which it has not signed, and International Convention No. (198) concerning decent work, which includes the protection of the rights of domestic workers and which was adopted on 16 June 2011.¹²⁴

¹²³ Among the most important matters addressed by this Convention for the protection of migrant workers and their families are the following: (the right to work and to receive a fair and adequate wage, non-discrimination, equality before the law and legal protection, freedom from forced labour, protection from arbitrary measures, the right to an adequate standard of living, the right to work in safe conditions, the right to work reasonable hours, the right to rest, freedom from sexual harassment, the right to form trade unions, and the right to freedom of religious belief and freedom of opinion and expression).

¹²⁴ These are: ILO Convention No. (98) concerning the Right to Organise and Collective Bargaining; ILO Convention No. (29) concerning Forced Labour; ILO Convention No. (105) concerning the Abolition of Forced Labour; ILO

106. During 2011, the Ministry of Labour undertook a number of measures aimed at promoting and protecting labour rights, most notably: (a) visiting numerous establishments, factories and shops; during 2011 the Ministry carried out 51661 inspection visits, the number of night visits to companies in the Qualifying Industrial Zones reached (161), (2708) establishments were warned and (14523) violations were recorded against offending establishments, while the number of labour complaints received by the Ministry of Labour reached (5068), of which (4721) were resolved; (b) granting Egyptian workers several periods to regularise their status; (c) granting a regularisation period to domestic workers, exempting them from half of the residency fines in addition to exempting them from work permits for the periods prior to 1 July 2011; the number of female workers who regularised their status reached (3700).

107. In 2011, workers staged more than 700 sit-ins and strikes covering both the public and private sectors. The workers' demands focused on the following matters: (a) increases in wages and salaries; (b) obtaining additional gains such as thirteenth- and fourteenth-month salaries; (c) sit-ins against administrative restructuring or the application of new instructions; (d) demands for the permanent appointment of workers, particularly daily-wage workers and some Social Security workers, in their posts; (e) protests relating to trade union matters and the improvement of trade union conditions.

108. With regard to agricultural workers,¹²⁵ and although in 2008 the Government amended the Labour Law in Article (3) and subjected agricultural workers to the provisions of the Labour Law, the special regulations governing the rights of agricultural workers have not been issued to date, which affects them adversely. During 2011, the Ministry of Labour issued (80551) work permits to workers of foreign nationality, the number of Egyptian workers being (78147), in addition to a number of Jordanian workers, particularly women and children, working in this sector. Through complaints and field visits carried out during 2011 to a number of areas where this workforce is present, the Centre monitored and established the continued occurrence of the following violations: (a) workers not being covered by health insurance and social security; (b) long working hours, sponsors' breach of employment contracts and non-compliance with the provisions of the employment contract; (c) manipulation by some employers of the employment contracts of Egyptian workers and permitting workers to work in jobs outside the scope of agricultural work in return for sums of money; (d) some Egyptian workers being made to sign papers and promissory notes to ensure that they do not abscond.

109. In the area of domestic workers, the number of female workers in 2011 reached (43518) thousand female workers, the number of female workers of Filipino nationality being (13152), Sri Lankan (16652), Indonesian (13299), of Ethiopian nationality (41) and Bangladeshi (85). Since 2008, the Philippine and Indonesian Governments have continued to impose a ban on sending migrant workers to work in households in the Kingdom; however, workers from these

Convention No. (138) concerning Minimum Age; ILO Convention No. (182) concerning the Worst Forms of Child Labour; ILO Convention No. (100) concerning Equal Remuneration; and ILO Convention No. (111) concerning Discrimination in Employment and Occupation.

¹²⁵ On 17 August 2008, the amending law to Labour Law No. (8) of 1996 was amended, providing in Article (3) for the subjection of workers in the agricultural sector to the provisions of the Labour Law pursuant to a special regulation to be issued for this purpose; however, no such regulation has been issued to date.

two countries continue to arrive in the Kingdom through recruitment agencies. During 2011, the Centre monitored a series of measures taken by the Ministry of Labour that contributed significantly to reducing their problems, including: (a) the issuance of a decision by the Minister of Labour dated 1 July 2010 on opening a bank account for the worker; (b) the Ministry of Labour, in coordination with the Ministry of Interior and by a decision of the Council of Ministers, issued a decision granting the parties concerned a period for regularising the status of female workers and exempting them from half of the residency and work permit fines, from which more than (3700) female workers benefited; (c) the Ministry of Labour, by a decision of the Minister of Labour pursuant to Article (9), paragraph (a), formed a special committee concerned with resolving the problems of female workers residing in the embassies of labour-sending States owing to disputes with employers. The Centre monitored more than (140) complaints and requests for assistance during 2011 relating to the recruitment and employment of female workers. It also monitored the phenomenon of the contracts signed between female workers and the owners of recruitment agencies, as to the wage conditions and nature of work agreed upon before their travel and departure from their countries, being at variance with the conditions of work and wages upon their arrival in Jordan. The Centre notes that the Ministry of Labour closed and suspended more than three agencies from operating as a result of their committing such violations. It is clear that the issue of regulating the contracts of migrant domestic workers in the Kingdom still requires a comprehensive review that is fair to all parties to the equation.

110. In the area of workers in the Qualifying Industrial Zones, the Centre conducted field visits to these zones during 2011 and found (27) inspectors distributed over (65) companies employing (7902) Jordanian workers and (29252) foreign workers. The following observations were recorded: (a) the absence of permanent night inspection; (b) non-payment of wages on time, and failure to comply appropriately with occupational health and safety in some factories; (c) failure to provide health insurance for workers; (c) instability of the workforce in some companies, and migrant workers absconding from the companies in which they work and working for other parties illegally; (d) lack of knowledge of the Jordanian Labour Law among workers, whether Jordanian or migrant, and non-compliance by companies with the Labour Law in terms of working hours and overtime pay, the confiscation of passports and the exploitation of workers, in addition to failure to obtain work permits and residence permits, deprivation and restriction of freedom of movement during night hours, and manipulation in the calculation of overtime hours.

111. As regards child labour and begging, and notwithstanding the efforts made by the Government and non-governmental bodies to curb the phenomenon of child labour, since the issuance of the statistical report of the Department of Statistics in 2007, which confirmed the existence of more than 33 thousand working children, this phenomenon has continued to worsen. During 2011, the Centre conducted field visits to child labour sites in a number of areas of the Kingdom and found that children work in the trades of mechanics and car services, crafts and construction, blacksmith and paint workshops, waste collection and begging, all of which constitute hazardous work for children and fall within the classification of the worst forms of child labour according to international conventions. The Centre has noted an increase in the phenomenon of children working as street vendors, in begging and in other work. The Centre

also monitored the violations to which children are subjected, most notably: (a) long working hours and low wages that do not reach the minimum wage; (b) children working at worksites being exposed to numerous practices, consisting mostly of beatings, verbal abuse and other forms of inhuman treatment; (c) the existence of immoral practices committed against them during work; (e) the suffering of working children from the work environment and their exposure to various diseases as a result of inhaling gases and fumes and/or exposure to occupational hazards such as falling from scaffolding or road traffic accidents. It is worth mentioning that the decision of the Minister of Labour concerning the list of hazardous, arduous or health-harmful work for juveniles, issued pursuant to the provisions of Article (74) of Labour Law No. (8) of 1996, as amended, was amended and published in the Official Gazette on 16 June 2011.¹²⁶

112. In the area of combating trafficking in persons, the Centre received four complaints relating to trafficking in persons. It also followed up on the prosecution and punishment of the perpetrators of these crimes by public prosecutors and the competent bodies, particularly with respect to the referral of (28) cases to the judiciary. Although Jordan acceded on 30 April 2009 to the United Nations Convention against Transnational Organized Crime of 2000 and its Protocols, in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, in addition to enacting Anti-Human Trafficking Law No. 9 of 2009, which encompasses protection, prevention and prosecution, the National Committee for Combating Trafficking in Persons has not met for more than a year and a half. This contravenes the provisions of Article (6) of the Prevention of Trafficking in Persons Law and affects the Kingdom's commitment to combating trafficking in persons, in addition to its impact on the National Strategy for Combating Trafficking in Persons and the failure to take a decision regarding the shelter and other matters entrusted to the work of this Committee. The Centre affirms that there are many obstacles limiting full commitment to combating trafficking in persons, the most important of which are: (a) failure to activate the text of Article (3) of the Labour Law concerning the issuance of special instructions for agricultural workers; (b) weak implementation of the National Strategic Plan for Combating Trafficking in Persons; (c) the slow pace of procedures for establishing the shelter (refuge) in accordance with specifications that provide health and legal protection and care and the rehabilitation of victims of trafficking in persons, and for training the persons concerned and those in charge of managing the shelter on the importance and methods of protecting victims of trafficking in persons; (d) weak enforcement of the provisions of the Prevention of Trafficking in Persons Law and of the prosecution of the perpetrators of these crimes, provided that training programmes are implemented to raise the competence of certain law enforcement bodies, particularly public prosecutors, judges, Public Security personnel, labour inspectors, recruitment agency staff and staff of the Anti-Trafficking Unit at the Public Security Directorate and the Ministry of Labour; (e) failure to activate the instructions on the protection of domestic workers issued by the Ministry of Labour concerning the rights of female workers, to apply them to recruitment

¹²⁶ The amendment set out occupational hazards as follows: 1. work involving physical hazards; 2. work involving psychological and social hazards; 3. work involving moral hazards; 4. chemical hazards; 5. physical hazards; 6. biological and microbial hazards (viruses/bacteria/parasites, etc.); 7. ergonomic hazards (the adaptation of the human being to the machine and work tools); 8. other hazards: work on ships.

agencies, to verify that sponsors and recruitment agencies apply them, and to follow up the rights of female workers in sponsors' homes through labour inspectors; (f) failure to apply the latest instructions of the Recruitment and Employment Regulation, to implement bilateral agreements with States sending domestic workers, and to abolish certain procedures relating to sponsorship and linking the transfer of a worker to the sponsor; and the launch of a campaign by the Ministries of Labour and Interior against recruitment agencies and companies in order to ensure the application of the new instructions, and the need to establish lists at the Ministries of Interior and Labour in order to bar the granting of permission to recruit any worker where the employer has breached the contract, failed to pay wages, confiscated passports or subjected the worker to any form of violation; (g) weak inspection procedures for establishments that may employ foreign workers unlawfully, such as beauty parlours, salons, malls and hotels, to verify the soundness of recruitment mechanisms, the safety of the work environment and compliance with the provisions of the Labour Law, the penalising of these establishments, the application of the Residence and Foreigners' Affairs Law, and the application of the instructions relating to the renting of dwellings by foreigners for the purpose of determining residence; (h) weak control and inspection of clubs and nightclubs to verify the application of the Residence and Foreigners' Affairs Law and the Labour Law, particularly with respect to female workers of certain Arab nationalities and to persons holding unrestricted nationalities,¹²⁷ such as those of Eastern European countries and Russia, where such persons enter the country with a visa through borders and crossings and work in clubs and bars without obtaining residence visas and work permits; (i) weak general public awareness at the domestic level and among various bodies, including recruitment agencies and civil society institutions, of the existence of the Prevention of Trafficking in Persons Law and of the need to take certain precautionary measures, such as issuing a guide for foreign workers, establishing a hotline for trafficking in persons cases, posting announcements at crossings and borders with the necessary telephone numbers in the event that they are subjected to such crimes, and working with neighbouring States at the external level through joint cooperation to combat and prevent the phenomenon of trafficking; (j) the lack of coordination with the various media institutions and media professionals to raise awareness of the dangers of trafficking in persons crimes and to stress the obligation to apply the law.

113. To protect and promote this right, the Centre reiterates its emphasis on all the recommendations set out in its previous reports and affirms the following:

- In the area of the protection of occupational health and safety, the Centre recommends preparing awareness, training and education programmes in the field of occupational safety and health in order to raise the awareness of all workers in establishments of the importance of occupational safety and health.

¹²⁷ Restricted nationalities: nationalities whose entry into the country is conditional upon a visa obtained either through our diplomatic missions abroad or through the Ministry of Interior, being a prior visa, i.e. before entry. Unrestricted nationalities: nationalities that do not require a prior visa, i.e. that can obtain it directly at the border post upon payment of the prescribed fee of ten dinars.

- In the area of workers in the agricultural sector, the Centre recommends expediting the issuance of the regulations necessary for regulating the rights of workers in this sector and bringing them under health insurance and social security.
- In the area of workers in service companies, the Centre recommends protecting the workers therein through full supervision by the various bodies, in particular the Ministries of Health and Labour and hospital administrations, over service companies and their managements, in order to verify their compliance with the law and their application of the legal conditions of the work environment.
- In the area of domestic workers, it recommends:
 - Covering domestic workers by health insurance and social security.
 - Establishing a mechanism for coordination between the Ministry of Labour and the Residence and Borders Department of the Public Security Directorate, with a view to monitoring the renewal of the residence of these female workers and ascertaining the numbers of those in violation among them.
 - Activating the Domestic Workers Regulation, particularly the committee concerned with resolving the problems of female workers, and establishing a mechanism for settling disputes arising from the employment contract.
 - Following up on recruitment agencies and the situation of female workers and ensuring that they receive their wages.
 - Activating the role of inspectors (vested with judicial police powers) in supervising and monitoring the living conditions of domestic workers, through: expanding the powers of labour inspectors and providing them with the resources necessary for monitoring the owners of domestic worker recruitment agencies, in order to limit violations and prevent these female workers from being exposed to the danger of prostitution or trafficking in persons; and activating the legal provisions in force in Jordan concerning the impermissibility of confiscating passports, pursuant to Article No. (18) of the Provisional Passports Law No. (5) of 2003, as amended.
- In the area of workers in the garment and textile industry and in the Qualifying Economic Zones, the Centre recommends that the Labour Law provide for the necessity of night inspection of factories to verify their compliance with the provisions of the Labour Law.
- In the area of child labour, the Centre recommends protecting working children by taking the following measures:
 - Activating the role of the Ministry of Social Development in applying the provisions of the law to return working children to school, and reconsidering Article (389) of the Penal Code concerning begging offences in line with international human rights standards.
 - Activating the text of Article (74) of the Labour Law concerning the prohibition of employing juveniles in hazardous and health-harmful work.

- Activating the role of child labour inspectors in the labour directorates of the Kingdom in monitoring, inspecting and penalising offending employers, in order to curb this phenomenon.
- Regulating and monitoring the work of juveniles in establishments within the preconditions set by law, namely: (medical examinations to verify the juvenile's fitness, the consent of the guardian, that the juvenile be not less than 17 years of age, and that their working hours not exceed six hours per day).
- Not permitting their employment during official and religious holidays and weekly rest days.

The Right to Education

114. The right to education is set forth in the Constitution under the chapter on the Rights and Duties of Jordanians, Article (6) of which provides that: “1. Jordanians shall be equal before the law, with no discrimination between them in rights and duties, even if they differ in race, language or religion. 2. The State shall guarantee work and education within the limits of its possibilities, and shall guarantee tranquillity and equal opportunities for all Jordanians.” Article (19) provides that “Congregations shall have the right to establish and administer their own schools for the education of their members, provided that they comply with the general provisions prescribed by law and be subject to the control of the Government in respect of their curricula and orientation”, while Article (20) affirms that “Basic education shall be compulsory for Jordanians and free of charge in Government schools.” Among the positive developments is the amendment of Article (20) of the Constitution by deleting the word “elementary” and replacing it with the word “basic”, thereby increasing the number of years of free compulsory education. It should be noted that the Constitution and the other Jordanian laws governing the right to education do not discriminate between males and females with respect to enrolment in the various educational stages; rather, the Constitution provides that Jordanians are equal before the law, with no discrimination between them in rights and duties. Jordan has also acceded to the international human rights instruments that recognise the right to education, affirm that basic education is compulsory and free of charge, and guarantee freedom of education and the right of individuals to establish private educational institutions under State supervision.

115. Although the Constitution provides that basic education is free of charge, and although the Education Law provides clearly and explicitly that basic and secondary education are free of charge and that the State bears the greater part of this cost, the same Law contains what constitutes a tax on education that is inconsistent with the principle of free education, as Article (42) provides as follows: “a. An education tax shall be imposed at a rate of 2% of the net rental value assessed under the Buildings and Land Tax Law within municipal areas in force, to be called the (Education Tax), and shall be collected from the occupant of any property, whether owner or tenant thereof. The procedures for collecting this tax shall be determined by a regulation issued under this Law, and its proceeds shall be spent on providing and maintaining school buildings and on all other matters relating to achieving the objectives of the educational process. b. School donations may be collected in government educational institutions to promote educational work, pursuant to a regulation issued for this purpose.” It should be noted

that Jordan imposes a sales tax on the stationery needed by students, ranging between (4%–16%). The Centre considers that the existence of compulsory fees paid by students to schools at the beginning of each academic year constitutes a financial challenge for some families, despite the issuance of a Royal Decree in 2011 and in previous years exempting students from these fees. Furthermore, Education Law No. (3) of 1994, as amended, which defines the objectives of education and the foundations on which the educational process is based,¹²⁸ does not contain a clear, explicit and direct provision affirming the obligation to direct education towards strengthening respect for human rights and fundamental freedoms and supporting the activities undertaken by the United Nations for the maintenance of peace; nor does this Law contain any reference to the need to integrate human rights principles and freedoms into school curricula.

116. The budget of the Ministry of Education for 2011 amounted to (719308000) dinars, constituting 11.3% of the State's general budget, whereas it constituted 9.9% in 2010 and 8.9% in 2009; this shows the extent of the increase in the budget this year. Table No. (13) shows general statistics on the numbers of schools, teachers and students and the nationality of students for the academic year 2010/2011. It is observed that schools affiliated with the Ministry of Education constitute the largest proportion, followed by private schools and UNRWA schools, the smallest proportion being other government schools. The rate of increase in the number of schools in 2012 over the previous academic year was (1%).

Table No. (13): General statistics on the numbers of schools, teachers and students and the nationality of students for 2010/2011

Authority	Schools	Percentage	Teachers	Percentage	Students	Percentage	Students/Class	Teachers/Class
Ministry of Education	3433	57.1%	71208	69.4%	1143008	68.9%	26.8	1.7
Private schools	2368	39.4%	25627	24.9%	382867	23%	21.2	1.4
Other government	33	0.55%	1332	1.3%	14090	0.84%	27.0	2.6
UNRWA	173	2.87%	4493	4.4%	117957	7%	34.9	1.3

¹²⁸ Article 3/b/3 provides that “The Jordanian people are an integrated unit in which there is no place for racial, regional, sectarian, tribal or family fanaticism.” Article 3/c/2 also refers to “respect for the freedom and dignity of the individual.” Article (4/f) provides: “The general objectives of education in the Kingdom stem from the philosophy of education and consist in forming a citizen who believes in God Almighty, belongs to his homeland and nation, is endowed with virtues and human perfections, and develops in the various aspects of personality — physical, mental, spiritual, emotional and social — so that, at the end of the stages of education, the student becomes a citizen capable of: appreciating the humanity of the human being; forming positive values and attitudes towards self, others, work and social progress; and embodying democratic principles in individual and social conduct.” Many of the paragraphs contained in Articles (3 and 4) of the same Law also provide for the need for the educational process to lead to the development of the human personality in all its aspects.

Authorit y	Schoo ls	Percenta ge	Teache rs	Percenta ge	Studen ts	Percenta ge	Students/Cl ass	Teachers/Cl ass
Total	6007		102633		165792 2			

As regards the numbers of teachers, the largest proportion is recorded for teachers affiliated with the Ministry of Education, and the smallest proportion of teachers is recorded for other government schools; the increase in the number of teachers from the previous academic year to the current academic year is likewise recorded at (1%). It is observed that students affiliated with Ministry of Education schools constitute (57.1%), which is the highest proportion, and the smallest proportion is that of students affiliated with other government schools, at (0.55%). When comparing the number of students for the two years 2011/2012, an increase in the number of students of (1%) is observed. The Centre considers that the foregoing statistics indicate that the increase in the number of students corresponds to the increase in the number of schools and the number of teachers.

117. The Centre commends the Ministry of Education for implementing the “Government School Children Nutrition Project” to cover basic grades (1–6) and government kindergartens, in several stages and in cooperation with the Jordan Armed Forces. The number of students covered by the project in the academic year 2010/2011 reached (115) thousand students in poverty pockets, distributed over 1037 schools in 16 directorates and three UNRWA camps, noting that the project’s budget was reduced from 20 million dinars to 5 million, and that the number of its beneficiaries was 750 thousand persons during the past years. The Centre points to a number of challenges that continue to impede the provision of an environment guaranteeing the enjoyment of the right to education in practice, the most important of which are: (a) the recurrent emergence of shortages of teaching staff, particularly among male teachers specialised in science, mathematics, physics, earth sciences and English; moreover, some teachers teach subjects far removed from their specialisations where there is a shortage in a given subject, which affects the proper conduct of the educational process and results in these subjects not being taught as required; (b) the existence of double-shift schools, in which (7%) of students study; (c) the high proportion of rented government schools, amounting to (36.6%), concentrated in the cities of Amman, Irbid and Zarqa; the Ministry of Education attributes the reasons for its continued renting of schools to the unavailability of plots of land on which to build, particularly in densely populated areas, in addition to a shortage of financial resources at other times. Newly built schools in some rural areas are distinguished by better specifications and services than old-built schools, as these schools are built on large areas and to well-studied specifications; (d) the existence of government schools in which students suffer from severe cold in winter owing to the lack or insufficiency of heating, in addition to broken windows the cost of whose repair is shared by the students to protect themselves from the cold; where heating exists, kerosene heaters are used, with the harmful gases they emit, particularly in narrow, overcrowded classrooms, in addition to students tampering with these heaters during the breaks between classes, which poses a danger to them; (e) poor cleanliness in a number of schools, particularly in sanitary facilities, which may pose a risk to students’ health; (f) the existence of schools located on main roads in the southern governorates without iron barriers at their gates or speed bumps near them; their water tanks are also uncovered and exposed to pollution, in

addition to some cracked walls surrounding certain schools and huge iron gates lacking maintenance, which pose a latent danger to the lives of students; (g) a decline in the number of beneficiaries of the Government School Children Nutrition Project; (h) many refugee children not receiving their education because their parents do not hold residence permits, which prevents their enrolment in schools. The Centre calls for improving the physical learning environment, maintaining schools in need of maintenance, providing them with appropriate heating supplies, distributing coats to students in winter, and attending to the cleanliness and regular disinfection of schools; (i) the existence of a large disparity between some private schools and the majority of government schools in programmes, curricula and resources, leading to a clear cultural disparity within the same society, particularly in light of the opportunities available in the Kingdom in certain leadership positions requiring skills that public education may not provide, which will increase differentiation among Jordanians; (j) the failure of the Government to take any measure to classify private schools, resulting in high school fees in a number of these schools despite the low quality of education therein, in addition to placing heavy financial burdens on families.

118. Although the Ministry of Education has sought to provide education for all and has put in place the Culture Enhancement Programme for Dropouts, which aimed to prepare and qualify children who have dropped out of education by providing them with positive knowledge and experience to enable them to build themselves and serve their community, an increase in the number of student dropouts has been observed during past years, as the dropout rate for the year 2010–2011 averaged 0.5%, whereas in 2009/2010 it stood at (0.54%), particularly in the villages and Badia areas located in the south of the Kingdom and the Central Jordan Valley. It should be noted that the aforementioned programme qualifies graduates to obtain a certificate enabling them to enrol in the Vocational Training Corporation, from which they then graduate at the level of skilled worker. The number of those enrolled in this programme had reached 1054 by the end of 2011, and the number of centres 47. In this regard, the Centre does not fail to recall that the State bears direct responsibility for ensuring the enrolment of pupils in basic education and for pursuing parents who do not send their children to school. This matter is of the utmost urgency in light of the growing number of working children of school age, particularly since their engagement in work deprives them not only of the right to education but also of many other rights, not least the right to health, play and rest, or the right to development. It is worth mentioning that there has been an increase in the number of applications for enrolment in vocational education in all its branches, particularly the industrial branch, such that the number of students enrolled in vocational education for the academic year 2011/2012 reached approximately (25577) in the first secondary and *Tawjihi* (general secondary) grades, with females constituting (37.2%) of the number of students in the first secondary and *Tawjihi* grades.

119. With regard to literacy and adult education, statistics indicate that the number of centres that remained open in 2011 was (497), that the total number of persons of both sexes enrolled in adult education and literacy centres at all levels was (5878), and that those who passed numbered (4901) of both sexes. Illiteracy is more concentrated among females than among males, and the age group with the highest enrolment in the centres is 45 years and over.

120. Furthermore, the Ministry of Education has completed the development of all basic-stage curricula as a first phase and is seeking to develop them further in a second phase. The Ministry formed a committee to review and update the human rights matrix and to follow up on the integration of human rights concepts. The second phase will take the form of 3 stages, in each of which four school grades will be developed, including the teachers' guides. The study will, in a subsequent part, evaluate the integration of human rights concepts in a sample of basic-stage curricula. In addition, human rights concepts have been integrated into literacy curricula from the first to the sixth grade, and teachers have been trained on them by the Education Directorate. It is worth mentioning that the Centre held a 3-day workshop on the integration of human rights concepts, attended by approximately 30 participants representing teachers of social studies, Islamic education, art education, physical education and the humanities from schools in the Kingdom's three regions; a course was also held on the role of the educator in disseminating education and human rights. The Centre stresses the need to complete the integration of human rights into school curricula, and at the same time points out that the Centre signed a memorandum of understanding with the Ministry of Education on 8/4/2009 for the integration of human rights concepts and principles into the school system; however, the provisions of this memorandum have not been implemented owing to the lack of the necessary funding and the rapid turnover of ministers and officials.

121. With regard to kindergartens, the Centre notes the persistence of the challenges it referred to in its previous annual reports, and stresses the need to expand pre-school education programmes through the establishment of kindergartens, which studies have shown reduce dropout rates and increase the chances of success in subsequent school education, not to mention their effect in bridging the educational gap between less-privileged areas and those enjoying better resources.

122. As regards special education, the Learning Difficulties and Speech Disorders Section still targets the basic stage only, from the second to the sixth grade. The Centre underlines a number of challenges relating to special education, the most important of which are: (a) the lack of readiness of most schools to receive persons with disabilities, especially those with physical (motor) disabilities, and the impossibility of carrying out maintenance and modifications to rented schools to make them suitable for receiving them, since the Ministry does not own them; (b) the need for awareness programmes directed at teachers, principals and parents concerning the concept of the full inclusion of persons with disabilities in schools, as some parents, teachers and administrators hold a negative attitude towards children with disabilities, which affects their enrolment in schools; (c) the lack of awareness among parents, teachers and principals of programmes for gifted students so as to guide students to enrol in them; (d) the need of teachers and principals working in special education programmes for specialised training programmes on how to deal with each category of persons with special needs; (e) the lack of material facilities, specifically transportation, for students with physical disabilities, deaf and mute students and other gifted students to reach the venues where their special programmes are held, especially in the Badia and rural areas.

123. Among the regrettable matters is the persistence of the phenomenon of school violence in all its forms, physical, verbal and psychological, in 2010/2011, and the increase in cases of violence among students themselves on the one hand, and between students and teachers on the

other, as well as the inability of the Ministry of Education to curb this serious phenomenon. The number of complaints submitted to the Ministry of Education through the hotline concerning cases of violence against students reached (64) complaints during the academic year 2011/2012, in addition to (33) written complaints submitted directly to the Ministry. The Centre stresses that some students and their parents do not file complaints for fear of a change in the treatment of the complaining student by teachers and the school administration, which suggests that the scale of this problem is greater than it appears. The number of complaints submitted from boys' schools reached (31), while the number submitted from girls' schools reached (14) and from mixed schools (19). As for the subject matter of these complaints, they centred on physical, verbal and emotional abuse and neglect. It should be noted that about half of children are subjected to physical abuse by parents, teachers, school administrations and siblings who share the child's place of residence, and that (50%) of the complaints concerned physical abuse, which deprives children of the feeling of safety at school, drives them to absent themselves from it, and generates in them depression, sadness, shame, confusion, violence and a desire for revenge — all negative effects that contradict the educational and pedagogical mission of the teacher.

124. The Centre notes that the Ministry of Education has implemented the project “Together Towards a Safe School Environment” in cooperation with UNICEF, which focuses on preventing violence in schools in a scientific, studied pedagogical manner based on maintaining the balance between protecting students from violence and, conversely, preserving the standing of the school and the teacher against any transgressions by students, through the application of the slogans “Let us stop, let us talk, let us discuss, let us take decisions collectively and peacefully”. The implementation of this project is still ongoing but has not yet been completed in all directorates. There is also a national plan for the protection of children, developed by the Ministry and circulated to the field; in every directorate there is a liaison officer concerned with protection, follow-up of the national plan, participation in investigations and receipt of complaints, and a training workshop for the liaison officers was conducted by the Ministry. The Child Protection Section also issues posters, brochures and a booklet for awareness-raising and education, and holds a drawing exhibition. There is also an awareness programme on violence against school property, conducted on an almost daily basis, whereby field visits are made to schools at which a doctor, a lawyer, a human rights activist or an educator is hosted to raise the awareness of students and parents in this field.

125. The Centre also recorded the commission by some private school administrations of a number of violations affecting the rights of teachers, the most important of which are: (a) the continued low wages of teachers in many private schools, and some of these schools paying teachers a wage below the minimum wage under the Jordanian Labour Law, thereby breaching the contracts concluded between them and the teachers; (b) many schools terminating the contracts of male and female teachers at the end of the second semester and renewing their contracts at the beginning of the first semester, so as to avoid paying their salaries during the summer vacation; (c) some private schools resorting to paying salaries for only (10) months a year, which constitutes a flagrant breach of the Unified Employment Contract governing the work of male and female private school teachers, signed by the parties concerned — the Ministry of Education, the Ministry of Labour, the Private Education Workers' Union and the

Private School Owners' Association — which entitles male and female teachers to wages for the full year starting from the second year of employment; (d) some private schools deducting the full social security contributions from the teacher's salary, and some of them delaying the enrolment of their teachers in social security after they commence work; (e) most private schools do not provide health insurance for their teachers, which drains their incomes in cases of illness; (f) female teachers in a large number of private schools do not obtain the maternity leave of (10) weeks before and after childbirth, as most private school administrations suspend the employee's salary during her leave; some private school administrations also dismiss a teacher from her job when they learn of her pregnancy, while others limit maternity leave to two weeks, others to twenty days, and in other schools maternity leave is limited to (10) days without pay, and if the teacher does not agree she is compelled to submit her resignation; (g) many private school administrations making deductions from teachers' salaries, particularly if they arrive late for their morning shift, and many male and female teachers do not receive overtime pay when their working day extends beyond official working hours, contrary to the provision of Article (59) of the Jordanian Labour Law.

126. The year 2011 witnessed the issuance of a special law establishing the Teachers' Syndicate, published in the Official Gazette on 7/9/2011. The Centre notes a number of gaps in this Law, the most important of which are: (a) the members of the Syndicate are elected at the governorate level and not at the national level; (b) retirees are not included; (c) teachers are not granted the right to participate in formulating curricula; (d) the Syndicate is prohibited from intervening in the formulation of the Ministry of Education's policies.

127. With regard to building the capacities of those working in the education sector, there are numerous training programmes implemented by the Training Directorate at the Ministry of Education in which all teachers and administrators participate, on various subjects: a programme for school science laboratory technicians, a programme for school librarians, a school administration development programme, the School and Directorate programme, a psychosocial care programme, a programme for school computer laboratory custodians, a programme for educational counsellors, a job succession programme, an educational leadership programme, and the School-to-Career programme. Each programme is implemented by the Ministry preparing a core team, being a selected sample from the Kingdom's three regions numbering approximately 80, after which, following training, this team moves to the directorates to train their colleagues, who in turn form another core team, and so on, with the Ministry's role becoming one of oversight. In addition, in order to support teachers and provide the resources necessary to develop their skills, the Queen Rania Teacher Academy designed a network linking teachers within the same subject. One component of this programme, which the Academy implements in partnership with Teachers College, Columbia University, is the holding of continuous workshops for teachers in the subjects of science, English writing and mathematics, and workshops for school principals on leadership for improving teaching. The Academy adopts an intensive and cumulative professional development programme that provides teachers with permanent and continuous opportunities for learning and for refining their knowledge and skills over time and for addressing implementation difficulties, the professional development programme having been designed to suit the Education Reform for Knowledge Economy initiative.

128. With respect to higher education, the educational process is regulated by the Higher Education and Scientific Research Law, among whose objectives, as adopted by the Strategic Plan for Higher Education (2010–2013), is what is stated in Article 3: “(c) fostering and strengthening 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; (d) providing a supportive academic, psychological and social environment, excellence and innovation, and the refinement of talents”. However, nowhere in the entire Strategic Plan does it refer explicitly to human rights education, on the one hand, or to education being a right and the need to make it available to all on the basis of equality and merit, as adopted in international human rights standards, on the other. The Higher Education Council is responsible for regulating higher education in terms of setting policies, licensing educational institutions, admission criteria and other matters, while higher education institutions enjoy administrative and financial autonomy; education is also accessible to the public according to standards determined by admission criteria. It should be noted that the number of higher education institutions in the Kingdom had reached, by the end of 2011, 32 universities teaching various academic specialisations, of which 20 are private universities and two are regional universities. As regards university fees, this issue is one of the problems of education in Jordan, as high university fees are collected from students and are steadily increasing, which runs counter to the concept of progressively moving towards free higher education. In addition, there are the high university fees paid by students of the parallel or evening programme, which amount to approximately three or four times the fees of non-parallel students. Here, the following observations may be made: (a) the Jordanian student bears the cost of university education primarily, and the fees are considered high relative to the income level of the Jordanian citizen, while the Government bears only a small part of the university’s budget; (b) the parallel programme involves discrimination between students, as a student in the parallel programme pays approximately three times what a student studying in the non-parallel programme pays and is admitted with a lower grade average than the non-parallel student, which means that the parallel student pays higher fees in return for a university seat with a lower average, bearing in mind that parallel or evening students and other students are subject to the same educational programme; (d) the weakness of government spending on needy students through the Student Support Fund, which spent (9042569) dinars in the year 2010/2011, a figure considered low relative to the level of increase in university fees.

129. As for the criteria for the admission of students to public universities, the Unified Coordination Office handles the admission of students to universities in accordance with the Criteria for the Admission of Jordanian Students to Jordanian Universities, pursuant to the Higher Education Law. The multiplicity of exceptions to the competitive criteria may be considered to limit the opportunities for equality on the basis of academic merit: there is 20% for the children of members of the armed forces, 15% for the children of martyrs, 10% for the children of tribes and private schools, 5% for the children of employees of the Ministry of Education and retirees, 5% for the children of expatriates, 5% for holders of the secondary school certificate from previous years, 2% for the children of university employees who are not members of the teaching staff, and the allocation of 350 seats for the children of the camps, as well as other exceptions which have been granted a number of seats. Exceptions to competitive admission have thus reached more than 62%, such that they have become the rule rather than

the exception. This constitutes a discriminatory practice inconsistent with the principle of equality and merit in international law and the principle of equal opportunities set out in the Jordanian Constitution.

130. With respect to human rights education in higher education, it should be noted that some universities offer a human rights course; however, this course is still offered only in faculties of law and political science or as an elective subject for university students. In addition, reference should be made to the abolition of some student human rights clubs which used to carry out awareness activities in some universities, and to their absence altogether in other universities. In 2011 the Centre implemented a training activity for approximately 100 university professors in various faculties and universities, together with a consultative meeting at the level of academic administrations in universities, with a view to integrating human rights into the specialisations of medical sciences, law, political science, journalism, the arts, Sharia and education; it is hoped that this project will be extended to other specialisations next year. The student representation mechanism also remains one of the obstacles to enabling students to participate and express themselves: there is no general union for all students in the Kingdom, student representation taking place in each university separately, each with its own representation mechanism. In addition, there are allegations by students of interference and harassment by the security services to influence student elections, which constitutes a challenge to the right of students to participate and to choose their representatives freely. It is also observed that 2011 witnessed an increase in cases of university violence, which has become a worrying and serious phenomenon threatening the institution of education and social peace. This calls for the taking of significant measures towards reforming university education on the basis of human rights and investigating its causes, which requires examining all the observations we have set out regarding admission criteria, university fees, the failure to enable students to exercise their rights and the weakness of human rights education, and the extent of their connection to the increase in university violence.

131. In light of all the above, the Centre recommends taking a number of measures to provide protection for the right to education, the most prominent of which are the following:

- Amending the Education Law so as to guarantee and affirm that education must be directed to the strengthening of respect for human rights and fundamental freedoms.
- Amending the Education Law so as to include the two kindergarten stages within the compulsory stage.
- Repealing Article 42 of the Education Law, which contradicts the principle of free education.
- Abolishing the sales tax on stationery used by students.
- Issuing a regulation for the classification of private schools in response to Article 32(b) of the Education Law.
- Establishing an adequate and effective oversight mechanism and system ensuring that educational institutions comply with the aims and objectives of education and with the standards set by the State for the right to education.

- Amending the Teachers' Syndicate Law to take into account international standards in terms of freedom of trade union organisation, its non-compulsory nature and its independence from the Government, and activating the role of the teacher in educational policy.
- The need to strengthen the infrastructure of the school network by increasing the proportion of expenditure on education, with a view to increasing the number of schools and teachers and ending rented schools and the double-shift system in a manner appropriate to the needs of society.
- Developing school services, particularly heating, sanitation and cleanliness, and providing playgrounds, sports fields and laboratories, and ensuring that schools are located in safe places away from main roads.
- Increasing health care services for students in schools and the oversight thereof, in addition to strengthening the school nutrition programme so as to cover the widest possible segment.
- Including foreign students, including refugees, in education without requiring residence or the payment of any fees.
- Strengthening education programmes for dropouts.
- Strengthening and financially empowering literacy programmes in order to reduce illiteracy.
- Working to provide the funding necessary to implement the memorandum of understanding with the National Centre for Human Rights, and the need to complete the integration of human rights concepts into curricula; and the issuance by the Ministry of an annual report on the state of education in Jordan.
- Enhancing opportunities for enrolment in vocational education, taking into account in particular the gender dimension, through financial empowerment, increasing the number of those enrolled in it and providing opportunities for the exchange of expertise.
- Continuing to develop extracurricular programmes and integrating human rights into them, while ensuring that students are taught the various art forms, such as drawing, theatre and music, and emphasising the provision of sufficient requirements for the teaching of arts and sports and of qualified technical staff for them.
- Activating student councils and similar programmes for students' management of their own affairs, in addition to activating parents' councils to participate in developing the educational environment.
- The need to adopt the classification of private schools, in addition to controlling increases in school fees.
- Developing education programmes for persons with disabilities and providing reasonable accommodation for them in all schools, and developing programmes for gifted students.

- Giving the issue of school violence priority in addressing the challenges in the field of education, by implementing the National Plan for the Protection of Children and establishing measures to separate secondary students from basic-stage students.
- Improving the conditions of teachers, particularly salaries and allowances, building their capacities on a continuous basis, and establishing effective measures to monitor violations of their rights in private-sector schools.
- Reviewing university fees with a view to unifying them, ensuring equality among students and reducing them as far as possible, and increasing the allocations of the Student Support Fund, in view of the limited economic resources and the low income level of the Jordanian citizen, and refraining from viewing education from a commercial perspective, in order to achieve the educational objective and equality among students.
- Reviewing the admission criteria for public universities and reducing exceptions, with a view to establishing a fairer and more equitable educational system.
- Adopting human rights education in university education by generalising the human rights course to all students, whether as a general course or within each specialisation, and permitting the establishment of student human rights clubs.
- Reviewing the student representation mechanism so as to ensure the establishment of a more democratic mechanism for electing student representatives, without interference by parties outside the student body, through which the orientations and demands of students are expressed.

The Right to Health

132. The Constitution contains no reference to the right to health or its guarantee for citizens. International instruments, however, have accorded the right to health special attention owing to the importance of this right for human life; this is provided for in Article (25) of the Universal Declaration of Human Rights of 1948¹²⁹ and in Article (12) of the International Covenant on Economic, Social and Cultural Rights, which Jordan ratified on 28/5/1975 and which was published in the Official Gazette on 15/6/2006.¹³⁰ At the level of national legislation, it lacks any provision on the State's responsibility for securing the objective conditions for the enjoyment of this right; reference is nevertheless made to it in the Public Health Law, the Ministry of Health Law, the Jordan Medical Association Law and the Medical Constitution, the amended Public Health Law No. (47 of 2008) containing articles affirming the State's responsibility for providing health care in its various forms.

133. The Ministry of Health provides its primary, secondary and tertiary health services through an interconnected network of health centres and public and private hospitals distributed

¹²⁹ Article (25) of the Universal Declaration of Human Rights provides 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".

¹³⁰ Article (12) of the International Covenant on Economic, Social and Cultural Rights provides that: "The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health".

throughout the Kingdom, as follows: (a) in the field of primary health care, primary health care services are based on the concept of comprehensive care, in addition to the basic services provided through primary and comprehensive health centres,¹³¹ the number of which reached (690) centres in 2011. The Royal Medical Services, through their field clinics spread throughout the Kingdom, and the United Nations Relief and Works Agency for Palestine Refugees, through (23) medical clinics, also participate in providing primary health care services, in addition to the contribution of the private and charitable sectors in this field. (b) In the field of secondary and tertiary health care, the concept of secondary and tertiary health care services is based on the provision of specialised services in which all health sectors participate, taking into account the disparity in the type and quantity of the service provided. The number of hospitals in the Kingdom in 2011 reached (106) hospitals, and the number of beds in Jordanian hospitals in 2011 reached (11779) beds, i.e. a rate of (19) per 10000 of the population, a ratio considered acceptable according to the relevant international standards. The number of doctors in the Kingdom reached (16212), i.e. a rate of (26.5) doctors per 10000 of the population.¹³² This rate is also considered acceptable according to international standards.

134. Despite the efforts made by the Ministry of Health to develop and improve the health and medical services provided to citizens, some hospitals and health centres suffer from a number of problems that impede the achievement of their objectives, the most prominent of which are: (a) the low proportion of government expenditure on health, with an emphasis on primary care to enhance the right of individuals to health and as the basis for the early detection of diseases and the prevention of their aggravation; (b) the lack of an equitable distribution of health centres in the Kingdom (human resources, equipment and expertise); (c) the absence of the adoption of a strategic plan at the national level for the prevention of chronic diseases; (d) the shortage of the necessary medical staff and equipment in some hospitals and health centres spread throughout the Kingdom; (e) the shortage of some essential medicines, particularly medicines for chronic diseases such as hypertension, diabetes and heart disease, in some hospitals of the Kingdom, which compels patients to purchase them at their own expense from pharmacies; (f) the length of appointment waiting periods at outpatient clinics; (g) the overcrowding witnessed in the accident and emergency departments of some government hospitals owing to the shortage of doctors and technicians.

135. Referring to the Public Health Law, we find that it did not give mental health the same attention as other diseases. However, following the amendment made to the Public Health Law in 2008, a national committee was formed, in cooperation with the World Health Organization, to develop national policies and strategies with the aim of integrating mental health services into primary health care services and relying on international standards in providing health services to mental health patients outside the framework of hospitals (Out-Patient-Services). In 2011 the Ministry of Health, in cooperation with the World Health Organization, launched the

¹³¹ Such as health education, reproductive health, water safety, food control, environmental sanitation, early detection of diseases, school health, occupational health, communicable disease control, dental health, the health of the elderly and persons with special needs, prevention of accidents and addiction, anti-smoking efforts, and others.

¹³² The above figure includes doctors in each of (the Ministry of Health, the Royal Medical Services, the private sector, King Abdullah I the Founder Hospital, the Jordan University Hospital, and UNRWA).

National Mental Health Strategy for 2011–2015, which stressed the need to attract and encourage doctors to specialise in the field of mental health in order to fill the shortage in that field. On another level, the National Centre for Mental Health Hospital, affiliated with the Ministry of Health, to which the Psychological Rehabilitation Centre (Karama) and the National Centre for the Rehabilitation of Addicts are attached, is the main body providing therapeutic, awareness, supervisory and training mental health services, in addition to judicial activity relating to the issuance of forensic reports on cases referred by all civil, military and Sharia courts. Psychiatric treatment services are also provided at the Ministry of Health through 34 outpatient clinics distributed across all the cities of the Kingdom, including the clinics of correction and rehabilitation centres.

136. As regards non-communicable or chronic diseases (namely hypertension, diabetes, asthma or chest allergy, heart diseases of all types, and cancers of all types), most communicable diseases have been well and effectively controlled in Jordan; however, hypertension remains the most prevalent chronic disease in Jordan, accounting for approximately 39% of all chronic diseases, followed by diabetes at approximately 29%, while the prevalence of asthma or chest allergy reached approximately 7% of all chronic diseases. Cancers of all types were the least prevalent among individuals (1%).¹³³ Diarrhoeal diseases, respiratory diseases and hepatitis also continue to constitute major diseases periodically reported by health centres. As for vaccine-preventable diseases, Jordan has witnessed a marked decline in these diseases, as no new cases of diphtheria or poliomyelitis were recorded during 2011, while a limited number of cases of whooping cough and tetanus were recorded, owing to high vaccination coverage rates against these diseases.¹³⁴

137. The Centre notes a number of efforts made by the Ministry of Health in 2011 to curb the spread of both communicable and non-communicable diseases, the most prominent of which are: (a) training all health and medical staff (doctors, nurses, technicians) in the surveillance of communicable diseases, and issuing awareness and educational publications on communicable and non-communicable diseases for medical staff and the public, such as the Epidemiological Surveillance Guide for Communicable Diseases and the Breast Self-Examination Guide for the Detection of Breast Cancer; (b) issuing awareness and educational publications on communicable diseases for medical staff and the public, these materials including (leaflets on communicable diseases and how to deal with them, the Vaccination Guidelines Manual, and the Guide to the Side Effects of Vaccines); (c) the establishment by the Ministry of Health during 2011 of a National Centre for Women's Health Care, with the aim of implementing training and educational programmes on women's health and raising awareness of the importance of caring for their health and their role in building the local community, in addition to conducting research and studies and holding conferences and scientific seminars specialising in women's health; (d) increasing medical staff in accident and emergency departments, and modernising the accident and emergency, neonatal (premature infants), and obstetrics and gynaecology departments at Al-Bashir Hospital, as well as modernising the accident and

¹³³ *Al-Rai* newspaper, 19/6/2011: the study conducted by the Department of Statistics during the last quarter of 2010 on the prevalence of chronic diseases in Jordan, on a sample of (13350) households distributed throughout the Kingdom.

¹³⁴ National Health Strategy 2008–2012.

emergency department at Jerash Government Hospital; (e) holding training courses for doctors on methods of dealing with patients and visitors; (f) establishing a Family Violence Section in the Ministry and family violence protection committees in a number of hospitals to respond comprehensively to cases of violence occurring within the family.

138. In 2011 the National Centre for Human Rights received (41) complaints and requests for assistance concerning the right to health, of which (21) complaints and requests for assistance, i.e. (51%), are still under follow-up. Most of them centred on requests for exemption from the costs of treatment or for obtaining treatment in government hospitals affiliated with the Ministry of Health and in hospitals affiliated with the Royal Medical Services.

139. International instruments have affirmed the right of the individual to social insurance and social security, as provided for in Article (9) of the International Covenant on Economic, Social and Cultural Rights.¹³⁵ However, after research and inquiry to ascertain the percentage of citizens with health insurance in 2011, it emerged that there is no accurate figure that can be relied upon. The study issued by the Department of Statistics, conducted in cooperation with the High Health Council, showed that the percentage of persons with health insurance is (70%) of members of Jordanian society,¹³⁶ whereas another study issued by the Jordan Insurance Federation showed that the percentage of persons insured under the various public and private health insurance schemes in Jordan is approximately (85%).¹³⁷ The Centre notes that in 2011 some private-sector hospitals, the Medical Services and the Jordan University Hospital reduced the prices of their treatment services, which lowered the cost of treatment, especially for uninsured persons. This was done as follows: (a) private-sector hospitals, where ten per cent is deducted from the treatment bill for hospital admissions of patients without health insurance; this covers accommodation of all classes, laboratories, radiology, medical and surgical procedures and doctors' fees, but the deduction does not cover medical devices and medicines, all of which are subject to a special pricing set by the Ministry of Health. As for patients benefiting from insurance with private insurance companies, health insurance funds or others, 50% is deducted from the patient's share of contribution to the bill paid for hospital admissions, up to a maximum of ten per cent of the value of the total treatment bill; (b) the Jordan University Hospital, where a patient without health insurance enjoys a deduction of five per cent of the value of the treatment bill for amounts of less than five thousand dinars and ten per cent of the value of higher bills; (c) Royal Medical Services hospitals, which continue to provide medical services to patients without health insurance at a special subsidised tariff that is 25–30% lower than that of their counterparts in private-sector hospitals.¹³⁸

140. The phenomenon of medical errors in government and private hospitals continues to threaten the lives of patients. The principal cause of these errors is either negligence or failure to follow the steps recognised in medical circles and treatment protocols. There is no specific definition of the term “medical errors”, but it mostly means the exposure of a patient to harm

¹³⁵ Article (9) of the International Covenant on Economic, Social and Cultural Rights provides that: “The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance”.

¹³⁶ *Al-Dustour* newspaper, 21/9/2011.

¹³⁷ *Al-Ghad* newspaper, 7/9/2011.

¹³⁸ *Al-Rai* newspaper, 17/1/2011.

or death as a result of a shortcoming or negligence on the part of the medical or auxiliary treatment staff, or a deficiency in performance and conduct, or as a direct result of the doctor's failure to follow recognised safety rules and professional practices, or as a result of the doctor displaying a lack of knowledge and skill or failing to provide the recognised care and attention that another doctor would have been able to provide to help the patient recover. In 2010 a draft Medical Accountability Law was agreed upon by the national team, which included representatives of the Legislation and Opinion Bureau and a number of judges, lawyers, doctors and experts. However, in 2011 the Ministry of Health decided to subject the draft Medical Accountability Law to fresh discussion in cooperation with the Jordan Medical Association, the Jordan Pharmacists Association and the Jordan Nurses and Midwives Council, in addition to the national team formed in 2010. It has not yet been submitted to the Legislation and Opinion Bureau.¹³⁹ The year 2011 also witnessed the registration of the Society for Protection against Medical Errors in October.

141. The year 2011 also witnessed the tightening of health inspection of food establishments and factories, as many of them were closed and warnings and violation notices were issued to them by the Jordan Food and Drug Administration, as a result of the seizure of quantities of spoiled and expired foodstuffs, in addition to the failure of those food establishments and factories to comply with public health and safety requirements. Table No. (14) shows the number of visits and actions in the food control work carried out by the Jordan Food and Drug Administration in the various regions of the Kingdom during 2011 compared with previous years.¹⁴⁰ The Jordan Food and Drug Administration reduced the prices of (201) medicines during 2011. The Centre also recorded the closure by the Jordan Food and Drug Administration during 2011 of (53) pharmacies out of (1964) pharmacies operating in the Kingdom, of which (1) pharmacy was found in possession of counterfeit medicines, (40) pharmacies were found in possession of expired medicines, and (12) pharmacies were found in possession of smuggled medicines.¹⁴¹ There were also complaints about the ineffectiveness of some medicines and investigations into some companies.

Table No. (14): Number of visits and actions in food control work

Office/Directorate	Number of visits	Warning	Violation	Closure
Total for 2011	203681	24387	1743	520
Total for 2010	242311	28558	2713	721
Total for 2009	222256	27892	2228	795
Total for 2008	274804	23408	2720	1039

142. In 2011 doctors working in Ministry of Health hospitals and government health centres went on strike for certain hours owing to the persistence of the phenomenon of assaults on

¹³⁹ *Al-Dustour* newspaper, 31/1/2011.

¹⁴⁰ Jordan Food and Drug Administration.

¹⁴¹ Jordan Food and Drug Administration.

medical staff.¹⁴² Cases of assault in 2011 reached approximately (39). Assaults on medical staff usually occur in the accident and emergency departments of hospitals, committed by patients' relatives and visitors. Most cases of assault on medical staff are attributed to the large number of visitors to accident and emergency departments, in which there is only one general practitioner responsible for providing emergency care and referring cases to the specialised departments. The penalty for anyone who assaults doctors or other medical staff has also been increased, in addition to cooperation with the Public Security Directorate to assign policewomen to hospitals.

143. In order to protect the right to health, the Centre reaffirms its previous recommendations contained in its 2010 report with respect to the right to health, and emphasises the following:

- Increasing the proportion of government expenditure on primary health care as part of the promotion of the right to health, since it is the basis for preventing the aggravation of diseases, and disseminating the culture of family medicine and the early detection of diseases.
- The need to regard mental health as an essential part of health care services, and to increase the number of centres concerned with mental health so as to cover all regions of the Kingdom; and to provide health services for children under the age of 18, for whom services are available only through psychiatric clinics.
- Expediting the construction of the judicial detention centre building at the National Centre for Mental Health Hospital, and working to restructure the Psychological Rehabilitation Centre (Karama) and to transfer patients with intellectual disabilities from it to the Ministry of Social Development, as it is the authority competent for the care of patients with disabilities.
- Focusing on improving the quality of health services in accordance with international standards, and ensuring equity in the geographical distribution of health services (human resources, equipment and expertise).
- Focusing on comprehensive preventive care, in addition to secondary and tertiary care.
- Establishing a national health data bank in Jordan.
- Establishing an effective quality system, whether in relation to the work of government and private laboratories, the doctor's diagnosis, or other procedures such as various endoscopy and catheterisation procedures, and adherence to recognised international standards for the control of certain common diseases such as diabetes and arterial hypertension, with the aim of ascertaining, first, the safety of such procedures and, second, the extent to which it is necessary to perform them on the patient; for health care in all its forms is considered a right of the human being and the citizen, and this right must be protected by all means.
- Working to reduce the prices of medicines in accordance with pricing criteria, so as to provide medicines to citizens at the lowest possible prices.

¹⁴² *Al-Rai* newspaper, 3/2/2011.

- Working to extend the umbrella of health insurance of all types to the remaining citizens not covered by any other insurance.
- Expediting the study of the issue of medical liability in all its aspects, in preparation for the issuance of a law that safeguards the rights of patients and of health and medical service providers in a manner that does not lead to an increase in their costs, as well as taking firm measures against doctors and hospitals who mistreat patients, particularly Arab and foreign patients; and establishing a comprehensive insurance system to cover the financial compensation awarded by the courts. To this end, the Centre also recommends the establishment of a special company for this purpose in which all doctors participate, financed from a special fund to be established at the Jordan Medical Association, and refraining from resorting to commercial insurance, in which the solution is often at the expense of the doctor.
- Striving towards comprehensive primary health care services so that they include the care of chronic diseases and the provision of medical consultations.
- Establishing effective inspection and oversight mechanisms by the Ministry of Health and the Jordan Food and Drug Administration to ensure that all food establishments and factories and restaurants throughout the Kingdom comply with public health and safety requirements.
- The decline in the level of medical services owing to the marked increase in medical tourism from Arab countries.
- The low wages of public-sector doctors and the exploitation of novice doctors by private hospitals.
- The impact of Jordan's commitments in international health peacekeeping operations on the health of citizens.
- Taking practical and effective measures to implement the legislation prohibiting smoking, in line with the provisions of the World Health Organization Framework Convention on Tobacco Control, which calls on the authorities of States to combat smoking.

The Right to a Healthy Environment

144. The Constitution contains no provision on the right to a healthy environment; however, many international conventions ratified by Jordan guarantee this right, the most important of which are the Convention on Biological Diversity, the Convention to Combat Desertification, the Framework Convention on Climate Change, the Kyoto Protocol, the Cartagena Protocol on Biosafety, the Montreal Protocol on Substances that Deplete the Ozone Layer, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, and the Stockholm Convention on Persistent Organic Pollutants. The Environmental Protection Law No. (52) of 2006 also guarantees this right. The Centre notes the issuance by the Ministry of Environment of the Instructions on the Selection of Sites for Development Activities of 2011, which determine the location of such development activities, including agricultural, commercial, industrial, housing and mining projects and other environment-related

activities. These Instructions require that the activity be located at the distance prescribed in the special conditions for each activity from the nearest dwelling in the residential community and/or the planning boundaries; that an activity not mentioned in these Instructions be subject to the special conditions applicable to the activity similar to it in its impact on health and the environment, and, where no similar activity exists, that an opinion on the selection of the proposed site be determined by the competent committee; that the distances mentioned in these Instructions always be measured from the boundaries of the activity concerned to the boundaries of the other activity as regards distances between factories, and from the boundaries of the activity to the nearest dwelling as regards distances between the activity concerned and residential communities; and that, where large areas are available for establishing multiple types of activities, the prevailing wind direction must be taken into account when establishing such activities.

145. The Environmental Performance Index is a method for measuring and comparing the environmental performance of State policies. This method was developed to complement the environmental targets set by the Millennium Development Goals established by the United Nations. The 2010 Environmental Performance Index ranked 163 countries on the basis of 25 performance indicators,¹⁴³ and Jordan fell to 97th place, scoring (56.1) points, i.e. below the global average of (58.4 points) and the average of upper-middle-income countries (64.5 points), but above the regional and Arab averages (52.6 and 53.7 points). At the regional level, Jordan's ranking in 2010 fell to ninth place among the 19 countries of the Middle East and North Africa group. The decline is attributed to the weak performance of the Kingdom's programmes with regard to reducing emissions causing global warming and the effect of air pollution on ecosystems, forest sustainability and the use of water for agriculture, as well as legislation relating to the use of pesticides and the conservation of biodiversity.

146. Although 2011 was the International Year of Forests according to the declaration of the United Nations, environmental policies still do not provide adequate protection for the green cover against encroaching concrete development, as forest resources in the Kingdom do not exceed 1% of the Kingdom's area, despite the fact that the minimum acceptable forest cover ensuring a healthy environment protected from pollution in any country is 6% of its total area. The Centre points out that the Agriculture Law issued in 2002 has not contributed to Jordan reaching the said global ratio, owing to the delegation to the Minister of the power to approve encroachment on forest trees, and to delegation (allocation) decisions that contravene the text and purpose of the Law.¹⁴⁴

¹⁴³ These cover 10 policy categories spanning environmental public health (the environmental burden arising from disease effects and the effects of water and air pollution on human beings) and ecosystem vitality (the effects of air and water pollution on the ecosystem, biodiversity, natural habitats and forests, fisheries, agriculture and climate change).

¹⁴⁴ Article (28) of the Agriculture Law guarantees the protection of forest resources, providing that: "Notwithstanding anything contained in any other legislation: a. Forest lands may not be delegated [allocated] to any person or entity, nor allocated, sold or exchanged, whatever the reasons. b. Forest lands may not be included within municipal boundaries except with the approval of the Minister, nor may forest lands within planning boundaries be subdivided or their designated use changed". Article (35, paragraphs b and c) further provides as follows: "b. It is prohibited to cut, damage or encroach in any manner whatsoever upon any perennial or rare forest trees or wild plants threatened with extinction. c. It is prohibited to cut or damage rare fruit trees threatened with extinction except with the approval of the Minister".

147. Notwithstanding the existence of numerous local strategies, policies, plans and legislation developed to reduce mobile and stationary sources of air pollution, concentrated mainly in the transport sector owing to the number of petrol-powered vehicles having multiplied more than 6 times from 1981 to 2006, while diesel-powered vehicles multiplied more than tenfold during the same period. Waste management in Jordan also continues to lack sound environmental procedures after waste is dumped in landfills, owing to the lack of appropriate infrastructure for these landfills; there are currently (21) landfills, which dispose of waste by burial or direct incineration, whereas it would be more appropriate to expand alternatives for waste disposal to include recycling, reuse and waste reduction.

148. The year 2011 also witnessed the continuation of the Government's plan to establish a nuclear reactor for power generation in Mafraq Governorate, and protests by local communities and organisations working in the environmental field regarding the environmental dimensions of the nuclear plant and its negative effects on the population and the environment in Mafraq Governorate and its surroundings. It should be noted that the reservations expressed by Jordanian environmental protection institutions focused on the reactor's need for large quantities of water for its operation, which are not available in Jordan, as the country suffers from an acute shortage of drinking water, with an expected deficit of up to 320 million m³ in 2020. Nor is the infrastructure available to deal with risks and emergencies, since the site is surrounded by densely populated communities, not to mention the Government's failure to ensure transparency in implementing this project on the basis of in-depth, comprehensive and accurate studies and a comparison of other available alternatives and recourse to them. The Centre calls for subjecting this project to environmental impact assessment studies and for considering alternative energy projects that are less costly and safer, such as the exploitation of solar energy, wind energy and oil shale.

149. The Centre also noted, with regard to the uranium mining agreement signed in 2010 between the Government and the Jordan Atomic Energy Commission, on the one hand, and the French company Areva, owned by the French Government, on the other,¹⁴⁵ that it contains provisions violating the rights guaranteed by international instruments for the protection of the human right to a healthy environment, and that it contravenes national legislation, most importantly Article 13 of the Environmental Protection Law No. 52 of 2006, which obliges every institution, company, establishment or any entity carrying out an activity that adversely affects the environment to prepare an environmental impact assessment study for its projects and submit it to the Ministry of Environment for the appropriate decision to be taken thereon, whereas the Ministry of Environment did not request that an environmental impact assessment study be conducted for this project, describing and reviewing the environmental, social and health issues arising from it. Nor did the agreement comply with the stages of work relating to the discovery and exploitation of minerals stipulated in Article 34 of the Natural Resources Affairs Regulation Law No. 12 of 1968, as amended, which divides them into four stages (survey, prospecting, discovery and mining), each of which requires a separate environmental impact assessment study. Moreover, pursuant to Article 42 of the Natural Resources Affairs

¹⁴⁵ The agreement aimed at mining uranium in the Suwaqa, Attarat and Khan Al-Zabib area, located (50 km south of Amman).

Regulation Law, the Natural Resources Authority, with the approval of the Council of Ministers, grants the mining right to any person who has obtained a discovery certificate in accordance with the prescribed conditions.¹⁴⁶

150. With regard to strengthening oversight and inspection, in 2011 the Central Licensing Committee granted (819) licences, compared with (670) licences in 2010. Conversely, the Committee rejected (271) applications for licensing industrial, agricultural and craft projects out of (1090) applications, compared with (274) applications for licensing industrial, agricultural and craft projects out of (955) applications in 2010, on the grounds that they violated the environmental conditions for licensing investment projects. The Ministry of Environment also closed (25) establishments during 2011, compared with (10) establishments closed during 2010, distributed as shown in Table (15). Likewise, the Royal Department for Environmental Protection received (1450) complaints during 2011, compared with (384) complaints during 2010. The Ministry of Environment also recorded violations against (26148) establishments in breach of the law in various parts of the Kingdom during 2011. The Centre noted a marked increase in the number of environmental violations relating to smoke emissions from vehicle exhausts, with (7850) violations recorded during (2011). In addition, some factories, industrial workshops and commercial shops continue to pollute the air; approximately (8058) violations for dumping waste or burning tyres by factories, industrial workshops and commercial shops were recorded in 2011.

Table (15): Number of closures by type of establishment

Type of establishment	2010	For 2011
Craft	6	15
Agricultural	0	3
Industrial	3	6
Service	1	1

151. In the field of environmental impact assessment, (32) environmental impact assessment studies were reviewed for several projects, including studies for factories, studies for the mining of natural resources, a study for treatment plants, a study for a fodder crops project, a study for a power generation plant, and other environmental impact assessment studies. A total of (1090) licensing transactions were completed, distributed as shown in Table (16). The necessary conditions were imposed on the projects that were approved, and environmental impact assessment studies were requested for some projects in accordance with the Environmental

¹⁴⁶ (a. The area in which mining is intended to be carried out shall not exceed twenty-four square kilometres, and such area shall be a single rectangular plot with defined angles and directions. b. The term of the mining right shall not exceed thirty years, and the holder of this right shall be given priority in its renewal on such conditions as the Authority deems appropriate with the approval of the Council of Ministers. c. Submission of a topographic map at a scale of 1/5000 showing the area in which the mining right is sought. d. Submission of a detailed geological map at a scale of 1/5000 of the same area. e. A statement of an accurate estimate of the quantities of ore reserves proven to exist in the area by detailed prospecting. f. Submission of a report showing the economic feasibility of the mineral to be exploited. g. Proof of the technical and financial capacity of the applicant. The agreement violated these conditions.)

Impact Assessment Regulation. The reasons for rejecting the remaining projects varied: their proximity to population centres and zoning boundaries, their violation of the Ministry of Environment's instructions on investment projects and of the Land Use Regulation issued by the Ministry of Municipal Affairs, and their proximity to various water sources.

Table (16): Number of licensing transactions

Result	Industrial	Agricultural	Craft	Warehouses	Tourism	Total
Approved	403	107	214	95	0	819
Not approved	111	72	67	21	0	271
Total	514	179	281	116	0	1090

152. In the field of waste management, food traps for flies were manufactured and distributed to all areas of the Jordan Valley; the role of the Royal Department for Environmental Protection was activated in preventing the entry of untreated manure into the Jordan Valley; and the Ministry of Agriculture carried out numerous spraying campaigns. Hazardous waste from local institutions and companies wishing to do so was received, stored and landfilled at the Hazardous Waste Treatment Centre in Swaqa, and waste arising from emergencies was dealt with; (5000) tonnes of waste were received in 2011. In addition, implementation began of the first phase of the project for an integrated system for the management of polychlorinated biphenyls (PCBs) within the framework of implementing the Stockholm Convention on Persistent Organic Pollutants.

153. In the protection of nature and biodiversity, the Fifa Reserve and the Qatar Reserve were declared nature reserves by the Council of Ministers; Wadi Rum Reserve was declared a World Heritage Site by UNESCO; the Mujib Reserve was declared a Biosphere Reserve by UNESCO; a grant of USD 844,000 was obtained from the Global Environment Facility to implement the National Biosafety Framework; and implementation was completed of the project for building institutional capacity for the rehabilitation of the Zarqa River, together with the implementation of a number of pilot projects.

154. In the field of protecting water resources, water quality was monitored in six sectors, namely: groundwater, surface water, flood and valley water, dam water, and effluent from wastewater treatment plants. A remote water-quality monitoring system was established, consisting of 13 field monitoring stations distributed over the most important surface water sources in the Kingdom, including the Jordan River, the Yarmouk River and the Zarqa River, in addition to the King Abdullah Canal and King Talal Dam. A database for water-quality monitoring programmes was also established.

155. On another level, the Centre followed with great interest the current debate over the Royal Military College project in the Burqush area, as well as the series of popular activities opposing the establishment of this project on account of its environmental impacts, which stressed the need to comply, in letter and in spirit, with international conventions and customs and with national legislation, which do not permit forest land to be delegated to any person or entity, or to be allocated, sold or exchanged, whatever the reasons; do not permit forest land within zoning boundaries to be subdivided or its designated use to be changed; and prohibit the cutting,

destruction or damaging in any manner whatsoever of any perennial or rare forest trees or of wild plants threatened with extinction. The Centre affirms that the Burqush forest is a national asset and a protected area, being a principal part of the Kingdom's forest cover, and considers that the establishment of the Royal Military College project in the Burqush area conflicts, in letter and in spirit, with the Agriculture Law of 2002 for the following reasons: (a) It violates Article (28) thereof, which provides: "Notwithstanding anything contained in any other legislation: a. Forest land may not be delegated to any person or entity, or allocated, sold or exchanged, whatever the reasons. b. Forest land may not be included within municipal boundaries save with the approval of the Minister, nor may forest land within zoning boundaries be subdivided or its designated use changed." Accordingly, the establishment of the College pursuant to a delegation by the Council of Ministers to the General Command of the Armed Forces, in its capacity as owner of the College, does not meet the legal requirements, as it is in express conflict with the text of the law. (b) The intention to cut forest trees, whether 2200 trees according to the initial announcements of the project or 300 trees according to the amended announcement and updated plans of the project, conflicts with Article (35, paragraphs b and c) thereof, which provides: "b. It shall be prohibited to cut, destroy or damage in any manner whatsoever any perennial or rare forest trees or wild plants threatened with extinction. (c) It shall be prohibited to cut or destroy rare fruit trees threatened with extinction save with the approval of the Minister." That article prohibits any damage to perennial forest trees absolutely and does not make cutting subject to the Minister's approval, as is the case with the rare fruit trees provided for in paragraph (c) above. The National Centre considers that responding to the demands of environmental associations and of the parliamentary Agriculture Committee by changing the project plans from cutting 2200 trees to 300 trees is not sufficient; rather, it endorses the demands of the environmental associations to refrain entirely from cutting forest trees. The National Centre calls upon the Ministry of Environment to perform its legal role of protecting the environment as provided for in Article 3 of the Environmental Protection Law No. 52 of 2006, which provides: "a. The Ministry shall be the competent authority for the protection of the environment in the Kingdom, and official and civil bodies shall implement the instructions and decisions issued under the provisions of this Law and the regulations issued pursuant thereto, under penalty of the legal liability provided for herein and in any other legislation. b. The Ministry shall be the competent reference at the national, regional and international levels with respect to all environmental issues and affairs and to donors, in cooperation and coordination with the competent bodies." The Centre calls upon the Ministry to exercise transparency in following up this issue and to publish the results of the environmental impact assessment study for this project so that environmental experts may express their opinion thereon, affirming its position in support of the human right to a healthy environment and of the protection of the Burqush forests.

156. In light of all the foregoing, the Centre recommends the adoption of a set of measures to ensure the protection of the right to a healthy environment, the most prominent of which are the following:

- That the Ministry of Environment take into account the recommendations adopted in the report issued by the Environmental Action Coordination Body, containing observations and reservations on the consequences of the uranium mining agreement,

since they emanate from persons of expertise and specialisation; and that it request the company to submit an environmental impact assessment study, since the Ministry holds the legal mandate in this regard.

- That the Natural Resources Authority request the company to submit an economic feasibility study for the project.
- That the National Assembly not ratify the uranium mining agreement with the French company (Areva), and that it demand that the agreement be returned to the Government with a recommendation that it be cancelled, since the agreement breaches numerous national laws, infringes the human right to a healthy environment, violates many other rights and encroaches upon the sovereignty of the State.
- The need for the Anti-Corruption Commission to examine the terms of the agreement and verify the extent to which they comply with national legislation and are free from any suspicion of corruption.
- The need for the Prime Ministry to postpone the nuclear power plant project and to form a national committee comprising all concerned bodies, environmental associations and persons of expertise and specialisation, in order to clarify the health, environmental and economic aspects of the project and to set Jordan's priorities in the search for new, alternative and sustainable sources of energy.
- Activating the provisions of the Climate Change Convention of 1992 and the Kyoto Protocol of 1997 concerning the principle of common and cooperative responsibility, which requires developed States to assist Jordan in environmental matters.
- Amending the Environmental Protection Law so as to criminalise the emission of offensive odours and to punish those responsible for the sources of such emissions with deterrent penalties, on the one hand, and to criminalise indiscriminate burning of all kinds and prescribe deterrent penalties for such violations, on the other.
- Strengthening the role of the environmental factor in building Jordan's international relations, so as to urge the developed States responsible for global warming to provide financial and technical assistance to Jordan, particularly through the international Adaptation Fund, in order to increase its capacity to adapt to climate change and its consequences.
- Delegating certain powers of the bodies concerned with environmental protection (such as the Ministry of Health, the Ministry of Agriculture, the Jordan Food and Drug Administration, the Ministry of Municipalities, the Greater Amman Municipality, the Aqaba Special Economic Zone Authority, the Natural Resources Authority and the Water Authority) to the Royal Department for Environmental Protection, since the violations committed ought to fall within its competence, so as to create a unified umbrella for environmental protection.
- Involving the Royal Department for Environmental Protection in the central licensing and environmental impact assessment committees.

- Amending the Environmental Monitoring and Inspection Regulation No. (65) of 2009 so that the task of inspection is also entrusted to inspectors of the Royal Department for Environmental Protection.
- Developing and upgrading wastewater treatment plants in a manner responsive to population growth in cities and villages, especially those discharging into the Zarqa River, which has come to feed King Talal Dam with polluted water.
- Reaffirming the Centre's previous recommendation concerning the expansion of the drying beds within the Zay plant, and establishing a joint mechanism for the disposal of the carbon materials accumulated along the banks of the valley into which the water of the drying beds is discharged, in cooperation among the municipalities of those areas, the Ministry of Public Works, the Ministry of Environment, the Ministry of Water and Irrigation and the owners of the affected land.

Cultural Rights

157. The Jordanian Constitution of 1952 contained no express provision on cultural rights. However, the constitutional amendments introduced in 2011 referred to freedom of cultural expression through the new addition to Article 15, which guarantees freedom of opinion by speech, writing, photography and all other means of expression, and also guarantees freedom of scientific research and of literary, artistic, cultural and sporting creativity, provided that it does not violate the provisions of the law or public morals.¹⁴⁷ In addition, Article 128(1) of the Constitution provides that “Laws issued under this Constitution to regulate rights and freedoms may not affect the essence of such rights or prejudice their fundamentals.” On the other hand, no change was made to the other legislation regulating cultural rights during 2011.¹⁴⁸ The Ministry of Culture continues to be responsible for formulating general policies for cultural work, guiding its course in the various sectors, supporting cultural bodies and providing appropriate conditions for releasing creative and artistic energies. In this context, the Ministry is responsible for managing (32) projects and programmes aimed at disseminating cultural and artistic creativity in various fields, the most important of which are: the Jordanian Family Library, the Arab Treasury project for documenting cultural heritage, the Mobile Children's Library, the Youth Creativity Competition, the Arab Heritage Library project, the State Merit and Incentive Awards programme, the Creative Sabbatical programme and the National Programme for the Development of a Culture of Dialogue.¹⁴⁹ The Ministry also supervises approximately (289) national cultural, artistic and scientific bodies.

¹⁴⁷ This provision is overly general and contradicts the concept of creativity, because the concept of “public order and public morals” is a relative and changing concept; this means that any creative work may, under this condition, be exposed to legal accountability, and that the ruling of the law on it will depend on the nature of the judge's culture, social values and beliefs.

¹⁴⁸ Paragraph (4) of Chapter 6 of the Jordanian National Charter sets out clear parameters for cultural rights, and paragraph (6) recognises cultural pluralism, in addition to the Culture Sponsorship Law No. 25 of 2008, as amended. Cultural work is also governed by three regulations and eight sets of instructions; see the Ministry's website at <http://www.culture.gov.jo/>

¹⁴⁹ For further information on these programmes, see the Ministry's website at <http://www.culture.gov.jo/>

158. On the other hand, the Centre noted that, although the time frame of the Cultural Development Plan drawn up by the Ministry for the years (2006–2008) has expired, no new plan has been presented in this field, and the challenges identified in that plan persist, particularly those that adversely affect citizens' enjoyment of these rights. Foremost among these challenges are the weakness of the cultural sector's infrastructure in most of the Kingdom's governorates and the concentration of cultural activity in the capital, in addition to the limited support provided to cultural bodies, creative persons and intellectuals in light of the Ministry's limited budget.¹⁵⁰ In 2011 the budget of the Ministry of Culture was increased by (JOD 4003900) over 2010, as shown in Table (17).

Table (17): Budget of the Ministry of Culture

Year	Budget
2010	7180100
2011	11184000

The Ministry of Culture published (25) books within the Book of the Month, Children's Book and First Book Creations series and the Creative Sabbatical project. As regards publications fully or partially supported, the Centre noted an increase in the number of publications compared with 2010, as shown in Table (18). It is worth mentioning that in 2011 the quantity of children's books rose from (5000) thousand copies to (7000) thousand copies, in addition to the printing of a children's magazine of (7000) copies, within the publications of the Jordanian Family Library.¹⁵¹

Table (18): Number of publications fully and partially supported by the Ministry of Culture

Year	Number of titles	Number of copies
2010	144	147
2011	151	163

159. It should be noted that the Government decided to abolish the Culture Support Fund¹⁵² on the pretext of making savings in the general budget, even though it was the only source that was supposed to secure income, however limited, for cultural work and for developing projects relating to theatre, music and drama. In addition, the Government exempted newspapers from

¹⁵⁰ See the Ministry's website at http://www.culture.gov.jo/index.php?option=com_content&view=article&id=43&Itemid=86&lang=ar

¹⁵¹ The Jordanian Family Library project aims to establish "a library in every Jordanian home"; the Ministry has worked to provide books of the highest technical specifications at a price affordable to all (25 piastres for children's books and 35 piastres for other books), which contributes to providing more knowledge to all citizens.

¹⁵² This Fund was established with the aim of supporting the cultural and artistic movement in artistic circles, in the hope of restoring due regard for culture and intellectuals, achieving comprehensive national cultural development, providing an environment conducive to creativity in the cultural and artistic fields, and revitalising bodies and institutions. The law created a number of financial sources that feed and support this Fund. In 2010 the Fund faced difficulties owing to the abolition of the tax on media advertisements, which had been considered a main source of its revenue.

paying the monies they had collected from advertisers in the past period in the name of the Culture Fund. This abolition drew much criticism from various cultural bodies because of its effects on cultural work and its advancement.

160. The year 2011 also witnessed demands addressed by intellectuals to the Ministry of Culture to review and evaluate the experience of the Jordanian Cultural Cities,¹⁵³ particularly with regard to the overwhelming presence of carnival-type events in these cities, the failure to complete projects relating to the documentation of cultural life in them or addressing social reality, and the evident absence of the public from most events. The literary cultural community also criticised private-sector institutions for not believing in the value of culture and the arts in developing aesthetic taste and raising social awareness.

161. This community also voiced criticism of the prior censorship¹⁵⁴ of publications exercised by government institutions, as the National Library Department withheld deposit numbers from a number of books in a manner not permitted by law, although the instructions only empower it to examine books dealing with the Royal Family.

162. Although the year 2011 did not witness any cases of books being withheld from entry into the Kingdom, and no lawsuit was filed before the courts in respect of works issued by local printing presses in the Kingdom,¹⁵⁵ the Press and Publications Department Law still gives the Department the right to file lawsuits before the courts against local authors and publishing houses, in addition to its right to prohibit the entry of books into the Kingdom on the basis of protecting morals, values, principles and religion.¹⁵⁶ The Centre once again affirms that the censorship of books should be left to readers themselves; the margin of freedom must not be narrowed nor their choices controlled, but rather they should be left to determine what suits their opinions and tastes.

163. In the field of intellectual property protection, there was no new development in the legislation regulating this field. The Copyright Protection Office referred (356) cases of infringement of intellectual property rights to the judiciary in 2011, compared with (580) cases of infringement in 2010. The Centre noted an increase in the number of deposits with the

¹⁵³ The Jordanian Cities of Culture project, launched in 2007, aims at the equitable distribution of the gains of cultural development among the Kingdom's regions and cities, reducing the centralisation of cultural and artistic activity in the capital, Amman, and laying the foundations for sustainable cultural development in the Kingdom's governorates and cities. It has been implemented in 5 cities during the previous years and the current year (Irbid, Salt, Karak, Zarqa, Ma'an).

¹⁵⁴ An interview conducted by the *Al-Arab Al-Yawm* newspaper with a number of writers who recounted the details of their suffering under the "censorship" of the National Library, contrary to the provisions of the Press Law. See the link http://www.alarabalyawm.net/pages.php?news_id=285517

¹⁵⁵ These figures represent official statistics of the Press and Publications Department according to its letter addressed to the National Centre for Human Rights dated 22 December 2011.

¹⁵⁶ See Articles 28 and 46 of the Press and Publications Law.

National Library, which reached (4171) works in 2011, while in 2010 they reached (3574) publications.¹⁵⁷

164. The Centre also noted that Arab artists, whether on a work visit or a private visit to the Kingdom, are unable to leave across the border without obtaining a signed departure permit, which is issued only by the Minister of Culture through the Artists Association, in an attempt by the latter to collect fees. The Centre considers that this procedure impedes the human right to freedom of movement, obstructs Arab production in the Kingdom and leads to artistic production moving to other countries, especially since those countries collect fees without requiring travel and departure permits.¹⁵⁸

165. The Centre also noted that the Global Competitiveness Report issued with regard to higher education, scientific research and training ranked Jordan 57th out of 139 countries in the world for the period 2010–2011, confirming a decline of about fifteen points at once compared with the previous report for 2008–2009, in which Jordan was ranked forty-second among the same countries. This means that scientific research has witnessed a marked decline, which raises questions and calls for an explanation. During 2011 the Centre noted the reluctance of researchers to submit applications for support for their research to the Scientific Research Support Fund,¹⁵⁹ which indicates a lack of interest on the part of many faculty members in making new scientific contributions to the courses they teach, in addition to the continued emigration of scientific talent from Jordanian universities.¹⁶⁰ Statistics issued by the Scientific Research Support Fund since its establishment show that only 104 research projects were funded out of 1016 submitted to it over six years, i.e. a rate not exceeding 10%, even though expenditure on scientific research and development has risen markedly over the past two years, reaching 0.5% of gross domestic product. It is worth mentioning that, although the Fund allocated a quota for female researchers,¹⁶¹ a number of female researchers rejected the allocation of a quota for them in scientific research, considering that this “contradicts the principle of the scientific team based on partnership in work and constitutes clear discrimination between male and female researchers, for scientific research does not distinguish between male and female; rather, they are equal in rights, research capacities and seriousness at work”.¹⁶² The Centre also noted the spread of the phenomenon of forged certificates in media reports; the seizure of 14 forged certificates belonging to non-Jordanian and also Jordanian students still

¹⁵⁷ It is worth noting that the number of books that obtained an International Standard Book Number (ISBN) was (2660) in 2011, compared with (3232) in 2010. These figures represent official statistics of the Press and Publications Department according to its letter addressed to the National Centre for Human Rights dated 26 December 2011.

¹⁵⁸ See the link http://ftp.alarabalyawm.net/pages.php?articles_id=15500

¹⁵⁹ The first deadline expired without the Scientific Research Support Fund receiving any research proposal of any kind, which compelled it to extend the period again and reopen nominations to receive applications.

¹⁶⁰ A study prepared by the Jordanian Society for Scientific Research revealed that 17% of professors at public universities left the universities and joined other workplaces in 2008, and the figure then rose in 2009 to 20 per cent. See the link http://alarabalyawm.net/pages.php?news_id=320505

¹⁶¹ Four grants were allocated to encourage Jordanian women researchers under the title “Special Programmes for the Development of Research and Teaching Capacities”, and the ceiling for a single research project under the women’s quota was set at a maximum of only ten thousand dinars.

¹⁶² See the link <http://www.alghad.com/index.php/article/465393.htm>

studying at the University of Jordan was reported.¹⁶³ The Centre further noted increasing talk of the phenomenon of the sale of research papers, not only to university students but extending to their professors as well.¹⁶⁴

166. On the other hand, the Provisional General Statistics Law No. 8 of 2003 contains provisions that may be considered a restriction on citizens' right to scientific research, in particular Articles (4 and 8) thereof,¹⁶⁵ which do not permit any public or private institution to conduct any field study except with the approval of the Department of Statistics. Accordingly, the Prime Ministry issued a circular on 24 February 2011 for the implementation of these articles.¹⁶⁶ On 30 June 2011 the Centre addressed the Prime Minister, as part of its efforts to harmonise national legislation with international obligations under the treaties ratified by the Kingdom, pointing out that the General Statistics Law and the said circular contain restrictions on the rights guaranteed in the international instruments ratified by the Kingdom and published in the Official Gazette, which form part of the national legal system,¹⁶⁷ especially after the recent constitutional amendments of 2012 which guaranteed freedom of scientific research and of creative, cultural and sporting activity, in addition to their contravention of the comments issued by the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, which constitute an interpretation of the obligations contained in the international instruments¹⁶⁸ and part of the binding obligations from which there can be no derogation.

167. In this context, the National Centre for Human Rights calls for the following:

- Strengthening coordination between the Ministry of Culture and civil society institutions. The relationship between the official institution and the cultural sector is a participatory one, and the focus should be on collective rather than individual work to

¹⁶³ See the link <http://www.sarayanews.com/object-article/view/id/77701>

¹⁶⁴ <http://alghad.com/index.php/article/512695.html>

¹⁶⁵ Article 4 provides that "The Department shall be linked to the Minister and shall be the sole government body authorised to collect statistical information and data from respondents, and for this purpose it shall assume the following functions and powers:" Article 8 provides: "a- Any unofficial body may conduct a statistical survey relating to the marketing of its products or services. b- Any unofficial body may collect statistical information on behalf of another body and publish it, provided that prior written permission is obtained from the Director General."

¹⁶⁶ The Prime Ministry issued a circular bearing No. 3723/11/32 dated 24 February 2011, setting out numerous conditions that must be observed before embarking on any field study, including the need to obtain the Department's prior approval of the methodology and the questionnaire questions or of the persons of the researchers, and that private-sector centres are not to be granted a permit by the Ministry of the Interior before coordination with the Department of Statistics.

¹⁶⁷ See Article 19 of the International Covenant on Civil and Political Rights, which guarantees to everyone the freedom of opinion and expression and to seek various kinds of information and to hold and express opinions; Article 13 of the International Covenant on Economic, Social and Cultural Rights, which affirms the right of individuals, whether individually or collectively, to learn and to transmit knowledge and ideas through research, teaching, study, discussion, documentation, production, creation or writing; and Article 15 thereof, which affirms the right of individuals to take part in cultural life, to enjoy the benefits of scientific progress and its applications, and to benefit from the moral and material interests resulting from any scientific, artistic or literary production of which they are the author.

¹⁶⁸ See General Comment No. 17 of the Committee on Economic, Social and Cultural Rights, interpreting Article 15 of the International Covenant on Economic, Social and Cultural Rights, under which the State is obliged as follows: (participation in cultural life; enjoyment of the benefits of scientific progress and its applications; protection of the moral and material interests in any scientific, artistic or literary work; respect for the freedom of scientific research and creative activity; and the conservation, development and diffusion of science and culture).

develop and advance culture, in view of the importance of cultural activity in shaping identity and affirming national character.

- Encouraging investment in the cultural sector by building bridges of cooperation with the private sector in order to improve and develop cultural work and to place culture at the service of society, thereby contributing to raising citizens' awareness.
- Renewing the Cultural Development Plan and building a clear national cultural strategy.
- Increasing the financial allocations of the Ministry of Culture so that it can achieve its objectives as provided for in the law, sponsor culture and continue to support cultural bodies, creative persons and artists, and support the rehabilitation of the infrastructure of the cultural sector in the various governorates of the Kingdom; and reinstating the Culture Support Fund.
- Reviewing the reasons for reluctance to undertake scientific research through a comprehensive review of academic conditions in public and private universities and of the reasons why their teaching staff refrain from participating effectively in adding new contributions to their specialisations.
- Finding a way to sustain the effects of the Cultural Cities project after the end of the year of culture.

Rights of Groups Most Vulnerable to Violations

Women's Rights

168. The Constitution guarantees, in Article 6 thereof, the principle of equality among Jordanians in general. A shortcoming of the constitutional amendment is that it does not expressly provide for equality on the basis of sex. The constitutional amendments of 2011 also affirmed that the family is the foundation of society, founded on religion, morals and love of the homeland, and that the law shall preserve its lawful entity and strengthen its bonds and values. The amendments further provided that the law shall protect motherhood, childhood and old age, shall care for young people and persons with disabilities, and shall protect them from abuse and exploitation.¹⁶⁹ On another level, the Government published the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in the Official Gazette on 1 August 2007,¹⁷⁰ whereby it became part of the national legislative system; however, Jordan has maintained its reservations to Articles (9(2) and 16(c), (d) and (g)) of the Convention.¹⁷¹

169. The year 2011 witnessed several positive developments with regard to women's rights and support for their public participation, including: (a) The approval by the Council of Ministers, in its decision of 17 May 2011 pursuant to the provisions of Articles (3, 43 and 49) of the Social Security Law No. (7) of 2010, of the commencement of the application of maternity insurance and unemployment insurance as of 1 September 2011 to all establishments covered by the provisions of the said Law; the exemption of such establishments from the interest, fines and additional amounts payable under the provisions of the Law during the first six months from the date of commencement of application; and the exclusion of employees of government departments and official public institutions from the application of these two types of insurance. (b) The publication in the Official Gazette of the Municipalities Law No. 13 of 2011, which raised the quota allocated to women, Article (9/b) thereof providing: "A proportion of not less than 25% of the number of council members shall be allocated to female candidates for membership of the council, to be filled by those who obtained the highest votes relative to the number of voters in their electoral district and who were not successful in the direct competition. If the required number of female candidates does not come forward, or if the number equal to this proportion of the council members is not available to fill it, appointment shall be made by decision of the Council of Ministers upon the recommendation of the Minister, within the limits of this proportion, from among the female voters registered in the voters' lists in the Badia region. This provision shall apply to the Greater Amman Municipality with respect to elected members." (c) The issuance of the Amended Penal Code Law No. 8 of 2011, which amended a number of articles providing protection for women, including: the amendment of Article (282), under which both the adulterer and the adulteress who consent to the act are punishable by imprisonment from one to three years, the penalty being not less than two years' imprisonment

¹⁶⁹ See the text of Article 6 of the Constitution, specifically paragraphs 4 and 5.

¹⁷⁰ Jordan signed the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on 3 December 1980 and ratified it on 1 July 1992.

¹⁷¹ Article (9/2) grants women equal rights with men with respect to the nationality of their children, while paragraphs (c, d and g) of Article (16) relate to marriage and family relations.

for a married adulterer or a married adulteress, and the penalty for the adulterer being imprisonment for three years if the act of adultery was committed in the marital home of either of them. The Law also increased the penalty for the crime of rape, so that anyone who has sexual intercourse with a female (other than his wife) without her consent, whether by coercion, threat, trickery or deception, is punishable by temporary hard labour for a period of not less than fifteen years, the penalty being twenty years' hard labour if the victim has reached fifteen years of age, while the death penalty is retained for any person who rapes a girl who has not reached fifteen years of age. It also increased the penalty for sexual intercourse with a female (other than his wife) who is unable to resist owing to physical or psychological weakness or incapacity or mental disability, and deemed the perpetrator to have committed the crime of rape under threat or coercion. The Amended Penal Code also increased the penalty for sexual intercourse with the victim by one of her ascendants, whether legitimate or illegitimate, or by one of her *mahram* relatives, or by a person entrusted with her upbringing or care, or having legitimate or legal authority over her, any of whom is punishable by twenty years' hard labour instead of hard labour, the penalty being hard labour for life if the victim has reached twelve but not fifteen years of age, or if the perpetrator is a clergyman, or the manager of or a worker in an employment office who committed the act by abusing the authority or the facilities derived from such authority. The legislator also provided protection for women by increasing the penalties for a number of crimes, including indecent assault, seduction, indecency, violation of the sanctity of places reserved for women, promise of marriage coupled with defloration, and indecent fondling. (d) The issuance of the Regulation of the National Centre for Women's Health Care No. (4) of 2011, which entrusts that Centre with providing specialised services in the various governorates of the Kingdom for women's health care and the development of their lifestyle, in addition to implementing training and educational programmes on women's health and raising awareness of the importance of caring for their health and of their role in building the local community; the Centre was also granted the right to establish women's health care centres in the various governorates of the Kingdom. (e) Women's participation in the judiciary witnessed a notable development, as the number of women judges rose in 2011 to (107), whereas the number of women judges was (60) in 2010 and (48) in 2009. (f) The promotion of the first woman to the rank of Brigadier in the Public Security Directorate.

170. On the other hand, the Centre records the persistence of a number of concerns that impede women's enjoyment of their rights and their public participation, the most important of which are: (a) The continued reservation to Article (9/2) concerning granting women equal rights with men with respect to the nationality of their children, contrary to the first paragraph of Article 6 of the Constitution, which provides that Jordanians shall be equal before the law, with no discrimination between them as regards their rights and duties even if they differ in race, language or religion, and to Article (9) of the Nationality Law No. (6) of 1954, as amended, which affirms that "the children of a Jordanian are Jordanians wherever they may be". The term "Jordanians" in the Constitution and the terms "Jordanian" and "Jordanians" in the Law ought to include both males and females alike. It is worth noting that the Centre has recommended in its previous reports the withdrawal of the reservation to Article (9/2), and that 2011 witnessed several women's sit-ins in front of the Royal Hashemite Court and the Prime Ministry, organised by the campaign "My Mother is Jordanian and Her Nationality is My Right", demanding the withdrawal of the reservation to the said article. (b) The Government's failure

to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, despite the Centre's recommendation to that effect in its previous report.¹⁷² (c) The failure to amend Article (308),¹⁷³ which provides for the stay of prosecution or the suspension of the execution of the penalty imposed on a convicted person who has committed one of the crimes set out in the chapter on (crimes of assault on honour) if he marries his victim. In practice, such marriage exempts the offender from punishment on the pretext of removing social shame from the victim and her family, constitutes an additional crime against the victim and inflicts further psychological and physical harm upon her throughout her life. This requires the prompt intervention of the legislator to provide that prosecution shall not be stayed nor the execution of the penalty suspended, while taking into account the best interests of the child as regards parentage should the assault result in pregnancy. (d) The failure to appoint any female *Shari'a* judge in the *Shari'a* judiciary, despite the existence of qualified women holding high academic degrees in the field of *Shari'a* and law; the *Shari'a* courts are also devoid of female staff working in them. (e) The absence of any woman from the Royal Committee charged with amending the Constitution. Women's organisations submitted a list of demands to that Committee urging it to amend, delete or add articles to the Constitution, the most prominent of which was the proposal to amend the first paragraph of Article 6 of the Constitution by adding the word "sex" to the prohibited grounds of discrimination; however, the Constitution was issued without any amendment to the text of Article 6. (f) The weak representation of women in the membership of the National Dialogue Committee and the Economic Dialogue Committee. (g) The decrease in the number of women in the Senate, as (6) women were appointed to the Senate in 2011, whereas their number in 2010 was (8). (h) The failure to activate the Family Protection Law despite its publication in the Official Gazette in 2008. (i) The failure to activate the articles concerning the Alimony Credit Fund contained in the Provisional Personal Status Law No. 36 of 2010.

171. As regards women's participation in the labour force, the Centre notes that the participation rate remains low, and the Labour Law contains no provision guaranteeing equal pay for men and women. The study prepared by the Department of Statistics in cooperation with the Jordanian National Commission for Women on "Women's Participation in the Informal Labour Sector" indicates that 80% of men oppose women's work, which means that more than four-fifths of employed men do not wish women to work outside the home owing to the customs and

¹⁷² Adopted and opened for signature and ratification by General Assembly resolution of the United Nations on 9 October 1999, and entered into force on 22 December 2000. The Protocol allows the Committee on the Elimination of Discrimination against Women to receive individual complaints from individuals claiming to be victims of violations.

¹⁷³

1. If a valid marriage is contracted between the perpetrator of one of the crimes set out in this chapter and the victim, prosecution shall be stayed and, if judgment has been rendered in the case, the execution of the penalty imposed on the convicted person shall be suspended. 2. The Public Prosecution shall recover its right to pursue the public right action and to execute the penalty before the lapse of three years in the case of a misdemeanour and five years in the case of a felony if the marriage ends in the divorce of the woman without legitimate cause.

traditions of society, which lead them not to accept it. The study recommended the provision of support services for women to enable them to enter the labour market, such as nurseries and public transport and transportation, and called for a redistribution of roles within the family so as to enable women to balance their work and their family duties. Another study on the use of modern means of communication by Arab and Jordanian women found that Jordanian women rank first in the Arab world in Internet use, accounting for 44.9% of all Internet users in Jordan. Jordanian women also ranked first in the proportion of women reading newspapers online, at 39.9% of all readers of electronic newspapers in their country. With regard to social networking sites, Jordanian women came first in the Arab world at 36.3% of all subscribers. The study indicated that the limited opening-up of the media and the policy of transparency that the Government has begun to follow in tracking and formulating news have reduced reliance on rumours for obtaining news in most of the countries covered by the survey, with the exception of Jordan, which recorded the highest rate of reliance on rumours, at (11.6%), which the study attributed to the social and cultural heritage.¹⁷⁴

172. As regards violence against women, the Centre prepared a memorandum of understanding with the Ministry of Social Development, the Ministry of the Interior, the Public Security Directorate and the National Commission for Women, with the aim of supporting joint work in the field of complaints by women subjected to violence, strengthening mutual cooperation and exchanging information and data on violence against women, in addition to joint coordination in combating violence against women through the implementation of joint activities and programmes in the field of violence against women. In 2011 the National Council for Family Affairs also prepared a special report on mitigating excuses in crimes of murder committed with the motive of preserving honour. The report showed that in 56% of these crimes the perpetrator was the victim's brother, that 78% of the perpetrators did not benefit from the mitigating excuse, and that 70% of them benefited from the waiver of the personal right. It is worth noting that the study covered 50 cases of murder committed against females that were heard by the Major Felonies Court during the period 2000–2010, in which the mitigating excuses provided for in Article (98) of the Penal Code were invoked. The study added that in 56% of the crimes committed against females on grounds of honour the victim was in the 18 to 28 age group, and in 12% the victims were females under 18 years of age. It also showed that 56% of the perpetrators were labourers, and, as regards the means used to commit the crime, 30% were committed with firearms, 30% with a sharp instrument, 16% by strangulation, and the remainder by other means.

173. In order to promote and protect women's rights, the Centre recommends the adoption of a set of legal and practical measures, the most important of which are:

- Expressly providing for the inclusion of sex in the definition of discrimination and its prohibition, and taking all measures necessary to eliminate discrimination.
- Ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

¹⁷⁴ The study, prepared by the Media Department of Ipsos for Research and Studies, covered six Arab countries (Jordan, Lebanon, Egypt, Saudi Arabia, Kuwait and the United Arab Emirates).

- Withdrawing the reservation to Article (9/2) of the Convention on the Elimination of All Forms of Discrimination against Women.
- Increasing women's political participation and their access to decision-making positions.
- Appointing women judges in the *Shari'a* and ecclesiastical judiciary and appointing female staff in the *Shari'a* courts.
- Seeking to increase the rate of women's participation in the labour force by amending the law, in addition to raising awareness of the importance of developing human resources systems in public and private institutions, adopting flexible working hours, expanding the establishment of nurseries in those institutions, and closing the wage gap between men and women.
- The need to adhere to the general rule laid down in the Personal Status Law that the age of marriage is 18 years, and not to resort to the exception except within the narrowest limits, especially in view of the social and psychological problems that accompany early marriage.

The Rights of the Child

174. Jordan has placed the rights and needs of children among its priorities and has legally committed itself to protecting those rights by ratifying the Convention on the Rights of the Child, which became an integral part of the national legislative system in 2006. However, it entered reservations to Article (14) concerning the right to freedom of thought, conscience and religion, and to Articles (20) and (21) concerning the system of adoption and alternative care for a child temporarily or permanently deprived of his or her family environment, considering these articles to be incompatible with Islamic *Shari'a*. Adoption is not permissible in Islam, in order to preserve the child's right to keep his or her name and lineage; the same applies to the child's freedom of thought, conscience and belief and to the matter of alternative care for the child. Although many activists and civil society organisations have called for these reservations to be lifted, the Government takes the view that they do not constitute an obstacle to its efforts to achieve the development and protection of the child and the child's rights as provided for in the provisions of the Convention.

175. At the national level, 2011 witnessed a notable development in national legislation relating to the protection and promotion of the rights of the child, the most important being the provision of the constitutional amendments in Article 6, paragraph (4), on the State's obligation to care for and protect childhood. On the other hand, although the Centre commended the enactment of Personal Status Law No. 36 of 2010 and the provisions it contains that serve to protect and promote the rights of the child, such as the mother's right to continued custody of the child in her custody until the child reaches the age of fifteen; the right of the guardian to see and visit the child in custody without resorting to visitation centres, and to communicate with the child through available means of communication in order to preserve the intimacy of the relationship with the child; and other provisions that serve the best interests of the child, the Centre continues to call for the amendment of Article (10/b), which allows children to be married at the age of fifteen where their interest so requires and in exceptional cases, pursuant to special procedures

and with the permission of the court. The Centre also calls for the amendment of Article (110/a), which permits the mother, in cases of *khul'* (wife-initiated divorce), to waive the fee for nursing or custody of the child or the maintenance of the child for a specified period, and which grants the husband the right to claim maintenance and the custody and nursing fees for the remaining period that the mother has not completed for her child. The Centre considers that the rights to maintenance, nursing and custody are rights of the child and not of the mother, and that she has no right to waive them, since this conflicts with the best interests of the child; this requires the legislature to amend the provision so as to ensure that the *khul'* is valid and the condition void. The Centre further calls for the amendment of Article (279), which provides for the obligatory bequest of a share to the grandchildren of a deceased person where the son has died before the grandfather, while the children of a daughter who dies before the grandfather are deprived thereof, which indicates discrimination between the children of a son and the children of a daughter. The Centre also calls for the expeditious establishment of the Maintenance Advance Fund approved by the Personal Status Law in Article (321), given that maintenance is one of the fundamental rights of the child.

176. With regard to child labour, the Labour Law has been careful to impose restrictions and controls on child labour, as its provisions include clauses aimed at protecting children from work that may pose a danger to the life and health of the child: the Law limits children's working hours to six hours, prohibits the employment of children under the age of sixteen in any form whatsoever, and prohibits their employment at night and in hazardous work. Although the provisions of the Labour Law are consistent with international standards on child protection, the Centre monitored a number of practices and violations relating to child labour that contravene the Labour Law. In this regard, the Centre calls for the development of means and mechanisms to curb such violations and to take the necessary legal measures against violators. On the other hand, 2011 did not witness any activity towards the enactment of a law on the rights of the child consistent with international standards, despite the passage of more than four years since the draft Child Law was issued. Nor was any change made to the Juveniles Law, despite the preparation of a new draft juveniles law drawn up by the Ministry of Social Development in cooperation with the bodies concerned with the rights of the child.

177. In this context, in 2011 the Centre monitored numerous national efforts seeking to develop preventive protection for children. Most notable among these efforts was the commencement by the Ministry of Social Development of the implementation of the National Strategic Plan for the Care of Orphans for the years (2012–2015), which was recently approved by the Council of Ministers, with the participation of the children concerned, graduates and beneficiaries of care homes, in drawing up this strategy. It is expected that this strategy, through its various pillars, will contribute to developing and improving the services provided to children and orphans deprived of family care or placed in residential social care homes. The strategy aims to enable orphaned children and those in a similar situation to receive integrated care services of a high standard of excellence within a broad framework of their rights guaranteed by national and international legislation, and to manage their cases in a manner that contributes to their reintegration into their local communities, the reintegration of some of them into their families, and the placement of some of them with alternative families. The Centre, with the participation of a network of non-governmental organisations (the “Eidak Ma'i” network), is also preparing

the shadow report on the rights of the child. It is worth noting that the Centre implemented a series of activities totalling (17) activities within the project for the protection of children from domestic violence, and the first storybook, entitled “The City of Children”, was produced for children in the 8–11 age group, addressing a number of the rights set out in the Convention on the Rights of the Child.

178. On the other hand, the Centre monitored numerous violations against children. The number of complaints received by the Centre in 2011 amounted to (30) complaints and requests for assistance. The number of complaints and requests for assistance received from children themselves through numerous field visits to care homes amounted to (83) complaints and requests for assistance. Among the most notable complaints monitored by the Centre was the case of an 11-year-old child who fell from the building of the Omar Bin Al-Khattab Society for the Care of Orphans owing to negligence on the part of the Society’s administration, according to the findings of the committee of inquiry formed to establish the causes of the incident. The media also raised the case of the disappearance, in mysterious circumstances, of an 11-year-old child named Qusai from his area of residence in Russeifa; although the child’s family filed an official report with the security centre, the family encountered negligence on the part of the competent agencies in searching for the child, which confined themselves to circulating a notice about him. The Centre also monitored the case of two nine-month-old baby girls in a care home who suffered fractures in the upper limb of the arm; following review and the medical examination of the two girls, it was established that these fractures were not accidental but were the result of a deliberate act. The necessary legal measures in such cases were taken.

179. In implementation of Jordan’s international obligations under Article (44) of the Convention on the Rights of the Child, the Fourth and Fifth Official Report on the Convention on the Rights of the Child was launched, together with a report on the opinions, experiences and views of children and adolescents on the provisions of the Convention.¹⁷⁵ It is worth noting that the report was prepared in partnership between the National Council for Family Affairs and the Ministry of Foreign Affairs, in cooperation with UNICEF and with broad participation from governmental and non-governmental sectors. The Fourth and Fifth Official Report on the Implementation of the Convention on the Rights of the Child is regarded as a joint national report and the product of deliberations and dialogues among broad sectors of society. In its various sections, the report addressed government measures and procedures, the changes made to national legislation, and the new policies and strategic programmes introduced in implementation of the Convention on the Rights of the Child. The report also included the opinions, experiences and views of children and adolescents on the provisions of the Convention on the Rights of the Child, conveying their views on their issues and the matters relating to them, based on a fundamental right enshrined in Article (12) of the Convention on the Rights of the Child, namely the right to participate and to express views freely in matters affecting them, and the State’s duty to take these views into account. The report addressed the

¹⁷⁵ Children from various parts of the Kingdom took part in preparing the report as members of the “We Are With You” team; they numbered (26) children and adolescents, who held around (39) hearing sessions, (13) working groups and (65) interviews, and communicated with more than 1000 children, adolescents and young people, in addition to holding official meetings with representatives of the relevant bodies and institutions.

situation of many children in Jordan in the fields of education, health, disabilities and special needs, and children's care homes, and it also included a number of main themes, namely gender equality in legislation, the child's right to life and development, the best interests of the child, and the right of children to express their views.

180. In the field of protecting and promoting the rights of children in conflict with the law, 2011 witnessed a number of developments, the most important being the completion of the drafting and preparation of a modern and advanced draft juveniles law in accordance with national and international standards, which takes into account the rights of children, safeguards their rights and preserves their human dignity. This law is the product of joint national efforts by the Ministry of Social Development, the Ministry of Justice, the Judicial Council, UNICEF, the Public Security Directorate and the National Centre for Human Rights. It is worth noting that the most important provision of the new draft Juveniles Law is raising the age of criminal responsibility from seven to twelve years. The law also introduces the concept of alternative non-custodial penalties, such as community service and others, in addition to the settlement of disputes through specialised judges. It likewise makes the provision of legal aid to juveniles mandatory and grants broader powers to the probation officer, who is required to attend the interrogation of the juvenile at all stages. Among the positive developments that the Centre also monitored in the field of juvenile justice was the establishment of a Juvenile Police Department specialised in dealing with juveniles and interrogating them within this department, attempting reconciliation between the disputing parties and returning the juvenile to his or her family, such that it undertakes the task of resolving juvenile disputes within security centres and prevents their cases from reaching the courts, in application of the principle of social justice. It should also be noted that the Ministry of Social Development, in cooperation with the Public Security Directorate, established special lock-ups for the detention of juveniles at security centres, numbering six lock-ups, five of them for males and one for females. The Centre also commenced implementation of a project to support the legal and institutional capacity of the juvenile justice system through the use of approved international indicators, since one of the objectives of the Centre's Strategic Plan for the years 2010–2012 is to strengthen mechanisms for the protection of the human rights of all groups of society, including the rights of children, by verifying their enjoyment of the rights set out in international standards and, at the same time, developing the relevant national legislation by harmonising national legal provisions with the Convention on the Rights of the Child, in addition to establishing a systematic mechanism for collecting, documenting and monitoring information in order to contribute to the evaluation of the juvenile justice system on the basis of international standards within national indicators, and to contribute to legal and institutional reform for the development of the national legislative system. The beneficiaries of the project are children in conflict with the law, the juvenile judicial justice system, social defence institutions, the Public Security Directorate / Family Protection Department, the civil society organisations network ("Eidak Ma'i") and the network of lawyers under the umbrella of the Centre.

181. In light of the foregoing, the National Centre calls for the lifting of the reservation to Articles (20, 21) of the Convention on the Rights of the Child relating to alternative care for the child and adoption, in harmony with the constitutional amendments concerning the State's obligation to care for and protect childhood. The Centre considers that these articles do not

conflict with the provisions of Islamic Shari'a, since Article (20) recognises the principle of Islamic *kafala* and its inclusion within the concept of alternative care for affected children in order to achieve their best interests. The Centre also stresses the need to expedite the enactment of the draft Juveniles Law and to include in it principles that take into account the rights and interests of children, and to introduce the concept of alternative penalties and the peaceful settlement of disputes. The Centre further recommends a shift to a judiciary specialised in juvenile affairs and a shift to the concept of restorative justice instead of punitive justice, through the enactment of modern legislation that enables children in conflict with the law to lead their lives normally while developing a sense of responsibility towards their actions and their surroundings.

The Rights of Persons with Disabilities

182. In application of the principle of human diversity based on difference and acceptance of the other, building on the rights-based approach to persons with disabilities, and in keeping with the concern to change stereotypical attitudes, the constitutional amendments of 2011 provided, in Article 6 thereof, for the protection of persons with disabilities from abuse and exploitation,¹⁷⁶ which strengthens the protection of the rights of persons with disabilities guaranteed by the Convention on the Rights of Persons with Disabilities, published in the Official Gazette in 2006, by the two International Covenants on human rights, and by the Law on the Rights of Persons with Disabilities No. 31 of 2007. The Law on the Rights of Persons with Disabilities affirms the general protection of their rights, such as the right to life, education and health care, but it also emphasises rights specific to them, such as the right to habilitation and rehabilitation, the right to accessibility and mobility, and the right to access information. The Law also addresses, in Article (4/f), customs and tax exemptions intended to contribute to providing material and moral support to persons with disabilities so as to enable them to exercise their lives and rights in a manner that eases the burdens borne by their families and encourages them to lead their lives on an equal footing with other citizens. The provisions of this Article also address the exemption of educational, medical and sports materials and assistive devices; the exemption of schools for persons with disabilities, their centres and charitable societies from customs duties and the general sales tax; the exemption of one means of transport for the use of the person with a disability, on one occasion only; and the exemption of persons with severe disabilities from paying work-permit fees for one non-Jordanian worker, provided that the criteria and conditions required for the granting of these exemptions are determined by regulations issued for this purpose. A draft exemptions regulation has in fact been adopted by a committee composed of representatives of the relevant government bodies, such as the Higher Council for the Affairs of Persons with Disabilities, the Ministry of Social Development, the Ministry of Labour, the Ministry of Education and others; this draft is under study and review to ascertain the expected financial cost of providing these exemptions.

¹⁷⁶ It should be noted here that the Higher Council for the Affairs of Persons with Disabilities is currently seeking to amend the title of the Law on Persons with Disabilities No. 13 of 2007 so that it becomes the Law on Persons with Disabilities.

183. Pursuant to the provisions of Article (71) of the Regulation on Centres and Institutions for Persons with Disabilities No. (96) of 2008, the Instructions on the Licensing of Centres and Institutions Providing Services to the Mentally Disabled¹⁷⁷ were adopted. These Instructions set out specific provisions and conditions for raising the efficiency of the services provided by institutions concerned with persons with mental disabilities, and include the monitoring and prosecution of those working in them to ensure that no physical, psychological or other harm is inflicted on the beneficiaries of these institutions. It is worth mentioning that the Ministry of Social Affairs and Labour Law No. 14 of 1954, as amended, is regarded as the legislative framework governing the supervision of the registration of institutions providing services to all groups of society. On this basis, the Ministry introduced Instructions and Criteria for Registration and Admission to Centres and Institutions for Persons with Disabilities, effective as of 10/8/2011, which aim at coordination among the bodies providing services to all citizens, including persons with disabilities. These Instructions cover the provision of rehabilitation, residential and educational services, the acquisition of self-care and independence skills, as well as vocational training services. It is noted that these centres adhere to modest monthly fees collected from the beneficiary's family in light of the family's sources of income, ranging between (0–50) dinars per month,¹⁷⁸ which helps make it possible to benefit from these services without burdening families with financial expenses that weigh heavily upon them. For the purpose of committing to achieving what is best for persons with disabilities, the second phase of the National Strategy for the Rights of Persons with Disabilities for the years 2010–2015 was launched under the slogan “Our Rights, Our Responsibility”, in implementation of the seventh paragraph of the Law on the Rights of Persons with Disabilities. Following the review of the strategy, two pillars were added — the pillar on violence, abuse and exploitation against persons with disabilities, and the pillar on networking with the local community sector — in addition to its ten previous pillars, so that it now covers twelve pillars, namely: the legislation pillar; the health and disability pillar; the habilitation, rehabilitation and support services pillar; the inclusive education pillar; the higher education and scientific research pillar; the family empowerment and social protection pillar; the economic empowerment pillar; the facilities (accessibility) pillar; the media, education and awareness pillar; and the sports, recreation and general culture pillar,

184. As for the most important positive developments monitored by the Centre this year in this regard, the most important were: (a) the implementation by the Higher Council for the Affairs of Persons with Disabilities of a pilot programme to promote early intervention for children with disabilities through early detection from birth until the child reaches the age of (6) years (which is currently in operation). The project was implemented in (7) health centres as a pilot, to be extended to all health centres, in addition to a circular issued by the Ministry of Health to

¹⁷⁷ The Centre considers it necessary to point out that the title of these Instructions is not consistent with the language and concepts of the Convention on the Rights of Persons with Disabilities. The Centre therefore calls for this title to be changed to “Instructions on the Licensing of Centres and Institutions for Persons with Intellectual Disabilities”, in order to reinforce the rights-based approach established by the relevant international standards and conventions.

¹⁷⁸ For further details on this matter, see the Instructions on Registration and Admission to Centres and Institutions for Persons with Disabilities issued under Article (12) of the Administrative Organisation Regulation of the Ministry of Social Development No. (20) of 1997, published in the Official Gazette, Issue No. 5131 dated 15/12/2011.

public and private hospitals to report births of children with genetic and congenital malformations; (b) the establishment of group homes at the initiative of the Higher Council for the Affairs of Persons with Disabilities in cooperation with the Ministry of Social Development. The initiative comprises two group homes for persons with mild mental disabilities aged between 16 and 34 years, who live in them in complete independence and receive specialised training enabling them to perform work and jobs suited to their abilities and helping them to integrate into and participate in society. Eight of them have been employed in their local community. This initiative is regarded as an embodiment of the right of persons with disabilities to a social family environment instead of institutional care, which may not yield results consistent with the principles and rights set out in the Convention on the Rights of Persons with Disabilities; (c) the Aqaba Comprehensive Centre for Special Education, affiliated with the Ministry of Social Development, commenced its work at the beginning of 2011. The centre provides education, training, rehabilitation, diagnosis, awareness and education services to beneficiaries with disabilities, with a focus on persons with mental disabilities and autism. A programme for the inclusion of persons with disabilities in the development of the tourism sector was also announced, as the Ministry of Tourism and Antiquities announced an integrated tourism programme to enable persons with disabilities to obtain their rights in the field of culture and to participate in development and recreation; (d) the Greater Amman Municipality operated seven audio control devices at light signals in seven different areas of the capital, Amman, in order to serve persons with visual disabilities in the Kingdom. Copies of the building code were also distributed to engineering offices in cooperation with the Jordan Engineers Association, and several dialogue meetings were held on the importance of its implementation in Petra, Karak, Irbid, Jerash, Ajloun, Mafraq, Tafileh, Ma'an and Aqaba. A special stamp was adopted by the Engineers Association for the approval of plans relating to the public, conditional upon the availability of the elements of the building code. Cooperation is likewise under way with the Public Security Directorate to carry out what is necessary in correction and rehabilitation centres in terms of environmental facilities for inmates with disabilities; (e) the opening of the Royal Academy for the Blind on 9/10/2011 for the purposes of educating, training and rehabilitating students with visual disabilities in the school stage from the first basic grade up to the sixth grade, under the supervision of the Ministry of Education.

185. In the context of obstacles and challenges, the Centre, in cooperation with civil society organisations, monitored, while preparing the First Parallel Report on the Rights of Persons with Disabilities, a total of (438) cases of violation of these rights, the most notable of which were: (a) in the area of accessibility and appropriate environmental facilities, the Centre monitored a failure to respect personal mobility owing to the difficulty of accessing most streets and public places, particularly outside the capital, Amman; (b) in the area of the right to education, the Centre monitored the hardship suffered by some students with disabilities owing to the difficulty of travelling to and accessing public government schools and/or private schools. It also monitored the suspension of classes for special-education students in Wadi Musa since the beginning of the new school year owing to the lack of teachers at the Petra Society for Special Education, despite correspondence with the Directorate of Education in Petra and the competent authorities, in addition to its monitoring of continued discrimination between the education of females with disabilities and the education of males with disabilities; (c) in the area of the right to work, the absence of specialised labour inspection teams was monitored,

which is regarded as one of the most prominent challenges facing persons with disabilities, particularly since evasion of providing employment opportunities for them is a negative factor in terms of guaranteeing an honest livelihood and integration into society; (d) the absence of a societal culture of the rights of persons with disabilities, as it was found that most citizens do not respect the signs placed by the Greater Amman Municipality indicating parking spaces reserved for persons with disabilities, which deprives them of their right to personal mobility; (e) the continued phenomenon of hysterectomies performed on girls¹⁷⁹ with intellectual disabilities during 2011, with hysterectomies performed in (64) cases in 2011 (according to the statistics of the Higher Council for the Affairs of Persons with Disabilities) as a precautionary step to protect girls from assault and to avoid their becoming pregnant as a result of rape, and for reasons relating to physiological aspects, given the girl's lack of awareness in dealing with the particularities of puberty. This indicates that the families of children with disabilities are unaware of the seriousness of these practices against their children from health, psychological and humanitarian perspectives, in addition to contributing to encouraging sexual assaults against them; (f) the Civil Service Bureau still does not adopt a rights-based approach when classifying persons with special needs who are eligible for appointment to public posts, which contravenes the Convention on the Rights of Persons with Disabilities, which regards employment as their right; (g) the disparity in the opportunities available for marriage between males with disabilities and females with disabilities, which has led to the latter being deprived of their right to found a family; (h) the Optional Protocol to the Convention on the Rights of Persons with Disabilities has not been ratified, for reasons relating to the obligations that would be incumbent on the State.

186. In light of the foregoing, and in order to promote the rights of persons with disabilities, the Centre reaffirms the previous recommendations contained in its annual reports, the most important of which are:

- The need to harmonise the definition of a person with a disability set out in Article (2) of the Law on the Rights of Persons with Disabilities No. 31 of 2007 with the definitions contained in the Convention on the Rights of Persons with Disabilities.
- Working to give effect to the Law on the Rights of Persons with Disabilities No. (31) of 2007 by introducing regulations and instructions to facilitate this.
- Strengthening and supporting the programme adopted by the Higher Council for the Affairs of Persons with Disabilities for reporting children with disabilities from birth, for the purpose of linking it to early detection programmes.
- The need for the competent bodies to expedite the conduct of a comprehensive survey to determine the number of persons with disabilities and the types of disabilities, and to determine their percentage of the total population of the Kingdom, in order to overcome the problem of reporting and disclosing disability owing to social culture.

¹⁷⁹ It should be noted that this issue provoked wide social controversy. The Higher Council for the Affairs of Persons with Disabilities held dialogue sessions in the various governorates of the Kingdom bringing together families, persons with disabilities, religious leaders, and medical, social and psychological specialists, focusing on raising awareness of the prohibition and criminalisation of hysterectomies from legal, religious and medical perspectives.

- Adopting standards and criteria for strengthening educational inclusion programmes for the various categories of disability, and providing educational institutions with qualified staff and administrations to deal with students with disabilities, as well as providing appropriate environmental facilities and including community service hours in the curricula and study programmes of schools and universities as a compulsory requirement for graduation from schools and universities.
- Reconsidering the study plans for the special education specialisation at universities so that students' practical training hours begin from the first year instead of the third year, to enable students to determine their inclinations and wishes regarding work in this field from the outset.
- Including human rights concepts and the law on persons with disabilities in school and university curricula.
- Amending Article (4/c/3) of the Law on the Rights of Persons with Disabilities, which allows employers to invoke the nature of the work as a pretext for refusing to employ them; until such amendment is made, the percentage prescribed by the Law must be adhered to so as to lead to the employment of the largest possible number of persons with disabilities.
- The need to separate the employment applications of persons with disabilities at the Civil Service Bureau and to examine them from a rights-based perspective that does not rely on medical reports when determining the eligibility of the applicant, without discrimination, including on the basis of gender.
- Improving the level of institutional services for persons with disabilities, particularly persons with mental disabilities, and working to increase the number of group homes or alternative families or other options that promote the principle of independent living, so as to enable persons with disabilities to enjoy a social family environment that is reflected positively in their inclusion and active participation in society.
- Conducting a review of the National Strategy for the Reduction of Traffic Accidents so as to include stiffer penalties for serious violations that may result in accidents causing disabilities of all forms and types, and the need to give effect to Article (39/12) of Traffic Law No. 49 of 2008 concerning the violation that prohibits the use and exploitation of parking spaces reserved for persons with disabilities, among the violations set out in the body of the Law.
- The need to adopt a societal culture and specialised media based on human diversity, relying on the promotion of a rights-based rather than a welfare-based approach to the issues of persons with disabilities, in order to raise awareness among all groups of society of the rights of persons with disabilities.
- Criminalising hysterectomies performed on girls with intellectual disabilities, as these practices conflict with religious values and with Article (16) of the Convention on the Rights of Persons with Disabilities.

The Rights of Older Persons

187. The terms used to describe older persons vary considerably, even in international documents. They include “older persons”, “the elderly”, “the aged”, “the third age” and “the ageing”, while the term “the fourth age” has been used to denote persons over 80 years of age. The Committee on Economic, Social and Cultural Rights opted for the term “older persons”, which is the expression used in United Nations General Assembly resolutions 47/5 and 48/98.¹⁸⁰ In accordance with the practice followed by the statistical services of the United Nations, these terms cover persons aged 60 years and above, whereas the statistical office of the European Union considers “older persons” to be those aged 65 years or more, since 65 is the most common age of retirement and the general trend continues to be towards raising the age of retirement. It should be noted that the Committee on Economic, Social and Cultural Rights has prohibited discrimination on the basis of age.¹⁸¹ In 1982 the World Assembly on Ageing adopted the Vienna International Plan of Action on Ageing, and in 1991 the General Assembly adopted the United Nations Principles for Older Persons, which are regarded as an important document in this context.¹⁸² They are divided into five sections, which correlate closely to the rights recognised in the International Covenant on Economic, Social and Cultural Rights. “Independence” includes the right of older persons to access to adequate food, water, shelter, clothing and health care; to these rights are added the opportunity to engage in remunerative work and access to education and training. “Participation” means that older persons should participate actively in the formulation and implementation of policies that directly affect their well-being, share their knowledge and skills with younger generations, and be able to form movements or associations of their own. “Care” calls for older persons to have access to family care and health care, and to be able to enjoy human rights and fundamental freedoms when residing in a shelter, care or treatment facility. As for the principle of “self-fulfilment”, under it older persons should be able to pursue opportunities for the full development of their potential through access to the educational, cultural, spiritual and recreational resources of society. Finally, the section entitled “Dignity” provides that older persons should be able to live in dignity and security and be free of exploitation and physical or mental abuse, should be treated

¹⁸⁰ With regard to resolution No. 47/5, it contains a general introduction on the extent of the United Nations General Assembly’s interest in issues of ageing and calls for the development of a practical strategy on ageing by encouraging the International Plan of Action of 2001, in addition to disseminating the United Nations Principles for Older Persons, strengthening the Trust Fund for Ageing as a means of supporting developing countries in adjusting to the ageing of their populations, and encouraging the press and media to play a central role in creating awareness of population ageing and related issues by celebrating the International Day of Older Persons, which falls on 1 October each year.... For further information on this resolution, please consult the website www.un.org/arabic/esa/ageing/grass.html. As for resolution No. 48/98 on the implementation of the International Plan of Action on Ageing, the resolution reaffirmed the extent of the United Nations General Assembly’s interest in issues of ageing, expressed satisfaction with the conceptual framework of the United Nations programme on older persons, and designated 1999 as the International Year of Older Persons..... For more on this resolution, see <http://daccess-dds-ny.un.org/doc/undoc>

¹⁸¹ See General Comment No. (6), paragraph No. (11), The economic, social and cultural rights of older persons under the International Covenant on Economic, Social and Cultural Rights.

¹⁸² General Assembly resolution 46/91 of 16 December 1991, “Implementation of the International Plan of Action on Ageing and related activities”,

fairly regardless of age, gender, racial or ethnic background, disability, financial status or other status, and should be valued independently of their economic contribution.

188. The Jordanian legislature, for its part, has defined an older person in terms of age, without addressing biological factors or health conditions, in the body of laws, regulations and instructions¹⁸³ enacted for the purposes of regulating work, entitlement to retirement, social, financial and health assistance, and the regulation and licensing of homes for the elderly. Under this legislation, an older person is defined as “a person whose age exceeds (60) years for males and (55) years for females”. To strengthen the protection of older persons, 2011 witnessed a constitutional amendment that expressly provides for the protection of this group: paragraph 5 of Article 6 provides that “The law shall protect motherhood, childhood and old age, shall care for young people and persons with disabilities, and shall protect them from abuse and exploitation”. The Centre considers it necessary to harmonise national legislation with the constitutional amendment on the protection of this segment of society, particularly as demographic changes in the age structure of society are expected to occur in Jordan during the years 2010–2035: statistical projections indicate that the proportion of older persons will rise during this period from (3.5%) to (11%) in 2035, and consequently the demand for older-person care services, especially residential care, is expected to increase by 100%.¹⁸⁴ It should be noted that the Centre organised a special seminar¹⁸⁵ to advocate for the adoption of an international convention on the rights of older persons along the lines of the other international conventions.

¹⁸³ See, for example: the Civil and Military Retirement Law No. 34 of 1959, Article 12 of which provides that upon an employee’s completion of sixty years of age or forty years of service, he or she must be retired; the Social Security Law No. (7) of 2010, as amended (particularly the right to old-age, disability and death insurance; see Article (59), paragraphs a (1/2/3/4/5/6)), in addition to the right provided under the Social Security Law to purchase service in order to obtain an old-age pension (see Article (65), paragraphs a/b); the Charitable Endowment Programmes Regulation No. 83 of 2005, Article 9 of which provides that, subject to the conditions of the endowers, the revenues of the programme for assisting the needy shall be spent, in coordination with the Zakat Fund, as follows: homes for the care of the poor and the elderly; the Rehabilitation and Assistance Regulation No. 102 of 1971, which defines an older person as one whose age exceeds sixty years; the Instructions on the Licensing of Day Clubs No. 1 of 1999, which address the definition of an older person; the Regulation on Care Homes for Older Persons and Day Clubs of 2006, which was amended in 2010 and is still before the Legislation and Opinion Bureau; and the Rehabilitation and National Aid Instructions issued under Article 8 of the National Aid Fund Law No. 36 of 1986, effective as of 1/1/1987, Article (2) of which defines an older person as: every person whose age exceeds 60 years and who lives alone.

¹⁸⁴ [Translator’s note: the source text carries the reference mark 184 at this point, but no corresponding footnote text appears on the page.]

¹⁸⁵ The Centre held a seminar entitled “Social Responsibility for the Rights of Older Persons” on 20/4/2011, targeting decision-makers and those concerned with the protection and promotion of the rights of older persons, such as (the Ministry of Social Development and the clubs and residential homes for older persons affiliated with the Ministry, in addition to those concerned from the Ministry of Labour, the Social Security Corporation and the Ministry of Health). The seminar concluded with a set of relevant recommendations, the most important of which were:

- a. Advocacy with decision-makers concerned with the affairs of older persons in order to urge emphasis on the importance of an international convention on older persons.
- b. The need for coordination between the Ministry of Social Development and civil society organisations in order to provide protection and promotion of care for older persons.
- c. The need to work on involving older persons in the activities of associations concerned with the rights of older persons and of civil society organisations.
- d. Reconsidering the national aid allocated to families supported by an older person, as it has proved insufficient to provide the minimum basic needs of the older person’s family.

189. 2011 witnessed a number of positive developments at the national level, namely: (a) the response of the Ministry of Social Development to one of the recommendations of the reports on the visits carried out by the Centre to homes for older persons, by allowing the private sector to purchase services¹⁸⁶ as is the case for the public sector; (b) maintenance work at the Princess Muna Centre home, its equipment with central heating, the provision of wheelchairs to the home to facilitate the movement of the elderly women residents, and the equipment of the residents' storeroom with separate lockers so that the clothes of each resident are kept apart from those of the others, in order to avoid the transmission of infection among the residents and to guarantee general safety conditions for all residents;¹⁸⁷ (c) the Ministry of Social Development completed the preparation of the Regulation on Care Homes for the Elderly and Day Clubs and submitted it to the Legislation Bureau to complete its constitutional stages. The Regulation includes the criteria and conditions for the admission of cases referred by the Ministry of Social Development and the procedures for licensing homes for the elderly. The Ministry also prepared the instructions implementing this Regulation in accordance with international standards on care homes for the elderly; it should be noted that the Centre contributed to the making of these amendments.¹⁸⁸

190. The Centre received (15) complaints and requests for assistance concerning violations of the rights of older persons in 2011. In addition, a specialised team from the Centre carried out seven field visits to residential and care homes for the elderly, and found that the violations it had monitored and referred to in its previous reports were continuing, the most important of which are: (a) the absence of comprehensive health policies, including prevention, rehabilitation and patient care, and the lack of specialised health centres staffed with doctors specialised in dealing with older persons and with psychologists and social workers; (b) the unsuitability of most residential homes for the elderly to the needs of older persons in terms of the size of the rooms allocated to residents and their number, and the disproportion between the number of sanitary facilities (toilets) and the number of rooms and the capacity of the beneficiaries of these homes' services, particularly private-sector homes; (c) the lack in most homes for the elderly of social care, family contact, recreational spaces and sports halls; (d) the absence of a national database on older persons showing their numbers, social status, source of

e. Promoting voluntary work by university students in care and residential homes for older persons by creating material incentives provided by the Ministry of Social Development.

¹⁸⁶ The term "purchase of services" refers to the residential and care services, including food, drink, clothing, health care, recreation and education, provided to the older person by care homes for older persons affiliated with the Ministry of Social Development. The Ministry of Social Development contracts with care homes to provide services to older persons in return for a monthly payment borne by the Ministry and paid to the owners of those homes, amounting to 222 dinars.

¹⁸⁷ The home's response to the Centre's recommendation made during its visits in 2011.

¹⁸⁸ The Instructions set out a care plan for the older person in these homes, under which an assessment of the older person is prepared before his or her residence in the home; the new Instructions grant the older person in these homes the right to manage his or her financial resources according to his or her health capacities and wishes. With regard to the older person's surrounding environment, the Instructions provide that the site of the home for older persons must be chosen in a healthy area, away from high-voltage pylons, and that the building to be licensed must be within residential areas and close to public services. The Instructions also provide that there must be cameras monitoring the doors and external entrances only, and that they must not be used inside the home or in the garden, in order to preserve the privacy of the resident. In addition, a medical and social file must be prepared for each older person containing all the health and social information necessary to assess the older person's health and social situation.

income and classifications; (e) weak coordination between the Ministry and the civil society organisations working to promote activities and programmes relating to the rights of older persons; (f) the absence of libraries within the homes for reading or for the purposes of general and religious education; (g) the absence, in most of them, of yards or gardens for sitting in the sun, and where these exist their use is almost non-existent; (h) the failure to adapt the premises to provide ease of use and living for older persons; for example, some homes lack side handrails to avoid the risk of slipping; (i) the concentration of care homes for older persons in the Capital Governorate: there are eleven homes in the Kingdom, nine of which are located in the Capital Governorate, one in Zarqa and the other in Irbid Governorate.

191. Through seven visits it carried out to homes for older persons and through the complaints it received, the Centre monitored a number of violations to which older persons are subjected, including: (a) an elderly man was beaten in a care home for older persons by a relative of another resident of the same home as a result of family disputes. After verifying the incident, the Centre found that the cause of the assault was attributable to the “psychological tensions” experienced by the residents of the home owing to their advanced age, as it emerged that 30 of the 142 residents living in the home suffer from mental illnesses; (b) the family of an elderly person in a residential care home for older persons refused to receive his body after his death, which led those running the home to bury him, indicating weak family contact between older persons in care homes and their families.

192. The Centre reaffirms its previous recommendations for the promotion and protection of the rights of older persons contained in its annual reports, and further stresses the need to adopt the following recommendations:

- Expediting the adoption of the amended regulations on care homes for older persons and day clubs, as these regulations are currently before the Legislation and Opinion Bureau.
- Preparing national policies and plans on ageing within an integrated social policy that takes into account the following pillars: a human rights-based approach to older persons; legislation; training; analytical studies and research; statistics; services; the national infrastructure and partnership among all the partners concerned, including the promotion of a participatory approach aimed at involving older persons in development and in the decisions that concern them; as well as the involvement of the private sector, the exchange of expertise and targeted media promotion.
- Seeking to prepare a procedural manual for workers in homes for older persons setting out mechanisms for dealing with persons with disabilities and the nature of the relationship between the workers themselves in care homes for older persons and the home’s external surroundings.
- Holding legally accountable anyone who assaults an older person, and children, families or dependants who refuse to provide for his or her maintenance.
- Including family contact programmes among the programmes provided by the Ministry of Social Development, between homes for older persons and the outside surroundings, in order to keep older persons in the homes in contact with the outside community.

- Expanding the umbrella of medical exemption for older persons,¹⁸⁹ approved by the Prime Minister in 2006, and working to apply it on the ground so that it covers all older persons regardless of their nationality and sex.
- Expanding the provision of services to older persons, particularly in the governorates, including the establishment of day clubs and the provision of home care services.

¹⁸⁹ At its session held on 23/5/2006, the Council of Ministers decided, pursuant to the provisions of Article (29) of the Civil Health Insurance Regulation No. (83) of 2004, to approve the inclusion of the age group of sixty years and above who are not covered by health insurance, both those able and those unable to pay, under the umbrella of health insurance in the hospitals and centres of the Ministry of Health, with the possibility of covering them with health insurance services through the Royal Medical Services where treatment is not available to them in the hospitals and centres of the Ministry of Health, in accordance with the provisions of Article (33) of the aforementioned Civil Health Insurance Regulation, in return for the collection of an amount of (6) six dinars per month from each citizen within this group.

Complaints and Requests for Assistance Received by the Centre during 2011

1. The number of complaints received by the National Centre for Human Rights in 2011, classified by the rights alleged to have been violated, amounted to (596) complaints, compared with a total number of complaints of (770) in 2010 and (573) complaints in 2009. The number of complaints relating to civil and political rights was (297) complaints, while the number of complaints relating to economic, social and cultural rights amounted to (266) complaints, and the number of complaints relating to the rights of vulnerable groups amounted to (33) complaints. (155) complaints, i.e. (26%), were closed successfully with a satisfactory result, while the number of complaints still under follow-up amounted to (257) complaints, i.e. (43.12%). It is notable that the Centre received (82) complaints falling outside its mandate, i.e. (13.75%) of the total number of complaints. In addition, (64) complaints were closed because no violation of human rights was established, at a rate of (10.74%), while (7) complaints, at a rate of (1.17%), were closed without a satisfactory result being reached. The reasons for closing a number of complaints without obtaining a satisfactory result are attributable to the failure of the respondent body to cooperate or to respond positively to the recommendations and requests of the Centre, particularly in complaints concerning nationality and identity documents; to the nature of some complaints, whose verification takes time, such as complaints relating to fair trials; and to the absence of a clear legal framework for halting and redressing certain violations. At the same time, the increase in the number of complaints still under follow-up is attributable to a number of reasons, including the absence of a provision in the Centre's Law obliging bodies to respond to the Centre's requests within a specified period; the weak cooperation of complainants in following up their complaints and providing the Centre with the data and information required to verify the complaint and facilitate its follow-up; in addition to the fact that the nature of some of these complaints requires judicial investigations to be conducted by the respondent agencies. Table No. (19) shows the number of complaints received by the Centre in 2011, classified by the rights alleged to have been violated.

Table No. (19): Number of complaints received by the Centre in 2011, classified by the rights alleged to have been violated

Right that is the subject of the complaints	Number of complaints	Closed with a satisfactory result	Closed without a satisfactory result	Outside the Centre's mandate	Under follow-up	Non-cooperation of the complainant	No violation established
Recognition of legal personality (nationality)	94	12	0	3	68	1	10
Right to freedom of residence,	26	12	2	2	7	1	2

Right that is the subject of the complaints	Number of complaints	Closed with a satisfactory result	Closed without a satisfactory result	Outside the Centre's mandate	Under follow-up	Non-cooperation of the complainant	No violation established
movement and asylum							
Right to life	6	1	0	1	3	0	1
Right to physical integrity and personal security	45	26	0	5	7	2	5
Right to humane treatment	39	7	0	6	16	5	5
Right to work	147	40	1	15	70	7	14
Right to social insurance	9	0	0	3	4	0	2
Right to hold public office	27	1	0	6	16	1	3
Rights of inmates of correction and rehabilitation centres	28	12	0	4	0	2	10
Right to health	12	4	0	1	3	1	3
Right to education	11	4	0	2	1	2	2
Right to equality and non-discrimination	6	3	1	0	1	0	1
Right to a fair trial	68	14	1	21	27	2	3
Women's rights	3	0	1	0	2	0	0
Children's rights	21	5	0	1	14	1	0

Right that is the subject of the complaints	Number of complaints	Closed with a satisfactory result	Closed without a satisfactory result	Outside the Centre's mandate	Under follow-up	Non-cooperation of the complainant	No violation established
Rights of older persons	1	1	0	0	0	0	0
Rights of persons with disabilities	8	2	0	2	3	0	1
Family rights	15	5	0	1	4	5	0
Right to form and join associations	1	0	0	0	1	0	0
Right to an adequate standard of living	4	2	0	2	0	0	0
Right to housing	4	0	0	2	1	0	1
Right to freedom of opinion and expression	2	1	0	1	0	0	0
Right to private property / intellectual property	10	3	0	3	3	1	0
Right to a healthy environment	6	0	1	1	4	0	0
Right to join trade unions and parties	1	0	0	0	0	0	1
Right to vote and stand for election	1	0	0	0	1	0	0
Right to religious belief	1	0	0	0	1	0	0
Grand total	596	155	7	82	257	31	64

Right that is the subject of the complaints	Number of complaints	Closed with a satisfactory result	Closed without a satisfactory result	Outside the Centre's mandate	Under follow-up	Non-cooperation of the complainant	No violation established
Percentage %	100%	26.00%	1.17%	13.75%	43.12 %	5.20%	10.74%

2. The total number of assistance requests received by the Centre this year was (156), compared with (222) requests in 2010 and (301) requests in 2009. The number of assistance requests relating to civil and political rights was (68), while the number of requests relating to economic, social and cultural rights was (65), and the number of assistance requests relating to the rights of vulnerable groups was (23). A total of (50) requests, i.e. (32.05%), were closed successfully with a satisfactory outcome, while the number of requests closed without a satisfactory outcome was (10), i.e. (6.41%). The number of requests still under follow-up was (63), i.e. (40.38%). The Centre received (10) requests falling outside its mandate, i.e. (6.41%); notably, the Centre received (10) assistance requests falling outside its mandate, i.e. (6.41%) of the total number of assistance requests. Furthermore, (17) requests, i.e. (10.9%), were closed because no violation of human rights was established. The closure of a number of cases with an unsatisfactory outcome is attributable to the failure of the bodies from which assistance was requested to respond positively to the Centre's recommendations and requests, in addition to the absence of any provision in the Centre's Law obliging such bodies to reply to the Centre's requests within a specified period. Table No. (20) shows the number of assistance requests received by the Centre in 2011, broken down by the rights claimed.

Table No. (20): Number of assistance requests received by the Centre in 2011, by the rights claimed

Right that is the subject of the assistance request	Number of requests	Closed with a satisfactory outcome	Closed without a satisfactory outcome	Outside the Centre's mandate	Under follow-up	Non-cooperation of the complainant	No violation established
Recognition as a person before the law (nationality)	1	1	0	0	0	0	0
Right to freedom of residence and movement	15	7	2	1	5	0	0
Right to obtain identity documents	15	3	0	0	11	0	1
Right to asylum	1	0	0	0	1	0	0

Right that is the subject of the assistance request	Number of requests	Closed with a satisfactory outcome	Closed without a satisfactory outcome	Outside the Centre's mandate	Under follow-up	Non-cooperation of the complainant	No violation established
Right to equality and non-discrimination	1	0	0	0	1	0	0
Right to petition and to address the authorities	1	0	0	1	0	0	0
Right to physical integrity and personal security	3	0	1	0	2	0	0
Right to health	19	11	1	2	4	1	0
Right to work	26	10	2	1	3	2	8
Right to social security	1	0	0	0	1	0	0
Right to housing	2	0	0	0	2	0	0
Right to an adequate standard of living	8	2	1	0	4	0	1
Women's rights	4	2	1	0	1	0	0
Children's rights	9	3	0	0	6	0	0
Rights of persons with disabilities	8	2	0	0	3	0	3
Rights of older persons	2	2	0	0	0	0	0
Right to education	1	0	0	0	1	0	0
Rights of inmates of correction and rehabilitation centres	19	2	1	2	12	0	2

Right that is the subject of the assistance request	Number of requests	Closed with a satisfactory outcome	Closed without a satisfactory outcome	Outside the Centre's mandate	Under follow-up	Non-cooperation of the complainant	No violation established
Right to compensation	3	0	0	0	3	0	0
Family rights	5	1	0	0	0	3	1
Right to hold public office	6	1	0	1	3	0	1
Right to a fair trial	6	3	1	2	0	0	0
Grand total	156	50	10	10	63	6	17
Percentages	100%	32.05%	6.41%	6.41%	40.38%	3.85%	10.9%

3. A decline is observed in the number of complaints and assistance requests received by the Centre during 2011 compared with 2010, although the number of complaints represents a notable increase compared with previous years, as shown in the following figure. This is attributable to the following reasons: (a) the decrease in complaints relating to nationality and the withdrawal of identity documents following the issuance of the Council of Ministers' decision; (b) the decrease in complaints from domestic workers owing to the new instructions on the recruitment and employment of domestic workers; (c) the Centre's receipt of no complaints relating to the right to vote and to stand for election, since no elections were held this year, as was the case in 2010.

Figure: Numbers of complaints and assistance requests for the years 2003–2011

Year	Assistance requests	Complaints
2003–2004	152	209
2005	177	192
2006	162	147
2007	288	422
2008	244	373
2009	301	573
2010	222	770
2011	156	596

4. Receiving complaints orally and in person ranked first among the various means, with (72%) of all complaints having been made orally by attending the Centre in person and explaining the complaint before a member of the Centre's staff. Submission of complaints through monitoring missions ranked second, at (10.2%), and submission by fax ranked third, at (8.5%) of all complaints. Submission of complaints by ordinary mail ranked fourth, at (4.4%) of all

complaints. Fifth place was occupied by electronic mail, at (3%); this low percentage is attributable to the fact that Internet service is not available in all areas of the Kingdom, and most of those who use this method reside outside the Kingdom and are unable to attend the Centre in person. The percentage of complaints received through the Centre's liaison officers in the governorates was (1.3%). Finally, the percentage of complaints received through the media was (0.6%) of all complaints. Likewise, receiving assistance requests orally and in person ranked first among the various means, with (73%) of all requests having been made orally by attending the Centre in person. Submission of assistance requests through monitoring missions ranked second, at (9%), and submission by fax ranked third, at (8.4%) of all requests. Submission of assistance requests by ordinary mail ranked fourth, at (6.4%) of all requests. Fifth place was occupied by electronic mail, at (2%); this low percentage is attributable to the fact that Internet service is not available in all areas of the Kingdom, and most of those who use this method reside outside the Kingdom and are unable to attend the Centre in person. The percentage of assistance requests received through the liaison officers in the governorates was (0.6%). Finally, the percentage of assistance requests received through the media was (0.6%) of all assistance requests.

5. As regards the distribution of complaints among the various governorates of the Kingdom, an examination of Table No. (21) shows that (62.6%) of complainants reside in the Capital Governorate. This is attributable to the absence of branches of the Centre in the other governorates of the Kingdom, the high population of the governorate, and the proximity of the Centre to citizens residing in the Capital Governorate, notwithstanding the presence of the Centre's liaison officers in the various governorates. Zarqa Governorate ranked second, with complaints amounting to (8.8%); Mafraq Governorate ranked third, with complaints amounting to (4.2%); and Ma'an Governorate ranked fourth, with complaints amounting to (4%). As for assistance requests, the Capital Governorate ranked first, at (54.5%), followed by Zarqa Governorate in second place at (14.1%) and Ma'an Governorate in third place at (6.5%), while Jerash Governorate ranked fourth at (5.1%). Table No. (21) shows the number of complaints and assistance requests received by the Centre by governorate.

Table No. (21): Number of complaints and assistance requests submitted to the Centre by governorate

Governorate	Complaints	Assistance requests
Capital (Amman)	373	85
Balqa	10	7
Zarqa	52	22
Madaba	8	3
Karak	13	2
Ma'an	24	10
Tafileh	21	1
Aqaba	9	—

Governorate	Complaints	Assistance requests
Irbid	41	7
Mafrq	25	4
Jerash	5	8
Ajloun	6	1
Outside Jordan	9	6
Total	596	156

6. As regards the bodies complained against, Table No. (22) shows that the security agencies continue to account for the largest share of the complaints received by the Centre, amounting to (43%) of all complaints; complaints lodged against the Public Security Directorate alone accounted for (20.5%), followed by the Ministry of Interior (13%) and then the General Intelligence Department (7.7%). A sharp rise is also observed in the percentage of complaints relating to employment and recruitment agencies, which reached (21%) compared with (6.23%) in 2010. A decrease is likewise observed in the percentage of complaints lodged against the principal government ministries, such as the Ministries of Education, Health, Justice and Labour, compared with 2010, amounting to (8.7%). A rise is also observed in the percentage of complaints against the judicial authority, which reached (2.5%) compared with (1.94%) in 2010. In addition, during 2011 the Centre received complaints against universities, amounting to (2.9%). These percentages indicate that the bodies accounting for the largest share of complaints remain the same, which suggests that they have not taken the hoped-for measures to put an end to violations, and confirms the need for the Centre to continue to give them priority and focus on them in order to reduce the number of complaints and promote human rights in the Kingdom. As for the bodies from which assistance was requested, the largest share of assistance requests related to the security agencies, amounting to (21.1%); assistance requests submitted to the Ministry of Foreign Affairs amounted to (10.9%); assistance requests relating to employment and recruitment agencies accounted for (9.6%); assistance requests relating to the Ministry of Social Development amounted to (9.6%); followed by the Prime Ministry at (8.3%). Table No. (22) shows the number of complaints and assistance requests by the body complained against.

Table No. (22): Distribution of complaints and assistance requests by the body complained against

Body	Number of complaints	Number of assistance requests
Ministry of Interior	78	8
Ministry of Justice	2	—
Ministry of Education	32	6
Ministry of Higher Education	2	3
Ministry of Labour	5	7

Body	Number of complaints	Number of assistance requests
Ministry of Foreign Affairs	12	17
Ministry of Social Development	8	15
Ministry of Health	13	5
Ministry of Finance	—	4
Ministry of Municipal Affairs	5	—
Ministry of Public Works and Housing	2	—
Ministry of Environment	1	—
Ministry of Awqaf, Islamic Affairs and Holy Places	1	—
Chief Justice Department	1	—
General Intelligence Department	46	10
Public Security Directorate	122	15
Employer	126	15
Prime Ministry	3	13
Royal Hashemite Court	2	2
Civil Service Bureau	11	4
Other bodies	60	7
Universities	17	3
State Security Court	3	1
Sharia Judicial Council	3	—
Greater Amman Municipality	4	2
Aqaba Special Economic Zone Authority	4	—
Professional associations	2	—
Military Judiciary Directorate	4	1
Judicial Council	4	2
Social Security Corporation	4	1
Embassies	3	10
UNHCR	2	1
General Command of the Armed Forces	3	1
Higher Council for the Affairs of Persons with Disabilities	3	2
General Directorate of the Gendarmerie	10	—

Body	Number of complaints	Number of assistance requests
Ministry of Industry and Trade	1	—
Income Tax Department	—	1
Total	596	156

7. As regards the nationality of complainants, it is evident that (71.1%) of them are Jordanians, while Filipino nationality ranked second at approximately (13.7%), and Egyptian nationality ranked third at (2.3%). As for the nationality of those requesting assistance, Jordanian nationality accounted for the largest share, at (68.5%) of the total number of persons requesting assistance; Palestinian nationality ranked second at (10.9%), and Sri Lankan nationality ranked third at (6.4%), most of them female. Table No. (23) shows the breakdown of complaints and assistance requests by the nationality of the complainant.

Table No. (23): Breakdown of complaints and assistance requests by nationality of the complainant

Nationality	Number of complaints	Number of assistance requests
Jordanian	424	107
Palestinian	12	19
Indonesian	11	—
Filipino	82	7
Bangladeshi	1	—
Sri Lankan	13	10
Indian	2	1
Syrian	4	—
Egyptian	14	3
Iraqi	6	1
Kuwaiti	1	—
Qatari	1	—
Saudi	1	3
Sudanese	1	1
Eritrean	1	—
Ethiopian	2	—
Algerian	2	1
American	1	1
Russian	1	—

Nationality	Number of complaints	Number of assistance requests
Moroccan	1	1
Turkish	1	—
German	—	1
Stateless	14	1
Total	596	156

Assessment of Jordan's Fulfilment of its Obligations under International Human Rights Instruments

8. In its Seventh Annual Report on the State of Human Rights in the Kingdom for 2010, the Centre presented an assessment of the extent to which Jordan has fulfilled its obligations under the international human rights covenants and instruments ratified by Jordan.¹⁹⁰ This chapter describes the measures taken by the Government during 2011 to implement the international obligations arising from Jordan's accession to the international human rights conventions, whether legislative measures, in terms of new legislation or amendments to legislation relating to human rights, or judicial or executive measures. The recommendations issued by the international committees concerning Jordan have also been compiled, specifically those of the Human Rights Committee and the Committee against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in addition to the recommendations of the Universal Periodic Review of the human rights situation in the Kingdom, which took place in February 2009.¹⁹¹

9. The year 2011 witnessed a series of national government initiatives aimed at reform, consisting of the formation of the National Dialogue Committee to amend the Elections Law and the Political Parties Law, and the formation of the Royal Committee to amend the Constitution. The aim of these initiatives was to provide wider scope for guaranteeing citizens' enjoyment of their rights; however, despite their importance, these initiatives fell short of the aspirations of civil society organisations, national institutions and citizens in general. Table No. (23) sets out the national legislation enacted and/or amended during 2011 and the extent of its conformity with the international conventions:

Table No. (23): National legislation enacted and/or amended during 2011

No.	Name of legislation	Relevant international instruments	Type of measure	Assessment
1	Amendment of the Jordanian Constitution of 2011	All international conventions	Amendment of the Constitution published in Issue 5117 of the Official	The constitutional amendments of 2011 came to contribute to the promotion of human rights, as follows: a dedicated

¹⁹⁰ See the National Centre for Human Rights' Seventh Annual Report on the State of Human Rights in the Kingdom for 2010, pages 106–128.

¹⁹¹ The Centre classified these recommendations according to the frequency with which they appeared in the reports issued by the international committees and in the annual reports, with the aim of identifying work priorities for all relevant government institutions, civil society organisations and non-governmental organisations, enabling the development of a national plan of action to respond to those recommendations, and providing an evaluative model of the extent of the Government's response to the recommendations issued by the international committees and the Centre, as follows: (a) 12 recommendations classified as most urgent, as they appeared in the reports of three or more of the above-mentioned bodies; (b) 16 recommendations classified as moderately urgent, as they appeared in the reports of two or more bodies; (c) six recommendations classified as least urgent, as they appeared in the reports of one or more bodies. In continuation of the effort made in the previous year towards assessing the extent to which Jordan has fulfilled its international human rights obligations, this section sheds light on the most important developments and challenges impeding the performance of governmental and non-governmental institutions in achieving this.

No.	Name of legislation	Relevant international instruments	Type of measure	Assessment
			Gazette dated 1 October 2011	provision protecting motherhood, childhood, old age, young people and persons with disabilities from abuse and exploitation (Article 6); criminalisation of infringements of rights and freedoms (Article 7); prohibition of torture (Article 8); affirmation of the freedom of scientific research and literary creativity (Article 15); strengthening of media freedoms by providing that the State shall guarantee press freedoms (Article 15); affirmation of the right of individuals to form trade unions (Article 16); and the introduction of Article 128/a, which provides that laws issued to regulate rights and freedoms may not affect the essence of such rights or prejudice their fundamentals. The amendments also contributed to strengthening the right of individuals to a fair trial by providing for: the financial and administrative independence of the judiciary (Articles 27 and 98); affirmation of the public nature of court hearings (Article 101); the presumption of innocence (Article 101/4); the introduction of a two-tier administrative judiciary (Article 100); a move towards the trial of civilians before civilian courts (Article 101); as well as a separate chapter on the Constitutional Court. The constitutional amendments further contributed to promoting the principle of the separation of powers by strengthening the role of the legislative authority, by

No.	Name of legislation	Relevant international instruments	Type of measure	Assessment
				providing for: the establishment of an independent elections commission (Article 97); the assignment to the judiciary of the task of ruling on the validity of the membership of members of the House of Representatives (Article 71); the abolition of the cases in which elections may be postponed (Article 73); as well as the abolition of the article on the trial of ministers before the House of Representatives and their referral instead to the ordinary judiciary (Articles 55 and 75).
2	Instructions on granting permission to marry to persons under the age of eighteen	Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the International Covenant on Economic, Social and Cultural Rights	Issuance of instructions under Article (10) of the Personal Status Law No. 36 of 2010, published in Issue 5076 of the Official Gazette dated 16 January 2011	These instructions specifically govern the granting of permission to marry to persons under the age of eighteen; they regulate and control the procedures for marriage permission so that marriage under the age of eighteen becomes the exception rather than the rule, with equality. Nevertheless, the Committee on the Elimination of Discrimination against Women had called upon Jordan to repeal the provision contained in Article Five of the Personal Status Law, which permits the marriage of a person under (18) years of age, and to maintain the age of (18) years as the minimum age of marriage for both women and men, in line with paragraph 2 of Article (16) of the Convention on the Elimination of All Forms of Discrimination against Women and General Recommendation No. (21) of the Committee, and with the Convention on the Rights of the Child; and the Committee on the Rights of the

No.	Name of legislation	Relevant international instruments	Type of measure	Assessment
				Child expressed concern about the early and forced marriage of girls at the ages of fourteen and fifteen with the consent of the guardian and the judge.
3	Instructions on the expenditure and support of societies from the Societies Support Fund	International Covenant on Civil and Political Rights	Issuance of instructions under Article (22/c) of the Societies Law No. 51 of 2008, as amended, published in Issue 5077 of the Official Gazette dated 1 February 2011	These instructions are deemed contrary to the international standards relating to the right to form associations, as they constitute an obstacle to the right of societies to obtain support for the exercise of their activities. Moreover, determining the forms of expenditure and support for societies by means of instructions leads to instability in the bases of the support provided to societies, particularly since such instructions are liable to amendment and alteration at any time; accordingly, the Societies Law ought to have set out these bases. The instructions also contain numerous delegating provisions which grant the Board of the Registry broad powers to determine the forms of support decided upon by the Board.
4	Law amending the Public Security Law	International Covenant on Civil and Political Rights	Issuance of Law No. (1) of 2011 amending the Public Security Law No. (38) of 1965, published in Issue 5083 of the Official Gazette dated 16 March 2011	Notwithstanding the positive amendment made to the Public Security Law requiring all judges of the Police Court to be legally qualified, the Centre considers that jurisdiction to adjudicate cases committed by Public Security personnel against civilians should be vested in the regular judiciary, and that the addition of a civilian member to this court is insufficient.
5	Regulation of the National Centre for	International Covenant on Economic, Social	Issuance of a regulation pursuant to Article (120) of	The establishment of a national centre for women's health care is considered a positive step in

No.	Name of legislation	Relevant international instruments	Type of measure	Assessment
	Women's Health Care No. (4) of 2011	and Cultural Rights; CEDAW	the Constitution and paragraph (d) of Article (4) of the Public Health Law No. (47) of 2008, published in Issue 5085 dated 31 March 2011	addressing reproductive health from a human rights perspective, which is consistent with Article 12 of CEDAW, which affirms the provision of services relating to family planning and appropriate services in connection with pregnancy and confinement, granting free services where necessary.
6	Declaration of the nullity of Provisional Law No. (11) of 2010 (Public Prosecution Law), issued pursuant to Article (94) of the Constitution and published in Official Gazette Issue No. 5034 dated 1 June 2010	International Covenant on Civil and Political Rights	Provisional Law No. (11) of 2010 was nullified by a declaration published in Issue 5087 of the Official Gazette dated 17 April 2011	The Centre views the repeal of the law positively, as it contained numerous articles that undermined the independence of the Public Prosecution, most notably: the appointment of members of the Public Prosecution upon the recommendation of the Minister of Justice and granting him absolute power to appoint assistant public prosecutors; the law also, in Article 38/a/3, expanded the powers of the Minister by granting him authority to intervene in the judicial work of the Public Prosecution.
7	Law No. (5) of 2011 amending the Public Assemblies Law	International Covenant on Civil and Political Rights	Issuance of a law amending Law No. 7 of 2011, published in Issue 5090 of the Official Gazette dated 2 May 2011	The amending law introduced a substantive amendment consistent with the international standards governing this right, as the requirement of the prior approval of the administrative governor for holding and organising public meetings and organising marches was abolished and replaced by a mere notification submitted by the organisers of the meeting stating the place and time of the meeting, the names of its organisers and the purpose of the meeting. However, the Centre considers that this law still requires a number of

No.	Name of legislation	Relevant international instruments	Type of measure	Assessment
				amendments, most importantly: redefining a public meeting in the law, and limiting the absolute powers of the Minister of Interior, namely his right to exempt certain meetings from the provisions of the Public Assemblies Law requiring prior written notification of their holding, and his right to issue the instructions necessary for the application of the provisions of the law at any time he wishes.
8	Law No. (6) of 2011 amending the Civil Status Law	International Covenant on Civil and Political Rights	Issuance of a law amending the Civil Status Law, No. (6) of 2011, published in Issue 5090 of the Official Gazette dated 2 May 2011	The amendments are consistent with the Convention on the Rights of the Child (Article 8/2) in providing a flexible legal framework to facilitate the correction of data relating to the date and place of birth, and in facilitating the provision of identity for children, especially where some elements of their identity are absent or missing, for children in general and for children born out of wedlock in particular. Previously, the procedures required filing lawsuits before the courts for the purpose of correcting data; at present, however, this is done by a decision issued by a committee composed of the head of the civil status office and his assistant, which saves time, effort and money.
9	Law No. (8) of 2011 amending the Penal Code	International Covenant on Civil and Political Rights, the Convention against Torture and the Convention on the Elimination of All Forms of Discrimination against Women	Issuance of a law amending the Penal Code No. (16) of 1960, published in Issue 5090 of the Official Gazette dated 2 May 2011	The amending law did not include a number of provisions which, had they been added, would have contributed to the promotion of human rights, most importantly: the provisions relating to the marriage of the perpetrator to the victim in cases of rape and indecent assault were not

No.	Name of legislation	Relevant international instruments	Type of measure	Assessment
				amended; no alternatives to custodial penalties were introduced; and no provisions were enacted to regulate the criminal record at the Ministry of Justice and to ensure that such provisions are activated.
10	Decision of the Minister of Labour on hazardous, arduous or health-harmful work for juveniles	International Covenant on Economic, Social and Cultural Rights, and the Convention on the Rights of the Child	Issuance of a decision pursuant to the provisions of Article (74) of the Labour Law No. (8) of 1996, as amended, published in Official Gazette Issue No. 5098 dated 16 June 2011	The decision is consistent with the Convention on the Rights of the Child (Article 32/1) and Convention No. (182) of 1999 concerning the Worst Forms of Child Labour, as the scope of legal protection for children was expanded with regard to the prohibition of the practice and performance of hazardous work that had not been covered previously.
11	Municipalities Law No. (13) of 2011	International Covenant on Civil and Political Rights, and the Convention on the Elimination of All Forms of Discrimination against Women	Issuance of a new law, published in Official Gazette Issue No. 5114 dated 15 September 2011	The law contains a number of positive features, most importantly: increasing the representation of women on municipal councils through the quota system, which was raised from 20% to 25%, and abolishing the one-vote system. However, the law also contains numerous negative aspects, most importantly: the principle of election was not fully adopted, as one third of the members of the Greater Amman Municipality Council are still appointed by the Council of Ministers, in addition to the appointment of the Mayor of Amman rather than his direct election by the voters; the conditions and procedures for voter registration were made more complicated; the law did not entrust the management of municipal elections to an independent and impartial body; and the law did not include clear and objective

No.	Name of legislation	Relevant international instruments	Type of measure	Assessment
				mechanisms for the separation and establishment of municipalities.
12	Jordanian Teachers' Syndicate Law No. (14) of 2011	International Covenant on Civil and Political Rights	Issuance of a new law, published in Official Gazette Issue No. 5114 dated 15 September 2011	The law came to strengthen the right to form trade unions and to close a long chapter of demands, appeals and sit-ins extending over past decades by a broad segment of teachers numbering some 100 thousand male and female teachers. There are a number of points that are inconsistent with international human rights standards, most importantly: compulsory membership of the syndicate is contrary to the principle of the individual's freedom to join a syndicate; and opportunities for representation in the syndicate are restricted by requiring a long period of service (15 years for the president and vice-president and 10 years for membership), which leads to the exclusion of a broad category, particularly young teachers. The law also granted the executive authority the power to intervene in the syndicate council in the event of its dissolution, by empowering the Minister to form a committee from the syndicate's general assembly to replace the council until another council is elected; it would have been more appropriate for the branch bodies to elect an interim council for a period not exceeding three months, rather than six as provided in this article.
13	Laws (16) and (17) amending the Press and Publications Law	International Covenant on Civil and Political Rights	Issuance of two laws amending the Press and Publications	Law No. 16 amending the Press and Publications Law contained a number of positive

No.	Name of legislation	Relevant international instruments	Type of measure	Assessment
			Law, published in Official Gazette Issue No. 5118 dated 2 October 2011	features, most importantly: the assignment of a judge in each court of first instance to hear offences committed through publications or any other media outlet, and according urgency to media cases. It also affirmed that journalists may not be detained. On the other hand, Law No. 17 amending the Press and Publications Law contained provisions that undermine freedom of opinion and expression, most importantly: the inclusion of news websites within the Press and Publications Law, and differential treatment between registered and unregistered websites in matters of advertising, invitations and the like, leading to a violation of the principle of equality. The law also vested everything relating to optional registration in the powers of the Director of Press and Publications under a special regulation to be issued by the Council of Ministers, which will become part of the legislation and be binding on all; this may entail additional restrictions on media freedom.
14	Instructions on registration and admission to centres and institutions for persons with disabilities	International Covenant on Civil and Political Rights	Issuance of instructions under Article (12) of the Administrative Organisation Regulation of the Ministry of Social Development No. (20) of 1997	These instructions aimed to provide comprehensive social security for persons with intellectual disabilities as beneficiaries of care centres that provide rehabilitation, residential and educational services and impart self-care and independence skills, in addition to vocational training services.
15	Law No. (22) of 2011 amending the Owners and Tenants Law	International Covenant on Economic, Social and Cultural Rights	Issuance of a law amending Law No. (11) of 1994, published in Issue	The law came to resolve the problems of contracts concluded before 31 August 2000, to protect families in the

No.	Name of legislation	Relevant international instruments	Type of measure	Assessment
			5134 of the Official Gazette dated 31 December 2011	event of the death of the head of the family, and to protect the wife after divorce from her husband.

2.3. As regards executive measures, the Centre records the most important measures and procedures taken by the Government during 2011, most notably compliance with the submission of reports and the taking into account of the observations and recommendations of the treaty bodies. In this regard, the Centre observed the following: (a) On 24 September 2010,¹⁹² the Government submitted its fifth report, due in July 2009, to the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW); consideration of this report was scheduled for the Committee's fifty-first session, held from 13 February to 2 March 2011. It should be noted that the Committee on the Elimination of All Forms of Discrimination against Women had considered the report and made a number of recommendations to the Government,¹⁹³ most importantly: the adoption of comprehensive laws to achieve gender equality; reconsideration of the reservations and ratification of the Optional Protocol to the Convention; encouraging and promoting equality between women and non-discrimination; encouraging measures aimed at changing cultural stereotypes of women; measures aimed at addressing all forms of violence against women and girls, including rape and honour crimes; implementing education and training programmes for government officials on violence against women; establishing shelters for women in urban and rural areas and developing counselling services; strengthening measures aimed at increasing the representation of women in public life, particularly in leadership roles; amending the Labour Law to prevent sexual harassment and discrimination; and limiting cases of marriage of persons under the age of 18. (b) On 21 September 2011,¹⁹⁴ the Government submitted a combined thirteenth to seventeenth report, due since June 1999, to the Committee on the Elimination of Racial Discrimination; this report will be considered at the Committee's eightieth session, to be held from 13 February to 9 March 2012. (c) The fourth periodic report to the Committee on the Rights of the Child fell due on 22 December 2011. The Government assigned the National Council for Family Affairs to supervise the preparation of this report in cooperation with the relevant official bodies and a number of civil society organisations, and the report was launched on 13 December 2011. It should be noted that the Centre did not participate in the preparation of the official report, as it is working on the preparation of a shadow report in cooperation with the "Eedak Ma'i" ("Your Hand With Me") network, which was formed by the Centre and comprises representatives of non-governmental organisations from the various governorates of the Kingdom. (Main contents of the report and the date set for its consideration.) (d) The periodic report to the Committee on Economic, Social and Cultural Rights fell due on 30 July 2003 and has not yet been submitted. (e) The Committee on the Rights of Persons with Disabilities was due to receive the State's

¹⁹² Source: website of the Office of the High Commissioner for Human Rights, www.ohchr.org.

¹⁹³ For the recommendations, see document CEDAW/C/JOR/CO/4 of the documents of the CEDAW Committee.

¹⁹⁴ Source: website of the Office of the High Commissioner for Human Rights, www.ohchr.org.

official report in December 2010; however, as the preparation of this report was not completed on time, the Government requested an extension of the deadline for submission of the report until April 2011, yet the report had not been submitted as at the date of preparation of this Report. It should be noted that the Centre formed a joint committee comprising representatives of civil society organisations, academics and experts in the field of disability, and persons representing the four types of disability (hearing, visual, physical and intellectual), to prepare a report parallel to the government report; a preliminary draft of this report has been completed in both Arabic and English and will be submitted to the Committee after the official report has been submitted. In preparing this report, the committee, which was formed pursuant to the provisions of Article 33/2 of the Convention, relied on field monitoring and the results of a survey it conducted.

2.4. Furthermore, the Special Rapporteur on violence against women visited Jordan from 13 to 24 November 2011, four years after the visit request was submitted in 2007.¹⁹⁵ The Special Rapporteur commended the amendments made by the Government to the national legislative framework, but expressed certain observations regarding the failure of the constitutional amendments to provide explicitly for equality irrespective of sex, and called for the adoption of legislation prohibiting discrimination against women in accordance with Jordan's international obligations under the Convention on the Elimination of All Forms of Discrimination against Women. She also criticised the Law on Protection from Domestic Violence for giving priority to reconciliation and the interests of the family, thereby placing the rights of the family first, ahead of the individual human rights of women as victims of domestic violence. She further stressed the need for the Penal Code to provide explicitly that the provisions of Article 98 of the Code shall not apply to cases of the killing of women, and that prior criminal records of violence be taken into account before any mitigating circumstances are considered.

2.5. At the press conference she held at the conclusion of her visit, the Special Rapporteur on violence against women presented her preliminary findings as follows: (a) conducting a national dialogue aimed at bringing about a social transformation in the status of women, beginning in the home, the school and the community, in order to arrive at consensual concepts that break the stereotypes of the image of women and the nature of violence; (b) the need for holistic solutions addressing both the individual empowerment of women and the social, economic and cultural obstacles that shape the reality of women's lives in Jordan; (c) taking special measures to achieve substantive, not merely formal, equality, since a purely legal or programmatic approach is not sufficient to achieve equality on the ground; the empowerment of women must be accompanied by a social transformation addressing the systemic and structural causes of inequality and discrimination, which frequently lead to violence against women. She indicated that such measures include additional quotas and similar affirmative action and preferential treatment to promote the integration of women into higher educational posts and into the

¹⁹⁵ It should be noted that the Centre wrote to the Ministry of Foreign Affairs several times regarding this request, particularly since the Kingdom, upon its election as a member of the Human Rights Council, had made a commitment to extend an open invitation to the special rapporteurs to visit it. This matter was also referred to in the recommendations addressed to Jordan during its review under the Universal Periodic Review (UPR) mechanism in February 2009.

economy, politics and employment; (d) providing the incentives necessary to increase the employment of women in the private sector and creating environments that encourage women to enter this sector, thereby encouraging women to make choices based on their genuine interests and in line with Jordan's development needs; (e) strengthening measures aimed at preventing violence and abuse against migrant domestic workers. The Special Rapporteur is expected to submit a final report on the findings of this visit to the Human Rights Council in June 2012. In this regard, the Centre commends the efforts of the Government, represented by the Ministry of Foreign Affairs, in coordinating with all the relevant governmental and non-governmental institutions in the coordination and organisation of this visit through a series of preparatory meetings, which contributed to its success. The Centre calls for this participatory approach to be followed in all of the Government's future dealings with the international human rights mechanisms, thereby contributing to strengthening and highlighting cooperation and coordination at the national level with a view to advancing the human rights situation in the Kingdom.

2.6. As regards the recommendations of the Universal Periodic Review of the human rights situation in Jordan, which took place in February 2009 and included a large number of recommendations accepted by the Government and incorporated into the Centre's previous reports on the state of human rights in the Kingdom,¹⁹⁶ the Centre stresses the need to expedite the implementation of the recommendations that the Government has not yet implemented, bearing in mind that the second cycle of this mechanism will begin at the start of 2012, during which the extent of States' compliance with the implementation of the recommendations they accepted in the first cycle will be assessed, and the human rights situation in Jordan will be reviewed for the second time at the seventeenth session in 2013.

¹⁹⁶ It should be noted that the Universal Periodic Review recommendations that were not accepted by the Jordanian Government related, in their entirety, to giving effect to the rights set forth in the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture, as well as to establishing a legislative framework for the protection of refugees. For further information, see the National Centre for Human Rights' Annual Report on the State of Human Rights in the Kingdom for 2009, pages 150–154.

Annexes

Annex No. (1): Fact-Finding Report on the Events at the Interior Ministry Roundabout / Amman, 24–25 March 2011

Introduction

Pursuant to the provisions of Articles 5 and 10/b of the National Centre for Human Rights Law No. 51 of 2006, which empower the Centre to verify the observance of human rights in the Kingdom with a view to addressing any abuses or violations of human rights, and to follow up the taking of the measures necessary for that purpose, including settling them or referring them to the executive or legislative authority or to the competent judicial body in order to halt them and remove their effects, as well as its power to visit any public place reported to have been, or to be, the scene of abuses of human rights, a fact-finding team was formed to monitor and document the events at the Interior Ministry Roundabout that took place on 24–25 March 2011, with the aim of establishing the truth of what happened, the extent to which all parties concerned complied with the international and national standards relating to human rights in respect of freedom of assembly, association and expression of opinion, and the effectiveness of the measures taken by the competent authorities to secure the necessary protection for the protesters, including the protection of lives and of public and private property. Accordingly, the team concerned carried out the fact-finding mission by interviewing all parties concerned, collecting testimonies and following websites and social networking sites. The methodology for preparing the report was based on the following:

First: The team's observations through following the events on the ground and the preparation of an initial monitoring report on the events.

Second: The accounts of the three parties

a- The account of the protesters (the 24 March Youth)

b- The account of the Public Security Directorate

c- The account of (the Nidaa Watan Youth)

Third: Personal interviews with eyewitnesses, comprising:

a- Testimonies of media professionals

b- Testimonies of the 24 March Youth

c- Testimonies of the Nidaa Watan Youth

d- Testimonies of the injured among the protesters and among Public Security personnel

Fourth: Monitoring and following websites and social networking sites on facebook.

Fifth: Collecting photographs and video clips of the events.

Sixth: The slogans monitored

Seventh: The circumstances of the death of Mr Khairi Jamil

Eighth: Findings of the investigations

Ninth: Recommendations

First: The Team's Observations through Following the Events on the Ground and the Preparation of an Initial Monitoring Report on the Events

The National Centre for Human Rights formed a team to monitor the events of the sit-in that took place at the Interior Ministry Roundabout on Thursday and Friday, 24–25 March 2011. The report of the field monitoring team read as follows:

1. The field monitoring team was present at the site of the sit-in in the Interior Ministry Roundabout area on Thursday, 24-3-2011. While at the site of the sit-in, at exactly one o'clock in the afternoon, the team observed more than 200 citizens in the Interior Ministry Roundabout area. These young people called themselves the 24 March Youth. It was noted that the protesters were drawn from various political spectrums and affiliations, and a security presence was noted close to the sit-in area. The streets were open to traffic, and matters proceeded normally until exactly four o'clock, when the monitoring team left the sit-in area, without any problems occurring according to the team's observations.
2. At around twelve noon on Friday, 25-3, while the monitoring team was on its way to the Interior Ministry Roundabout by way of the Rabieh area, a demonstration by dozens of worshippers was observed as they came out of Al-Kalouti Mosque, during which slogans were raised calling for reform ("The people want the reform of the regime"), the dissolution of the House of Representatives and the application of Islamic rule, in addition to demands for the closure of the Israeli Embassy and the release of Ahmad Al-Daqamseh. The team learned from the gathering of worshippers that one of the leaders of the Islamic Movement was present among the demonstrators and delivered a speech there. In addition, there was an inclination among the worshippers to go to the Interior Ministry Roundabout area to support the protesters and stand with them.
3. When the team arrived at the site of the sit-in at the Interior Ministry Roundabout at about twelve noon, it was noted that all roads leading to the Interior Ministry Roundabout had been closed from all directions: from the direction of the Sports City Circle, from the direction of Al-Istiqlal Street and from the direction of the road leading to the Fourth Circle. A heavy security presence of Public Security officers and personnel was also noted in the area, while on the side road leading to the Marriott Hotel, vehicles belonging to the Gendarmerie were found to be present.
4. The team mingled with the protesters, whose number it estimated at about 1000 persons. Opposite the circle, on the Jabal Al-Hussein side, there were dozens of persons opposed to the sit-in. A pick-up transport vehicle was noted under the bridge, which the protesters used to carry their equipment, such as loudspeakers, and to transport their belongings. The organisers of the sit-in announced that the "Nidaa Watan" youth were heading to the Interior Ministry

Roundabout and asked all protesters to be careful and asked Public Security personnel to take the measures necessary to protect them.

5. The team observed those opposed to the sit-in attacking the protesters and pelting them with stones, and the protesters also responding by throwing stones at them, while the security men were trying to restrain those opposed to the sit-in and prevent them from pelting the protesters with stones. The team heard some expressions of slander, defamation and contempt exchanged between those opposed to the sit-in and the protesters.

6. The team noted that the road leading to the University of Jordan beyond the Interior Ministry Roundabout was devoid of any security presence. It also noted persons from among the protesters blocking the road by standing in two rows, facing a large number of non-protesters who were pelting them with stones. It was also noted that there were many civilians who had come to watch the sit-in and had no connection with the protesters, in addition to many photographers and journalists.

7. The team observed a considerable increase in the number of citizens present at the circle, both protesters and opponents of the sit-in, after three o'clock, accompanied by an increase in the intensity of tension, more stone-throwing, an exchange of insults and attempts by those opposed to the sit-in to assault the protesters. At this point, the Gendarmerie forces intervened and dispersed the sit-in by spraying water and expelling everyone present at the circle, using force against those who refused to leave or arresting them. The private property of the protesters was attacked, the sit-in vehicle was overturned and its contents destroyed, and the tents were pulled down from the circle by citizens present at the site of the sit-in.

Second: The Accounts of the Three Parties, Namely:

a- The Account of the Protesters (the 24 March Youth)

According to the account of the protesters, in summary, they are a group drawn from the youth movement within a number of social movements and political parties. This sit-in was organised to achieve a number of demands relating to political reforms, holding the corrupt to account and returning plundered funds to the State Treasury. From Thursday evening, some harassment began on the part of certain persons opposed to the sit-in; the electricity was cut off, followed by stone-throwing, which resulted in the injury of many protesters. The protesters continued the sit-in and set up tents on the circle. From Friday morning, the protesters continued with their demands, and after the morning hours the protesters became aware of the presence of a number of persons opposed to them, who began throwing stones at them, cursing and insulting them. Meanwhile, the Governor of the Capital asked the protesters to elect 5 persons to hold a dialogue with the Minister of the Interior, and the protesters replied that they needed an hour to study and discuss the matter and respond to it. Thereafter, tension increased, and the security forces did not provide them with sufficient protection from those opposed to them and allowed them to enter the circle area, despite the protesters' request that all security agencies provide them with protection. After that, the sit-in was dispersed by force by the Gendarmerie forces, by spraying water and using force with the wooden implements available at the site. The protesters believe that the Gendarmerie forces targeted them with beatings.

b- The Account of the Public Security Directorate:

According to the officials concerned at the Public Security Directorate, as a result of a group of persons gathering for a sit-in at the Interior Ministry Roundabout from Thursday, 24/3/2011, the Public Security Directorate performed its duty of protecting the protesters, maintaining security and preventing clashes between the protesters and another group opposed to the sit-in that rejected the method of the sit-in and the disruption of public life, and 10 closure points were set up in the direction of the Interior Ministry Roundabout.

The security forces tried throughout Friday to perform their duty; however, throughout Friday several verbal altercations and quarrels occurred between the parties at the site, and the security forces intervened several times to prevent friction between them. Attempts at reaching an understanding with the gathered crowds were made by the administrative governor and his staff with a view to persuading them through dialogue to vacate the site, in particular in order to put an end to the disruption that affected the lives of neighbouring hospitals and residents, but to no avail, as they insisted on not leaving. There was also stone-throwing among all parties and verbal provocations, including threats that human reinforcements would arrive in support of the protesters from the Al-Hussein Gardens area, implying that the gathering called for there supported them in their open-ended sit-in. Indeed, there was a large influx of vehicles and citizens towards the Interior Ministry Roundabout, and the provocations between the parties present at the circle continued, and it then became clear that those arriving were likewise opposed to the idea of the sit-in.

As a result of the protesters' claims that these crowds had come to join them, contrary to the facts, the crowds were driven to friction and verbal altercations with one another, which escalated into assaults with hands and sticks and stone-throwing in which all those gathered took part, resulting in injuries among Public Security personnel and those gathered. Since the duties of the Public Security are to enforce order and protect citizens regardless of their orientations, it was necessary to intervene and use appropriate force to separate the citizens, prevent attacks on lives and property and ensure the smooth flow of traffic. The police and the Gendarmerie forces were therefore compelled to use water hoses to disperse those gathered in order to prevent them from attacking one another, and proceeded to vacate the site with a view to preserving the lives and safety of all parties. Civil Defence crews also transported those injured to the nearest hospital. A number of rioters from both sides were also apprehended and referred to the judiciary, numbering 21 persons.

It should be noted that orders were issued by the Public Security Directorate not to carry any weapons on that day. (62) citizens and (58) Public Security and Gendarmerie personnel were injured, among them a brigadier and a lieutenant colonel; they are receiving treatment in a number of hospitals in the capital.

c- The Account of the “Nidaa Watan Youth”

According to their account, they stated that they represent a youth movement with demands, whose aim is combating corruption and economic reform, in order to convey a message to everyone that the country enjoys freedom of opinion and expression and that Jordan has its own particularity that distinguishes it from any other society, in addition to their rejection of

interference by any international or regional party in Jordanian affairs. This idea came into existence and was announced on the social networking site facebook before the 24 March Youth was announced.

It should be noted that Nidaa Watan called for a celebratory gathering on 25 March 2011 bringing together all segments of Jordanian society, right, left and centre. The Al-Hussein Gardens site was chosen to hold this event in order to demonstrate the exercise of the right to assembly, association and expression of opinion. The start and end times of the celebration's activities were set, as means of transporting the participants had been secured in advance, four o'clock in the afternoon had been set as the time for the end of the activities, and all drivers had been instructed not to let any means of transport leave before that time. They confirmed that no person moved from Al-Hussein Gardens to the Interior Ministry Roundabout, and that they are continuing with their reform demands peacefully, and that they share many demands with the 24 March Youth.

Third: Personal Interviews with Eyewitnesses, Comprising¹⁹⁷:-

a- Testimonies of media professionals

b- Testimonies of the 24 March Youth.

c- Testimonies of the Nidaa Watan Youth

d- Testimonies of the injured from among:

1- The injured among the protesters

2- The injured among Public Security personnel.

It should be noted that the fact-finding team explained to all witnesses and parties its mission in the field of monitoring and documenting the events, and also explained to them its working mechanism and its aim relating to the preparation of a fact-finding report according to standards governed by objectivity and integrity.

a- Testimonies of Media Professionals

The fact-finding team heard many neutral persons and media professionals who witnessed the events of Thursday and Friday, as follows:

a) Testimony of Sh.Sh., media professional (female)

“I state that on 24 / March/2011, while I was in the Interior Ministry Roundabout area, at around two o'clock in the afternoon on Friday, the roads leading to the Ministry of the Interior had closure points set up by Public Security men to prevent citizens from entering. When I arrived at the circle area, stones began falling sporadically, and it was not known where they were being thrown from or from which direction. The Public Security forces were trying to stop the demonstrators from throwing stones but were unable to do so, as the security men became

¹⁹⁷ In drafting this report, language very close to the colloquial language used during the interviews was employed.

incapable of stopping the stone-throwing. At around four o'clock in the afternoon, while I was moving around as a journalist to gather news from the participants in the sit-in, the stone-throwing increased from the two buildings adjacent to the Petra News Agency building, with more stones, shards of tiles and broken bricks being thrown. A large cargo vehicle (lorry) arrived carrying large numbers of supporters and reached the Interior Ministry Roundabout coming from the Abdali road; they were carrying sticks, clubs and flags, and they drew close to the protesters at about four o'clock in the afternoon. During this, one of the Public Security officers was injured and carried to the yard of the Governorate of the Capital, and since there was no ambulance to provide treatment to the injured, treatment was given to the officer by the protesters in the sit-in tent. After that, the Gendarmerie forces entered, and the protesters began chanting for the Gendarmerie and the security men, as they believed that they would protect them from the supporters and stop the stone-throwing from the buildings adjacent to the Interior Ministry Roundabout. After that, I saw the Gendarmerie forces dispersing the sit-in by spraying them with water hoses and using force against those who refused to leave the circle area. Meanwhile, I saw sporadic fights among civilians, including protesters and supporters, and at that moment I lost control of my nerves and fainted, and a group of young men carried me to the Al-Amal Hospital building."

b) Testimony of 'A.'A., media professional (male)

"I was present from Thursday, 24-3-2011, at the Interior Ministry Roundabout, and matters proceeded as usual, and a spirit of brotherhood prevailed between the protesters and Public Security men throughout Thursday. After half past eleven at night, the electricity was cut off, accompanied by stones being thrown at the protesters by a number of individuals (opposed to the sit-in) who were present opposite the protesters' site, numbering no more than ten persons. This resulted in injuries among the ranks of the protesters, most of them minor, and first aid was given to them inside the medical tent belonging to the protesters. Meanwhile, I heard the protesters chanting 'Revolution, revolution, revolution', and those opposed to the sit-in on the opposite side were responding 'Your sister, your sister, your sister'. Throughout Thursday night I heard verbal altercations between the protesters and those opposed to the sit-in, without reaching the stage of clashes, and I noted that the security forces silenced those opposed to the sit-in. I also noted 3-4 tents set up in the circle area.

On the morning of Friday, 25-3-2011, I came to the Interior Ministry Roundabout area to cover the events of the sit-in from early morning, and I noted that everything went well until the time of the Friday prayer. After the prayer ended, I noted a marked increase in the number of persons present in the circle area (protesters/opponents of the sit-in), in large numbers, as those present began exchanging insults and throwing stones at one another. Meanwhile, the presence of Public Security personnel and officers increased, and after speeches were delivered by some of the protesters, this led to increased tension and a raising of the ceiling of demands and chants. I saw the Gendarmerie forces trying to disperse the sit-in by force using water hoses and sticks, and I saw a number of injuries among the ranks of the protesters and those opposed to the sit-in. I also saw a fight break out among the protesters over transporting the late Khairi Jamil to hospital, and they were directed by Public Security personnel to the ambulance. I also learned that the late Khairi's task was to prepare food for the protesters and that he was not beaten by anyone, according to my information."

b) Testimonies of the 24 March Youth:

a- Testimony of J.S.

The witness stated that he was present on Thursday at the site of the sit-in, where matters proceeded normally. He also stated that the protesters had brought four tents with the aim of setting them up at the site of the sit-in, and added that the sit-in vehicle had been parked under the bridge on the pavement. The witness also mentioned that, during the sit-in, no slogans were raised that undermined national unity or public order in the country, to the best of his knowledge. He stated that on Friday he came to the site of the sit-in before the prayer and withdrew at the beginning of the clashes and did not witness all the events until their end. He stated that a group of young men was present on the side opposite the protesters, raising pictures of His Majesty the King and the Jordanian flag, and they treated the protesters with hostility as being against the country and the regime and began throwing stones at the protesters, whereupon Public Security personnel asked them to stop doing so. During this period, the 24 March Youth received a request to the effect that the sit-in must be dispersed, which led to the withdrawal of some of the protesters while the majority remained. He stated that news circulated among the protesters to the effect that a group of persons was coming from Al-Hussein Gardens, and during that period the number of persons on the opposite side increased, and some of them climbed onto the bridge and others onto the building opposite (under construction), and they all began throwing stones. This happened after the Friday prayer, and “I do not remember the persons who delivered speeches at the circle.” He added that the Gendarmerie forces did not take a decisive stance towards the protesters, as they had been informed that they had the right to freedom of expression. “When those opposed to the sit-in began uttering offensive expressions towards the protesters during that period, I withdrew from the site and went home.”

b- Testimony of M.M.

The witness stated that he came to the site of the sit-in at the Interior Ministry Roundabout on Friday at 12 noon, and on his arrival he saw on the opposite side approximately 50 persons opposed to the sit-in who were hostile and provocative. He also noted a heavy security presence, and the security men prevented the two sides from approaching each other by setting up security barriers; however, the number of opponents began to increase, as did the number of protesters at the circle, markedly, and the other side began throwing stones at everyone, and a number of security personnel and protesters were injured, and there were many injuries. “I went home at 3 o’clock when the stone-throwing began, and the security personnel did not intervene to prevent those persons from throwing stones from the building opposite.”

The witness also explained that the choice of the Interior Ministry Roundabout as the site of the sit-in was intended as an escalation on their part as a result of the Government’s failure to respond to their demands.

c- Testimony of H.M.

He stated that the 24/ March movement is a product of the youth movement within many parties and the social movement, among them the National Initiative for Reform, the Constituent

Association for Change, the Hashd Party and the Islamic Action Front Party, as these institutions share common demands, the principal demand being reform. He added that it is a movement with demands that is independent of its party or institutional affiliations.

The witness mentioned that he was present at the sit-in on Thursday, and there were indeed initial indications of an official inclination to disperse the sit-in, represented by the cutting off of the electricity, the throwing of stones on Thursday and security laxity in providing the required protection. On Friday there were obscene chants from the other side, offensive to the protesters inside the circle, and this was a provocation to the protesters, and the security forces took no action in respect of them. "In the morning, matters were quite normal and the sit-in proceeded normally and without any problems. In the midday hours, the Governor of the Capital came and publicly asked, in front of all the protesters, for a group of persons to represent the protesters before the Minister of the Interior to hold a dialogue with him on their demands. The protesters replied that they wanted an hour's respite to discuss the matter and that the Governor would be informed of the outcome. During this period tension increased, and I do not know who the persons were who delivered speeches or statements after the Friday prayer, but the numbers increased and the other side began pelting the protesters with stones from all directions, and a full-scale clash occurred; however, the security agencies were slow in preventing the other side from attacking the protesters. I saw Gendarmerie buses standing at the site in large numbers, and at that point I realised that there was a desire to disperse the sit-in, and at that point I left the sit-in and did not see the rest of the events except through satellite channels."

d: Witness M.W.

He stated that he attended the sit-in at the Interior Ministry Roundabout on Thursday, arriving at around 3.30 in the afternoon. He went by taxi from the Sports City Circle, and the roads were not closed, matters were proceeding normally and the demands were normal. "I went home at around 6.00 in the evening." On Friday, the witness returned to the sit-in at around 3.00 in the afternoon, and the road from the Sports City Circle to the Interior Ministry Roundabout was closed and vehicles were prevented from entering, only on foot. "I walked to the circle, and on my arrival I was surprised that there was a group of persons throwing stones at the protesters and insulting the protesters, and many persons and a number of security men were injured. At that point I went back towards the Sports City Circle and saw a group of persons talking with police officers about the possibility of letting them in with their cars, and I saw one of them, from the direction of the Specialty Hospital, letting some persons in with their cars. The sit-in was peaceful, and when the clashes began on a large scale I fled from the sit-in, and I hold the Prime Minister, the Minister of the Interior, the Director of Intelligence and the Director of Public Security responsible."

e: Witness S.M.

He stated that he holds responsible all the persons connected with the beating of the protesters, "as I was present on Friday under the Interior bridge, and there was no provocation of any kind from the protesters; the other side began throwing stones and directing insults, in front of the security men, and the harassment began to increase. The protesters were asked by the Governor

of the Capital to elect five persons to hold a dialogue with the Minister of the Interior, and the protesters informed him that the attacks on them must stop and then the dialogue would take place, and he left without giving word. The stone-throwing and harassment increased, and the numbers grew considerably from all directions, and we asked all parties to intervene to prevent attacks on the protesters. As for the deceased person, he was in the first-aid tent and was transported in the Civil Defence vehicle, in front of everyone, to hospital. I am one of the persons who were hit by a stone on my leg, and after that I left the place. I hold the Public Security and the Gendarmerie responsible for the events, for failing to prevent the other side from attacking the protesters with insults and stones.”

c: Testimonies of the Nidaa Watan Youth

Witness A.A.

The witness stated that the idea of Nidaa Watan came to him because of his fear for the homeland, like most Jordanian young people, and he found himself sharing their fear, especially in the recent period and in light of what had occurred in the Arab arena. Accordingly, he went onto the social networking site (Facebook) and created a membership under the name “Nidaa Watan” and spoke of his fears for his homeland, and the number grew every day by about a thousand persons until it has so far reached twenty-three thousand persons. The idea at the beginning was to hold a gathering in the street. He received calls from patriotic persons he did not know, who had taken his telephone number from the social networking site, and they encouraged him to organise a march. Accordingly, they chose a site for the march, namely (Al-Hussein Gardens), to hold (a celebratory gathering), as a public site for people and in order to stay away from any political matters, and there the young people began to get to know one another. There was a large media campaign donated by Jordanian persons and companies, who will be thanked in the daily newspapers later. The witness added that approval was obtained from the Governor of the Capital to hold a one-day gathering at Al-Hussein Gardens, and “Nidaa Watan” announced it on the social networking site on 25/3/2011. He explained that the aim of the gathering was to convey three messages:

1. An international message, namely the rejection of interference by any international party in Jordanian affairs
2. A regional message, namely that Jordanian society has a particularity that distinguishes it from any surrounding society
3. The protection of freedom of opinion and expression

He also explained that the gathering called for at Al-Hussein Gardens on Friday, 25/3/2011, included young men and women and all youth groups from all parts of the Kingdom, and that on the day of the gathering the aim for which they had come out was attacked, as they were subjected to a media blackout and found their Facebook page had been hacked, and even the statement issued by the “Nidaa Watan” gathering was not taken up by any of the editors-in-chief of the daily newspapers.

The witness confirmed that none of the persons who took part in the gathering participated with 24 March, as their celebration at Al-Hussein Gardens began at exactly ten o'clock in the

morning and ended at about five o'clock in the afternoon, the reason being that there was another celebration at the same site. The artists Mutib Al-Saqqar, Hussein Al-Salman and Saad Abu Tayeh joined the "Nidaa Watan" celebration site, and the celebration ended with the Royal Anthem at exactly four o'clock.

Witness 'A.'A.

The witness stated that the young people who gathered for the celebration called for by Nidaa Watan on Friday, 25-3-2011, were university students, and a number of Jordanian persons donated buses to transport the participants to the celebration site (Al-Hussein Gardens). When the celebration ended, the buses departed for their governorates, as there were persons from all governorates supervising the departure of the buses to their governorates. He confirmed that the roads leading to the Interior Ministry Roundabout were closed because of congestion, and that the Public Security forces had also closed the entrances leading to the Interior Ministry Roundabout, and that the distance between the Gardens and the Interior Ministry Roundabout is about 18 km and under normal conditions takes at least half an hour. He confirmed that no person from the Nidaa Watan gathering participated in the 24 March gathering at the Interior Ministry Roundabout.

He also explained that the Nidaa Watan Youth were among those most harmed by the events at the Interior Ministry Roundabout, as all the media were drawn away to the Interior Ministry Roundabout and the demands of the Nidaa Watan gathering were not heard, even by the official authorities. He affirmed that there is no relationship whatsoever between Nidaa Watan and 24 March, and he believes that there is a serious attempt by certain opposition forces and parties to portray anyone who disagrees with the 24 March gathering as an (enemy) of freedom and democracy, adding that the demands of 24 March overlap with their own demands, the difference being that they believe in dialogue for reform.

d: Testimonies of the Injured

The team visited Queen Alia Hospital and interviewed the hospital director, who stated that he was not in a position to provide any information about the persons injured from among the Public Security forces, their health conditions or their injuries, since this information is confidential, and that the Centre may address the General Command of the Jordan Armed Forces to obtain the required information.

The team also visited Prince Hamzah Hospital, and it emerged from the hospital records that the number of injured admitted to the hospital was 6 cases, among them a girl, and that all of them had left except two. Following that, the team visited the injured there, and accordingly the testimonies of the injured were as follows:

1- The injured among the protesters (at Prince Hamzah Hospital)

1- Witness Z.Z.

The witness stated that he took part in the peaceful sit-in on 24/3/2011 at 12 noon at the Interior Ministry Roundabout, the sit-in including various groups of society (youth, leftists, Islamists, communists and independents), and that no verbal abuse or resort to violence came from the

protesters. On the other hand, there was a group of about 60 persons who were uttering obscene language, insults and abuse at the 24 March group and were throwing stones from the northern side opposite the circle, which led to the injury of (5) persons on Thursday, who were given first aid in the medical tent at the circle. The witness also stated that the 24 March group had been made to swear an oath by Mr Sultan Al-Ajlouni not to return abuse with abuse and to remain committed to the peacefulness of the sit-in. He stated that the sit-in remained completely peaceful until three o'clock in the afternoon on Friday, when a number of citizens not exceeding (140) persons were seen coming from the Sports City Circle to the Interior Ministry Roundabout, even though the 24 March group knew that the road had been closed by traffic police. On reaching the Interior Ministry Roundabout, they began throwing stones and insults, and the security forces formed a tight security cordon to protect the 24 March group. The group coming from the Sports City Circle tried to storm the circle, but the heavy security intervention prevented the large groups of those coming from the Sports City Circle from reaching it. After the Friday prayer, a large number of protesters and large numbers of those opposed to the sit-in arrived, and the group coming from the Sports City Circle tried to storm the circle, but the heavy security intervention prevented the large groups of citizens coming from the Sports City Circle from reaching it. As the security agencies present at the Interior Ministry Roundabout became unable to control matters, the Gendarmerie forces intervened to control matters. "When the Gendarmerie forces arrived, they began removing us from the Interior Ministry Roundabout by force, using water hoses and pushing us away from the place where the stones were landing. I remained in the sit-in area, which resulted in my being beaten on the leg and feet; I fell to the ground and was taken to the yard of the Governorate of the Capital building. During this time, my colleague S.S. and I were beaten, abused and insulted by civilians. A major from Preventive Security came and threatened the civilians who had assaulted us, telling them (I am a major in Preventive Security and I am telling you not to beat them), and called the Civil Defence for them in order to take them to hospital; however, the Civil Defence was unable to reach the site of the sit-in because of the chaos that prevailed there, as a result of which I was taken in a Public Security Directorate rescue patrol vehicle to Prince Hamzah Hospital."

- Bruises and contusions were observed on the back and legs. We were unable to obtain a copy of the medical report because the medical file was not available, as it was in the accounts department for the purpose of completing his discharge procedure, the supervising physician having decided that his health condition was stable and warranted discharge with a week's rest.

b-: Witness S.S.

The witness stated: "I learned about the 24 March Youth through facebook, and I am not one of them. On Thursday, 24 March, I learned of the call for the sit-in through the Ammon news website. I had a lunch appointment with a relative of mine who works in the same building in which I am establishing my private business, located on Gardens Street. Until the time of the lunch, I went to the Interior Ministry Roundabout, Gamal Abdel Nasser Square, at exactly five o'clock to see the protesters. On my arrival I saw more than 150 persons on the circle, from various spectrums and many political affiliations. I went over to them, and after talking with them I became convinced that they wanted reform, that they were not politicised and that their demands were reasonable, and they told me of their peaceful sit-in. I was impressed by these

young people, so much so that I sat with them until seven in the evening, because my relative with whom I had the lunch appointment had cancelled. As a result of my admiration for the demands and the young people, I decided to join the sit-in with them, and I cancelled my trip to Lebanon scheduled for Friday.”

He added: “I sat with the protesters and talked with them throughout Thursday night, and there was a security presence in the area, and they did not interfere with the protesters. I also noted the presence of about 20 persons (opposed to the sit-in) on the opposite side, and they had a pick-up and equipment, and when I asked about the equipment they told me that loudspeakers were meant. These persons, meaning those opposed to the sit-in, were insulting the protesters, but I heard one of the policemen say to one of those opposed to the sit-in, ‘I’ll send you back to prison right now’.” The witness continued: “I stayed the whole night with the protesters, and the electricity was cut off several times after 12 o’clock at night and then restored, and every time the electricity was cut off, those opposed to the sit-in would throw stones at the protesters, from below, which resulted in injuries that were not serious. The number of injured reached 45, who were given first aid by the protesters in the medical tent, and one of the injured was taken to a hospital. We collected the stones and used them to draw a map of Jordan, and the injured gathered around the map, and we did not throw even a single stone at those opposed to the sit-in. The police did not try to intervene between us.” When asked about the number of female protesters on Thursday night, he stated that only 10 girls stayed on Thursday night.

He added: “On the morning of Friday, 25/3/2011, I noted that the number of those opposed to the sit-in did not exceed 4 persons, and then the protesters began arriving at the circle, and those opposed to the sit-in also began arriving and insulting the protesters, and the insults from those opposed to the sit-in began to increase. I was on one of the loudspeakers and two others were on other loudspeakers, and I was calling out and chanting for the homeland and for reform (within the demands of the 24 March Youth set out on their facebook page), and I asked the protesters to take the oath not to strike or throw stones at anyone. On the other hand, I noted that the number of those opposed to the sit-in was increasing, from the Sports City Circle specifically, as there were three points through which persons could come to this sit-in: the first was the Sports City Circle, the second point Jabal Al-Hussein, and the third point the Abdali area and the Fourth Circle. During this period, pick-ups of those opposed to the sit-in began to arrive, and stone-throwing began from the Al-Hussein / Al-Istiqlal area. The stones were large and caused serious injuries among the ranks of the protesters, which made us take down the tents to protect ourselves, and here the security forces intervened and surrounded us (a security cordon), and all this was before the Friday prayer.

After the Friday prayer, a large number of protesters and large numbers of those opposed to the sit-in arrived, and the group coming from the Sports City Circle tried to storm the circle, but the heavy security intervention prevented the large groups of those coming from the Sports City Circle from reaching it. As the security agencies present at the Interior Ministry Roundabout became unable to control matters, the Gendarmerie forces intervened to control matters. When the Gendarmerie forces arrived, they began removing us from the Interior Ministry Roundabout by force, using water hoses and pushing us away from the place where the stones were landing. I remained in the sit-in area, which resulted in my being beaten on the leg and feet; I fell to the ground and was taken to the yard of the Governorate of the Capital building. During this time,

my colleague S.S. and I were beaten, abused and insulted by civilians. A major from Preventive Security came and threatened the civilians who had assaulted us, telling them (I am a major in Preventive Security and I am telling you not to beat them), and called the Civil Defence for them in order to take them to hospital; however, the Civil Defence was unable to reach the site of the sit-in because of the chaos that prevailed there, as a result of which I was taken in a four-wheel-drive vehicle to Prince Hamzah Hospital.”

*When asked whether the protesters had thrown stones at the police and those opposed to the sit-in, he stated that it was possible that this had happened, as there were many spectrums in the sit-in: leftists, an Islamist current, trade unionists and independents.

* When asked whether, had the Minister of the Interior asked them to move the site of the sit-in to another place, they would have agreed, he answered yes, and informed us that they would move the site of the sit-in.

Bruises and contusions were observed on the back and legs. We were unable to obtain a copy of the medical report because the medical file was not available.

2- Testimonies of the injured among Public Security personnel

1- Witness 'A.M.

He stated that he had been present at the Interior Ministry Roundabout since 2:30 on Friday and that he was pelted with stones while performing his duty of protecting the protesters, which resulted in a broken elbow; he received treatment at Queen Alia Hospital and was discharged after two days. He mentioned that he was not carrying any weapons or protective gear, and that the Gendarmerie forces intervened as a result of violent confrontations between the protesters and those opposed to the sit-in between 4:30 and 5:00.

2- Witness B.Q.

He stated that he had been present at the Interior Ministry Roundabout since 2:30 on Friday and that he was pelted with stones, resulting in injury to his chest and knee. He mentioned that the protesters deliberately provoked the police, but they paid no attention, and that they tried to win them over to join the sit-in, especially R.A., and that he heard chants calling for the release of Al-Daqamseh and others for combating corruption and amending the Constitution. He mentioned that he was not carrying any weapons or protective gear, and that the Gendarmerie forces intervened as a result of violent confrontations between the protesters and those opposed to the sit-in between 4:30 and 5:00, with a force estimated at 200 persons carrying shields and protective gear.

3- Witness 'A.Z.

He stated that he had been present at the Interior Ministry Roundabout since five o'clock on Thursday evening and that he was pelted with stones while performing his duty of protecting the protesters. He mentioned that sporadic clashes occurred several times between the protesters and those opposed to the sit-in and that he was pelted with stones, resulting in injury to his chest, following which he was taken to Queen Alia Hospital at 12:00 noon on Friday. He

mentioned that the protesters deliberately provoked the police, but they paid no attention, and that they tried to win them over to join the sit-in.

4- Witness M.‘A.

He stated that he was present at the Interior Ministry Roundabout from 2:30 on Friday until 7:30 in the evening, and that he was pelted with stones while performing his duty of protecting the protesters, resulting in injury to his knee and chest; moreover, one of the protesters trod on his head and beat him. The protesters deliberately provoked the police, but they paid no attention, and they tried to win them over to join the sit-in. He mentioned that he was not carrying any weapons or protective gear, and that the Gendarmerie forces intervened as a result of violent confrontations between the protesters and those opposed to the sit-in between 4:30 and 5:00, with a force estimated at 200 persons carrying shields and protective gear, who used sticks to disperse those present and did not beat anyone. He mentioned that the chant that most provoked him was “The 24 March Youth protect the security men from the thugs (baltajiyya)”.

Fourth: Monitoring and Following Websites and Social Networking Sites on facebook.

Websites and the reports and articles published were monitored, including the reports of international organisations, and the social networking sites of both the 24 March Youth and the Nidaa Watan Youth were followed.

Fifth: Collecting Photographs and Video Clips of the Events (Attached).

Sixth: The Slogans Monitored

Many slogans chanted by the protesters were monitored through hearing statements, media monitoring and certain eyewitnesses, as follows:

1. “The people want the amendment of the Constitution”
2. “The people want the downfall of the deputies”
3. The people want the reform of the regime
4. The people want the reform of the Constitution
5. Freedom, freedom, freedom
6. Void, void is the Elections Law
7. The 24 Youth will storm the house and the fire
8. Peaceful, peaceful, peaceful
9. With our soul, with our blood, we sacrifice for you, O Jordan
10. What does “intelligence” mean? Companies, companies, companies
11. Sit here, sit here, the blessing comes from here

12. God, the Homeland, the People
13. Revolution, revolution, revolution
14. 24 March, we will make the decision
15. And now a group of Public Security men will join us
16. Announcement of the support of the JoSat satellite channel for the protesters
17. The people want the downfall of Al-Raqqad
18. Takbir: God is Greatest
19. Down with the Wadi Araba Treaty
20. No to normalisation
21. Neither East Bank nor West Bank, we are Jordanian
22. O Abdullah, O Abdullah
23. Demanding that His Majesty the King come to the circle
24. Demanding the departure of the Government and Al-Bakhit
25. Not leaving the circle until their demands are met
26. No to the Zionist embassy
27. Revolution, revolution, popular revolution
28. No to royal grants (makarim)
29. Constitutional monarchy

Seventh: The Circumstances of the Death of Mr Khairi Jamil

With regard to the death of the citizen Khairi Jamil, since investigating the cause of his death is a technical matter to be determined by the medical authority, and the National Centre for Forensic Medicine is the body competent to determine the cause of death, this report will not cover this incident. It was officially announced that the cause of death was acute heart failure resulting from an enlarged heart and narrowing of the coronary arteries, according to the National Centre for Forensic Medicine. It should be noted that one of the eyewitnesses from among the media professionals stated that the deceased had not been beaten. Accordingly, we leave this matter to the judicial authorities.

Eighth: Findings of the Investigations.

On the basis of all the testimonies and statements relied upon in this report, the fact-finding team concluded the following:-

1. Forces opposed to the sit-in were present in the vicinity of the Interior Ministry Roundabout from Thursday, 24 March, and resorted to throwing stones at the protesters, that is, a full day before the Nidaa Watan Youth organised their gathering in the Al-Hussein Gardens area. The security agencies were able to take the necessary precautions to prevent the stone-throwing from recurring on Friday, 25 March, and to separate the two sides, which was not achieved, despite the efforts made by Public Security men to contain the situation, as evidenced by the large number of them who were injured.
2. The security measures taken to protect the protesters were inadequate, including allowing those opposed to the sit-in to be present on the side opposite the site of the sit-in, which led to the outbreak of violence between the protesters and those opposed to the sit-in.
3. The Gendarmerie forces' resort to dispersing the sit-in by force and expelling the protesters constitutes a grave violation of the right to freedom of assembly, association and expression of opinion.
4. The absence of the language of dialogue among all the groups participating in and opposing the sit-in, and the raising of slogans undermining national unity, a matter that should be dealt with by all parties with the utmost wisdom.
5. The failure of the competent authorities to form an independent commission of inquiry to investigate the events at the Interior Ministry Roundabout and the accompanying assaults on the protesters and the resort to violence and force to disperse the sit-in constitutes an infringement of the guarantees of a fair trial and also encourages impunity.

Ninth: Recommendations

1. Forming an independent and impartial commission of inquiry to investigate the events at the Interior Ministry Roundabout and the accompanying resort to violence, and publishing the findings of the inquiry publicly, including referring those whose responsibility is established to the judiciary.
2. The provision by the security agencies of adequate guarantees of protection for protesters in order to ensure the exercise of the right to freedom of assembly, freedom of association and expression of opinion, so as to prevent clashes from breaking out again in future.
3. The need to expedite the preparation of a suitable venue to ensure that citizens can exercise their right to assembly, association and expression of opinion.
4. All political spectrums must shoulder their national responsibilities and open a dialogue that steers clear of political differences, in order to ensure the safeguarding of the rights of individuals away from all manifestations of violence.

Finally, the National Centre for Human Rights affirms the right of individuals to assembly and their right to freedom of opinion and expression and freedom of association, and that the official authorities must guarantee this right in a manner that does not cause damage to public and private property, obstruct the course of public life or cause harm to public order, public health and public tranquillity.

Annex No. (2): Fact-Finding Report on the Events of Al-Nakheel Square, 15/7/2011

First: Introduction

Proceeding from the mission of the National Centre for Human Rights, namely protecting human rights, disseminating a culture thereof and monitoring the state thereof, and pursuant to its Law No. 51 of 2006, in particular Articles (5 and 10) thereof, which empower the Centre to monitor the state of human rights in the Hashemite Kingdom of Jordan with a view to addressing any abuses or violations of human rights and following up the taking of the necessary measures to that end, including settling them or referring them to the executive or legislative authority or the competent judicial authority in order to halt them and remove their effects, as well as its power to visit any public place in which abuses of human rights are reported to have taken place or to be taking place.

In view of the popular movement which the Jordanian arena has been witnessing since the end of last year, the National Centre for Human Rights has consistently dispatched field teams to monitor and observe the extent to which citizens enjoy the exercise of their right to peaceful assembly and to freedom of opinion and expression, as guaranteed by the Jordanian Constitution and the international instruments ratified by the Jordanian Government. The Centre has previously issued numerous statements and a fact-finding report on the events that took place at the Interior Ministry Roundabout on 25/3/2011.

In continuation of the Centre's approach of monitoring the state of human rights and working to protect them, a fact-finding team was formed to monitor and document the events that accompanied the march and sit-in held on 15 July 2011, with the aim of ascertaining the truth of the events that took place on that day and the assaults committed against the participants, media personnel and security personnel, verifying the effectiveness and adequacy of the measures taken by the competent authorities, and making the recommendations necessary to ensure that no violations recur in the future.

Second: Methodology of Preparing the Report

The preparation of this report followed a methodology based on objectivity, impartiality, accuracy, confidentiality and adherence to international and scientific monitoring standards, consistent with guaranteeing citizens' right to assembly and association and to freedom of opinion and expression. In preparing the report, the fact-finding committee relied on:

1. Studying the general scene that preceded, accompanied and followed the events of Al-Nakheel Square on 15 July 2011.
2. Hearing the testimonies and statements of all parties involved in the events, which included the testimony of the following:
 - a. Participants in the sit-in from all the organising bodies operating under the so-called "Youth Movement Coordination Committee".
 - b. Persons injured in the sit-in, whether in hospitals or at their places of residence or work.

- c. Field commanders of the public security personnel and injured public security personnel.
 - d. Eyewitnesses who participated in the sit-in or witnessed most of the events or a particular incident in particular.
 - e. Journalists who took part in covering the events and who were subjected to assault.
3. Carrying out numerous announced and unannounced field visits to the area of the sit-in and hearing as many testimonies as possible from shop owners and residents of the area adjacent to and overlooking the sit-in site.
 4. Reviewing numerous video recordings taken by the media, the organisers of the sit-in and the Public Security Directorate during the sit-in and the events that accompanied it, which cover almost most of the events, some of which have not been published to date, in addition to scenes circulated on websites.
 5. Monitoring all statements relating to the sit-in issued by all parties, whether official or organising bodies.
 6. Media monitoring of social networking sites and of the coverage of the various media outlets.
 7. Collecting and analysing all information relating to the sit-in and the events that accompanied it, and the reports and statements relating thereto.

Third: National Legislation on the Right to Assembly and Association

Freedom of peaceful assembly is one of the most important established political rights of citizens, which all State organs must respect and must ensure that citizens enjoy and exercise in a manner that achieves its purpose. Perhaps the right to assembly and association, including citizens' right to freely establish parties, associations and trade unions and to carry out their activities to achieve their purposes, as well as guaranteeing citizens' right to peaceful assembly, including holding sit-ins, marches, seminars and peaceful gatherings, constitutes the essence of the exercise of civil, political, economic, social and cultural rights. This is guaranteed by the Jordanian Constitution in Chapter Two thereof, entitled "Rights and Duties of Jordanians", as Article 16 provides: "1. Jordanians shall have the right to hold meetings within the limits of the law. 2. Jordanians shall have the right to establish associations and political parties, provided that their objects are lawful, their means peaceful and their by-laws not contrary to the provisions of the Constitution. 3. The establishment of associations and political parties and the control of their resources shall be regulated by law."

Article 15 thereof also affirms that: "The State shall guarantee freedom of opinion, and every Jordanian shall freely express his opinion by speech, writing, photography and other means of expression, provided that he does not exceed the limits of the law. 2. Freedom of the press and printing shall be guaranteed within the limits of the law."

The Law Amending the Public Meetings Law No. 5 of 2011 also provides that a public meeting is "a meeting held to discuss a matter related to the public policy of the State", and it confined itself to requiring notification of the holding of a meeting or the organisation of a march to be

given to the administrative governor at least forty-eight hours before the date set for either of them.

Standards for the Use of Force by Law Enforcement Officials

The authority vested in law enforcement officials to use force entails a great responsibility to ensure that this authority is exercised lawfully and effectively, since the task entrusted to them is difficult and sensitive in that: they have a duty to provide protection and security to demonstrators, and at the same time a duty to protect public and private property from any acts that may cause harm thereto, and a duty to ensure that demonstrators are not assaulted by holders of the opposing opinion. Accordingly, we find that the functions of law enforcement officials are multiple and intertwined and require full awareness of the roles entrusted to them. International standards have permitted the use of force within clear controls and foundations, the essence of which is the two principles of necessity and proportionality, which mean that force shall not be used by the police except in cases of extreme necessity for the purpose of enforcing the law and maintaining public order, and that the use of force shall be proportionate to the gravity of the violations committed by individuals and the harm that may befall individuals and public and private property. This is regulated at the international level in the Code of Conduct for Law Enforcement Officials adopted by the General Assembly in resolution 34/169 of 17 December 1979, Article 2 of which provides: “In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons”; Article 3 provides: “Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty”; and commentary (b) on the same article provides that “the principle of proportionality ... in no case should this provision be interpreted to authorize the use of force which is disproportionate to the legitimate objective to be achieved.”

In accordance with Principle 13, in the dispersal of assemblies that are unlawful but non-violent, law enforcement officials shall avoid the use of force or, where that is not practicable, shall restrict such force to the minimum extent necessary.

Principle 14 also provides that “in the dispersal of violent assemblies, law enforcement officials may use firearms only when less dangerous means are not practicable and only to the minimum extent necessary. Law enforcement officials shall not use firearms in such cases, except under the conditions stipulated” therein.

Principle Five also provides that whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall exercise restraint in such use and shall minimise damage and injury and respect and preserve human life, and, to achieve these ends, they shall ensure that medical assistance is rendered to any injured or affected person at the earliest possible moment and that relatives or close friends of the injured or affected person are notified.

The Jordanian legislator has regulated this power in the Public Security Law and in other laws such as the Correction and Rehabilitation Centres Law, the Penal Code and the Public Meetings Law, as Article Nine of the Public Security Law provides: “Members of the Public Security Force may resort to the use of force to the extent necessary for the performance of their duties,

provided that its use is the only means thereto, and the use of weapons shall be confined to the following circumstances and for the following reasons:

First: To arrest:

1. Any person sentenced to a penalty for a felony or misdemeanour or to imprisonment for a period exceeding three months, if he resists or attempts to escape.
2. Any person accused of a felony, or caught in the act of a misdemeanour the penalty of which is not less than six months, if he resists or attempts to escape.

Second: When guarding prisoners, in the circumstances and under the conditions stipulated in the Prisons Law.

Third: To disperse a gathering or demonstration involving at least seven persons, if it exposes public security to danger, in which case the order to use arms shall be issued by a superior whose orders must be obeyed. In all the foregoing circumstances, it shall be observed that firing is the only means of achieving the aforementioned purposes, and the security officer shall begin with a warning that he will open fire, then resort to firing thereafter, and the warning shall be given by blowing a bugle or whistle or by any other means of this kind, or by firing a pistol that emits a light signal.”

As for the Penal Code, Article 167 thereof provides that:

“1. If people gather in the manner set out in Article (164), and one of the representatives of the administrative authority, or the police chief, or the area commander, or any police or gendarmerie officer warns them to disperse by blowing a bugle or whistle or by any other means of this kind, or by firing a pistol that emits a light signal.

2. If the persons gathered persist in assembling with the intent of causing riot after being warned by the means mentioned in the preceding paragraph, or after the order to disperse has been issued to them, within a reasonable period, or if the gathered persons prevent their dispersal by force, any of the persons mentioned in the preceding paragraph, and the police or any persons assisting either of them, may take all measures necessary to disperse those who remained gathered in the aforementioned manner or to arrest any of them, and if any of them offers resistance, any of the aforementioned persons may use the necessary force within reasonable limits to overcome his resistance.”

Article Seven of the Public Meetings Law also provides as follows: “The administrative governor may order the breaking up of a meeting or the dispersal of a march if he considers that the course of either of them may lead to exposing lives or public or private property to danger or to prejudicing public safety.”

Fourth: The General Atmosphere that Preceded and Accompanied the Sit-in

The Jordanian arena has witnessed a popular movement demanding political and economic reforms and the combating of corruption,¹⁹⁸ which coincided with the outbreak of the “Arab popular revolutions” in Tunisia, Egypt, Yemen, Libya and Syria since late 2010. The Government and the security authorities dealt with the right of individuals to meetings and peaceful protests in a manner characterised, for the most part, by respect and protection. The security forces did not obstruct the demonstrators or prevent them from exercising their constitutional right to peaceful assembly; rather, they confined themselves to closing the roads leading to the sites of the demonstrations and protests, and on some occasions offering them juice and water.

During these marches, the demonstrators raised several political, economic and social demands, “the most important of which were the dismissal of the Government, the abrogation of the Jordanian-Israeli peace treaty, the reform of the regime, combating financial and administrative corruption and holding those responsible accountable, and providing job opportunities”. Over the past months, these demonstrations and marches extended to include a number of the main cities, such as Amman, Irbid, Karak, Ajloun, Ma’an, Madaba, Tafileh and Zarqa.

This popular movement resulted in the Government taking numerous measures to meet some of these popular demands in various social, economic and political fields, the most important of which was the formation of the National Dialogue Committee, whose task was to conduct an intensive national dialogue on the legislation relating to the system of political and party action, and in particular to review and draft a bill on the elections law and a bill on the political parties law. A Royal Committee was also formed to review the provisions of the Constitution with a view to making amendments leading to guaranteed political reforms that take into account the recommendations to be issued by the National Dialogue Committee relating to the constitutional amendments connected with the elections and political parties laws. The Government also amended the Public Meetings Law and prepared a comprehensive study for the restructuring of the public sector.

Despite all the governmental attempts to respect the right of individuals to peaceful assembly and to freedom of opinion and expression, this did not prevent the occurrence of some events and violations, the most important of which were what happened at the Interior Ministry Roundabout on 25 March, and in Zarqa Governorate on 15/4 in confrontations between the public security forces and Salafist groups, in addition to the confrontations that took place in the Al-Karama area in the Middle Jordan Valley on 15/5, and culminating in the events that took place on 15 July in downtown Amman. It is worth mentioning that the National Centre for Human Rights issued a fact-finding report on the events of 25 March, and also addressed His Excellency the Prime Minister regarding the Zarqa events.

¹⁹⁸ The number of these activities during 2011 reached, according to statements by the Minister of the Interior, (2229) activities, ranging between sit-ins, demonstrations, marches and strikes. Al-Ghad newspaper, 25/7/2011, quoted from the link: <http://alghad.com/index.php/article/487256.html>

At the end of May, the youth movement began calling for the holding of an open-ended sit-in in July, specifically on 14/7/2011. This announcement of the date was accompanied by an exchange of statements between the Government and the organising body, as the Government and some political and social forces cast doubt on the significance of choosing this day, whereupon the organising bodies postponed the date of the sit-in in order to avoid any misunderstanding and continued to prepare for holding the sit-in on a new date. In a remarkable development, and following the issuance of a fatwa by one of the leaders of the bodies participating in the sit-in, the Government announced that it had taken a position refusing to permit the holding of an open-ended sit-in.

Fifth: The Facts of the Day of the Sit-in

Delegations of protesters began heading towards the Al-Husseini Mosque in downtown Amman from ten o'clock in the morning on Friday, 15 July 2011, in response to the call of the Coalition of Jordanian Youth Movements, which had begun calling for and preparing for the sit-in since late May, as mentioned above. On the same day, the Public Security Directorate closed the roads leading to the site of the march and the sit-in from the early morning hours and at a distance from the sit-in site, having secured the site since the night hours.

After the Friday prayer was performed, the march set off from in front of the Al-Husseini Mosque, its numbers estimated by observers at five to six thousand persons, in which young people, the elderly, women and children took part. It was preceded by another march of holders of the "opposing opinion", whose numbers reached approximately 50 persons, amid a dense security presence that formed a human barrier between the two marches. During the march, the Coalition of Youth Movements raised numerous banners on which was written: "O Jordan, march on towards reform and change", "We want political, social and economic reforms", "The people want to reform the regime", "Yes to the reform that builds the future for generations". The voices of the participants in the march also rose with numerous chants, including: "A plank on a plank, high up, O flag of Jordan, O dear one; O young men, join us, so that we may see Jordan before our eyes, and Jordan is ours and its right is upon us; O Ma'arouf, where is reform? The people want to rest; and O Ma'arouf, leave, and work is known (ma'rouf), and we, the police and the army, are gathered together by the crust of bread; O man of security, O son of my uncle, your blood is my blood and your concern is my concern, and our sit-ins are peaceful until we attain freedom ... etc.", while the other march raised pictures of His Majesty King Abdullah II, repeating national songs.

The march proceeded in a well-controlled and organised manner and was free of incidents disturbing its course, amid control and good conduct on the part of the public security personnel, who surrounded the march of the youth movement and prevented any clash between the two marches until the march reached Al-Nakheel Square. When the organisers of the march, the "Coalition of Youth Movements", wanted to proceed towards the garden adjacent to Al-Nakheel Square (the Mosque Square), a number of public security officers and personnel, who formed a large human barrier, stopped them and prevented the march from advancing, and asked them to head towards Al-Nakheel Square, which was the place designated for them from the point of view of the Public Security Directorate, while another section of the march headed towards Al-Nakheel Square, which was surrounded by metal barriers.

Meanwhile, the leadership of the march began negotiating with the field commanders of the public security to open the road in front of them so that they could proceed towards the Mosque Square, which the leadership of the march considered the most suitable place for holding the sit-in for several reasons from its point of view, namely the presence of dense trees shading them from the sun's rays, in addition to its containing a carpet of green grass to sit on, and that it is an open place that facilitates entry and exit. However, the negotiation process did not last long, amid each side's insistence on its point of view. While the organisers of the march affirm that there was no prior agreement on the place where the sit-in was to be held, the field commanders of the Public Security Directorate affirmed that the place designated for the protesters was Al-Nakheel Square, which was the place chosen by the organisers themselves and announced through the social networking site Facebook on the eve of the day of the sit-in. The negotiation process resulted in a verbal altercation between public security personnel and some of the leaders of the march, which soon developed into a scuffle accompanied by raised voices and shouting from both sides, whether those demanding that the road be opened to proceed forward or other voices from public security personnel demanding that they head towards Al-Nakheel Square. Very quickly, and as a result of the scuffle between the two sides, matters slipped out of the control of senior public security officers, as some public security personnel attacked the crowds of protesters and began pushing them back. Matters then developed with a number of public security personnel chasing the protesters and assaulting them by beating, using everything within their reach, including tools such as "batons not used by the Public Security Directorate, skewers, braziers and ladders" taken from the neighbouring shops, in addition to their use of their military belts. They also kicked many of the participants in the march, journalists and citizens with their feet and hands and with whatever was available to them, amid the protesters chanting "Peaceful, peaceful" as an expression of their rejection of violence and an affirmation that they would not resort to it. It also appeared clearly from the testimonies and images provided to the National Centre that individuals who were not competent participated in the beating and in the attack on citizens, such as traffic police. Numerous cases were monitored which revealed the insistence of public security personnel on chasing some protesters with the intention of assaulting them without any resistance being offered by those assaulted, which indicates that public security personnel failed to exercise restraint and to comply with the orders of the field commanders, and that they rushed to use force in an unjustified manner.

It became clear to the Centre's team, through numerous eyewitness statements, that public security personnel were, at the moment of the assault on the protesters, divided into two groups: one group trying to calm things down and deter individuals from continuing to beat the protesters, the majority of whom were officers, while the other group, namely public security personnel, paid no heed to the calls directed to them by the officers urging them not to beat the protesters and to fall back.

The beating and assault were not confined to the participants in the march, but extended to affect some journalists, media personnel and women, and some witnesses even affirmed to the Centre that a number of citizens who had not participated in the march, but were walking in the street carrying their belongings, were also subjected to beating.

It is worth mentioning that the assault clearly affected journalists, despite the existence of a prior agreement between the Public Security Directorate and the Jordan Press Association for journalists to wear special vests distinguishing them from the other participants in the march, and their commitment to the agreed instructions. Eyewitnesses also confirmed to us that a number of journalists, upon their arrival at the media office of the Public Security Directorate at the site to receive the vests designated for them, were informed that the quantity had run out as a result of the arrival of numbers of journalists and media personnel exceeding the expected number.

The assault resulted in the injury of a number of protesters, who were unable to obtain medical reports for fear of being pursued and arrested, as had happened in previous events, as well as the injury of many journalists. Their injuries ranged from fractures of the hands and legs, chest injuries and torn tendons, to severe bruises, in addition to the destruction of much property belonging to the protesters, journalists and shop owners, as well as terrorising the participants in the march and depriving media personnel of performing their professional duties by breaking cameras, cutting off live broadcasts and preventing filming.

Thereafter, the organisers continued their sit-in inside Al-Nakheel Square, their numbers having dropped to approximately 300 persons compared with their number when the march began, while the number of public security forces who took turns securing the march and the sit-in site was estimated at “1200” persons, until the Gendarmerie forces arrived in large numbers, their personnel carrying clubs, and surrounded Al-Nakheel Square from all sides. As a result of the protesters’ feeling that there was an intention to evacuate them by all means, the leadership of the sit-in held a meeting during which it decided to suspend the sit-in in order to spare bloodshed and preserve the safety of the protesters. At exactly six o’clock on Friday evening, the Gendarmerie forces began making way for the protesters, who in turn began leaving the square gradually, thereby announcing the end of the sit-in.

It is worth mentioning that the National Centre team heard the testimonies of a number of public security personnel, who affirmed that during the events they were subjected to beating, harm, insults and abuse by the protesters. However, eyewitnesses affirmed that none of the participants in the march attacked public security personnel or used abusive language against them. It should be noted that the fact-finding team was unable to visit the injured public security personnel in hospitals, nor was it able to review any medical reports.

Sixth: Conclusions

After the fact-finding committee completed its work relating to collecting information, hearing the testimonies of all parties, reviewing the video tapes that the team was able to obtain from all parties and from the media, and the official and unofficial statements preceding and following the sit-in, and analysing all the facts, the committee concluded the following:

First: The National Centre for Human Rights monitored an early call for holding an open-ended sit-in by the Coalition of Jordanian Youth Movements **on 14/7/2011**, which stirred controversy in the Jordanian arena regarding the significance of choosing this day, prompting the Coalition to change the date of the sit-in to 15/7/2011 in order to avoid any

misunderstanding regarding this date. The call for this sit-in was accompanied by media campaigns through social networking sites and some media outlets.

Second: The Government announced in advance its refusal to permit any open-ended sit-in, as confirmed by the statement of the Prime Minister one day before the sit-in that “no open-ended sit-in will be tolerated”, as well as the statements of the Minister of the Interior and the Minister of State for Communication and Media Affairs that preceded the day of the sit-in, and the statements of the Minister of the Interior that came after the assault, in which it was stated that “Jordan will not allow the Tahrir Square experience to be repeated”.

Third: The organising bodies announced the time and place of the sit-in without abiding by the provisions of the Public Meetings Law, Article Four of which requires that notification of the holding of a meeting or the organisation of a march be submitted to the administrative governor at least forty-eight hours before the date set for either of them, and that such notification include the names of the organisers of the public meeting or march, their addresses and signatures, and the purpose of the meeting or march and the place and time of each of them.

Fourth: The march set off from the designated place and at the designated time with complete ease and smoothness, preceded by a march of holders of the opposing opinion consisting of a limited number of persons. It was clear that the security authorities took organisational measures to ensure the safety of the protesters, as human barriers were placed on both sides of the march route, behind it and in front of it, to separate the march from the march of holders of the opposing opinion, in addition to placing metal barriers on both sides of the road.

Fifth: The general character of the march, from its setting off until the beginning of the dispersal of the sit-in, was distinguished by good organisation and the raising of peaceful slogans and chants that did not depart from the rules of public order and morals, and the content of the demands called for political and economic reform and combating corruption.

Sixth: The march of holders of the opposing opinion, which preceded the march, carried out numerous acts that provoked the feelings of the participants in the original march, as it portrayed the participants in the original march as carrying out illegitimate acts outside the law, noting that their slogans did not include any demands but merely national slogans that are the subject of consensus among all Jordanians, which casts doubt on the seriousness of the march. It raises questions about the extent of its contribution to inciting the feelings of all (the protesters, citizens, public security personnel and media personnel) regarding the legitimacy of exercising this right.

Seventh: The absence of the language of productive dialogue between the organisers and the field commanders of the public security, and the failure to reach a solution to settle the dispute over the place designated for holding the sit-in in light of the difference of points of view regarding this place.

Eighth: It has been established that a number of public security personnel assaulted the participants in the sit-in, and this assault took several forms, the most important of which were: assault by beating and harm using various tools, the destruction of private property, insults, defamation and humiliation. Owing to the illegitimacy of these assaults and with the aim of

preventing their documentation by media personnel and others, since a large number of media personnel were present, public security personnel deliberately and clearly targeted every person carrying a camera or a tool for documenting the acts of assault, attempted to break and destroy that tool, assaulted them by beating and harm, and pursued them if they fled.

Ninth: It became clear from the use of force by public security personnel that it was unjustified, owing to its lack of necessity and its disproportionality, proceeding from the nature of the circumstances prevailing at the sit-in, as there was no reason prompting public security personnel to use force or to use it excessively, and their failure to exercise restraint to minimise harm and injuries, in addition to their failure to comply with international and national standards in the exercise of their powers to enforce the law and use force. This is evidenced by the gathering of more than five persons, in some cases, against one person and assaulting him collectively despite his not showing any sign of resistance, as well as the attempt of more than one security officer to chase some of the persons fleeing.

Tenth: The inability of the field commanders to protect the participants in the sit-in from the assaults of public security personnel, despite repeated assurances that the aim of all the measures taken by the security organs was to protect the participants in the sit-in. The investigation report issued by the Public Security Directorate stated the following: “Upon public security personnel present at the scene seeing their colleagues injured and hearing the insults from the protesters, a clash occurred with the protesters, whereupon those personnel beat some of the protesters as a result of what was previously mentioned, using tools and sticks they had obtained from the place.”

Eleventh: The inadequacy of the arrangements made by the Public Security Directorate to protect journalists. These measures contributed to identifying media personnel and assaulting them extensively while they were performing their professional duties in documenting the assaults on the protesters, as the number of those assaulted reached (16) media personnel, whose injuries ranged from insults, defamation, humiliation and harm that may amount to causing permanent disability in some cases, and the destruction of their private property.

Twelfth: The inadequacy of the measures and procedures taken by the Public Security Directorate, whether legal or disciplinary. The report issued by the Public Security Directorate to date appears not to contain an accurate and objective diagnosis of what happened, and therefore did not reach results leading to the prosecution of the perpetrators of the acts of assault on the protesters and media personnel. This raises a question about the extent of the urgent need to review the legislative and disciplinary system relating to the prosecution of law enforcement officials in order to ensure that there is no impunity.

Seventh: Recommendations

In light of the facts and realities established by the Centre as a result of its collection and analysis of information and evidence, the Centre stresses the urgent necessity of adopting the following recommendations in order to ensure that all citizens enjoy their civil and political rights, foremost among them the right to freedom of opinion and expression, the right to peaceful assembly and the right to physical integrity:

First: The necessity for the investigation committee formed by the Director of Public Security to complete its work promptly and to try everyone proven to have committed, participated in, known of or remained silent about the assaults suffered by the protesters and media personnel, according to procedures characterised by justice and transparency, and to publish its results to public opinion as quickly as possible.

Second: The necessity of stressing the importance of the role played by media personnel in fact-finding and documenting the facts, which requires that this role be understood by law enforcement organs, entailing the facilitation of their tasks and the provision of the security and protection necessary to carry out this role.

Third: Stressing the necessity for all political and intellectual movements and currents to comply with the legal procedures regulating the exercise of the right to peaceful assembly and freedom of opinion and expression, by notifying the competent administrative governor of the time and place of holding activities, in order to enable the competent authorities to take the measures guaranteeing the implementation of the activity at the designated time and place, and to ensure the safety and security of the participants therein.

Fourth: Holding the Government responsible for the necessity of compensating all protesters and media personnel affected for all the harm suffered by them, whether material or moral.

Fifth: Stressing that no members of the security organs shall participate in protecting marches and sit-ins or dispersing them, where the legal and international conditions and controls for doing so are met, except after receiving adequate training on international standards relating to human rights and the controls for the use of force during law enforcement operations; and the necessity of taking all measures necessary to ensure the identification of every public security and Gendarmerie officer participating in law enforcement operations, by clearly displaying his name or number to the public.

Sixth: The necessity of following international standards relating to the investigation of violations committed by law enforcement officials, and reviewing the legislative system so as to assign the task of investigating and adjudicating them to the regular judiciary, in order to ensure the promptness, comprehensiveness, effectiveness, immediacy and impartiality of the procedures.

Seventh: Taking all procedural measures necessary to ensure that more than one intellectual and political activity is not held at the same time and place.

Annex No. (3): Press Statements Issued by the Centre during 2011

Statement Issued by the National Centre for Human Rights on Public Freedoms and the Desired Political Reform¹⁹⁹

The National Centre for Human Rights is following with great interest the political developments taking place successively in Arab States, and wishes on this occasion to affirm, first of all, that the peoples and societies of the Arab world have, in recent decades, been subjected to numerous violations of human rights, the exclusion of citizens from decision-making, and unjustified restriction of the public freedoms of citizens at more than one level, beginning with freedom of opinion and expression, peaceful assembly, freedom to form trade unions, associations and parties and to join them, and participation in the management of public affairs through a modern election law that represents all citizens without marginalisation or discrimination and leads to free and fair elections, in addition to the major violations of economic and social rights, foremost among them the spread of the phenomena of poverty and unemployment, and the resulting disintegration of the social system and the spread of societal violence. All of this was accompanied by Arab regimes ignoring any call to improve the situation of the rights of the Arab citizen, which was manifested in the failure to seek to enact legislation and adopt policies and to take measures capable of alleviating the suffering of their peoples; this led to serious political, societal, economic, cultural and intellectual imbalances, which in turn led to the existence of a real crisis that has begun to erode the social, cultural, economic and political fabric of these States.

The National Centre for Human Rights appreciates the directives of His Majesty the King to the new Government to launch a process of genuine political reform to strengthen democracy, increase citizens' participation in decision-making, and build effective institutions that embrace programmatic work with effectiveness and transparency, governed by modern and contemporary legislation consistent with the best democratic standards.

The Centre takes this opportunity to affirm the slowness of successive Jordanian Governments in implementing political reform and economic and social reforms in accordance with the Constitution, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and the failure to unleash and strengthen public freedoms, in particular freedom of opinion and expression, freedom of the press and media, freedom of assembly and freedom to establish trade unions and associations; the absence of genuine popular participation of citizens in formulating and adopting policies relating to their political aspirations and economic interests; and the failure to achieve social justice and equality between individuals and equal opportunities in accordance with the Constitution, in particular with regard to admission to universities, scholarships and appointment to public posts, which are among the matters that constitute the greatest threat to the security of the homeland, the safety of society and national unity.

¹⁹⁹ Published on the website of the National Centre for Human Rights on 3/2/2011 at 3:37:36 PM via the electronic link: <http://www.nchr.org.jo/Arabic/tabid/95/mid/448/newsid448/44/Default.aspx>

The Centre also stresses that its recommendations contained in the annual reports issued by it, aimed at strengthening the democratic approach and unleashing and strengthening freedoms by calling for the amendment of the legislation regulating them and the lifting of the restrictions imposed by the executive authority on these rights and freedoms, have not received a listening ear from the Governments that have succeeded one another in power. A detailed analysis of the extent of the Government's response to the recommendations made by the Centre in its successive reports has shown that Governments have not implemented approximately (85%) of the Centre's recommendations, without any convincing or justified reason, which casts doubt on the absence of an official orientation at the executive level towards strengthening political rights and freedoms. This can be inferred from the continued application of many of the laws regulating public freedoms that contain provisions contrary to the Constitution and to the international standards contained in the international human rights conventions ratified by the Hashemite Kingdom of Jordan, including the Public Meetings Law, the Crime Prevention Law, the Societies Law, the Elections Law, the Political Parties Law, the Trade Unions Law, the Press and Publications Law and other legislation regulating civil and political rights and public freedoms, which His Majesty the King has directed the new Government to amend in a manner consistent with democratic standards.

While the National Centre for Human Rights affirms the necessity of strengthening public freedoms and popular participation in decision-making as an essential and urgent requirement for embarking on genuine reforms, it once again stresses, proceeding from its keenness for the security of the homeland and the citizen, the necessity of introducing fundamental reforms in the legislation and policies relating to rights and public freedoms, foremost among them the adoption of a new elections law that constitutes a genuine pillar of democracy and a gateway to achieving broader popular representation and achieving greater justice in the distribution of electoral districts and broadening the base of political participation, as it is the vehicle of all rights and freedoms. It also stresses the importance of unleashing freedom of opinion and expression and the adoption of new laws on public meetings, political parties, associations and trade unions that are consistent with the Constitution in letter and spirit and in line with the international standards to which Jordan has committed itself, and that strengthen rights and public freedoms.

The Centre considers that unleashing and strengthening political freedoms would contribute to improving the economic and social conditions in the State. However, this does not relieve the authorities of the necessity of conducting a comprehensive review of the legislation and policies relating to economic, social and cultural rights guaranteed by the Jordanian Constitution and provided for in international conventions and instruments, foremost among them the International Covenant on Economic, Social and Cultural Rights; evaluating the extent of the success of these policies in achieving citizens' enjoyment of these rights; and making the necessary amendments to legislation and enacting legislation and adopting new policies and procedures based on the results of this comprehensive review, so as to work towards achieving a decent standard of living for every citizen and justice in the distribution of the gains of development through a genuine national partnership between the public and private sectors.

The Centre affirms that, when speaking of any initiative to amend legislation or policies, it is necessary to point to an essential element that contributes to the adoption of these initiatives by

the various segments of society, namely dialogue with the various relevant bodies, such as trade unions, parties, civil society associations and institutions, non-governmental organisations and elected bodies, and taking into account the opinions and recommendations of these bodies, which represent the various segments of Jordanian society, and adopting them. In addition, it must be stressed that these bodies and institutions have a duty to develop themselves and activate their role so as to ensure the best representation of their members or of the groups they represent, and to increase the Jordanian citizen's confidence in them and in their ability to achieve part of his demands.

The Centre affirms to the new Government the necessity of re-reading the National Charter, on which all the political spectrums of Jordanian society agreed, and the National Agenda for Political, Economic and Social Reform adopted in 2005, as well as the recommendations of the successive reports of the National Centre for Human Rights, in order to guarantee citizens' rights in the desired political, economic and social reform.

The National Centre for Human Rights Calls on the Government to Adopt the Rest of Its Recommendations Regarding the Public Meetings Law²⁰⁰

The National Centre for Human Rights has followed with great interest the amendments introduced by the Government to the Public Meetings Law, which was recently submitted to the House of Representatives. It became clear to the Centre that the Government adopted only two of the recommendations submitted by the Centre to the Government during the past week, as Article (4) was amended, which re-formulated the provisions of the law to be consistent with the letter and spirit of Article 16 of the Jordanian Constitution by simplifying the procedures for holding public meetings or marches upon the mere notification of the administrative governor thereof, and Article (8) was amended by abolishing the provision that imposed joint liability on those requesting the holding of a meeting or the organisers of a march together with those causing the damage that participants in the meeting or march may cause. However, the Government did not adopt the rest of the recommendations of the National Centre for Human Rights, which relate to the following:

Establishing objective and specific controls that include limiting the absolute power held by the administrative governor to break up a meeting, by obliging the administrative governor and the security forces to consult with the organisers of the meeting or march in the event of any breach of security and order before breaking up the meeting.

Redefining the meeting contained in the law, drawing on the definition contained in Law No. 60 of 1953, so that the definition of a public meeting is amended to become (a meeting or activity to which any body calls for a purpose relating to public affairs and to which the invitation is public).

²⁰⁰ Published on the website of the National Centre for Human Rights on 1/3/2011 at 9:37:03 AM via the electronic link: <http://www.nchr.org.jo/Arabic/tabid/95/mid/448/newsid448/55/Default.aspx>

Including in the law everything necessary to guarantee the exercise of this right, and the law may not contain provisions that refer the regulation of these matters to instructions issued by the Minister.

The Centre calls for the necessity of adopting these recommendations so that the law conforms with the provisions of the Constitution and the international covenants and instruments signed by Jordan, which it has committed itself to and published in the Official Gazette.

Statement Issued by the Centre on the Occasion of International Women's Day²⁰¹

On this day, 8/3/2011, the world celebrates International Women's Day in appreciation of women's role in the various spheres of life and as a result of women's persistent struggle to demand equality and non-discrimination. Women have deserved this appreciation after a long struggle that was not granted to them by anyone, as the world witnessed, at the beginning of the twentieth century, a broad workers' movement led by women owing to the discrimination they suffered in the field of the right to work and vocational training.

The Charter of the United Nations of 1945 was the first international instrument to establish the principles of equality between men and women, which were later entrenched in the Universal Declaration of Human Rights of 1948. Since then, the United Nations has been working to develop and advance the status of women in the world, having held four international conferences in this regard, the most important of which was the Beijing Conference in 1995, which laid the cornerstone for achieving equality between men and women. The achievements at the international level were embodied in the creation of the post of Assistant Secretary-General for Women's Affairs at the end of last year.

At the national level, Jordan ratified the Convention on the Elimination of All Forms of Discrimination against Women in 1992, and this Convention was published in the Official Gazette in 2007 so as to become part of the national legislative system. This Convention seeks, as a whole, to promote justice and equality by limiting discriminatory practices against women. Although the Jordanian State has adopted legislative texts consistent with the provisions of this Convention, and good achievements have been made for women in the fields of education, health and social welfare, there are many obstacles facing women and impeding their progress, for several reasons, including the lack of harmony between the practical reality of women's work and the legal developments in this field, the weak participation of women in political and economic life, the wage gap between the sexes, the continuation of violence in all its forms, the weakness of official data and information on violence against women in all its forms, and the small number of specialised institutions providing services to women subjected to violence.

In this context, the National Centre for Human Rights recorded (770) complaints in 2010, approximately 30% of which were complaints from women who had been harmed. The Centre undertakes to deal with complaints relating to women by addressing the competent bodies, whether governmental or non-governmental. The Centre also undertakes mediation and

²⁰¹ Published on the website of the National Centre for Human Rights on 8/3/2011 at 9:23:05 AM via the electronic link: <http://www.nchr.org.jo/Arabic/tabid/95/mid/448/newsid448/62/Default.aspx>

reconciliation between the disputing parties and communicates with witnesses to strengthen investigations relating to complaints and cooperation with other bodies such as the Family Protection Department or the Ministry of Social Development.

Out of the National Centre for Human Rights' keenness on the necessity of institutionalising joint work, tomorrow, on this occasion, a memorandum of understanding will be signed between the partners concerned with providing and making available the various services to women subjected to violence, namely the Ministry of the Interior, the Ministry of Social Development, the Public Security Directorate / Family Protection Department, the Jordanian National Commission for Women and the National Centre for Human Rights. This memorandum aims to support joint work in the field of complaints of women subjected to violence, to strengthen joint cooperation and the exchange of information and data on violence against women, in addition to joint coordination with regard to confronting violence against women through the implementation of joint activities and programmes in the field of combating violence against women.

The National Centre for Human Rights notes the increasing attention that women's rights receive from the international human rights bodies and organisations concerned, and the reports and recommendations they issue, and the obligations entailed thereby for States, as well as the voluntary pledges made by Jordan upon its candidature for membership of the Human Rights Council, which included its commitment to supporting women and promoting equality, in addition to the recommendations issued by the Universal Periodic Review mechanism, which the Jordanian Government accepted in February 2009, the most important of which is conducting a comprehensive review of legislation relating to discrimination and violence against women. With reference to the results of the meetings of the Arab-European Dialogue on Human Rights on women's rights and gender mainstreaming, the National Centre for Human Rights considers that it is necessary to establish a committee concerned with women's affairs within the House of Representatives in the framework of the study of the Rules of Procedure of the House of Representatives currently being implemented, as a step towards entrenching women's rights and highlighting their political and social standing at the national level.

The National Centre for Human Rights takes this opportunity to affirm the participatory role of governmental bodies and civil society organisations working in this field in implementing the political, economic and social reform approach for women, for the benefit and welfare of women and all segments of society.

Statement of the National Centre for Human Rights on the Events of Jamal Abdel Nasser Square – the Interior Ministry Roundabout on Friday, 25/3/2011²⁰²

Amman, 26/3/2011

Pursuant to the Law of the National Centre for Human Rights, which requires it to monitor abuses and assaults on human rights and public freedoms and to take the necessary follow-up

²⁰² Published on the website of the National Centre for Human Rights on 27/3/2011 at 9:08:12 AM via the electronic link: <http://www.nchr.org.jo/Arabic/tabid/95/mid/448/newsid448/68/Default.aspx>

action in respect thereof, the National Centre for Human Rights has followed with great concern and deep condemnation the state of chaos and riot witnessed at Jamal Abdel Nasser Square – the Interior Ministry Roundabout yesterday evening, Friday, 25/3/2011, as a result of what was done by a group of persons rejecting the principle of the sit-in, and their protest at the disruption of public service facilities as a result of a group of young people holding an open-ended protest sit-in against government policies since noon on Thursday, 24/3/2011, and their resort to climbing onto the roofs of the buildings adjacent to the square and the bridge above it and pelting the young protesters with stones, and the accompanying exchange of insults and various clashes, which prompted the public security and Gendarmerie forces to use force to disperse the sit-in of the demonstrators, resulting in the death of one of the participants and the injury of approximately one hundred persons, including a number of members of the security organs, in various parts of their bodies.

While the Centre affirms the right of demonstrators to peaceful assembly and to express their opinions in complete freedom, as rights guaranteed under Articles (15) and (16) of the Constitution relating to freedom of opinion, expression and assembly, as well as the international human rights instruments, in particular Articles (19) and (21) of the International Covenant on Civil and Political Rights, which oblige the Government to give effect to and protect these rights, the Centre condemns the assaults and human rights violations witnessed in the square by those participating in the gathering, and their resort to methods that are not civilised means and do not rise to the democratic traditions that must accompany the exercise of the right to assembly and freedom of expression, in addition to protecting the rights and freedoms of others.

The Centre regrets that the Government did not take all effective measures to prevent the various forms of assault on the demonstrators and to prevent one party of demonstrators from attacking the other, and its dispersal of the sit-in by force, whereas it would have been more appropriate to separate the two groups of demonstrators in separate squares or streets in order to prevent friction and acts of violence between them. It calls on the Government to take the measures necessary to guarantee the right of individuals to peaceful assembly and to prevent the recurrence of such violations, in a manner that ensures the continuation of the governmental approach of respecting and protecting the right of individuals to meetings and peaceful protests, which the Kingdom has witnessed during the past months, in implementation of the principles of human rights and the protection of Jordan's bright image in this field, particularly since failure to respect and protect this right increases the level of tension and congestion in society and affects the state of stability and civil peace.

The Centre stresses the necessity for the Government to guarantee citizens' right to peaceful assembly and their freedom to express and voice the various opinions guaranteed by the Constitution and the international human rights instruments, and calls on citizens to respect the rights and freedoms of others and not to disrupt the movement of life in the various public facilities while exercising their rights, since choosing the intersection of main roads of major cities constitutes an assault on the right of others to freedom of movement and to secure the conditions of their daily livelihood.

The Centre calls for the formation of an impartial commission of inquiry to ascertain the truth of what happened at Jamal Abdel Nasser Square – the Interior Ministry Roundabout, and for the composition of the commission and its work to be characterised by impartiality, seriousness and the necessary transparency, and for those responsible for the violations that accompanied the dispersal of the sit-in to be held accountable, in order to halt the spiral of the crisis of mistrust exchanged between the various political and civil parties, and in a manner leading to the strengthening of the cohesion of society and the preservation of its stability and security.

In this context, the Centre does not fail to affirm its deep concern regarding the repeated acts of violence against media personnel while performing their duties, and affirms the necessity of enabling them to exercise their right to cover events and of providing all the requirements of the crisis to facilitate their task in covering any event, out of respect for their role in conveying the truth with full objectivity, transparency and credibility and in a manner that refutes baseless rumours.

Statement of the National Centre for Human Rights on the Events in the City of Zarqa on Friday, 15/4/2011²⁰³

Amman, 21/4/2011

The National Centre for Human Rights has followed with great concern and deep condemnation the regrettable events witnessed in the city of Zarqa on Friday, 15/4/2011, considering them a departure from the single national march, a rejected manifestation of breaching security and public order, and a denial of the principle of expression of position and opinion protected by law, and the exercise of illegitimate acts capable of undermining the stability of the homeland and spreading chaos, and a violation of human rights. The use of cold weapons and sharp tools in assaulting public security personnel by the demonstrators constitutes a flagrant violation of the right to life and physical integrity, a clear breach of the rule of law and the intimidation of peaceful citizens, and contradicts the values of dialogue and the settlement of disputes by peaceful means.

While the Centre affirms the right of demonstrators to peaceful assembly and to express their opinion in complete freedom, as rights guaranteed under Articles (15) and (16) of the Constitution relating to freedom of opinion, expression and assembly, as well as the international human rights instruments, in particular Articles (19) and (21) of the International Covenant on Civil and Political Rights, which oblige the Government to give effect to and protect these rights, the Centre affirms that the two rights of expression of opinion and peaceful assembly are civilised manifestations which may not be exploited by any group to practise violence in any form, or in any way that deflects these two rights from their proper course and makes them a means of monopolising opinion, or imposing it by force to stir up sedition and undermine the Jordanian social fabric, far from the democratic principles that safeguard the rights of all, and it rejects the monopolisation of these rights by any party at the expense of the totality of citizens.

²⁰³ Published on the website of the National Centre for Human Rights on 21/4/2011 at 12:53:57 PM via the electronic link: <http://www.nchr.org.jo/Arabic/tabid/95/mid/448/newsid448/80/Default.aspx>

The Centre stresses the necessity of preserving the public interest and the security of the homeland and the citizen, and calls on all citizens and all forces, party bodies, the various political spectrums and the segments wishing to express their opinion and to assemble peacefully to exercise these two rights within the utmost degree of discipline and full compliance with the requirements of security and social peace, in a framework that works to perpetuate the blessing of security and stability and respect for human rights, away from all manifestations of violence and in a manner that does not cause damage to public and private property, obstruct the movement of public life or harm public conduct, health and public tranquillity.

While the Centre wishes a speedy recovery to the security personnel and the other citizens injured in those regrettable events, it stresses the necessity for all parties to abide by and respect the principle of the rule of law as a fundamental pillar of the pillars of respect for democratic governance and respect for human rights, with the aim of preserving security and stability throughout the homeland.

Statement Issued by the National Centre for Human Rights on the Events of Al-Nakheel Square²⁰⁴

Amman, 17/7/2011

The National Centre for Human Rights has followed with great concern and deep denunciation and condemnation the assault suffered by the participants in the sit-in of the fifteenth of July and by security personnel in the public Al-Nakheel Square in downtown Amman. While the Centre affirms its condemnation of all forms of unjustified violence in confronting the right of individuals to peaceful assembly and freedom of opinion and expression, it calls for the necessity of completing the investigation into the matter of the security forces dispersing the sit-in using force and violence, as well as the participants in the “Loyalty March” assaulting the participants in the sit-in, which violates the commitment to protect citizens’ right to exercise their constitutional right to peaceful assembly and freedom of opinion and expression. At the same time, the Centre deplores the assault suffered by some security personnel, and wishes to point out that the violence practised in Al-Nakheel Square has damaged Jordan’s image in the field of respect for human rights.

The Centre also records its strong condemnation of the assault suffered by the male and female media personnel who participated in covering these events.

The Centre points out that the assault on journalists by the security forces constitutes a serious phenomenon to which we have not been accustomed in the Kingdom, is inconsistent with the Government’s role in promoting freedom of opinion and expression, constitutes a flagrant assault on the right of media personnel to convey the facts to public opinion transparently, and deprives them of exercising their professional duty in covering peaceful sit-ins.

²⁰⁴ Published on the website of the National Centre for Human Rights on 17/7/2011 at 5:56:34 PM via the electronic link: <http://www.nchr.org.jo/Arabic/tabid/95/mid/448/newsid448/112/Default.aspx>

While the Centre affirms the right of demonstrators to peaceful assembly and to express their opinions in complete freedom, and the right of media personnel to exercise their role in monitoring events and conveying them to citizens, as rights guaranteed under Articles (15) and (16) of the Constitution relating to freedom of opinion, expression and assembly, as well as the international human rights instruments, in particular Articles (19) and (21) of the International Covenant on Civil and Political Rights, which oblige the Government to give effect to and protect these rights,

the Centre calls on the Government to promptly conduct an independent, impartial and transparent investigation and to publish its results to public opinion as quickly as possible, and to hold accountable everyone who participated in the assault on the protesters, media personnel and public security personnel. It also calls for the prompt taking of the measures necessary to guarantee the right of individuals to peaceful assembly and to prevent the recurrence of such violations, in a manner that ensures the continuation of the declared governmental approach of respecting and protecting the right of individuals to meetings and peaceful protests, which the Kingdom has witnessed during this year, in implementation of the principles of human rights and the protection of Jordan's bright image in this field, particularly since failure to respect this right and to protect everyone who wishes to express his opinion, whatever it may be, by peaceful means increases the level of tension and congestion in society and affects the state of stability and civil peace.

The Centre does not fail to affirm the necessity of enabling media personnel to exercise their right to cover events and of providing all the requirements of the crisis to facilitate their task in covering any event, out of respect for their role in conveying the truth with full objectivity, transparency and credibility.

The National Centre for Human Rights wishes on this occasion to note that it has formed a committee from among the Centre's staff to investigate the aforementioned events in order to submit an independent report.

Statement Issued by the Centre on the Traditional Fashions Garment Manufacturing Company, Classic Factory²⁰⁵

Al-Hassan Industrial Estate, Irbid Governorate – Ramtha District

The National Centre for Human Rights affirms its keenness to follow up the conditions of all workers in the qualifying industrial zones continuously and to oversee their conditions in cooperation with the relevant bodies. The Centre also carries out repeated announced and unannounced visits to these zones to verify that the workers therein enjoy all their rights in accordance with international and national standards. In this regard, the Centre refers to the issuance of a report by the National Labor Committee for Human Rights dated 8/6/2011, stating that numerous violations had occurred at the Traditional Fashions Garment Manufacturing Company in Al-Hassan Industrial Estate, "Classic Factory", including assaults on female

²⁰⁵ Published on the website of the National Centre for Human Rights on 7/8/2011 at 3:14:07 PM via the electronic link: <http://www.nchr.org.jo/Arabic/tabid/95/mid/448/newsid448/125/Default.aspx>

workers by rape and sexual harassment and the factory workers' non-enjoyment of their labour rights, as indicated by the report. Following that, the National Centre for Human Rights formed a fact-finding team comprising a group of experts and specialists to ascertain the truth of the workers' conditions in the factory.

The National Centre for Human Rights points out that on 16/6/2011, representatives of the National Labor Committee for Human Rights came to the Centre's premises, a few days after the issuance of the report, and were met by the Commissioner General for Human Rights to discuss the content of the report. The Commissioner General indicated that the National Centre for Human Rights was fully prepared to communicate with the Labor Committee and requested that the Centre be provided with all the data and facts proving the veracity of what was stated in the report. However, to date, and despite the fact-finding team sending numerous e-mail messages to the Committee urging it to provide the Centre with any information, neither the Centre nor the fact-finding team has been provided with any information or data confirming the veracity of the allegations. Rather, the Centre received some general information that does not rise to the level of being considered data or facts that can be relied upon, as it consisted of the first names of a group of female workers, and when the fact-finding team inquired about those names, it became clear that most of them were fictitious names, some others were not real, and one of them had left the country after the end of her employment contract.

The Centre affirms that the fact-finding team followed numerous procedural measures, as more than ten field visits were carried out to the factory with all its facilities, and more than one hundred and fifty female workers were met individually and confidentially in a manner ensuring that they would not be exposed to danger or threat, and appropriate conditions were created for them to tell the truth. Signboards bearing the hotline number of the Centre, the Centre's landline telephones and e-mail were also placed, and more than five thousand copies of posters were printed in Arabic, English, Bengali, Sinhalese and Hindi and placed in all the factory's facilities, their content requesting any worker to report to the Centre any violation or infringement in the factory.

It should be noted that one of the Bangladeshi female workers came to the National Centre on Thursday, 4/8/2011 (the National Centre reserves the right not to mention her name to ensure that she is not exposed to danger), and the representative of the Bangladeshi Embassy was immediately informed and asked to bring an interpreter accredited to the Embassy. The statements of the said worker were heard, and she stated that she had received telephone calls from a number of Bangladeshi persons from Jordan and from abroad, including a person named Mohammad Rafiq, urging her to file complaints of rape and indecent assault and the non-receipt of her rights from the factory in exchange for offering sums of money amounting to as much as five thousand Jordanian dinars, as well as securing travel tickets and the wages of the work contracts until the end of the contract period. She noted that these calls took place in front of a group of female workers, including the worker Rabi, who had previously filed, on 17/6/2011, a complaint of rape against the said (Anbil); and when the said worker refused the offer, the said (Rabi) contacted these persons and communicated with them, and this took place in front of a group of female workers residing in the same place, as the said Rabi filed a complaint of rape with the Family Protection Department and left the country the following day, 19/6/2011, accompanied by the said Mohammad Rafiq, who accompanied her in all stages of filing the

complaint according to what the fact-finding team reached. The said worker added that she received calls from workers in Bangladesh urging her to change her testimony, which she had previously given in court, the content of which was that no violations had occurred against the said (Rabi), and offering large sums of money to her in exchange. The Centre considers this a suspicious matter that raises doubts about the true intentions of the aforementioned report. Her statements were heard and recorded in the Bengali and Arabic languages and signed by the said worker in the presence of the representative of the Bangladeshi Embassy, and the necessary legal measures are being taken.

The National Centre for Human Rights points out that the fact-finding team is continuing its work continuously and permanently, and is in the process of taking all procedural, preventive and legal measures necessary to arrive at the facts and realities proving the falsity of the allegations contained in the report of the National Labor Committee, noting that the committee has reached many facts and realities, as the report was based merely on a narration of general and incorrect statements, and the committee has obtained a set of documents, facts and the hearing of testimonies which prove the opposite of what was stated in the report, which will be included in the report to be published upon its completion.

The National Centre for Human Rights urges everyone to verify the accuracy of the information circulated and relied upon on the basis of established facts, in order to ensure that public opinion is not misled and to seek accuracy and objectivity in conveying information so as to arrive at the truth.

Press Statement of the National Centre for Human Rights on the Proposed Amendments to the Press and Publications Law and the Anti-Corruption Commission Law, 22/8/2011²⁰⁶

The National Centre for Human Rights is following with great interest the legislation submitted by the Government to the National Assembly in the extraordinary session relating to freedom of opinion and expression, specifically the two laws amending the Press and Publications Law and the Anti-Corruption Commission Law, and affirms that a careful reading of them shows that some of their provisions may constitute an infringement of freedom of opinion and expression and include additional restrictions on media freedom, which is inconsistent with the human right to freedom of expression as the fundamental manifestation and primary pillar of intellectual freedoms, foremost among them freedom of the press and media, freedom of peaceful assembly, voluntary membership of associations and trade unions, and freedom of access to information. This right is enshrined in the Jordanian Constitution in Article 15 and affirmed by Article 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. A careful study of the draft Press and Publications Law shows that these amendments may constitute a restriction on freedom of opinion and expression and contradict global trends which affirm that governmental attempts at “legalisation” for the purposes of controlling electronic content have become impossible and contrary to the global

²⁰⁶ Published on the website of the National Centre for Human Rights on 23/8/2011 at 10:45:33 AM via the electronic link: <http://www.nchr.org.jo/Arabic/tabid/95/mid/448/newsid448/126/Default.aspx>

trends towards Internet freedom; new media have become a human right, and have restored consideration to freedom of expression, which is the mother freedom after the right to life, and the legal rule reveals it and does not create it, with the protection obligations this imposes on the State and its guarantee thereof for every person. The Centre also finds that, should the draft law be adopted, it will lead to numerous results inconsistent with freedom of opinion and expression, the most important of which are:

- The inclusion of news websites within the Press and Publications Law will lead to strengthening self-censorship among the owners of these websites, especially in the interactive aspects with the public, since this law imposes exorbitant fines which amount to prior censorship, which means curbing the freedom of expression of electronic websites, which is capable of prejudicing freedom of opinion and expression. A different approach to the subject is necessary, one that guarantees the protection of the public interest without prejudicing the essence and fundamentals of the right as set out in the Constitution.
- Differentiating in treatment between registered websites and unregistered ones in matters of advertising, invitations and other aspects of journalistic work leads to the violation of the principle of equality and to discrimination between websites that are in one way or another affiliated with the Government and independent websites, whereas the principle is that the media should be free and economically and editorially independent and equal in rights.
- The draft entrusts everything relating to optional registration within the powers of the Director of Press and Publications to a special regulation issued by the Council of Ministers, which will become part of the legislation and have binding force on all, while the content and details of this regulation are unknown. This may involve additional restrictions on media freedom in Jordan, particularly since the proposed amendment to the Constitution in Article 128 stresses the protection of the fundamental rights in the Constitution and that laws shall not prejudice them.
- With regard to what is stated in the explanatory memorandum concerning the existence of privileges to encourage news websites to register optionally, an in-depth study of the Press and Publications Law as a whole shows, when compared with legal and judicial applications, the inaccuracy and incorrectness of these reasons. The Press and Publications Law after its amendment will not prevent the trial of journalists under other penal laws, which means in effect that the amendments will not stop the penalties of detention and imprisonment contained in other laws. As for the matter of trial before a specialised judicial chamber, adding electronic websites within the scope of the Press and Publications Law does not mean that the whole body of other Jordanian laws does not apply to them, as the owners of electronic websites, their publishers, the writers of journalistic material therein or the authors of comments may be referred to court under the Penal Code, the Contempt of Court Law, the Information Systems Crimes Law, the Law on the Protection of State Secrets and Documents and the State Security Court Law.

- The freedom of comment and criticism by the public and the publication of information on sensitive subjects will be restricted in one way or another when electronic websites are subjected to the requirements of the Jordan Press Association and the procedures of the Press and Publications Department. Despite the positive amendments introduced to the Anti-Corruption Commission Law, in particular in the field of the protection of whistle-blowers, witnesses, informants and experts in a manner consistent with the international standards adopted in this field, the amendment of Article 23, which provides that “anyone who disseminates or attributes, without right, to any person, or contributes to so doing by any public means, any of the acts of corruption provided for in this Law which leads to harming his reputation or prejudicing his dignity or character assassination shall be punished by imprisonment for a period of not less than six months and a fine of not less than one thousand dinars and not more than five thousand dinars”, “leads to the imposition of further restrictions on freedom of opinion and expression, specifically through electronic means”, which calls for seeking a legal solution that preserves the human right to the protection of his freedom and dignity from defamation and the public’s right to knowledge and information, and balances between them.

Through this reading of the Press and Publications Law and the Anti-Corruption Commission Law and the amendments contained therein, the Centre concludes that what is contained in these amendments may constitute additional legal restrictions on the right to freedom of opinion and expression, which calls on the National Assembly to take a position supporting freedom of opinion and expression.

The Centre also affirms that the Government’s policy of submitting piecemeal amendments to laws, coupled with the inability of the National Assembly to discuss matters falling outside the scope of the amended articles as set out in the draft law submitted by the Government, impedes the ability of the legislative authority to evaluate the law as a whole, which facilitates the passage of many amendments that may constitute an infringement of human rights. This prompts the Centre to call for a review of the Press and Publications Law in its entirety so as to bring it into line with international standards for media freedom, and not to amend piecemeal provisions of the law; it also affirms the necessity of a careful review of the other legislation restricting freedom of opinion and expression.