



Fifth Annual Report on the State of Human Rights in the Hashemite Kingdom of Jordan 2008

The National Center for Human Rights

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1. Introduction

On the tenth of December 1948, the General Assembly of the United Nations adopted the Universal Declaration of Human Rights, with most of the then Member States of the United Nations voting in favour of the Declaration, and the tenth of December became known as International Human Rights Day. Although this Declaration is not binding on States in the strict legal sense, its broad acceptance served as the inspiration for many of the international human rights conventions and covenants that subsequently emerged, and as the driving force behind the active dynamism in various parts of the world towards the protection and promotion of human rights, such that respect for human rights has become a fundamental element in achieving comprehensive human security and sustainable development.

The current periodic report of the National Centre for Human Rights on the state of human rights in Jordan coincides with the international celebration of the sixtieth anniversary of the issuance of the Universal Declaration. This report has therefore come to cover the full range of civil, political, economic, social and cultural rights inspired by the Declaration, out of the Centre's desire to provide an accurate description of the state of human rights in Jordan, including its successes and failures. The report addresses each human right separately, setting out the Jordanian legislative basis for it and the extent of its conformity with the international standards derived from the international conventions and covenants that Jordan has ratified, for the most part; it then moves on to describe the current situation of the right, including positive and negative developments, followed by an account of the violations monitored by the Centre, whether directly through the Centre's technical team or indirectly through reports in the press and published reports and studies, and a review of the complaints received by the Centre concerning these rights, concluding with the recommendations that the Centre considers necessary to be adopted in order to protect and promote human rights in Jordan. The current annual report also includes a statistical analysis of the complaints and requests for assistance received by the National Centre for Human Rights in 2008, classified according to each human right.

The reader of the report will notice this year the beginning of an attempt to develop it along the lines of international reports, in that it relies on paragraphs, each of which addresses a specific subject to the exclusion of others, and on tables and figures wherever possible, and on citing certain cases of success and failure in the Centre's handling of the complaints it receives. The Centre believes that this format will make it easier for both the specialised reader and the researcher to find what they are looking for with ease and convenience. The reader of this report may also notice a variation in the coverage of the different rights; however, this does not mean that the Centre considers some rights to be more important than others.

In presenting this report, I wish to make clear that the National Centre for Human Rights ultimately aims to achieve full compliance with international human rights standards, with the provisions of the Constitution relating to human rights, and with our authentic Arab and Islamic values. To achieve this objective, the Centre will work to create new mechanisms for partnership with governmental bodies, civil society institutions and non-governmental organisations in order to verify human rights violations, with a view to achieving comprehensive reform and bringing about the change required to advance human rights.

I would therefore like to affirm that the Centre will continue its diligent work, tirelessly and untiringly, to fulfil its mission derived from its Law, and that this report is but one of the many steps the Centre is taking along this path. We must, however, also remember that the protection and advancement of human rights is a continuous process and a permanent undertaking, which can be achieved only through a clear vision, genuine will, the concerted efforts of the executive, legislative and judicial authorities, the harmonisation of legislation with recognised and accepted standards, the control of human rights violations, genuine accountability, and the supremacy of the rule of law.

Finally, I would like to express my sincere thanks and appreciation, in my own name and on behalf of my colleagues, the members of the Board of Trustees, to the General Secretariat of the Centre, and in particular to the technical team that prepared this report under the supervision of the Commissioner General for Human Rights, hoping that God Almighty will grant us success in fulfilling our mission and advancing human rights in our beloved country.

God is the Grantor of Success,

Chairman of the Board of Trustees

Dr. Adnan Badran

2. Civil and Political Rights

The Right to Life and Physical Integrity

1. International instruments guarantee the human right to life, liberty and security of person,¹ and national laws have been keen to protect this right.² In this context, the Centre observed that no legislative amendment providing for the abolition of the death penalty took place during 2008.³ The Centre further affirms that the amendment of Article (208) of the Penal Code in 2007 remains insufficient to curb acts of torture and cruel, inhuman and degrading treatment, as it did not confer jurisdiction to investigate crimes of this kind on the regular judiciary, in addition to its failure to provide for the right of torture victims to direct compensation from the State. The Centre also notes the Government's failure to fully honour its international obligations under the Convention against Torture, as national legislation is incapable of ensuring the accountability of perpetrators of torture and preventing their impunity,⁴ which calls for a review of the grievance mechanisms and of the investigation of torture complaints in order to ensure that legal procedures are effective in confronting and combating torture, particularly since international obligations go beyond merely combating torture when it occurs and providing protection for victims and witnesses, or even rehabilitating them (there are no specialised centres for the rehabilitation of torture victims or witness protection programmes in Jordan), and instead require the adoption of preventive measures to prevent the occurrence of torture and to guarantee the right to physical integrity.

2. Notwithstanding the executive authority's keenness to safeguard and protect the right to life in general, and notwithstanding the judiciary's commitment to applying the provisions of the law and not tolerating any criminal act involving deprivation of the right to life and physical integrity, there remain a number of factors that affect physical integrity and have an impact upon it, and that may lead to deprivation of the right to life. The most prominent of these is **the death penalty**, which is still prescribed in criminal legislation, despite the reduction in the legal provisions punishing by this penalty and its restriction to the most serious and dangerous felonies. During 2008, six (6) judgments imposing the death penalty were issued, five (5) of them by the Major

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

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

³ It is worth mentioning that in April 2009 the Ministry of Justice disclosed a draft law amending the Penal Code. The most prominent amendments contained in the draft amending law are the replacement of the death penalty with life imprisonment with hard labour for six crimes relating to offences against the security of the State.

⁴ Efforts to combat torture in Jordan remain modest and hesitant, as the set of national measures taken to guarantee the right to physical integrity and freedom from torture remains deficient in light of the shortcomings of certain national legislation, or its contribution in most cases to the impunity of perpetrators of the crime of torture, for example: the Crime Prevention Law, which permits the administrative authority to detain persons without allowing them to communicate with their families or lawyers and in isolation from judicial oversight; likewise the State Security Court Law, which grants the investigating authorities the right to hold a suspect for seven days before referring him to the competent judicial authority; and the Criminal Procedure Code, which makes pre-trial detention appear to be the general rule and makes detention contingent on a broad criterion termed "the interest of the investigation", as well as admitting a statement made by the accused in the absence of the Public Prosecutor as evidence for conviction if the Public Prosecution presents evidence of the circumstances in which it was made and that the person made it voluntarily and of his own free will.

Felonies Court and one by the State Security Court; however, none of these judgments was carried out, as the execution of death sentences has been suspended since June 2006. Among the positive developments relating to this right witnessed in 2008 were Jordan's abstention from voting on the recommendation of the Third Committee of the General Assembly on the abolition of the death penalty worldwide, the absence of any extrajudicial execution, as well as the postponement of the execution of death sentences for the longest possible period in order to give the parties an opportunity for reconciliation and the waiver of the personal right in murder cases.

3. Among the most serious factors affecting the right to life and physical integrity is **exposure to torture and cruel, inhuman and degrading treatment**. The year 2008 witnessed a number of acts falling within the practices of torture and cruel and inhuman treatment. The Centre received forty-one (41) complaints against the various security centres and departments, and the results of following them up were as follows: seven (7) complaints were dropped at the request of the complainants, thirteen (13) complaints were closed because the violation was not established, five (5) complaints were referred to the Police Court, and sixteen (16) complaints remain under follow-up. As for the Grievances and Human Rights Office and the Legal Affairs Department of the Public Security Directorate, they received forty-nine (49) complaints, and the results of the investigation into them were as follows: eight (8) complaints in which a decision of non-prosecution was issued because there was no proof of anything incriminating those complained against, pursuant to the provisions of Article (130/a) of the Criminal Procedure Code; twelve (12) complaints in which those complained against were tried before the unit commander, in minor cases that do not fall within the jurisdiction of the Police Court; and twenty-six (26) complaints that were dropped in cases in which the act did not constitute a crime, while three (3) complaints were referred to the Police Court, where those complained against were convicted with the penalties prescribed by law, ranging between imprisonment and a fine. The Centre also received nine (9) complaints relating to beatings and torture in Correction and Rehabilitation Centres, and the results of following them up were as follows: one complaint was dropped at the request of the complainant, one complaint was closed because the occurrence of the violation was not established, one complaint was referred to the Police Court, four (4) complaints were tried before the unit commander, and two complaints remain under follow-up. Meanwhile, the Grievances and Human Rights Office and the Legal Affairs Department of the Public Security Directorate received twenty-eight (28) complaints relating to beatings and torture inside Correction and Rehabilitation Centres, and the results of following them up were as follows: six (6) complaints were dropped at the request of the complainants, six (6) complaints were referred for trial before the unit commander in minor cases that do not fall within the jurisdiction of the Police Court, and sixteen (16) complaints were referred to the Police Court, where those concerned were convicted with the penalties prescribed by law, noting that no person was tried during 2008 under Article (208), as amended, of the Penal Code.

4. On the other hand, through its unannounced visits⁵ during 2008, the Centre monitored the continued receipt of certain individual complaints concerning the beating of some prisoners and

⁵ With the exception of the period during which the Centre was prevented from visiting prisons, extending from mid-April until the beginning of August 2008.

detainees by prison personnel and the continuation of ill-treatment of them,⁶ and it also monitored the impunity of many perpetrators of the crime of torture, as proving that certain detainees have been subjected to torture and cruel, inhuman and degrading treatment remains extremely difficult for numerous reasons, the most important of which are: the prolongation of the period of detention under administrative detention orders; the disappearance of the traces of physical violence over time; the difficulty of obtaining witnesses or forensic medical reports; the difficulty for victims of identifying the perpetrators from among the members of the judicial police, since whoever exercises coercion does not take down the statement, and that statement is consequently considered conclusive legal evidence once the officer who recorded the statement is heard to say that the person made it voluntarily and of his own free will. Furthermore, the absence of effective judicial oversight over places of administrative detention in police detention facilities contributes to a great extent to exposing detainees to ill-treatment and to physical and psychological coercion, in addition to depriving detainees 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 being targeted by police officers once again should they submit complaints, and the conviction of some of them, too, of the futility of submitting complaints to the security agencies, since they are the authorities competent to conduct the investigation, and consequently the difficulty of judicial police officers issuing decisions incriminating their colleagues.

5. Notwithstanding the foregoing, the Centre commends the Government's adoption of a number of positive measures to ensure the prohibition of torture during 2008, which consisted of the Public Security Directorate undertaking numerous measures, including: (a) the inclusion of the Convention against Torture in the basic and training curricula, lectures and promotion examinations to which members of the Public Security, and in particular those working in Correction and Rehabilitation Centres, are subject, with the aim of embedding its clauses, provisions and concepts in the minds and practice of the personnel; (b) conducting investigations into complaints relating to human rights violations that entail a breach of the clauses of the Convention against Torture, although the results of the investigations generally remain modest;⁷ (c) demonstrating a degree of seriousness in investigating complaints relating to beating and ill-treatment and referring a number of them to the Police Court.

6. As for **narcotic drugs**, they are another factor affecting the right to life and physical integrity. In 2008 the Government acknowledged, for the first time, that there are indicators pointing to the spread and increase of this problem in society: the Anti-Narcotics Department seized (2,860) cases of drugs and counterfeiting and dealt with (3,500) addicts, with the cases being distributed among trafficking (532) cases, possession (2,250) cases, and cases of unknown perpetrators. Table

⁶ Through its visits to temporary detention centres and its meetings with detainees or members of their families, and through the complaints it received during 2008, the Centre monitored that there are abuses committed by the officials charged with enforcing the law in certain security departments, and that there are multiple forms of torture practised against those complained of or detainees on behalf of those departments, including insults 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.

⁷ The Grievances and Human Rights Office of the Public Security Directorate followed up the complaints it received from the complaint boxes located in Correction and Rehabilitation Centres, and a human rights office was opened in Swaqa Prison on 3/2/2008 with the aim of receiving the complaints and grievances of prisoners.

No. (1) shows a marked increase of (78) in the number of persons using and trafficking during 2008 compared with previous years. The Anti-Narcotics Department has taken positive steps to combat this scourge, including the implementation of various types of preventive programmes, such as: organising (1,050) awareness lectures in various schools and universities, and conducting (20) courses for Drug Enforcement officers, which benefited (600) young persons, each of whom in turn trains ten young persons with the aim of reaching the idea of individual prevention and achieving horizontal culture among members of society in combating drugs, as well as the Anti-Narcotics Department presenting a play for a number of school and university students, and qualifying a group of journalists in a specialised course on combating drugs. However, the Centre considers that the efforts of the Anti-Narcotics Department and the Counterfeiting Department alone remain insufficient to confront the drug problem, as civil society efforts must be combined with official efforts to confront this scourge.

Table No. (1): Certain Basic Indicators Relating to Narcotic Drugs

Year	Persons Involved	Traffickers	Possession and Use
2005	4792	746	4027
2006	3158	581	2577
2007	3707	833	2874
2008	5120	851	4260

7. **Traffic accidents** constitute another factor affecting the right to life and physical integrity, as they remain one of the most serious problems troubling society and constitute a continuous haemorrhage of the lives of individuals, especially young people, owing to the lives they claim en masse,⁸ which led to the issuance of Traffic Law No. (49) of 2008, with the aim of putting an end to this continuous haemorrhage.⁹ The Centre considers that addressing the problem of traffic accidents does not lie in the Traffic Law alone, but rather in the entire legislative system, and in government institutions and citizens, all of whom are partners in increasing or reducing the scale of this phenomenon. Table No. (2) shows the number of accidents, deaths and injuries for 2008 compared with previous years, according to the statistics of the Public Security Directorate. The Public Security Directorate has put in place numerous control, awareness and technical measures, in cooperation with the various official bodies, to reduce this phenomenon, such as: intensifying traffic control, increasing traffic awareness and education programmes, and coordinating with all the bodies concerned with traffic safety, which resulted in a reduction in the number of accidents up to 3/12/2008 by (30.2%).¹⁰ Referring to the factors causing traffic accidents, the following chart reveals the most important of them.

Table No. (2): Numbers of Deaths and Injuries Resulting from Traffic Accidents

⁸ In 2008 a bus accident on the Jerash–Irbid road claimed the lives of (21) persons and injured (33) others.

⁹ The House of Representatives rejected two other traffic laws, namely: Provisional Law No. (47) of 2001 and Provisional Law No. (53) of 2002.

¹⁰ The number of deaths in 2008 reached (569) cases compared with (815) deaths in 2007, i.e. a decrease of (246) cases. The number of injured also fell from (15,355) injured in 2007 to (11,417) injured in 2008, i.e. a decrease of (3,938) injured, at a rate of (25.6%).

Year	Accidents	Deaths	Injuries
2005	83129	790	17579
2006	98049	885	18030
2007	111221	979	17028
2008	101066	712	13640

Chart: Factors Causing Traffic Accidents

Factor	Percentage
Traffic laws	7%
Leniency in respect of violations	9%
General condition of vehicles	11%
Lack of designated places for pedestrians	12%
Non-enforcement of the laws against violators	17%
Pedestrians' non-compliance with traffic laws	27%
Road design and engineering	28%
Congestion and traffic engineering	29%
Driving ethics	60%

8. **Suicide incidents** constitute a further factor affecting the right to life and physical integrity. The first half of 2008 witnessed a slight rise in suicide incidents and a marked rise in suicide attempts: (40) Jordanians committed suicide, compared with (35) Jordanians who committed suicide during 2007, according to the statistics of the Jordanian National Centre for Forensic Medicine. The statistics also revealed that approximately (400) suicide attempts were recorded in the first seven months of 2008, whereas the whole of 2007 witnessed approximately (350) suicide attempts. As regards suicide cases in Correction and Rehabilitation Centres, the Centre recorded (93) suicide attempts during 2008, (92) of which were foiled, while one suicide attempt by a prisoner in Ma'an Prison succeeded. As for suicide cases in places of temporary detention, there was one case, in a detention centre at the Irbid Police Directorate. The Centre considers that the rise in the rate of suicide attempts calls upon the competent authorities to study the causes of this phenomenon, to give greater attention to the psychological aspect of inmates of Correction and Rehabilitation Centres through psychiatrists, and to improve the quality of prisoners' lives through cultural, sports and other activities.

9. **Crimes and other incidents** which affect physical integrity and lead to deprivation of life witnessed a marked change in 2008. Table No. (3) shows the crimes committed in 2008 compared with 2007; it indicates a rise in murders and a decline in attempted murders and grievous bodily harm, according to the statistics of the Public Security Directorate for 2008. Furthermore, the incidents handled by the General Directorates of Civil Defence throughout the Kingdom during 2008 amounted to approximately (131842) incidents, and the injuries resulting from those incidents amounted to (256929) injuries, while the total human casualties resulting from those incidents amounted to (2509) deaths. Ambulance incidents recorded (109036) incidents, and the injuries resulting from those incidents amounted to (110223) injuries, while the total human casualties amounted to (2112). Rescue incidents amounted to (11684) incidents, resulting in (13968) injuries, and the total human casualties amounted to (362) deaths. Fire-fighting incidents amounted to (11122) incidents, and the injuries amounted to (896) injuries, while the total human casualties amounted to (35) injuries. The number of human casualties thus totals (5018).

Table No. (3): Statistics on Certain Crimes

Year	Murder	Attempted Murder	Grievous Bodily Harm
2007	98	321	646
2008	104	315	621

10. In order to protect the right to life and physical integrity, the Centre considers it necessary to adopt a number of recommendations:

In the Field of the Death Penalty:

Proceeding from the Centre's conviction that the death penalty is an exceptional penalty which should not be resorted to except for the most serious crimes, it recommends that this matter be studied comprehensively in all its aspects in order to reach the fairest conclusions, together with the introduction of the legislative amendments necessary to ensure that the death penalty is subject to appeal as of right, regardless of the type of court issuing the judgment; in addition to continuing to reduce the provisions which prescribe the death penalty in the laws in force.

In the Field of Combating Torture:

With Regard to Executive Measures to Combat Torture, the Centre Recommends the Following:

- a. That the Government recognise the competence of the Committee against Torture referred to in Articles (21 and 22) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984, under which it is competent to consider communications and complaints from States and individuals.
- b. That the Government recognise the competence of the Human Rights Committee to receive complaints from individuals concerning violations of the rights enshrined in the International Covenant on Civil and Political Rights (Article 41).
- c. The development of a national strategy to put an end to all manifestations of torture.
- d. The activation of the Public Prosecution so that it may play its full role in protecting victims.
- e. The establishment of specialised centres for the rehabilitation of torture victims and the creation of a national fund to compensate them.
- f. The adoption and implementation of training programmes for law-enforcement officials, and informing citizens of their rights and raising their awareness of the gravity of torture and of their role in combating it.
- g. Ensuring that persons accused in torture cases do not remain at work throughout the period of investigation and until a final judgment is issued, so that they may not exercise any influence over the victims.
- h. That administrative governors comply with the provision of Article Four of the Crime Prevention Law concerning the procedures to be followed when resorting to administrative

detention, in respect of issuing arrest warrants and hearing the statements of persons, and then issuing administrative detention orders.

With Regard to Legislative Measures to Combat Torture, the Centre Recommends the Following:

- a. The inclusion of jurisdiction to try perpetrators of torture crimes within the jurisdiction of the regular courts instead of the jurisdiction of the special courts.
- b. Expressly providing in the Criminal Procedure Code for the right of torture victims to direct compensation from the State.
- c. Limiting the penalty of solitary confinement provided for in Article (38) of the Correction and Rehabilitation Centres Law No. (9) of 2004.
- d. The repeal of the Crime Prevention Law. Pending its repeal, the Centre stresses the necessity of respecting final judicial decisions and judgments of acquittal or non-liability and abiding by them, of following the principle of proportionality between the police measure and the criminal dangerousness when imposing compulsory residence, and of transferring the power to impose compulsory residence to the judicial authority.

With Regard to Precautionary Measures to Combat Torture, the Centre Recommends the Following:

- a. The introduction of a system of regular medical examinations for all persons held in custody.
- b. The keeping of regular records in places of detention (names, detention warrants, visits, transfers).
- c. Ensuring that detainees can contact their families and their lawyers.

In the Field of Traffic Accidents, the Centre Stresses the Necessity of Taking Measures to Ensure the Reduction of This Phenomenon in Society, Through the Following:

- a. Conducting a comprehensive review of the National Strategy for Reducing Traffic Accidents in cooperation with the relevant institutions, defining the duties incumbent upon them, and setting a timetable for implementing the contents of this plan.
- b. Strictness in granting driving licences of all categories, on the basis of clear criteria that determine the competence and ability of the person to abide by the Traffic Law and to deal with the elements of the road.
- c. Withdrawing or suspending the driving licences of persons who repeatedly commit serious violations and who constitute a danger to road safety, for periods commensurate with their dangerousness and the gravity of the violation committed, provided that they undergo a rehabilitation programme prepared by the Traffic Department for this purpose; provided, however, that this is regulated by law, with emphasis on not withdrawing licences arbitrarily without stating the grounds.

In the Field of Narcotic Drugs, the Centre Recommends:

- a. Increasing the penalties against those who exploit children and women in trafficking in and abuse of narcotic drugs.
- b. Training the targeted groups, particularly employees and service providers such as police officers, judges and court staff, on how to deal with them.
- c. Studying the causes of the spread of narcotic drugs and protecting young people and workers from this scourge by pursuing dealers, particularly in schools, factories and places where young people gather.
- d. Activating the role of school principals, teachers, psychological counsellors and religious counsellors in using guidance, preventive and therapeutic methods in dealing with the drug problem, and including in school curricula scientific material on the harms of drug abuse.

The Right to Liberty and Security of Person

11. International conventions guarantee the human right to liberty and security of person,¹¹ and the Constitution affirms this right in Article (8) thereof.¹² The Criminal Procedure Code No. (9) of 1961, as amended, specifies the cases in which judicial police officers may arrest a suspect and deprive him of his liberty (felonies, and cases of misdemeanours in flagrante delicto), and lays down a set of formal safeguards and restrictions which must be observed during the arrest. During 2008, (13181) persons were placed in administrative detention, of whom (11870) were citizens and (1313) were of other nationalities, whereas cases of administrative detention in the first ten months of 2007 amounted to (12178) cases, of whom (10241) were Jordanians and (1964) were foreigners. The average period of administrative detention ranged between one week and four months, and the most prominent reason for continued administrative detention was the inability of these persons to provide the required guarantees. As regards detainees of foreign nationalities, some of them have spent three years in detention owing to their inability to provide guarantees, or pending deportation proceedings or a decision on the detainee's case. The number of persons held in judicial detention rose during 2008 to (26088) judicial detainees, compared with (25243) detainees in 2007. Of the detainees this year, (3290) were foreign detainees, held at the disposal of the courts and public prosecutors. The number of persons detained at the disposal of the Public Prosecutor of the State Security Court amounted to (7676) judicial detainees, and among the detainees were persons whose detention had exceeded seven months without their receiving an indictment, being brought to trial or having their cases heard (detainees at the disposal of the State Security Court and the Major Felonies Court).

12. In the field of **deprivation of liberty**, the Centre observed the continuation of certain violations which are still committed by judicial police officers in arresting suspects and depriving them of their liberty, in breach of the Criminal Procedure Code and the international standards on liberty and security of person, the most prominent of which are: (a) failure to comply with the

¹¹ See Article (9) of the International Covenant on Civil and Political Rights.

¹² The Article provides that: "No person shall be detained or imprisoned except in accordance with the provisions of the law."

legal safeguards and restrictions concerning the period of arrest specified in Article (100) of the Criminal Procedure Code, whereby suspects are held for more than (24) hours, sometimes reaching several weeks, on the basis of the Crime Prevention Law No. (9) of 1954; (b) the resort by the security agencies to deprive persons of their liberty after their release, by recommending to administrative governors that administrative measures be taken against them, or transferring them in connection with other cases; this is done by the security centre that originally arrested the wanted person placing an annotation on the prisoner's file to the effect that he is to be handed back to the security centre after his release if he was detained, or after his discharge if he was sentenced; and if he is referred to the administrative governor, the latter requires him to provide an undertaking, or carries out a reconciliation, or takes a police measure against him (binding him to compulsory residence), all of which are procedures that constitute a grave breach in the application of the law; (c) the continued resort by the security agencies to referring the cases of wanted persons with previous records to the judiciary successively, and pending the execution of the prison sentence in each case separately; (d) the Crime Prevention Law No. of 1954 confers judicial powers upon administrative governors by virtue of the authority they enjoy to detain persons and deprive them of their liberty, which constitutes an infringement of the right to liberty and security of person, particularly given the expansion by administrative governors of administrative control powers without providing legal safeguards, on grounds of necessity and the preservation of security and public order, and without observing the legal principles governed by the Crime Prevention Law itself when issuing an administrative detention decision, which is considered a breach of international legal principles and a violation of the Crime Prevention Law itself; (e) the continued practice of administrative governors of removing administratively detained persons to areas far from their families' place of residence, notwithstanding the distribution of prisons across most governorates, which imposes additional material and moral costs on their families, particularly when families are not notified in advance of their sudden transfer from one prison to another or from one detention centre to another.

13. With regard to **places of temporary detention at the Public Security Directorate**,¹³ the Centre notes with appreciation that during 2008 the Public Security Directorate established numerous security centres containing model temporary detention facilities in accordance with the international and national standards applicable to buildings, with a variety of facilities, taking into account the provision of special places for holding juvenile and female detainees and the provision of waiting rooms for visitors to the security centre. Nevertheless, the Centre observed the continuation of a number of negative aspects which affect the rights of persons in custody and constitute violations of the relevant international and national standards, requiring immediate action by the Public Security Directorate to protect the rights of persons detained in those places. These observations have been repeated in all of the Centre's reports over the past four years, yet the authorities concerned have not taken them into consideration in order to put an end to the violations and contraventions, the most prominent of which are: (a) the failure to follow any of the classification standards guaranteed by international and national standards when holding suspects or persons under suspicion, and the failure to provide places for performing religious

¹³ These include the detention facilities of police directorates and security centres, and the places of detention in the Criminal Investigation Department, the Preventive Security Department, the Anti-Narcotics and Counterfeiting Department and the Family Protection Department.

rites in most security centres; (b) poor environmental and health conditions, a low level of cleanliness and a lack of drinking water fit for consumption in those places, and the failure to provide detainees with basic meals except for one meal only; (c) the cruel and inhuman treatment of some detainees in some security centres, particularly persons with previous records, recidivists and some persons bound to compulsory residence, and forcing some detainees to carry out cleaning work in the security centre; (d) the overcrowding of some places of temporary detention most of the time, which leads to an acute shortage in the services provided to detainees in terms of the meals served and the bedding and blankets with which the detainee is provided within the temporary detention cell; (e) the detainee's loss of all forms of contact with the outside world¹⁴ (his family and friends), together with his deprivation of the right to the assistance of a lawyer during the preliminary investigation stage, in addition to his being held in solitary confinement cells lacking sanitary conditions for long periods exceeding two weeks,¹⁵ which constitutes a breach of fair-trial guarantees; (f) the continuing phenomenon of exceeding the provision on the period of arrest, set by law at (24) hours, whereby suspects continue to be held for long periods exceeding a week on the basis of the Crime Prevention Law, and sometimes without relying on this law. The Centre observed the existence of detention warrants that were prepared in advance and signed beforehand by administrative governors in the security centres and departments for extending the custody of persons week after week on the pretext of investigation, and the detainee is quite often transferred to a number of security centres in order to circumvent the provision concerning the period of arrest (24) hours; (g) the Centre recorded the occurrence of (5) deaths in places of temporary detention during 2008, which is the same figure as in 2007, and among the deaths this year was one case of suicide. The commissions of inquiry formed by the Public Security Directorate considered (3) of them to be natural deaths in the light of the forensic medical reports and the decisions of the commissions of inquiry formed, while other complaints are still under investigation.

14. As regards **places of temporary detention at the General Intelligence Directorate**, the Centre carried out two visits to the places of detention of the General Intelligence Department during 2008.¹⁶ The Centre 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 at the General Intelligence Department are summarised as the state of isolation in which they live in the solitary cells inside the detention centre, the length of judicial detention, and their not being permitted to be alone with their visitors during visits. Table No. (4) represents a summary of the complaints received by the Centre against the General Intelligence Department during 2008, which amounted to (36) complaints, compared with (31) complaints in 2007. The Centre commends the responsiveness of the General Intelligence Department to a number of the observations and recommendations it made with the aim of improving the conditions of detainees in the detention centre, in terms of attention to the

¹⁴ The detainee is often deprived of making a telephone call to his family to inform them of his whereabouts.

¹⁵ Jordanian laws provide the suspect with the right to the assistance of a lawyer only at the preliminary investigation and trial stages.

¹⁶ The Centre's team examined the conditions of the places of detention and the legal situation of the detainees whom it met individually, and listened to their demands and complaints. It also examined the specifications of the prison environment, the quality of food, and the level of health care and mental health services.

follow-up of detainees' mental health and the provision of daily newspapers and the improvement of lighting inside places of detention, in addition to attention to promptly informing the detainee's family of his whereabouts.

Table No. (4): Summary of the Complaints Received by the Centre Against the General Intelligence Department

Complaints by Outcome	Number
Satisfactory outcome reached	21
Complaints under follow-up	4
Complaints outside the Centre's mandate	5
Complaints filed for absence of a violation	4
Complaints in which no satisfactory outcome was reached	2

15. As regards **Correction and Rehabilitation Centres**, the Centre carried out (32) visits during 2008, covering the ten Jordanian prisons,¹⁷ in cooperation and coordination with the Grievances and Human Rights Office at the Public Security Directorate. The Centre observed the following violations and incidents which had a negative impact on the right to liberty and security of person in 2008, the most prominent of which are: (a) the increased frequency of riots inside some prisons,¹⁸ which resulted in negative consequences, the most prominent being the human casualties represented by the death of three prisoners as a result of burning in Muwaqqar Prison and the injury of (160) inmates in three prisons, and the spread of the riots to more than five other prisons, while the material losses for Muwaqqar Prison alone were estimated at (450) thousand dinars. It is worth mentioning that the team of the National Centre for Human Rights was prevented from carrying out its visits to prisons during the period from mid-April until the beginning of August 2008 on account of its report on those events;¹⁹ (b) the rise in the number of hunger strikes in prisons to (1112) hunger strikes carried out by inmates. The causes of the strikes are attributable overall to the deterioration of inmates' living conditions inside the prison, which drives them to attempt to inform public opinion of their poor conditions inside the prison, or to protest against certain arbitrary administrative decisions, or on account of their suffering and that of their families as a result of the length of judicial and administrative detention periods; (c) the overcrowding of Correction and Rehabilitation Centres and the failure to adopt a considered criterion for determining their capacity which takes into account the total area of the centre and the space allocated to service facilities and sleeping quarters for each inmate; (d) the emergence of new phenomena represented by the "sale of the right to use equipment", the "sale of services", "bribery among prisoners", and the spread of narcotic pills and violence among prisoners; (e) the lack and dilapidation of the infrastructure of some prisons, and the deterioration of health care services, preventive and curative, the limited psychological care and counselling services, and the

¹⁷ The number of inmates of Correction and Rehabilitation Centres during this year ranged between (7000-7500) inmates distributed across ten prisons.

¹⁸ The injury of more than 25 inmates in Birin Prison and the death of three inmates as a result of burning on 26/2/2008, and the injury of more than (93) inmates in Muwaqqar Prison on 14/4/2008.

¹⁹ The Centre's report published on its website concluded that the direct cause of the events at Muwaqqar Prison was the ill-treatment received by inmates from certain prison personnel, which coincided with ill-considered transfers of inmates for the purposes of applying the isolation and classification system.

shortage of social care services;²⁰ (f) the ineffectiveness of judicial oversight of prisons, and the limited legal assistance services provided to prisoners, owing either to their poverty or to their lack of awareness of their importance;²¹ (g) the failure to address the issue of the continuity of the staff working in prisons and the failure to provide adequate material and moral incentives to encourage work in the prison facility; (h) the rise in the rate of recidivism to reach (33%) among men and women, and the absence of accurate statistics showing the types of crimes or the age group, the geographical area and the reasons for the recurrence of crime; (i) the failure to apply the prison classification system (dangerous, very dangerous) and the classification of prisoners (degree of criminal dangerousness, personality, age and sex) so as to ensure the achievement of the objective of correction and rehabilitation and to ensure that inmates enjoy their guaranteed rights. The detention periods of some of them ranged between one week and three years under judicial detention decisions (the State Security Court and the Major Felonies Court).

16. On the other hand, a number of measures taken as part of the prison development policy were recorded, the most prominent of which are the following: (a) the issuance of decisions releasing administrative detainees, particularly after the events at Muwaqqar and Swaqa prisons,²² and the formation of a committee to study and classify cases of administrative detention; (b) the opening of an office of the National Centre for Human Rights in Swaqa Correction and Rehabilitation Centre on 3/2/2008 with the aim of following up all requests and complaints of prisoners from all legal, health and social aspects, in cooperation with the relevant authorities; this office was opened to serve as the first step towards opening other offices in the remaining centres; (c) the appointment of four nursery attendants to work in the nursery equipped in Juweideh Women's Prison to receive the children of inmates up to the age of three years, and permitting female inmates to keep their newborns with them; (d) the creation of a website for the Correction and Rehabilitation Centres Administration;²³ (e) the announcement by the Minister of Culture of the implementation of a variety of cultural programmes targeting prisoners, including theatrical and cinematic performances, and the supply to the Correction and Rehabilitation Centres Administration of (12040) books as a cultural gift, while the National Society for the Care of Prisoners also donated (10) thousand books; (f) the appointment of seven public prosecutors in prisons to receive prisoners' complaints and grievances, attached to the Correction and Rehabilitation Centres Administration, in seven Jordanian prisons; (g) the implementation of programmes emphasising religious and moral values with the aim of individual reform, in cooperation with a number of preachers, counsellors, specialists and a section of Jordanian

²⁰ For further details, see the Sixth Report on the Conditions of Correction and Rehabilitation Centres, National Centre for Human Rights, published on 8/2/2009, available at www.nchr.org.jo

²¹ This legal assistance is provided by the team of the National Centre for Human Rights responsible for visits and by the Mizan Group to the female inmates of Juweideh Women's Prison, but this does not meet the needs of inmates, and the Centre hopes that civil society organisations and the Jordan Bar Association will play a greater role in this important field.

²² On 7/5/2008, the Governor of the Capital released (98) administrative detainees, and the Governor of Zarqa released (75) administrative detainees. Furthermore, on the occasion of the month of Ramadan, Eid al-Fitr and Eid al-Adha, the Governor of the Capital released (132) administrative detainees out of a total of (250-300) administrative detainees, among them (50) women held administratively in connection with various cases, in the Capital Governorate alone. Likewise, during this year police supervision restrictions were lifted from (615) persons after a specialised committee completed its study of all police supervision decisions, in line with the principle of the rehabilitation of and assistance to prisoners.

²³ The website address is WWW.CRC.PSD.GOV.JO

university professors;²⁴ (h) the preparation of a draft of the Incentive Treatment Instructions laying down the special bases for incentivising inmates in accordance with Articles (34 and 35) of the Correction and Rehabilitation Centres Law No. (9) of 2004, which allow an inmate to be released before the expiry of his sentence with a quarter of the term deducted, such that all inmates benefit from this under the current system upon their entering prison, regardless of their conduct;²⁵ (i) the implementation of two cultural seasons for prisoners in all prisons over a period of six months, the content of which included awareness-raising lectures on the subjects of communicable diseases, AIDS, psychiatry and others,²⁶ and the presentation of theatrical performances to prisoners during May and June; (j) the printing and distribution of six thousand copies of the guide to the rights and duties of inmates of Correction and Rehabilitation Centres within the national legislation, in coordination with the National Centre for Human Rights; (k) the implementation of a sports season over a period of five months and the supply of some prisons with sports equipment provided by the International Committee of the Red Cross.

17. In the field of excessive use of force and excessive raid and arrest operations, the Centre received (18) reports during 2008 concerning the forcible storming of homes and the terrorising of children and residents in a number of areas of the Kingdom during raid operations and the arrest of persons wanted in security cases, drug cases and certain major theft and embezzlement cases. The most prominent of those cases occurred during the arrest of a number of suspects in Zarqa Governorate, the Capital Governorate and Irbid Governorate. It was observed that there was a rise in the frequency of raids carried out by both the Anti-Narcotics and Counterfeiting Department and the Criminal Investigation Department during 2008.

18. In order to protect the right to liberty and security of person, the Centre renews its call to the Government and its relevant security departments to adopt the recommendations it set out in its reports on prisons, which it reiterated and stressed in its latest report for 2007, the most prominent of which are:²⁷

²⁴ These programmes began in Juweideh Prison, specifically for some inmates, numbering (36), who hold takfiri ideology. These persons underwent seven sessions of Shari'a dialogue during the period extending from after Eid al-Fitr and ending before the blessed Eid al-Adha. Two reports issued by Al-Rai newspaper on 25/2/2008 and 16/12/2008 described these inmates who underwent those programmes as "repentant" "from extremist takfiri ideas", after those programmes brought about doctrinal reconsiderations. As a result, these persons will be transferred to other prisons to be integrated with the rest of the inmates who are not classified in dangerous cases, while being subject to intensive monitoring to ascertain the extent of the changes that have occurred in their conduct and their pattern of thinking and their dealings with the rest of the inmates, according to statements by the Director of the Correction and Rehabilitation Centres Administration.

²⁵ The draft of the proposed Incentive Treatment Instructions includes the separation of inmates of good character and good conduct from those who incite unrest inside prisons. That draft met with criticism from the Centre as regards its proposed wording concerning the chairmanship of the Incentive Treatment Committee (the centre director) and the composition of the membership as well, and likewise with regard to the distinction between prisoners benefiting from the reduced period. The Centre hopes that those Instructions will not be adopted by the Higher Committee for Correction and Rehabilitation in their proposed wording and that the necessary amendments will be introduced therein, with the aim of preserving the prisoner's right guaranteed by Article (34) of the Correction and Rehabilitation Centres Law No. 9 of 2004.

²⁶ The cultural seasons were implemented in cooperation with the Ministry of Social Development, the Office of the Chief Justice, the Ministry of Health, the National Centre for Human Rights and the Anti-Narcotics Department.

²⁷ For further details, see: the Sixth Periodic Report on the Conditions of Correction and Rehabilitation Centres in the Hashemite Kingdom of Jordan for 2008, issued on 8/2/2009 and published on the Centre's website www.nchr.org.jo

- a. The repeal of the Crime Prevention Law. Pending its repeal, the Centre stresses the necessity of respecting final judicial decisions and judgments of acquittal or non-liability and abiding by them, of following the principle of proportionality between the police measure and the criminal dangerousness when imposing compulsory residence, and of restoring all powers in this regard to the judicial authority.
- b. Lifting the administrative governor's cover from the investigation procedures carried out by the police in a manner that permits the continued holding and questioning of persons for long periods on the basis of detention warrants issued by administrative governors.
- c. That security centres refer accused persons and suspects to the Public Prosecution within the period specified in the Criminal Procedure Code.
- d. That administrative governors comply with the procedures to be followed when resorting to administrative detention in accordance with Article (4) of the Crime Prevention Law, in respect of issuing arrest warrants and hearing the statements of persons, and then issuing administrative detention orders.
- e. That judges and public prosecutors refrain from issuing judicial detention decisions except after prima facie evidence requiring and imposing such detention has been established.
- f. Finding solutions to the problem of overcrowding in prisons, including enacting legislation on non-custodial alternative measures and activating the legislative provision on suspension of the execution of sentence (Article 54 bis of the Penal Code).

The Right to the Administration of Justice

19. There is no doubt that an effective judicial system is the cornerstone in achieving the fundamental mission of the State, namely the administration of justice among all individuals, and in establishing the values of integrity, equality and equal opportunities, and protecting the rights of citizens and residents guaranteed by the Constitution²⁸ and enshrined in international instruments.²⁹ The Centre appreciates the Government's continued support for the judicial system at all its levels in order to ensure the enjoyment of this right, as was evident in the measures taken by the Ministry of Justice in cooperation with the Jordanian Judicial Council to implement the communication strategy of the Judicial Council in its first phase (2006-2007) and its second phase (2007-2009), which formed a basic foundation for increasing public awareness of the performance of the Jordanian judiciary.³⁰ The Centre considers that the issuance of the amended Magistrates'

²⁸ See Articles (6/1), (9) and (27) of the Constitution.

²⁹ See the text of Article (14/1) of the International Covenant on Civil and Political Rights.

³⁰ The most prominent results of this strategy included the following: the appointment of court directors to relieve judges of the pressure of administrative work; the computerisation of court work and its connection to the Internet, and the launch of the Judicial Council's website to enable the public to obtain information easily; the dispatch of a number of judges to learn the English and French languages, and the training of another number in intellectual property cases; the launch by the Ministry of Justice of a media campaign to introduce the judicial system (educating the public), and the promotion of a general understanding of the reform and development of the judiciary and its role in strengthening the principle of the rule of law; and reducing recourse to the courts by relying on alternative methods of dispute resolution, whereby a group of judges were trained in mediation work, and the implementation of a programme to raise the awareness of citizens and lawyers of alternative means of resolving disputes without recourse to the courts commenced.

Courts Law No. (30) of 2008, which entered into force on 1/11/2008, will work to reduce the pressure on the Courts of Appeal and the Courts of First Instance; under this Law, many cases were transferred from the jurisdiction of the Courts of First Instance to the jurisdiction of the Magistrates' Courts, and many cases were likewise transferred from the jurisdiction of the Courts of Appeal to the jurisdiction of the Courts of First Instance. The Centre considers that this amendment requires practical measures to be taken to increase the judicial staff in the Magistrates' Courts and to raise their legal competence, in order to absorb the large volume of cases that now fall within their jurisdiction and to ensure the quality and speed of adjudication of these cases. Notwithstanding the foregoing, the Centre observed during 2008 obstacles which had a negative impact on the protection of the right in the field of justice; the Centre had recorded some of them in its previous reports, as they have existed for years.

20. Among the obstacles is that some legislation is characterised by the generality of its provisions and by its referral of many detailed procedures to instructions and decisions issued directly by the competent ministers, as well as by rapid changes to all laws. Practical reality indicates that many government institutions fail to publish decisions and instructions in the Official Gazette, which weakens the citizen's ability to access the legal system and creates a problem in following up the decisions and instructions issued. Moreover, the process of publishing legislation is marred by the problem of confining publication in the Official Gazette to the amended articles under the name "Amending Law No." or "Amending Regulation No.", which causes confusion in the codification of amended legislation, given its large number, and in identifying the legislation in force or that which has been repealed, among the courts, government institutions, lawyers and citizens. It should be noted that the global experience of various States is to take care, when amending their legislation, to publish its provisions in full; in this way, reference is made to the latest amendment without the need to search all the articles of the legislation.

21. The Judicial Independence Law³¹ and its amendments contain numerous provisions that affect the independence of the Judicial Council, the most important of which is the absence of financial and administrative independence: the Council has no regulation defining its organisation, the manner of its administration, or the departments affiliated to it which assist it in performing its functions; moreover, it is the Ministry of Justice that prepares the Council's budget.

22. Furthermore, although the judicial inspection system may appear at first glance to contravene the principle of the separation of powers adopted by the Constitution, there is a practical and pressing need to establish a special system that avoids anything that might be considered an encroachment upon the jurisdiction of the judicial authority, while at the same time guaranteeing effective, fair inspection procedures and a reference body capable of follow-up. The judicial inspection system is also in need of amendments that ensure a higher level of competence in the performance of the inspection function, and that surround the inspector's work with the functional guarantees necessary to enable him to perform his role without impediments or non-objective constraints, as well as ensuring that the Ministry of Justice does not retain the confidential files of judges.

³¹ Published in the Official Gazette, Issue No. 4480, dated 18/3/2001.

23. It has been observed that certain legislation has granted judicial powers to executive bodies, which has had a direct impact on the work and independence of the judiciary, since some laws grant the directors of these bodies powers to issue decisions that are historically and conceptually linked to judicial powers and to the work of the courts. Examples of this include the Customs Law No. (32) of 1998,³² which granted the Director General the power to issue precautionary attachment and travel-ban decisions under Article (193) thereof. The Centre has documented a number of cases in which travel-ban decisions have been issued for decades, although their cases are still pending before the courts, notwithstanding the willingness of the persons concerned to provide guarantees securing the Treasury's rights. Likewise, the Crime Prevention Law grants judicial authority to an executive body, as reality indicates that administrative governors resort extensively to administrative detention on the basis of security justifications which, in many of the charges brought, may be unwarranted, and before it is established that the individuals committed the offence attributed to them; the same applies to placing individuals under compulsory residence, which constitutes a breach of the principle that "no person shall be punished for the same offence more than once" and an infringement of the right of the human being to freedom of movement. The Centre therefore calls for the amendment of such legislation and for the power to issue such decisions to be confined to the judiciary, as the body with original jurisdiction to take measures affecting the liberty of citizens.

24. As regards the amended Court Fees Regulation No. (108) of 2008, the Centre considers that the imposition of exorbitant fees constitutes a major obstacle to individuals in obtaining their rights, given their inability to pay such fees, particularly in light of the difficult living conditions endured by a large segment of society; this is incompatible with the international standards on the administration of justice.³³ This calls for a review of the Regulation and for amendments to be made to it that take into account the living conditions of citizens, in keeping with the settled principle that one of the most important duties of the State is to do justice and that, in principle, the State dispenses justice free of charge. It also calls for activating the use by presiding judges of their powers by adopting the interpretation that takes into account the rights of litigants when applying the provisions of the Fees Regulation, on the one hand, and the use by presiding judges of their powers to defer fees, on the other. Furthermore, the imposition of fees on criminal appeals constitutes an obstacle to many persons in exercising the right to defend themselves before the courts at their various levels; it is not proper to impose any fees on appeals against such judgments, since they relate directly to human rights and freedoms.

25. With regard to the **Sharia courts**, as part of the personal status courts, the Centre has observed the existence of certain obstacles affecting the litigation process before these courts, the most prominent of which are: the high level of judicial fees and their multiplicity, such as case fees, execution fees and expert fees, which constitutes an obstacle for many who are unable to afford them, particularly women whose rights are violated and who are unable to resort to the courts because of the high value of the fees. The Centre considers that, although the Sharia Judicial

³² Published in the Official Gazette, Issue No. 4305, dated 1/10/1998.

³³ The Human Rights Committee's General Comment No. (32) on Article (14) of the International Covenant on Civil and Political Rights states that the State must make available to the individual every means of access to the judiciary, as the first and last guardian of people's rights and freedoms, and must not place obstacles before them.

Execution Law³⁴ No. (11) of 2006 aims to simplify Sharia litigation procedures, after the execution process had been entrusted to the regular courts affiliated to the Ministry of Justice, many cases, particularly maintenance cases, come to a halt at the execution stage, which has made recourse to these courts problematic owing to the difficulty of enforcing their judgments. The Jordanian National Commission for Women submitted a draft law providing for the establishment of a maintenance fund in the Sharia courts; however, it remains under consideration, despite several years having elapsed since its submission.

26. With regard to the **ecclesiastical courts**,³⁵ as part of the personal status courts, the Centre has monitored numerous problems hindering the litigation process before these courts, the most prominent of which are: (a) the non-publication in the Official Gazette of many of the personal status laws governing the Christian denominations; (b) the failure of the Roman Catholic Metropolitan Court in Amman to convene since 2007, despite many citizens having approached it to file cases before it; those in charge of it, however, refused to receive any case on the ground that the court was not convening, which constitutes a violation of the human right to access to justice. One Jordanian woman lodged complaints with the Centre in this regard, and the Centre addressed the Prime Minister on the matter, following which this court resumed its jurisdiction and the consideration of the cases submitted to it.

27. With a view to advancing the judicial system and enabling it to perform the functions entrusted to it, foremost among which is the protection of the rights of citizens and residents to access justice and fairness, the Centre recommends the following:

- a. Taking the legislative steps necessary to review the judicial facility so as to meet the constantly evolving new needs, and in a manner that guarantees its administrative and financial independence.
- b. Moving towards the establishment of a constitutional court to review the constitutionality of laws, with all that this entails in terms of introducing constitutional amendments and implementing serious programmes to qualify the judges of this court with constitutional knowledge and expertise within specific, implementable programmes. Pending the completion of these amendments, the Centre hopes that judges will exercise the possibility and the judicial powers granted to them under the current laws in matters relating to the constitutionality of laws.
- c. Expanding the application of alternative methods of dispute resolution away from recourse to the courts.
- d. Publishing all the provisions of the amended law in full in the Official Gazette, whether those that have been amended or those that have remained unchanged, so that reference may be made to the latest published amendment of the law without the need to search for the provisions of the legislation under each amendment.

³⁴ Published in the Official Gazette, Issue No. 4751, dated 16/3/2006.

³⁵ These are: the ecclesiastical courts of the Greek Orthodox denomination, the Roman Catholic (Melkite) denomination, the Latin denomination, the Armenian denomination, and the Arab Episcopal Evangelical denomination.

- e. Limiting the delegation of judicial powers to executive bodies in the legislation in force, with a view to strengthening the work and independence of the judiciary.
- f. Reviewing Court Fees Regulation No. (108) of 2008 and drawing on the previous legal texts in drafting the new Regulation, abolishing fees on criminal appeals in all cases, and adhering to the previous jurisprudence of the higher courts in this field.
- g. Publishing the personal status laws governing the Christian denominations in the Official Gazette, so as to extend the State's oversight over them and incorporate them within the Jordanian legal system.
- h. Expanding programmes for training judges, particularly with regard to emerging subjects, and motivating them by making available to them opportunities to pursue postgraduate studies at distinguished law faculties in various parts of the world.

Juvenile Justice

28. Although the Juveniles Law No. (24) of 1968 and its amendments contain many positive elements that provide guarantees of the right of juveniles to a fair trial, the most important of which are: the reduction of the upper limit of criminal penalties for juveniles, the prohibition on applying the death penalty to them, and the description of children in conflict with the law as “delinquent juveniles”,³⁶ the Centre nevertheless faults the Juveniles Law for the weak consistency of its provisions with modern trends aimed at improving the juvenile criminal justice system with a view to reducing the problem of the aggravation of their delinquency. The Centre therefore urges the Government to expedite the adoption of the draft new Juveniles Law, which has been deposited with the Legislation and Opinion Bureau since the end of 2007.

29. As regards the application of fair trial guarantees for juveniles, the Centre appreciates the orientation of the Ministry of Justice and the Judicial Council towards adopting courts specialised in juveniles, in addition to increasing the number of Magistrates' Courts;³⁷ this is in response to the recommendation contained in its Fourth Report on juveniles, which urged the provision of a specialised judiciary dealing with all stages of the trial. The Centre regards this orientation as a positive step in the field of applying the provisions of the Convention on the Rights of the Child, in terms of respecting the particular nature of the juvenile and full confidentiality in litigation procedures.

30. In 2008, the Centre received more than (100) complaints directly from detained children relating to violations to which they had been subjected, compared with (87) complaints in 2007. Complaints of torture accounted for the largest share, numbering (37) complaints from children who had been subjected to torture by members of the Criminal Investigation Department;³⁸ in

³⁶ The United Nations Standard Minimum Rules for the Administration of Juvenile Justice, adopted by the General Assembly on 29/11/1985, refer to them as “juvenile offenders”.

³⁷ The amendment of the Regular Courts Formation Law No. (31) of 2008 was approved by the House of Representatives; pursuant to the text of Article (4/b) thereof, specialised judicial chambers may be allocated in the Courts of First Instance if the proper conduct of judicial work so requires.

³⁸ The father of two children lodged a complaint with the Centre that they had been tortured by members of the Criminal Investigation Department in connection with their being accused of arson, as they had been detained in the Juveniles Section

addition, there were (21) complaints relating to the right to family care,³⁹ (22) complaints relating to delay and lack of speed in litigation procedures, (11) complaints relating to the right to education, (7) complaints relating to the right to legal aid, and (5) complaints relating to the right not to be subjected to inhuman treatment.⁴⁰ The Centre also monitored (71) cases of violations to which children in conflict with the law were subjected, through the project “Building the Capacities of Civil Society to Prepare the Parallel Report and Monitor Violations Relating to Children”. The violated rights are classified according to what was monitored, as shown in the following chart:

[Chart: Rights violated in the cases monitored]

Right	Number
The right to family care	21
The right not to be subjected to torture	37
The right to speedy litigation	22
The right to education	11
The right not to be subjected to inhuman treatment	5
The right to legal aid	7

31. It is observed that theft and assault offences were the highest offences committed by children for the years 2001 until 2007; as for the highest type of offence committed by children in 2008, it was drug offences, with (90) drug offences recorded in 2008, whereas the drug offences recorded in 2007 numbered only (8), which constitutes an enormous increase. Table No. (5) shows the numbers of drug offences committed by children from 2001 to 2008.

Table No. (5): Numbers of Drug Offences Committed by Children

Year	Number
2001	38
2002	47
2003	10
2004	5
2005	11
2006	8
2007	8
2008	90

32. The Centre has observed that some juvenile homes suffer from problems in the physical environment which impede the implementation of rehabilitation programmes for detained

of the Jerash Governorate Police Directorate on 12/9/2008, which constitutes a further violation relating to the separation of juveniles from adults according to international standards and national legislation.

³⁹ Many children’s families deliberately refrain from communicating with their children owing to circumstances and reasons relating to family disintegration. For example, the father of one of the children in a children’s care centre refused to see his son, the father’s argument being that his son did not wish to study the vocational training he had chosen for him; however, the reality of the situation indicated that the parents had separated and that the father feared his son returning home.

⁴⁰ A member of the judicial police beat a girl against whom a ruling had been issued transferring her to a protection and care home, because she protested against the decision, and this took place in the sight and hearing of the court judge.

children, which prompted the Ministry of Social Development to adopt a new vocational rehabilitation policy based on the need to provide a physical environment equipped to receive and shelter children, whether they are in conflict with the law or in need of protection and care. Children (in the 7–12 age group) were accordingly transferred from the Wadi Al-Seer area to the Shafa Badran area into a building designed for this purpose, and a centre for beggars was opened in Madaba Governorate on 30/11/2008 accommodating girl beggars, in which the foundations of care relating to environmental conditions close to and resembling the family atmosphere are applied. Maintenance works were also carried out at most juvenile homes and centres.

33. The Centre has observed that there have been positive developments in the practical reality in the field of juvenile justice during 2008, represented in the signing of a joint memorandum of understanding between the Centre, the Ministry of Social Development and the Ministry of Justice on 5/2/2008 to coordinate joint efforts in the field of monitoring and documentation relating to juvenile justice, as well as cooperation between the Centre and the Ministry of Social Development in receiving complaints from detained children directly. The Centre is currently seeking to expand the scope of cooperation with other official bodies,⁴¹ within the framework of the efforts made to develop the juvenile criminal justice system, and in keeping with international trends aimed at the establishment of a third protocol annexed to the Convention on the Rights of the Child concerned with receiving complaints and communications directly from children. Among the positive developments, too, was the Ministry of Social Development's establishment, in cooperation with the Public Security Directorate, of two centres for the temporary detention of juveniles: the first being the Mafrqa security centre for males, which was added to the existing juvenile sections in Amman, Zarqa, Irbid and Aqaba, and the second being the Al-Hussein security centre in Amman, in which the first detention centre for girls was opened. Special offices⁴² were also established to deal with the cases of delinquent juveniles who commit misdemeanours and contraventions, within the framework of a joint working mechanism between the Ministry of Social Development and the Public Security Directorate.⁴³

34. The Centre values the response to its recommendation contained in its annual report issued in 2007 concerning the establishment of a section for girls in conflict with the law, in order to spare them the danger of criminal contagion and to promote the theory of justice specialised for juveniles from the moment of their arrest, particularly since the service provided to juveniles at this stage of litigation is distinguished by having both a legal and a social nature, and is supervised by qualified and trained staff from the Public Security Directorate and the Ministry of Social

⁴¹ For example: the Public Security Directorate, represented by the Family Protection Department, the Judicial Council, the Ministry of Justice, the Ministry of Education and the Ministry of Labour, through the establishment of a network concerned with raising the ceiling of legal, social and institutional protection for children in conflict with the law.

⁴² This was done in four security centres, namely: (the Al-Qweismeh security centre, the Zahran security centre, the Tabarbour security centre, and the Al-Hasan security centre in Zarqa).

⁴³ The working mechanism of these offices proceeds as follows: staff of the Ministry of Social Development attend investigation sessions with juveniles and record the data relating to the juvenile's family and notify it as quickly as possible; a preliminary social study is also conducted, and the aggrieved parties are interviewed in an attempt at reconciliation between them. Staff of the Public Security Directorate affiliated to the Family Protection Department then directly undertake the legal procedures followed in contraventions and misdemeanours, in accordance with the powers of the judicial police under the law (preliminary investigation). They also establish a database on offences committed by juveniles, identify their causes, and seek appropriate social solutions to them.

Development. The Centre also considers that the offices dealing with juvenile cases play an important role in improving the conditions of children's detention at the pre-trial stage for two reasons: the first is that they resolve disputes between juveniles away from court procedures and direct them towards community support based on mechanisms of conciliation and mediation between the disputing parties to resolve children's problems within certain conditions; and the second is that they constitute the nucleus for creating a specialised and trained police force for dealing with children at the pre-trial stage, which spares children many of the violations to which they are subjected as a result of some members of the judicial police coercing them into confessing guilt and subjecting them to torture and inhuman treatment.

35. In the context of awareness-raising, specialised training and awareness guides for those dealing with juveniles in conflict with the law were prepared with the support of international organisations, such as UNICEF, the United Nations Office on Drugs and Crime, and Penal Reform International, for the purpose of making maximum use of approved and specialised references for dealing with children in conflict with the law in accordance with international standards and national legislation.

36. In light of these observations and findings, the Centre, with a view to strengthening juvenile justice, recommends expediting the taking of the constitutional procedures necessary for the adoption of the draft Juveniles Law and its enactment at the earliest possible opportunity; giving the required importance to the qualification and training of members of the judicial police and judges on the protection of the rights of the child; encouraging civil society organisations to participate in improving and developing the juvenile criminal justice system through preventive and rehabilitative programmes and projects aimed at reducing the phenomenon of juvenile delinquency; and activating the involvement of the governmental institutions dealing with juveniles in assuming responsibility in accordance with the international standards on the rights of the child.

The Right to Hold Public Office

37. The right to hold public office is one of the fundamental political rights of citizens, and it is guaranteed by the Constitution⁴⁴ and the international human rights standards.⁴⁵ This right is regulated by the Civil Service Regulation No. (30) of 2007,⁴⁶ in addition to the special regulations governing the appointment process in independent public institutions, noting that part of the

⁴⁴ Article (22) of the Constitution provides as follows: "1. Every Jordanian shall be entitled to be appointed to public offices under such conditions as are prescribed by law or regulations. 2. Appointment to any government office, whether permanent or temporary, in the State and in the administrations attached thereto and in the municipalities, shall be made on the basis of merit and qualifications."

⁴⁵ See Article (21) of the Universal Declaration of Human Rights and Article (25) of the International Covenant on Civil and Political Rights.

⁴⁶ The Civil Service Bureau was established pursuant to Law No. (11) of 1955 as a central department responsible for organising the affairs of employees in the State, in order to ensure the raising of their competence and the improvement of their performance of their duties. The functions of the Bureau have developed over the years to include the following: supervising the application of the Civil Service Regulation and setting the foundations for competitive examinations; selecting and appointing State employees within the approved foundations and criteria; attending to the affairs of the public employee throughout his career and developing and improving his scientific and practical capabilities; and providing indicators for training and qualification policies.

appointments in independent public institutions are made pursuant to special regulations in coordination with the Civil Service Bureau. The Centre records the issuance of the Ombudsman Bureau Law⁴⁷ of 2008, which is considered an important step within the framework of monitoring the performance of public institutions with regard to appointments, promotions and upgradings, since the Bureau has been granted the power to consider complaints relating to any of the decisions, procedures, practices or acts of omission issued by the public administration or its employees pursuant to Article (12) thereof; consequently, the Law has granted the right to any person aggrieved by any decision, procedure, practice or act of omission of the public administration to lodge complaints against the public administration before the Bureau. The Centre values the Government's response to its recommendation contained in its previous reports regarding the necessity of adopting the Anti-Corruption Commission Law,⁴⁸ which will assist in the implementation of the public sector reform programme and the implementation of future national policies and projects. Since its establishment until the date of preparation of this report, the Anti-Corruption Commission has received (53) complaints relating to irregularities in appointments and transfers in ministries, municipalities, universities and independent institutions and bodies, of which (20) complaints were closed after the Commission ascertained that they were unfounded or that the measure taken was legally sound, while the other complaints are still under consideration.

38. In the same context, the Centre points out that the study carried out by the Civil Service Bureau on the reality of human resources and administrative organisation in the civil service revealed the existence of an imbalance in the structure of salaries between public sector and private sector salaries, indicating that this imbalance is attributable mainly to the low basic salaries in the civil service salary scale, upon which all of the employee's other financial entitlements are built; this imbalance is clearly apparent when comparing civil service salaries with private sector salaries. The study also indicated that economic and social development, the accumulation of increases in economic growth rates, and the rise in living standards and their requirements and prices all, taken together, constitute reasons that necessitate improving the conditions of employees and raising their salaries and allowances so as to enable them to lead a decent life, which would also contribute to raising the efficiency of performance and deepening institutional belonging.

39. It should be noted that the Civil Service Bureau receives grievances and objections from citizens with regard to the public offices filled through it; however, most of the objections and grievances are attributable, on the whole, to a lack of awareness and knowledge of the foundations, instructions and regulations.⁴⁹ The majority of the grievances and objections received by the Bureau concern the competitive ranking of applicants, humanitarian cases, objections to the place of residence of some candidates for appointment, cases of failing to sit the examination or of

⁴⁷ Published in Official Gazette Issue No. 4900, dated 16/4/2008.

⁴⁸ Jordan ratified the United Nations Convention against Corruption in 2004, and the Anti-Corruption Commission Law was adopted in 2006, Article (4) of which provides that among the objectives of the Anti-Corruption Commission is "detecting the sources of corruption and investigating all its cases, including financial and administrative corruption, combating nepotism and favouritism, and ensuring justice, equality and equal opportunities in the distribution of development gains."

⁴⁹ This information was obtained through an interview with the Secretary General of the Civil Service Bureau and a number of the Bureau's employees on 25/3/2009.

declining nomination for appointment, and the cancellation of the Bureau's request for appointment after the procedures have been completed in accordance with the law. It is worth noting that the Civil Service Bureau has recently established a special section for receiving complaints.

40. The annual report of the Audit Bureau⁵⁰ for 2007 monitored the existence of violations of the right to hold public office, as there are still appointments to certain grades made without regard to the employee's academic degree, the appointment of directors with specialisations that are not commensurate with the requirements of the post, and the assignment of employees to tasks that are inconsistent with their academic qualifications. The report indicated, with regard to official universities, that appointments to certain vacancies are made without announcing them and without following the foundations of preference, which contravenes the principle of competition and transparency. The same applies to municipalities, where appointments are made without regard to sound, objective foundations and without the availability of vacancies and sufficient financial allocations, which has resulted in a large financial burden being placed on municipalities. The decisions of the Personnel Affairs Committee at the Greater Amman Municipality⁵¹ also highlight the issuance of a number of decisions involving the disbursement of financial rewards in high amounts to a group of administrators and employees without adherence to the Incentives and Rewards Instructions in accordance with due process. An increase in the total salary of contract employees was also observed without adherence to the rules and without stating the reasons that led to some contract employees being granted this increase.

41. During 2008, the National Centre for Human Rights received three complaints, the first relating to upgradings and promotions carried out in government departments, another relating to cases of arbitrary transfer for personal considerations, and the third relating to dismissal from work lacking sound legal foundations. The National Centre for Human Rights is following up these complaints with the relevant authorities.

42. The National Centre for Human Rights monitored five decisions issued by the High Court of Justice, some of which involved the annulment of certain administrative decisions, while the others involved upholding the validity of the administrative decisions taken.⁵²

43. In light of this overall picture, the National Centre for Human Rights recommends the necessity of following up the irregularities monitored by the Audit Bureau in its annual reports relating to the right to hold public office, in order to rectify these irregularities and hold those responsible for them accountable. The Centre also hopes that the Anti-Corruption Commission, the Audit Bureau and the Ombudsman Bureau will implement special programmes contributing to public sector reform, and will activate the provisions of the Convention against Corruption

⁵⁰ Reliance was placed on the information contained in the Audit Bureau report for 2007, as its report for 2008 had not been issued by the time of preparation of this report.

⁵¹ The Greater Amman Municipality suffers from overstaffing and an unjustified increase in the number of employees, and a noticeable rise in the value of salaries has been observed in recent appointments.

⁵² Decisions issued by the High Court of Justice in which administrative decisions contrary to the law were annulled (Decision No. 120/2008 dated 2/6/2008, and High Court of Justice Decision No. 86/2008 dated 21/4/2008); decisions issued by the High Court of Justice in which the validity of the administrative decisions was upheld (Decision No. 123/2008 dated 7/7/2008, Decision No. 98/2008 dated 9/6/2008, and Decision No. 82/2008 dated 13/5/2008).

ratified by Jordan with regard to the development of public administration and what is required of public employees.

44. The National Centre for Human Rights affirms the recommendation of the Civil Service Bureau concerning the necessity of restructuring salaries, wages and allowances in the civil service and all public departments in a manner that takes into account the development in the standard of living and the reality of current total salaries and the progression of job categories and grades.

The Right to Nationality, Residence and Asylum

45. Nationality is one of the most important elements of legal personality that every human being must enjoy. Article (6) of the Universal Declaration of Human Rights provides that “Everyone has the right to recognition everywhere as a person before the law.” Accordingly, nationality is one of the most important human rights, since through it the human being’s legal status, rights and duties towards the country of his nationality and its society are determined, and through it he obtains the diplomatic protection of his State, just as it determines his legal capacity and personal status according to it abroad. In affirmation of this importance of nationality, Article (15) of the same Declaration 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.” The international legislator did not confine itself to what is stated in the Universal Declaration of Human Rights; rather, this right was addressed in more than one international convention, including some that Jordan has ratified⁵³ and others that it has not ratified.⁵⁴ Although the international conventions have provided for this right, they have left its regulation to the constitutions and laws of the States parties thereto, on condition that the international standards mentioned therein are observed, given that it is the fundamental pillar of the individual’s life in its legal, political and social aspects. In application of the text of Article (5) of the Constitution and the text of Article (33) of the Civil Code, which both provide that nationality shall be determined by law, the Nationality Law No. (6) of 1954 was issued, which defined the conditions for acquiring original and founding nationality, nationality by dependency and naturalisation, and other matters relating to nationality; however,

⁵³ Jordan published the following international conventions in the Official Gazette, including the International Covenant on Civil and Political Rights, which provides for this right in Article (16) thereof. The International Convention on the Elimination of All Forms of Racial Discrimination of 1969 also called upon the States parties thereto to eliminate all forms of discrimination, including that directed against foreigners who seek to obtain asylum or nationality. The Convention on the Rights of the Child of 1989 provided for this right in Article (2), which provides that: “States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child’s parents, legal guardians, or family members.” Article (7) of the same Convention likewise provides that: “The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.”

⁵⁴ Among these conventions are the following: the Convention relating to the Status of Stateless Persons, the Convention on the Reduction of Statelessness, and the Convention on the Nationality of Married Women.

it is still in need of amendments⁵⁵ to cover the aspects imposed by the development of society, particularly after Jordan published a number of international conventions in the Official Gazette on 15/6/2006, whereupon their provisions became part of the national legal system.

46. In the practical reality, the Centre considers that no change or progress occurred in the enjoyment of the right to nationality during 2008. During 2008, the Centre received a number of complaints relating to the right to nationality and the right to obtain identity documents, numbering (30) complaints, compared with (64) complaints received in 2007. Among the most prominent violations contained in these complaints were the withdrawal of official documents (passports and civil status cards) and the withdrawal of national numbers on the basis of the 1988 decision on legal and administrative disengagement from the West Bank, and the provision of temporary passports to the complainants. The Centre believes that the withdrawal of official documents, apart from constituting a flagrant constitutional violation and a breach of international standards, entails negative consequences, including: the forfeiture of an important human right for many of persons, even though they have established strong and serious ties with the State; restriction of the freedom of movement of persons whose identity documents have been withdrawn; their deprivation of regular employment and of a livelihood; the suffering of such persons from renewal procedures for short periods on a continuous basis, particularly given that some of them are individuals married to Jordanian women and have children; and likewise the difficulties faced by the children of these persons in enjoying the right to education and the right to health, which the Government is required to provide in application of the international Convention on the Rights of the Child, which Jordan has ratified.

47. This right continues to face numerous obstacles that infringe upon it, the most prominent of which is that prevailing interpretations of the Nationality Law of 1954 discriminate between Jordanian men and women in the capacity to transmit nationality to their children, on the basis of Article (3/3) of the Law. However, a careful reading of Article (9) of the same Law, which affirms that “the children of a Jordanian man are Jordanians wherever they are born”, and the interpretation of this provision in accordance with recognised rules of interpretation, indicate that the children of a Jordanian mother enjoy Jordanian nationality; for, according to the literal meaning of the expression “the children of a Jordanian”, the masculine form, wherever it is used generally and without qualification, denotes both male and female equally. This interpretation is confirmed by Article (2) of the same Law, which provides that “the word ‘Jordanian’ means any person who has acquired Jordanian nationality pursuant to the provisions of this Law”, since it used the word “person” to denote both male and female; and had it intended males to the exclusion of females, no Jordanian woman would have enjoyed nationality. On the other hand, although the Constitution provides that Jordanian nationality shall be determined by law, nationality and identity documents are being withdrawn by the relevant authorities on the basis of the Instructions on the Decision to Disengage Administrative and Legal Ties with the West Bank of 1988, in violation of that constitutional provision on the one hand,⁵⁶ and in contravention of the

⁵⁵ The Nationality Law has been amended more than once, the most recent amendment being in 1987. See these amendments at the following link: www.lob.gov.jo/ui/laws/search_no.jsp?no=6&year=1954

⁵⁶ The Disengagement Decision provides that “every person residing in the West Bank before 31/7/1988 shall be considered a Palestinian citizen and not a Jordanian”, and Item (3) provides that “the residents of the occupied West Bank shall be granted temporary travel documents valid for two years”. Item (6) likewise provides that “passports issued before 31/7/1988

international human rights law and the international instruments to which Jordan has committed itself on the other; for States Parties must refrain from taking measures that lead to depriving any person of his or her nationality, and no person may be arbitrarily deprived of his or her nationality, pursuant to Article (15) of the Universal Declaration of Human Rights.

48. As regards **the right of residence and movement**, Jordan ratified the International Covenant on Civil and Political Rights in 2006, under which an obligation was established on the official authorities not to expel a foreign person lawfully residing in the territory of the Kingdom, except in those cases where Article (13) of this Covenant is contravened.⁵⁷ In 2008, the Centre received (89) complaints relating to the right of residence and movement, compared with (166) complaints received in 2007. Among them were the refusal of the Ministry of Interior to grant annual residence permits to the wives of Jordanians, in addition to the security services' expulsion of foreigners married to Jordanian women where a judicial ruling has been issued against any of them, regardless of the type of charge. The Centre has addressed the Ministry of Interior regarding the recurrent cases of expulsion, but the Ministry still maintains its position on the grounds that these decisions fall within the scope of acts of sovereignty.

49. As regards the residence of foreigners and their affairs, which are regulated by the Residence and Foreigners' Affairs Law No. (24) of 1973 and its amendments, the Centre did not record any change in the handling of the situation of persons residing in Jordan, noting that the Centre had recorded certain observations on this Law, the most important of which are: (a) the Law, in Articles (19) and (37), grants the Ministry of Interior absolute authority to accept or reject a foreigner's application for a residence permit, or to cancel the residence permit granted to him and require him to leave the Kingdom, without stating reasons; (b) the security services detain foreigners whose expulsion has been decided administratively, pending the issuance of a decision granting them exemption or the payment of the fines accrued against them, which often takes a long period amounting to months, thereby infringing their right to personal liberty; (c) administrative governors issue decisions to expel foreigners without granting them a period of time to defend themselves or even to settle their financial and social affairs, which constitutes a violation of the right to a fair trial.

50. Concerning **the situation of asylum**, and although the Constitution provides for a guarantee of the non-refoulement of refugees, as set out in Article (21/1),⁵⁸ Jordan has not acceded to the 1951 United Nations Convention relating to the Status of Refugees. Accordingly, the Government signed a Memorandum of Understanding and a letter with the Office of the United Nations High Commissioner for Refugees (UNHCR) in 1997–1998 to regulate the mechanism of cooperation

shall remain valid until the expiry of their term, and their term shall be amended to become two years upon their holders' review of the Civil Status and Passports Department for the conduct of any transaction on the passport, whatever its type".

⁵⁷ This Article provides that "an alien lawfully in the territory of a State Party may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority".

⁵⁸ The Constitution provides in Article (21/1) that "political refugees shall not be extradited on account of their political beliefs or for their defence of liberty".

between them.⁵⁹ The situation of refugees remained unchanged during 2008, and international human rights organisations and research bodies continued to consider that the principal cause of the harsh conditions experienced by refugees results from the failure to accede to the said Convention.⁶⁰ In 2008, complaints from refugees continued to reach the Centre concerning the most important problems they face in Jordan, as it received (7) complaints revolving around the problem of residence and its legality, the expiry of the validity of their personal documents, the failure of the UNHCR Office to decide on the asylum applications submitted to it within the period agreed upon with the Jordanian Government, and likewise the failure to notify the UNHCR Office in the event of the arrest of a person who has obtained refugee status or has applied for asylum.

51. It should be noted that the Ministry of Interior had rejected the proposal of the UNHCR Office to adopt a system of group acceptance (*prima facie* recognition) for Iraqi refugees in the Kingdom, and insisted on the commitment of the UNHCR to apply the provisions of the Memorandum of Understanding signed in 1998, which provides for the necessity of considering asylum applications on an individual basis.⁶¹ The Centre records the ineffectiveness of the solutions proposed for the problem of Iraqi refugees, as is evident in the limited scope of voluntary return to Iraq on the one hand, and of resettlement in a third country on the other, which confirms that the international community is not assuming its legal and humanitarian responsibilities in finding alternative solutions for refugees, a matter which calls for pressure on the international community to find an appropriate solution that preserves the rights of refugees on the one hand and the rights of the host State on the other.

52. To protect the rights of individuals with respect to nationality, residence and asylum, the Centre considers it necessary to adopt a number of recommendations, including the following:

In the field of the right to nationality: The Centre affirms its recommendations contained in its previous reports, the most important of which are the following:

a. Activating the provision of Article (5) of the Constitution, such that nationality may not be granted to, or withdrawn from, any person except in accordance with the provisions of the law, and that nationality and other identity documents may not be withdrawn except pursuant to a final judicial decision.

⁵⁹ The work of the UNHCR in Jordan is based on that Memorandum, Article (5) of which provides as follows: “The granting of asylum is a humanitarian and peaceful act in the first place, and accordingly the two parties have agreed to ensure the treatment of asylum seekers and refugees in accordance with recognised international standards and to grant the refugee legal status as follows: that the UNHCR Office shall work to find a durable solution for the recognised refugee, either through voluntary repatriation to his country of origin or through resettlement in a third country, provided that the temporary residence does not exceed six months”.

⁶⁰ For further details, see the Migration Policy Institute in Washington, the Integrated Regional Information Networks (IRIN) of the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), and the Australian organisation AUSTCARE.

⁶¹ The number of Iraqis in Jordan is estimated at approximately (400) thousand persons; the number of asylum seekers among them reached (52) thousand, of whom (7,650) persons obtained refugee status.

b. Lifting Jordan's reservation to Article (9) of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).⁶²

c. Forming a committee of the competent governmental authorities to study the urgent humanitarian cases relating to the withdrawal of documents from citizens and the consequences thereof, and working to find fair solutions for these citizens.

In the field of the right of residence: The Centre reiterates the necessity of adopting its previous recommendations regarding the necessity of:

a. Amending the provision of Article (37) of the Residence and Foreigners' Affairs Law, which grants administrative governors and other executive officials the power to issue expulsion decisions, such that an expulsion decision may be issued only after it has been reasoned, and the person granted a specified period before his expulsion in which to defend himself before the judicial authorities, in implementation of the principles of the right to a fair trial and in harmony with the Constitution, which provides that the courts are open to all; and granting the person a specified period to settle his financial and social affairs in the event of the issuance of an expulsion decision.

b. Refraining from expelling the husbands and wives of Jordanian women and men by administrative decisions, so as to ensure the stability of family and living conditions, by expressly providing for the right of permanent residence for a foreign person married to a Jordanian woman and for her non-Jordanian children residing in the country, and granting them residence permits within specified conditions and controls.

In the field of the right of asylum: The Centre reaffirms its recommendations contained in its four previous reports in this field, the most important of which is the necessity of remedying the legislative shortcoming relating to the legal status of refugees and their rights and duties in accordance with international standards, and it recommends the following:

a. Establishing and adopting a clear and specific national mechanism for dealing with refugee issues.

b. The official authorities' notification of the UNHCR Office, as promptly as possible, in the event of the detention of persons who are asylum seekers, pursuant to Article (2) of the Memorandum of Understanding signed between the Government and the UNHCR.⁶³

c. Issuing instructions to the competent security services requiring that the UNHCR be informed in the event of the arrest of persons who have entered Jordan unlawfully for the purpose of seeking

⁶² Article (9) provides that: "1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband. 2. States Parties shall grant women equal rights with men with respect to the nationality of their children".

⁶³ The Article states that "the principle of the non-refoulement of refugees shall be respected, and no refugee seeking protection in Jordan shall be returned to any country where his life or freedom would be threatened for reasons mentioned in the 1951 Convention".

asylum, as set out in Article (3) of the same Memorandum, and that this be done before the decision to expel or deport them is taken.

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

53. Elections are regarded as the fundamental democratic instrument for exercising the right to take part in the conduct of public affairs, as affirmed by the Constitution⁶⁴ and by international instruments.⁶⁵ Numerous electoral laws have been issued to regulate this right, the latest of which was the Provisional Law No. (34) of 2001 on the Election to the House of Representatives, which included a number of provisions that strengthen the exercise of the right to vote, the most important of which are: lowering the voting age from (19) years to (18) years, such that any citizen who has completed (18) calendar years of age on the first day of the year of the elections may participate in voting; and the conduct of vote-counting procedures in the polling stations themselves. As regards the developments witnessed by this right during 2008, the Centre noted the absence of any initiative, whether from the legislative authority or the executive authority, to discuss and amend the Provisional Law No. (34) of 2001 on the Election to the House of Representatives, despite the fact that civil society institutions and political activists put forward many ideas regarding the proposed formulations of the Election Law. Consequently, this right remained without any positive change, even though the Government had committed itself in its ministerial statement — on the basis of which it won the confidence of the House of Representatives — to work on amending and enacting the necessary legislation that embodies public participation, maximises the democratic culture and fosters a sense of citizenship, and included the Political Parties Law and the Election Law as a principal part of positive and responsible dialogue in this sphere.

54. On the other hand, this Law contains a number of observations, highlighting certain provisions that are inconsistent with the principles of free and fair elections as regulated by international standards on the right to vote, the most prominent of which are:⁶⁶ (a) the failure to realise the principle of representativeness and equality among all citizens, in terms of the lack of justice and equality in the division of constituencies and the executive authority's monopoly over the division of constituencies,⁶⁷ and the failure to fully apply the principle of the universality of voting and

⁶⁴ This is what is provided for in Article (67) of the Constitution, which states: "The House of Representatives shall consist of members elected by general, secret and direct election in accordance with an Election Law which shall guarantee the following principles: 1. the integrity of the elections; 2. the right of candidates to monitor the electoral process; 3. the punishment of those who tamper with the will of the voters".

⁶⁵ See Article (21) of the Universal Declaration of Human Rights and Article (25) of the International Covenant on Civil and Political Rights.

⁶⁶ The election laws remain provisional and do not meet all the international standards necessary for the conduct of free and fair elections; they have governed the course of the successive parliamentary elections since the resumption of democratic life in 1989, and this also applies to the elections to the Fifteenth House of Representatives, which were subjected to much criticism that accompanied their conduct in 2007.

⁶⁷ The current Election Law, under Article (52) thereof, entrusts the executive authority with the task of dividing the electoral constituencies and determining the seats allocated to each of them, as this Article stipulates that the division shall be effected by means of a Regulation issued for this purpose. The Regulation on the Division of Electoral Constituencies

candidacy; and the failure to realise the principle of equality among voters as a result of the unequal weight of the electoral vote, owing to the variation in the number of seats allocated to constituencies, which is accompanied by granting each voter a single vote; (b) the failure to realise the principle of transparency and the neutrality of the authority administering the electoral process, which is evident in the Election Law's failure to regulate the process of preparing the voter lists in a manner that ensures the accuracy of the voter lists, and in the neutrality of the authority supervising the electoral process, as a result of granting the executive authority the power of full supervision over the electoral process, starting from the preparation of the voter lists and ending with the announcement of the election results; and finally, the lack of neutrality of the body charged with deciding on the validity of membership, through granting this competence to the House of Representatives.

55. As regards the legislative performance of Parliament, 2008 witnessed the holding of three sessions of Parliament.⁶⁸ The Centre records the convening of the first ordinary session immediately upon the conclusion of the elections to the Fifteenth House of Representatives, as the Royal Decree was issued convening Parliament on 2/12/2007, which constitutes a sound application of the provisions of Article (73/1) of the Constitution;⁶⁹ the second ordinary session was likewise convened on 5/10/2008, which is consistent with the provision of Article (78) of the Constitution.⁷⁰ In implementation of the provision of Article (112) of the Constitution, Parliament approved the General Budget of the State for 2009 during December 2008, after the Government had submitted the Budget Law bill to it early.⁷¹ In the field of Parliament's exercise of its legislative role, Table No. (6) shows the numbers of bills and provisional laws approved by the Fifteenth Parliament during its parliamentary sessions in 2008, which numbered (87) laws. It is noteworthy that the House of Representatives rejected all the challenges relating to the validity of the membership of its members submitted by citizens and candidates during its first ordinary session,⁷² as it rejected them in their entirety, either in form or in substance, on the basis of the decisions of the committees that examined them.

No. (42) of 2001 was issued and published in the Official Gazette on 23/7/2001, under which the Kingdom was divided into (13) electoral regions comprising (45) electoral constituencies.

⁶⁸ The first was the first ordinary session of the Fifteenth House of Representatives, which was held during the period from 2/12/2007 to 30/3/2008; the second was the extraordinary session, which was held during the period from 1/6/2008 to 12/7/2008; and the third was the second ordinary session, which was held during the period from 5/10/2008 to 4/2/2009.

⁶⁹ Article (73/1) of the Constitution provides that: "If the House of Representatives is dissolved, a general election shall be held so that the new House shall assemble in an extraordinary session not later than four months from the date of the dissolution; such session shall be deemed an ordinary session in accordance with the provisions of Article (78) of this Constitution, and the conditions of extension and adjournment shall apply to it".

⁷⁰ Article (78) of the Constitution provides that: "The King shall summon Parliament to meet in its ordinary session on the first day of the month of October of every year, and if that day is an official holiday, then on the first day following it which is not an official holiday; however, the King may, by a Royal Decree published in the Official Gazette, postpone the meeting of Parliament, provided that the period of postponement does not exceed two months".

⁷¹ Article (112/1) of the Constitution provides that: "The General Budget Law bill shall be submitted to Parliament at least one month before the beginning of the financial year, for consideration in accordance with the provisions of the Constitution".

⁷² Article (71) of the Constitution vests in the House of Representatives the competence to decide on the validity of the membership of its members, stating: "The House of Representatives shall have the right to decide on the validity of the membership of its members, and any voter may submit to the Secretariat of the House, within fifteen days from the date of the announcement of the election result in his constituency, a challenge setting out the legal grounds for the invalidity of

Table No. (6): Laws Approved by Parliament in 2008

Session	Laws referred to the House of Representatives by the Government	Laws approved by the House of Representatives	Laws approved by the Senate
First Ordinary Session	36	40 ⁷³	40
First Extraordinary Session	28	24	24
Second Ordinary Session	26	23	23

56. The Centre noted certain indicators concerning the legislative performance of Parliament, including: (a) the Senate's return of ten laws to the House of Representatives, which was interpreted by some members of Parliament themselves as indicating the existence of a legislative problem;⁷⁴ (b) the slowness of the committees in completing the draft laws referred to them during the first ordinary session.⁷⁵ The press addressed at length the performance of the House of Representatives and had numerous observations on certain aspects of this performance.

57. In another context, the Centre monitored Parliament's approval in 2008 of a number of laws having a direct bearing on human rights, the most prominent of which⁷⁶ is **the Law Amending the Public Gatherings Law**. Although civil society institutions had called upon the House of Representatives to reject the bill or to introduce substantive amendments to it, particularly with regard to the definition of a meeting and the requirement to obtain the prior permission of the administrative governor before undertaking any action to hold a meeting, Parliament approved the Law as submitted by the Government, with slight amendments to it. The Centre considers that the amendments approved do not constitute a qualitative addition in the field of strengthening the freedom of the right of assembly, and the Law still contains provisions that contravene the international conventions to which Jordan has committed itself, since it restricts this right, which is linked to the exercise of other political rights such as the right to political participation and the right to freedom of opinion and expression.

58. Among the most prominent laws approved by Parliament is also **the Ombudsman Bureau Law**,⁷⁷ under which an Ombudsman Bureau was established having legal personality with financial and administrative independence, which shall examine the complaints of individuals

the membership of the challenged member; and membership shall not be deemed invalid except by a decision issued by a majority of two-thirds of the members of the House".

⁷³ It should be noted that the current House of Representatives approved, in its first session, four laws that had been placed on the agenda of the work of the Fourteenth House of Representatives.

⁷⁴ See the statements of Member of Parliament Mohammad Abu Hudaib, Al-Dustour newspaper, 2/4/2008.

⁷⁵ The committees of the House varied in their volume of output: while the Financial and Economic Committee completed (23) laws and reports, followed by the Legal Committee with (11) laws and proposals, then came the Education and Culture Committee with (5) laws, and the Administrative Committee and the Energy Committee were equal in completing (4) laws each. Conversely, official parliamentary documents showed that, at the end of the first ordinary session, the committees of the House had before them draft laws and provisional laws as follows: the Legal Committee 15, the Financial and Economic Committee 24, the Administrative Committee 10, the Energy Committee 2, the Public Services, Tourism and Antiquities Committee one law, the Agriculture and Water Committee two laws, and the Labour Committee one law.

⁷⁶ It should be noted that, in addition to the Public Gatherings Law and the Ombudsman Bureau Law, the Centre monitored a group of laws relating to human rights, such as the Societies Law and the Protection from Family Violence Law, both of which were presented within the themes of this report.

⁷⁷ Law No. (11) of 2008, published in the Official Gazette, Issue No. 4900, dated 16/4/2008.

relating to any decisions, procedures, practices or acts of omission by any of the public administrations or their employees, provided that the avenue of judicial or administrative appeal is not available, or that its subject-matter is not pending before a judicial body, or that a judicial ruling has not been issued thereon. The Centre has a number of observations on the Law, the most important of which are: (a) the deficiency in the powers and competences granted to the President of the Ombudsman Bureau to decide on any of the complaints submitted to him; for he does not have the power to conduct actual investigation into any of the claims submitted against the public administration, but rather has the right to request that he be provided with certified copies of the documents, papers, data or information related to the subject-matter of the complaints, in accordance with Article (15/c) of the Law, without the right to request their originals, or to request any of the persons concerned to appear before him for questioning and to submit the documents and records in their possession relating to the complaints under consideration; (b) Article (15/d) prohibited the President of the Bureau from taking any measures with respect to the body complained against in the event that it fails to respond to the complainant's complaint or refrains from providing him with any of the required documents or information, and confined his right to requesting the Prime Minister to take the necessary measures, which raises serious questions about the Bureau's neutrality and independence from the executive authority; (c) the requirement in Article (16/b) of a period of one year from the occurrence of the incident that is the subject of the complaint for referring the matter to the Ombudsman Bureau, which contravenes the most basic general rules relating to limitation and the hearing of claims; for the period for the lapse of the right to submit complaints to the Ombudsman Bureau should be linked to the date on which the holder of the right became aware of the occurrence of the incident that is the subject of the complaint, and not to the date of the occurrence of the incident, since a time interval may be expected between the issuance of the contested decision by the public administration and the date of its notification to the complainant or of his becoming aware of it.

59. To protect the right to vote and to stand for election and to strengthen the legislative performance of Parliament, the Centre affirms its recommendation contained in its previous reports concerning the necessity of: (a) expediting the enactment of a permanent Election Law consistent with the established principles in democratic systems, and expediting the implementation of the recommendations relating to the Election Law contained in the National Agenda and in the report on monitoring the 2007 parliamentary elections issued by the Centre;⁷⁸ (b) working to establish a new mechanism for examining and deciding on the validity of the membership of members of the House of Representatives, by amending the provision of Article (71) of the Constitution and assigning the task of deciding on the validity of the membership of members of the House of Representatives to a judicial body.

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

60. Article (19) of the International Covenant on Civil and Political Rights provides, *inter alia*, that: "Everyone shall have the right to freedom of expression; this right shall include freedom to

⁷⁸ See: the report of the National Centre for Human Rights on the conduct of the 2007 parliamentary elections, published on the Centre's website, www.nchr.org.jo.

seek, receive and impart information and ideas of all kinds”. Article (15) of the Jordanian Constitution likewise provides that: “The State shall guarantee freedom of opinion, and every Jordanian may freely express his opinion by speech, writing, photography and other means of expression, provided that he does not go beyond the limits of the law”. The same Article also provides that “the press and printing shall be free within the limits of the law”. Hence the importance of “**necessary enabling**” of freedom of opinion and expression in society, since it constitutes a right guaranteed under the Constitution and international instruments, in addition to the fact that it also constitutes the principal and best means of communication and interaction among all segments of society on the one hand, and between these segments, individually and collectively, and the various organs and institutions of the State on the other. Freedom of opinion and expression constitutes an opportunity for every citizen to look out upon the world through a legitimate and lawful window through which he acquires further knowledge and interacts with new news and ideas.

61. The year 2008 witnessed instances of ebb and flow in the fields of freedom of expression and opinion. Within the press and media sphere in the Kingdom, the following indicators show the most important violations that affected press and media freedom, and Table No. (7) presents a comparison of the number of cases of violation in the field of freedom of opinion and expression and media freedom for 2008 as compared with 2007. Among the most prominent of these violations was **physical harm**: on 26/1/2008 a writer for Al-Ghad newspaper was assaulted by a person with a sharp instrument (a scalpel), which injured part of his face while he was at his home, following his publication of media material; and on 29/3/2008 one of the editors of the Ammon news website was subjected to assault by pushing and beating by the Public Security forces, with the aim of preventing him from covering the elections of the Contractors Association. As regards **material harm**, Table (7) records two incidents in 2008 as compared with no incident at all during 2007: the car of a journalist from Al-Rai newspaper was subjected to deliberate smashing by unknown persons in the Zay area on 26/1/2008, and the car of another journalist from Al-Dustour newspaper was burnt while parked in the courtyard of his home on 27/4/2008.

Table No. (7): Number of Violations⁷⁹ in the Field of Freedom of Opinion and Expression and Media Freedom for 2008 and 2007

Type	Number of cases in 2008	Number of cases in 2007
Physical harm	2	5
Material harm	2	-
Detention	3	10
Security summons	2	-
Threats	1	3
Prevention from practising the profession	1	3
Difficulty in obtaining information	5	4
Trial	6	2
Self-censorship	4	-

⁷⁹ The recorded incidents are based on what was published in the daily and weekly newspapers and the electronic websites monitored during 2008; they do not necessarily represent all the violations that may have occurred and which the Centre was unable to monitor or become aware of.

Type	Number of cases in 2008	Number of cases in 2007
Interference in journalistic work	1	-
Administrative and financial obstacles	2	2
Prior censorship	-	3
Prevention from attending public events	2	4

62. As regards **detention**, 2008 witnessed three cases of detention, as compared with ten cases witnessed in 2007. A photographer from Al-Ghad newspaper was detained on 27/6/2008 for two hours at the Ashrafiyeh Security Centre, while he was performing an official assignment to take photographs of a site that witnessed gunfire in Nadi Street in Al-Wehdat Camp, where the police led him to the security centre on the grounds that he had not obtained an official permit to photograph the site. The Public Prosecutor of Amman also detained, on 20/10/2008, a journalist working at Al-Arab Al-Yawm newspaper for a period of (14) days pending investigation in a case filed by the Press and Publications Department, following his publication of a collection of poetry entitled “Barshaqat Zill”, on the charge of publishing material containing violations of the Press and Publications Law. The editor-in-chief of the weekly Al-Ikhbariya newspaper was likewise detained on 28/10/2008 for a period of (15) days pending investigation by the State Security Court pursuant to Article (150) of the Penal Code, against the background of his criticism of an official at the Ministry of Interior.

63. As regards **summons by the security services**, the chairman of the board of directors of the weekly Al-Bayda’ newspaper and its editor-in-chief were summoned on 24/12/2008 by the security services following their publication of media material relating to the Medical City. As regards the **threats** indicator, the Centre monitored one case of threats in 2008 as compared with three cases witnessed in 2007: the editor-in-chief of the Al-Sawsana electronic newspaper received death threats on 16/9/2008 from unknown persons following his publication of news on the successive events witnessed by the companies dealing in the global stock exchange; he filed a complaint with the competent security authorities, which in turn undertook the investigation of the case to establish the identity of these persons.

64. As regards the field of **prevention from practising the profession**, the publication of the articles of a writer in Al-Arab Al-Yawm newspaper was stopped on 6/9/2008, after increasing pressure had been exerted on him and on the newspaper’s management to dissuade him from continuing to write and express the views of the social left in Jordan on a number of internal issues of concern. His daily column in the newspaper was withheld and he lost his job, against the background of the opinions and positions he expressed in the context of the debate among the various political forces on a number of domestic issues.

65. As regards the field of **difficulty in obtaining information and the taking of measures to restrict it**, the Centre monitored five cases witnessed in 2008, as compared with four cases witnessed in 2007. The Prime Minister issued a circular on 6/3/2008 prohibiting employees working in ministries and official departments from leaking any information to the media or answering any enquiry concerning any issue relating to their departments, under penalty of liability according to the provision of the law. The Centre considers that this circular contributes to disabling the oversight role of the media in uncovering any abuse or administrative and financial corruption; it also conflicts with the domestic laws and with the international treaties

ratified by Jordan, in addition to the fact that it impedes the freedom of the media and their right of access to information to enlighten public opinion, and impedes the public's right to know. In this context, the Centre points out that the majority of official spokespersons in ministries and official departments remain reticent in providing information to the press. The Ministry of Interior also laid down Instructions on **"Regulating the Operation of Internet Cafés"** on 12/3/2008, which oblige the owners of these cafés to install surveillance cameras and to record detailed data of users, such as their names, telephone numbers, time of use and data of the websites they browse, which violates the right to the circulation of information and the privacy of users on the Internet. The Centre calls upon the Government to reconsider these Instructions, which may hasten Jordan's entry into the ranks of the States hostile to the freedom of Internet use. The Minister of Water also refrained, on 23/6/2008, from providing journalists with information concerning the Ministry's future programmes and projects, specifically the Disi Water Conveyance Project, on the sidelines of the Water Resources Management Conference. On another level, the Journalists Association received, on 25/6/2008, a complaint from the director of the Al Jazeera satellite channel office in Amman concerning the prevention of the office's correspondents and photographers from entering the State Security Court for about a year; journalists were likewise prevented from entering certain ministries and public departments. It appears from the foregoing that the press still suffers in its search for information, as well as in its endeavours to obtain news from its sources, notwithstanding the binding force of the legal provisions that make obtaining information a right under the Press and Publications Law, and that facilitate the journalist's obtaining of it through the use of the Right of Access to Information Law. Conversely, the Information Council launched a national media awareness campaign heralding the commencement of the application of the Right of Access to Information Law,⁸⁰ which provides an environment conducive to investigative journalism, which is capable of diligent research and in-depth inquiry into the facts. This is in addition to the awareness campaigns, workshops and training courses implemented by the National Library Department for citizens with the aim of reminding them of their rights provided for in the Law and of the mechanism of the procedures adopted by the Information Council in this regard. However, the Centre records that the obstacles faced by journalists in obtaining information are the most widespread, despite the issuance of the Law Guaranteeing the Right of Access to Information and the requirement under the Press and Publications Law that information be provided within specified time limits, which requires the activation of the application of the two said laws by all official and non-governmental bodies.

66. As regards the field of prevention from attending public events, and in completion of what journalists suffer in obtaining information, the Journalists Association received on 25/6/2008 a complaint from the director of the Al Jazeera satellite channel office in Amman concerning the prevention of the office's correspondents and photographers from obtaining official approvals to film certain archaeological and border sites in accordance with the applicable regulations, contrary to what is permitted to other satellite channels operating in the Kingdom. Journalists were also

⁸⁰ The Information Council completed the preparation of forms for requests for access to information within a specified time limit, such that the applicant may file a lawsuit against whoever refuses to respond to the request for access to information. The Council of Ministers likewise approved the amount of the fee to be collected by the department for photocopying the requested information, and decided to exempt applicants from any fee if the number of papers requested is less than ten, in return for the collection of nominal amounts for the preparation of lengthy data requiring in-depth research.

prevented from covering the sessions of the Senate, and the only body excepted from the prevention decisions is the Jordan News Agency “Petra”. Some of these cases have previously been referred to within the framework of the indicator on difficulty in obtaining information, since preventing a journalist from being present at the sites of events affects his ability to obtain information.

67. In the area of **the prosecution of journalists**, the Centre recorded a number of cases, including the following: (a) on 18/3/2008, the Amman Court of First Instance issued judgments sentencing the editor-in-chief of the “Al-Dustour” newspaper and the editor-in-chief of the “Al-Arab Al-Yawm” newspaper, in addition to two journalists, to three months’ imprisonment on charges of slander and libel following the publication, in November 2007, of an article describing a judicial decision as unjust, in which the Judicial Council was accused of disparaging the judiciary. In a similar case, the same court issued a decision on 13/3/2008 sentencing a writer for the “Al-Ra’i” newspaper to three months’ imprisonment for publishing an article in December 2007 on the website www.runonline.net, in which he considered the travel expenses of the official in charge of the Jordan Media Institute to be excessive. (b) On 17/8/2008, the Ain Al-Basha Magistrate Court acquitted a journalist of the “Al-Ra’i” newspaper of the charges of insulting public officials (a public security officer) and resisting officials and causing harm. (c) In August 2008, the editor-in-chief of the weekly newspaper “Al-Akhbariya” appeared before the Amman Public Prosecutor in connection with a lawsuit filed against him by the House of Representatives on the charge of insulting the prestige of the House, on account of his publication in the newspaper, in 2006, of an article containing criticism of the Speaker of the House of Representatives. (d) On 10/9/2008, the Amman Public Prosecutor referred the editor-in-chief of the weekly newspaper “Al-Akhbariya” to the Anti-Corruption Commission and the State Security Court on account of his criticism of the Governor of the Capital, and the following charges were brought against him: character assassination and the incitement of sectarian and religious strife. (e) On 24/9/2008, the Amman Public Prosecutor commenced an investigation into the lawsuit filed by the Minister of Water and Irrigation and the Secretary General of the Jordan Valley Authority “in their personal capacity” against one of the weekly newspapers following its publication of press material damaging to their reputation. The Public Prosecutor brought four charges against the respondents, namely: failure to observe balance and objectivity in presenting the press material; failure to respect the privacy of others; practice of the journalism profession by a non-journalist; and slander, libel and defamation, in contravention of the provisions of the Press and Publications Law and the Penal Code. (f) On 14/10/2008, the Amman Public Prosecutor commenced an investigation with a publishing and distribution house, pursuant to a letter from the Director of the Press and Publications Department, in a case of violation of the Press and Publications Law following the publication of a book containing expressions offensive to the Islamic religion and the Divine Being.

68. As regards **self-censorship**, four writers stopped writing for the “Al-Arab Al-Yawm” newspaper for various periods as a result of the media and political debate that took place among writers and journalists concerning the permissible scope of freedom of opinion in the Kingdom. The Centre considers that the self-censorship which a journalist imposes on himself constitutes a restriction on press freedoms and prevents him from expressing his true opinion for fear of grave consequences; consequently, the practical outcome is a reduction of the ceiling of freedoms to below the ceiling guaranteed by law.

69. As regards **interference in journalistic work**, the publisher of the “Al-Arab Al-Yawm” newspaper wrote an article on 25/6/2008 in which he alluded to his newspaper being subjected to pressure to change its editorial line and to its writers being accused of having turned into “a newspaper that opposes everything”. He also mentioned that the advice he had received from officials ranged between the need to sell the newspaper, to suspend one or more of its writers, and to change its approach in dealing with news, on account of the positions taken by some of its writers on certain public issues.

70. As regards **administrative and financial obstacles**, “Al-Lweibdeh” magazine suspended publication on 3/8/2008 at the request of the Press and Publications Department that it regularise its legal status and register with the Ministry of Industry and Trade as a company rather than as a sole proprietorship. The magazine had duly applied for a licence before it began publication; however, one month after the application the magazine was issued on the basis that the absence of a reply constituted legal approval. After some time, the magazine was surprised by a request that the establishment publishing it re-register as a company rather than as a sole proprietorship. It is worth noting that the Bureau for the Interpretation of Laws authorised the licensing of the magazine after it had suspended publication for four consecutive issues. The Centre further records that a fee of (5%) was imposed on advertising revenues in press, radio and television establishments under the Culture Patronage Law, and that a fee of (2%) of the value of licensing fees for radio or satellite stations, or for renewing the licences of operating stations, was likewise imposed, which caused controversy within media circles, which were surprised by the imposition of new fees on the media sector in lieu of exempting it from taxes and fees, as is the case for other industrial sectors. The Centre considers that the imposition of fees in this manner contravenes international standards, owing to the obstacles it places before the media industry, which may prevent citizens from gaining access to the various media outlets.

71. **Alongside the negative indicators mentioned above with regard to press freedom during 2008**, there were other, positive indicators witnessed by the press corps during the past year, the most important of which are the following: (a) no newspaper was closed, whether permanently or temporarily; (b) no foreign journalist was barred from entering the country, nor was any foreign journalist expelled from the country; (c) the Jordan Press Association received no complaint from journalists stating that any of them had been subjected to pressure to disclose the sources of his news; and (d) the Jordan Press Association received no complaint concerning the confiscation of equipment and documents.

72. **With regard to legislation**, the Centre’s report on the human rights situation issued last year (2007) set out the most important media legislation issued during that year, foremost among which were the amendments introduced to the Press and Publications Law of 2007. In reviewing the indicators of press freedom for 2008, the Centre must point out that the law placed an obligation on all official bodies and public institutions to guarantee the right of journalists to have their task facilitated and to be given the opportunity to examine their programmes, projects and plans, with the competent body being required to respond to their enquiries and to provide them with the information or news with the necessary speed, according to the nature of the news or information requested, within a period not exceeding two weeks if it is not of an urgent nature. Notwithstanding all of the foregoing, difficulty in obtaining information remains prevalent, and government departments and institutions continue to withhold the information requested from

journalists save to a limited extent, noting that the law also provides in its articles for a financial penalty against anyone who violates any of its provisions for which no specific penalty has been provided, which applies to anyone who contravenes this legal provision. The law likewise regulated the right of journalists, in the course of performing their work, to attend official and public civil meetings, unless they are closed or confidential by virtue of the laws, regulations or instructions in force that are specific to such bodies. Notwithstanding the clarity of this article, there are certain official bodies and institutions that still prevent journalists from attending their open meetings, a matter that requires follow-up by the governmental body responsible for facilitating journalists' affairs, as well as by the Jordan Press Association, in order to overcome this matter.

73. The law also provided for the prohibition of interference in any work carried out by a journalist within the framework of his profession, or of influencing or coercing him into disclosing the sources of his information, or of depriving him of performing his work or of writing or publishing without a lawful or justified reason, without prejudice to the commonly recognised authority of the editor-in-chief to decide whether or not to publish. A review of the indicators monitored by the Centre concerning press freedom shows that, while the Centre did not record any violations relating to any journalist being subjected to the disclosure of the sources of his information, cases of preventing journalists from practising their profession and performing their work were recorded, which also calls for prompt follow-up to put an end to such practices.

74. The law further provided that "detention as a result of expressing an opinion by speech, writing or other means of expression" is impermissible, and confirmed the jurisdiction of the Court of First Instance to hear crimes committed by means of publications, and that the licence of a publication may not be revoked except by the judiciary and within clear and transparent conditions relating to the violation of licensing conditions. The Centre monitored the continuation of cases of detention of certain journalists, notwithstanding the clarity of the legal article prohibiting this measure. The Centre also monitored the referral of the editor-in-chief of a weekly newspaper to the State Security Court, notwithstanding that jurisdiction over press and publications cases is confined to the Court of First Instance; the case was dismissed by the State Security Court for lack of jurisdiction and returned to the civil judiciary. It is worth noting that there is a draft law amending the State Security Court Law before the Legislation and Opinion Bureau that restores jurisdiction to the civil judiciary to hear certain articles of the Penal Code relating to crimes committed by means of publications, and the Centre hopes that these amendments will be adopted promptly. Conversely, the Centre did not record the revocation of the licence of any newspaper.

75. The law provided for the lifting of prior censorship of publications, in implementation of Article (15) of the Constitution, which does not permit the imposition of censorship in ordinary circumstances. It has become possible for anyone who writes a book in Jordan to print it directly without its being subject to any form of censorship, and these measures have begun to be implemented. The same applies to publications coming from abroad, as they are not subject to censorship either; however, it must be noted that publications issued at home and abroad are subject to the law, and the Director of the Press and Publications Department may refer a domestic publication to the judiciary in cases where he finds that it violates the law. Under the law, he may also prohibit the entry or distribution of a publication issued abroad and refer it urgently to the court if he finds that it contains anything contrary to the law. The Director General of Press and

Publications stated that the Press and Publications Department had referred to the court during 2008 three books printed in the Kingdom whose subject matter related to religious affairs, and the competent court has not yet issued its judgment on the non-liability of the author of one of these books. The Director General of Press and Publications also stated that the Press and Publications Department had referred to the court during 2008 two books issued abroad, one of whose subject matter related to religious affairs and the other to political affairs.

76. Here, it must be recalled that, notwithstanding the positive aspects contained in the Press and Publications Law, there are certain issues that should receive attention so as to be addressed as soon as possible, in order to complete the widening of the scope of opportunity available to journalists, publishers and all those working in the journalism profession or the elements supporting them, so that they may obtain the best legislative standard regulating their work. These include: (a) reviewing the conditions of prior licensing for the issuance of newspapers, so that legal notification to the body specified by law suffices, whereby a newspaper may be issued within a time limit if it satisfies the legal conditions and is registered as a company with the Ministry of Industry and Trade; (b) the necessity of affirming the separation between the ownership of newspapers and their management, including reviewing the ownership by government institutions of shares in certain newspapers; and (c) reviewing the heavy fines imposed for certain violations of the Press and Publications Law so that they are consistent with the fines imposed for violations under many other laws, and likewise as regards amending the Penal Code so that the custodial provisions (the penalty of imprisonment) relating to press and publications cases are abolished and compensation alone suffices.

77. The Law on Guaranteeing the Right of Access to Information was also issued in 2007, giving citizens, for the first time in the history of the Kingdom, the opportunity to exercise the right to request information and obtain it lawfully, and to resort to the judiciary in the event of the request being refused. There is a specific mechanism for submitting requests and obtaining such information within a specified time limit, unless such information is protected and may not be disclosed. Placing this law into effect required a period of preparation and organisation so that government institutions and departments could complete the indexing, organisation and classification of the information and documents available to them in a manner that facilitates dealing with them in accordance with the requirements of the law. According to the Information Commissioner, the proportion of official institutions and departments that have completed this work reached (75%) of all institutions in the State, which provides a greater opportunity to meet citizens' requests for information.

78. While it is not possible to measure accurately the number of requests submitted for obtaining information or the response rate thereto, it may be said that the matter is progressing gradually and requires coordination and cooperation among all parties to the information-access equation. In the recent period, multiple workshops were held to explain the citizen's right of access to information and the manner of exercising this right, and a media campaign was also carried out for explanation, clarification and encouragement. The Information Commissioner received only two complaints from persons aggrieved by not obtaining information, which indicates that this right is still being exercised on a narrow scale. There are certain observations on the law that have been widely discussed, perhaps the most important of which are: (a) the lack of independence of the "Information Council", since the majority of its members are civil servants; and (b) the

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

79. This leads us to focus on the necessity of expediting the amendment of the Law on the Protection of State Secrets and Documents so that clear and transparent standards are established for the classification of documents, thereby facilitating access to information. It is worth noting that there is a draft law amending this law before the Legislation and Opinion Bureau.

80. It appears from the foregoing that the laws regulating the press and enabling the right of access to information have constituted a binding legal framework for dealing with this important sector of society with openness and transparency, such that obstructing the work of a journalist, interfering in his affairs or withholding information from him is considered a breach of the law, and this is an important matter that must be observed and given attention.

The Right to Form and Join Trade Unions

81. International legislation has guaranteed this right in Article (23) of the Universal Declaration of Human Rights and in Articles (21) and (22) of the International Covenant on Civil and Political Rights,⁸¹ and the International Covenant on Economic, Social and Cultural Rights has also reinforced this international orientation in a number of its provisions.⁸² As for Jordanian legislation, at the head of which stands the Constitution, Article (16/2) and Article (23) have provided for this right for Jordanians,⁸³ and in application of Item (f) of Paragraph (2) of Article (23) of the Constitution, numerous labour laws have been issued in Jordan, the most recent of which is the Labour Law No. (8) of 1996 and its amendments.

82. With regard to workers' trade unions, Jordan has ratified numerous international and Arab conventions regulating trade union freedom and its work.⁸⁴ In light of a review of these

⁸¹ 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". As for Article (21) of the International Covenant on Civil and Political Rights, it provides that "The right of peaceful assembly shall be recognised", 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, the protection of public health or morals or the protection of the rights and freedoms of others".

⁸² See Articles (4), (5) and (6) of the International Covenant on Economic, Social and Cultural Rights.

⁸³ Article (16/2) provides that "Jordanians shall have the right to establish societies and political parties, provided that their objects are lawful, their means peaceful and their by-laws not contrary to the provisions of the Constitution", and Article (23) provides that "1. Work is the right of all citizens, and the State shall provide opportunities for work to all Jordanians by directing and promoting the national economy. 2. The State shall protect labour and shall enact legislation therefor based on the following principles: a. Granting the worker a wage commensurate with the quantity and quality of his work. b. Limiting 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 the 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".

⁸⁴ The most important of which are: Convention No. (98) concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. (151) concerning Protection of the Right to Organise and Procedures for Determining Conditions of Employment in the Public Service; Convention No. (141) concerning Organisations of Rural Workers and Their Role in Economic and Social Development; and Convention No. (111) concerning Discrimination in

conventions, the Centre records a number of observations on the freedom to form workers' trade unions as regulated by the Labour Law No. (8) of 1996, including: (a) Article (3) excluded civil servants and municipal employees from the application of its provisions, and consequently they are not permitted to form trade unions. It also excluded domestic workers and agricultural workers from such application. The amendment to the law adopted by Parliament (the National Assembly) in its extraordinary session in June 2008 maintained the exclusion of civil servants and municipal employees from its provisions, and replaced the exclusion of domestic workers and agricultural workers from its provisions by making them subject to the provisions of the law, but pursuant to a regulation to be issued for this purpose, provided that such regulation includes the regulation of their employment contracts, working and rest hours, inspection and any other matters relating to their employment. It is observed that this provision does not address their right to form trade unions to defend their rights. (b) Although Article (97) of the law recognised the right of workers in any profession to form a trade union for themselves, the subsequent articles placed many obstacles and restrictions on the exercise of this right, contrary to international standards. The most important of these obstacles and restrictions are: the requirement of Article (98/a) that

the number of founders of a trade union be not less than fifty persons; the granting by Article (98/b) to the Minister of the power to issue a decision classifying the professions and industries whose workers are entitled to form a trade union, contrary to the international texts that prohibit the administration from interfering in trade union affairs; the requirement of Article (100) that the General Federation of Trade Unions establish, after consulting the opinion of the Ministry, internal by-laws for the Federation and the trade unions, which confirms the interference of the administration in the drafting of these by-laws and the lack of freedom therein; making the establishment of a workers' trade union conditional upon the approval of the Registrar of Trade Unions under Article (102), with the trade union being entitled, upon refusal, to challenge his decision, contrary to the principle of establishing a trade union by depositing its documents with the competent administrative body; and the granting by Article (116) to the Minister of the right to file a lawsuit before the Court of First Instance requesting the dissolution of any trade union if it commits any violation of the provisions of the law and fails to remove the violation within the period specified by the Minister. It would have been more appropriate to specify the violations in respect of which the Minister may, upon their commission by the trade union, file the lawsuit, and also to specify the reasonable period for the removal of the violation, rather than leaving this matter to the decision of the Minister. The Centre also observes that the Government continues to extend its control over the General Federation of Trade Unions, as evidenced by the fact that most workers' trade unions do not hold elections for their administrative bodies, which are predominantly characterised by the endorsement of candidates' victory by acclamation.

83. In the area of professional associations, the Centre records that two broad segments of professionals still do not enjoy the exercise of the right to form associations. The first segment is the category of teachers, who to date have not been permitted to form an association for themselves, on the basis of the decision of the High Council for the Interpretation of the

respect of Employment and Occupation of 1958. The Jordanian Government has not ratified Convention No. (87) concerning Freedom of Association and Protection of the Right to Organise, concluded on 17/6/1948. As for the conventions concluded within the framework of the Arab Labour Organisation, the most important of them is Arab Convention No. (8) of 1977 concerning Trade Union Freedoms and Rights.

Constitution issued in 1994, whereas teachers in states with democratic systems all have associations that defend their rights. As for the second segment, it is the category of Sharia lawyers. The Centre also observed that the Jordan Veterinary Medical Association Law No. (28) of 2008 was the subject of objection by the association's general assembly, since Article (49) thereof provided for subjecting the association's funds and accounts to the oversight of the Audit Bureau. This objection received the support of the other associations, whose laws provide that their accounts are to be approved by a certified auditor of each association, and that their administrative bodies are subject to the administrative oversight of the general assembly of each association, whereby the administrative body submits each year an administrative and financial report that must be approved by the general assembly of each association. In light of these indicators, it may be said that the exercise of the right to form and join associations has not witnessed any positive progress.

84. The year 2008 witnessed a number of developments in the area of strengthening the right to form and join associations, the most prominent of which was the election of several administrative councils of professional associations by secret ballot, under the supervision of their general assemblies and with the participation of representatives of the concerned government sectors, including: (a) the elections of the Contractors Association held on 29/3/2008; (b) the elections of the Association of Domestic Worker Recruitment and Employment Agency Owners held in March 2008; (c) the elections of the Jordan Press Association held on 25/4/2008; (d) the elections of the Jordanian Writers Association held in early April 2008; (e) the elections of the Jordan Pharmacists Association held on 10/5/2008; and (f) the elections of the Jordanian Association of Certified Public Accountants held on 16/12/2008. The Centre regrets the occurrence of a number of quarrels and altercations between candidates during some of these elections, such as those that took place in the elections of the Contractors Association and the Press Association. With regard to the elections of the Jordan Press Association, the Centre records that one of the principal candidates for the post of President withdrew from the second round in protest at what he termed "the interference of certain official media officials and the pressure they exerted on the general assembly to elect one of the members standing for the post of President".

85. A number of associations continued to pursue their trade union demands during 2008, for example: the demand of five professional associations⁸⁵ to raise the technical allowance of their members working in the public sector from (120%) to (150%); the Jordan Bar Association's demand to reconsider the Public Meetings Law and to issue a new law consistent with the provisions of the Constitution and with the political and democratic developments in the Kingdom; and the professional associations' demand to amend the draft new Social Security Law, in view of the harm it causes to their members and their families. The Centre considers that the law includes a number of the positive aspects contained in the draft Social Security Law, but it records a number of observations thereon that cause harm to social security subscribers and their families.⁸⁶

⁸⁵ These associations are: the Jordan Agricultural Engineers Association, the Jordan Pharmacists Association, the Jordanian Geologists Association, the Jordan Veterinary Medical Association and the Jordan Press Association.

⁸⁶ The Centre's report on the human rights situation for 2007 pointed out a number of observations on this law, the most important of which are: First: although the draft law regulated the provisions of maternity insurance in Chapter Five and unemployment insurance in Chapter Six, Article Three provided for the application of the insurances relating to

86. The Centre records that the Central Council of Workers held a meeting on 2/8/2008 at which it decided to call a general conference to amend the Federation's by-laws and to submit the draft amended Labour Law to the second ordinary session of Parliament (the National Assembly) at the end of 2008. The extraordinary general conference was in fact held on 23/8/2008, at which the majority of those present approved the proposed amendments to the internal by-laws of the Federation and the unified by-laws of the workers' trade unions, in accordance with what was contained in the two versions put before the conference. The most prominent of these amendments were the abolition of the elected trade union branches in the governorates and at production sites and their replacement with specific trade union committees, together with the requirement that these branches hand over to the parent trade union the funds and accounts held by them so as to be placed at its disposal. This led to the objection of the representatives of five trade unions to what took place at the conference in terms of the legality of its convening, the verification of the identity of the representatives of the trade unions participating in the conference, and the manner of counting the votes which were said to have approved the amendment, among other matters. When the objection proved of no avail, seventeen (17) members from among the representatives of these trade unions filed a lawsuit before the Amman Court of First Instance on 16/10/2008, seeking the annulment of the conference's decisions, and this case remains pending before the judiciary as of the date hereof. This measure led to a major rift in the leadership of the Jordanian labour movement, and the objectors affirm that if the judiciary does not do them justice, they will proceed to form another workers' federation alongside the currently existing federation. The Centre considers that this crisis reflects the weakness from which the labour movement suffers and its lack of independence in managing its affairs as a result of administrative interference.

87. On 2/12/2008, the Centre received a complaint from the Secretary of the General Trade Union of Electricity Workers, in which he referred to a letter from the Minister of Labour dated 30/10/2008 addressed to the President of the General Federation of Trade Unions, in which he criticised statements by the Secretary of the General Trade Union of Electricity Workers to the effect that the proposed amendments to the Labour Law were different from what had been agreed

employment injuries and to old-age, disability and death insurance, and left it to the Council of Ministers to apply the remaining insurances, including maternity insurance, unemployment insurance and health insurance, in stages, which means that the draft law is in fact devoid of any expansion of the umbrella of social insurances. Second: the draft law expanded the categories covered by the provisions of the Social Security Law and established a new definition of the insured person, under which the insured person became the natural person to whom the provisions of the law apply, whether male or female; the draft law also added that the provisions of the law apply to employers and to those working in their establishments and to self-employed persons, in accordance with instructions issued by the Board of Directors of the Corporation. Third: although the explanatory memorandum to the draft amendment of the Social Security Law indicated that these amendments came in harmony with the Government's policies of linking wages and pensions to the rates of inflation, and although the draft law provided for linking pensions to inflation or to the annual growth rate of the average wage, whichever is lower, it set the maximum limit for this increase at (20) dinars, which renders talk of linking pensions to inflation of no real value. Fourth: the draft law included a provision reducing the salary subject to deduction for retirement purposes to five thousand (5,000) dinars, which is a commendable reduction aimed at preserving the Corporation's funds and preventing their depletion through the disbursement of very high pensions; however, the draft law was stringent in the granting of pensions, as they were considerably reduced, which deprives this law of the character of a genuine instrument of social insurance. Whereas the law currently in force permits an old-age pension at the age of sixty for those who have completed (180) contributions, of which (60) are actual contributions, the draft law requires, for the granting of an old-age pension, the completion of (180) contributions while in service or (216) contributions, of which (120) are actual contributions; the draft law has thereby doubled the contribution period by (100%).

upon between the representatives of the Ministry and of the Chambers of Industry and Commerce and the General Federation of Workers. The Minister, however, considered that these statements bore no relation to reality and constituted a disruption of work, and requested that he refrain from making such statements. The Centre considers that such conduct contravenes the text of Article (15) of the Constitution, which provides that the State shall guarantee freedom of opinion and that every Jordanian may freely express his opinion by speech, writing and all other means of expression, and that it is also inconsistent with all the aforementioned international standards on the freedom of trade unions to manage their affairs and their full independence from the administration, and the impermissibility of interference by the government administration in their affairs.

88. The workers' trade unions continued to carry out a number of activities during 2008 to improve the conditions of workers and secure their demands. The President of the General Federation of Workers submitted a memorandum to the Minister of Labour to raise the minimum wage from (110) dinars to (200) dinars per month, and the Council of Ministers decided to raise this minimum to (150) dinars, to be applied as of 1/1/2009. The workers of the Salt Production Unit of the Arab Potash Company also staged a sit-in that lasted several days and resulted in the signing of an agreement between the Company's management and the President of the General Federation of Workers, under which the Company undertook to absorb (60) of the unit's workers into the Company's staff and to pay three (3) million dollars to the workers whose services would be terminated, numbering (140) workers, to be distributed on the basis of years of service and salary, provided that there be a minimum for the remuneration. The striking workers, however, rejected this agreement and described it as unfair, stating that they would continue the sit-in and the hunger strike. The President of the Workers' Federation likewise demanded the rejection of the amended Labour Law adopted by Parliament (the National Assembly) in its extraordinary session in the summer of 2008, and criticised the Parliament's deletion of the article that would have permitted migrant and foreign workers to join trade unions, pointing out that Jordan has large numbers of workers abroad and that the deletion of this article may adversely affect them if the principle of reciprocity were applied.

89. In order to protect the right to form and join trade unions, the Centre considers it necessary to adopt the following recommendations:

- (a) Amending the Labour Law so that trade unions are formed by depositing the trade union's supporting documents with an independent body for the registration of trade unions, and if the administration considers that there is any violation therein, it may challenge it before the competent court; and likewise granting agricultural workers the right to form a trade union for themselves.
- (b) Guaranteeing the freedom of trade unions to draw up their statutes and internal by-laws without interference by the government administration.
- (c) Guaranteeing the freedom of trade unions to choose their representatives in free and fair elections without interference by the government administration, and providing for the impermissibility of its interference with respect to those elected to membership and to the chairmanship of the leading bodies of these trade unions.

- (d) Permitting the formation of an association for teachers and an association for Sharia lawyers.
- (e) Permitting the formation of trade unions for workers in large institutions and companies, especially those owned by foreigners, so that such employees are able to defend their rights and develop their professions.

The Right to Form Political Parties

90. The Constitution⁸⁷ and international instruments⁸⁸ have guaranteed the right to form and join political parties, in view of their important role in enriching the democratic process, which is based on the principles of pluralism and political participation, and in a manner that enables them to implement their programmes by peaceful means. The Political Parties Law⁸⁹ No. (19) of 2007 was enacted to regulate the exercise of this right, and it included a number of positive aspects towards strengthening the right to form parties, the most prominent of which are: the provision of financial allocations in the general budget to support parties; the possibility of parties using the official media to explain their principles and programmes; and the prohibition of any citizen being subjected to any interference, questioning or infringement of his constitutional rights on account of his party affiliation.

91. Conversely, the Centre recorded a number of restrictions imposed by the new Political Parties Law on party life,⁹⁰ which the Centre had pointed out in its previous reports and which the practical application of the provisions of this law has confirmed, the most important of which are the following: (a) the law requires registration with the Ministry of the Interior, which means considerable interference by the Government in the formation of political parties, whereas the law ought to suffice with the deposit of the registration documents with an independent body that enjoys impartiality and integrity, with the administration being entitled, if it has an objection, to file a lawsuit before the judiciary for adjudication of the matter. (b) Article (5) of the law requires that the number of founders of a party be not less than (500) persons, and that their place of residence be in at least five governorates, with at least (10%) from each governorate, the practical import of which is that nearly (80%) of the population residing in the four largest governorates may not form a political party, whereas no more than (20%) of the population residing in the five smallest governorates are able to form whatever number of parties they wish to form. (c) The law contains a discriminatory provision in Article (5/2/a), as it requires that any person wishing to join a party must have been a Jordanian for ten years, the provision thereby constituting a clear

⁸⁷ Article (16) provides that “2. Jordanians shall have the right to establish societies and political parties, provided that their objects are lawful, their means peaceful and their by-laws not contrary to the provisions of the Constitution. 3. The manner of establishing societies and political parties and the control of their resources shall be regulated by law”.

⁸⁸ See Article (20) of the Universal Declaration of Human Rights, Article (22) of the International Covenant on Civil and Political Rights and Article (8) of the International Covenant on Economic, Social and Cultural Rights.

⁸⁹ Article (1) provides that “This Law shall be called the Political Parties Law of 2007 and shall come into force as of the date of its publication in the Official Gazette”, and it was published in the Official Gazette on 16/4/2007.

⁹⁰ For further details, see the papers of the seminar held by the Centre on 18/6/2008 entitled “Freedom to Form Political Parties in Light of International Standards and the New Political Parties Law”, in which representatives of the entire party spectrum participated, in addition to researchers and civil society activists; to examine the working papers presented at this seminar and its proceedings, see the library of the National Centre for Human Rights.

violation of the provisions of Article (6) of the Constitution, which provides that Jordanians shall be equal before the law. (d) Article (25) contains custodial penalties (imprisonment). (e) Article (22) restricts the right of parties to express their opinions, principles and political positions on public domestic and foreign issues.⁹¹

92. The Centre affirms that the continuation of these restrictions will lead to a persistence of the state of instability that characterises party life, and to its decline. The Centre considers that party activity has not risen to the required level politically, economically and socially, despite the entry of the Law into force; this calls for a change in the prevailing perceptions within society regarding party activity. Public opinion studies on the state of democracy in Jordan for 2008 showed that one quarter of respondents stated that the performance of the parties had not improved, and that they were not concerned with whether or not the parties had succeeded in the practice of political work. This clearly reveals the scale of the crisis the parties are experiencing in reaching public opinion and representing its aspirations.⁹² This is confirmed by the parties' preoccupation with regularising their legal status in accordance with the requirements of the Law, which set 16/4/2008 as the deadline for the legal regularisation period,⁹³ which coincided with the emergence of the phenomenon of political money used to regularise status through the purchase of certificates of no criminal record and the purchase of membership from persons having no connection with party activity for the purpose of completing the required number. Moreover, the reduction in the number of political parties this year was not accompanied by any indicators of an improvement in the role of the parties in strengthening democratic life.⁹⁴ The Centre monitored a number of cases constituting an infringement of the constitutional rights of citizens on account of their party affiliations; in 2008 the Centre received two complaints from the Jordanian Democratic Popular Unity Party, the first concerning the summoning of one of its members by the security agencies, and the other concerning the refusal to grant one of its members a certificate of good conduct for the purpose of filling a public post. The Centre also observed that, although the Political Parties Law included a provision requiring the provision of financial support to parties under a special

⁹¹ Article (22) of the Political Parties Law provides that "A party shall abide by the following principles and rules in the conduct of its activities, and shall clearly provide for the same in its statute: a. Commitment to the provisions of the Constitution and respect for the rule of law. b. Commitment to the principle of political pluralism in thought, opinion and organisation. c. Commitment to preserving the independence and security of the homeland, safeguarding national unity, and renouncing violence in all its forms and refraining from discrimination among citizens. d. Commitment to achieving equal opportunities among all citizens in assuming responsibility or participating therein. e. Commitment to having no organisational or financial link with any non-Jordanian party, and to not directing party activity on the basis of orders or directives from any state or foreign party. f. Refraining from party organisation and recruitment within the ranks of the armed forces, the security services, civil defence and the judiciary, or from establishing military or paramilitary organisations in any form whatsoever. g. Refraining from interfering in the affairs of other states and from harming the Kingdom's political relations with other states or prejudicing them, and this shall not include objective criticism. h. Preserving the neutrality of public institutions towards all in the performance of their functions".

⁹² For the details of this poll, see the opinion polls of the Centre for Strategic Studies, University of Jordan.

⁹³ Article (27) of the Political Parties Law provides: "Every existing party shall regularise its status in accordance with the provisions of the Law within a period not exceeding one year from the date of entry into force of the provisions of this Law; if regularisation is not effected within this period, the party shall be deemed dissolved by operation of law."

⁹⁴ The process of regularising the status of the parties resulted in the map of political parties in Jordan becoming as follows: (11) parties regularised their status, (17) parties did not regularise their status, and (4) parties dissolved themselves, while two parties merged into a single party. Two new parties were also licensed.

regulation issued for this purpose, the delay in the issuance of the Regulation⁹⁵ and of the decision of the Minister of Interior to disburse the support caused the parties to lose the opportunity to benefit from the first instalment of the financial support.⁹⁶

93. As regards the Regulation on Contribution to the Financing of Political Parties, it became apparent that it contained a number of restrictions that weaken party activity, the most important of which are: (a) The Regulation contravenes the provisions of Article (16) of the Constitution, which referred the manner of forming parties and joining them to a law issued for this purpose; this means that the matter of supporting parties and its amount may not be left to a regulation which the Government undertakes to lay down, but rather the bases and criteria for supporting parties must be laid down by a law issued by the legislative authority. (b) The Regulation does not contain any objective bases on which the financial support for parties is determined. The Centre considers it necessary to conduct a dialogue with the parties and the relevant bodies for the purpose of determining these bases, and that the amount set out in the Regulation should be the minimum for supporting any party, such that amounts are allocated to support parties whose winning lists include the categories of women and youth, in the light of the criteria agreed upon, and that these be incorporated into the Political Parties Law, which would determine the other forms of support, particularly since an amount of five million Dinars has been earmarked in the budget for this purpose. (c) The Regulation grants broad powers to the Minister of Interior, who holds the right to suspend the disbursement of the financial contribution in the event of a violation of the provisions of the Law or the Regulation.

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

- a. Developing the legal environment in conformity with the international standards on the right to form and join parties, and granting them further guarantees for disseminating their principles.
- b. Establishing objective bases for the provision of financial support to parties and the commitment thereto, in particular the parties' undertaking to strengthen the role of the segments of women and youth.
- c. Entrusting the registration of political parties to an independent and neutral body.
- d. Developing school and university curricula in the field of civic and political education, and raising public awareness generally with a view to changing the stereotypical image of party activity.

⁹⁵ The Regulation on Contribution to the Financing of Political Parties No. (89) of 2008 was published in the Official Gazette on 29/9/2008. It set the amount of government support at (50) thousand Jordanian Dinars per party, payable in two equal instalments each year, the first during June and the second during December. See the Official Gazette of 29/9/2008, Issue No. 4932, page 4580.

⁹⁶ Accordingly, the parties of all persuasions agreed to draft a memorandum which they submitted to the Prime Minister, in which they unanimously stated that the amount approved by the Ministry of Interior under the Regulation on Contribution to the Financing of Political Parties was meagre, and considered it insufficient to cover the operating expenses of a party.

The Right to Establish Associations

95. International human rights instruments have guaranteed to all citizens the right of assembly and to establish associations,⁹⁷ and have stressed that no restrictions may be placed on the exercise of this right other than those which constitute measures necessary in a democratic society.⁹⁸ Likewise, no State or group may engage in any activity or perform any act aimed at the destruction of this right. The provisions of the Constitution have also guaranteed the right of Jordanians to assemble and to form associations, and have confined the role of the law to regulating the manner of forming associations and monitoring their resources only.⁹⁹

96. Perhaps the most important development in 2008 was the adoption of the Societies Law No. (51), which empties the right to form associations of its substance, obstructs the purpose of recognising it, and conflicts with the overall political discourse that has made civil society institutions one of the pillars of democratic work in Jordan and urged their participation in the development process in its various fields. The Centre records numerous observations on the Law,¹⁰⁰ the most prominent of which are: (a) The Law gave the registration procedure a constitutive effect, so that the exercise of the right to form associations has become contingent upon the will of the Registrar and the competent Minister, and the enjoyment of legal personality by an association has become dependent upon approval and registration. This procedure is in breach of the provisions of the Constitution and of the international human rights conventions; it would have been more appropriate to suffice with the submission of a notification to the Registrar, and if the latter found that the association's means were not peaceful and its objectives were unlawful, he would notify the association to regularise its status within (30) days; otherwise, the association shall be deemed registered under the principles, since the basic principle in human rights is non-interference in them unless there is an exceptional reason justifying such interference in a democratic society. (b) The Law does not guarantee the independence required for the Registry of Societies, since the Registrar is appointed by a decision of the Prime Minister; it would have been appropriate for the Registry to be administered by an independent body comprising official representatives and others from civil society institutions, and to be headed by a person enjoying independence and integrity. (c) The Law has referred extensively to executive regulations matters of substance relating to the formation of associations, whereas the principle is

⁹⁷ See Article (20/1) of the Universal Declaration of Human Rights and Article (22/1) of the International Covenant on Civil and Political Rights.

⁹⁸ See Articles (21) and (22/2) of the International Covenant on Civil and Political Rights.

⁹⁹ Article (16/2 and 3) of the Constitution provides thereon.

¹⁰⁰ On 30/6/2007 the Centre organised a symposium to examine the draft Societies Law that the Government had then submitted to Parliament (the National Assembly) and to study the extent of its conformity with international standards. The participants concluded that the Societies Law must include a number of principles, as follows: First: emphasising that the provisions relating to governmental oversight in the Societies Law must focus on the organisation and composition of associations and not on the activities, events and programmes they implement. Second: emphasising the importance of making the premises on which the Law is based the respect of the rule of law and the will of society in all circumstances, and not proceeding from a political premise. Third: that the Societies Law include a provision making the point of reference always the Societies Law itself, and not the Minister of Social Development or any other minister. Fourth: that the Societies Law include a provision making notification the basis for declaring the establishment of associations, and not approval by the administrative authority. Fifth: emphasising that the dissolution of associations must be effected only by way of the judiciary or by the general assembly of the association with a large relative majority of its members, and without government interference.

that these should be precisely and clearly defined in the Law itself, in compliance with the requirements of Article (16) of the Constitution. (d) The Law contains severe restrictions on the freedom of an association to manage its affairs, among them: the Law's requirement, in numerous matters relating to the management of the association, to obtain the approval of the competent Minister, including what is set out in Articles (14) and (17), which entails a clear restriction of the freedom of associations to manage their affairs and conduct their business so as to enable them to achieve their objectives in the best manner. The Law also permitted the Council of Ministers (Article 8/a), upon the recommendation of the competent Minister, to approve the inclusion in the founding membership of an association of a legal person other than associations, without the Article clarifying the nature of this person as to whether it is a public or a private legal person. Furthermore, the appointment of a legal person in this manner would render the association hostage to its will, orientations and interests. (e) Article (17/c) of the Law contains a provision that is striking and inconsistent with established legal principles, since it is neither acceptable nor reasonable for the Law to proceed from a presumption of the absence of banking secrecy, a presumption which undermines the stability of the legal positions of associations and their right to privacy guaranteed to them constitutionally and internationally. (f) Article (20/b) of the Law grants the Minister the power to dissolve an association by a reasoned decision in specified cases, a provision which would unleash the hand of the executive authority in determining the survival and fate of the association. It would be advisable for the draft to conform to the international and comparative legal standards, which provide for dissolution by two means: the agreement of the members or the issuance of a judicial decision to that effect. (g) The Law contains various penal provisions and penalties that may be described as harsh. (h) The Law requires foreign associations and institutions wishing to open branches in Jordan to be licensed in their main headquarters, to have development objectives, to undertake to finance their programmes in Jordan with an amount of not less than (250) thousand Dinars annually, and for all their employees to be Jordanians, with the exception of certain posts requiring scientific or technical competencies not available among Jordanians and for a limited period. The Centre calls upon the Government to expedite the amendment of the Societies Law in a manner responsive to the written observations submitted by the Centre at the meeting held between the Chairman of the Board of Trustees, the Commissioner General for Human Rights and the Prime Minister on 8/10/2008, and in a manner that fulfils the demands of civil society institutions which the Government promised to take into consideration during the meeting held by the Prime Minister with representatives of these institutions on 8/9/2008.

97. In 2008, the Ministry of Social Development notified (10) associations of their dissolution for reasons relating to the weakness of their performance as stipulated in the Law, or with the approval of their general assemblies to dissolve them,¹⁰¹ and (5) associations were dissolved on account of

¹⁰¹ The Centre notes that the statistics on associations registered in the Kingdom show the following: The number of associations registered with the Ministry of Social Development reached (1150) associations in 2008, and the number of volunteers in them reached (100) thousand volunteers. (77) associations were also registered during this year, of which (42) are multi-purpose associations and (27) are specialised associations, while the number of foreign associations reached (49) associations. The number of associations registered with the Ministry of Interior in 2008 was approximately (21) associations, while the number of associations whose registration was refused was (6) associations, owing to the Ministry's lack of competence to register them; no licence was refused to any association on the ground of lack of security approval for its establishment. The number of institutions working to provide social or humanitarian services of public benefit and

their violation of the articles of association under the Societies and Social Bodies Law No. (33) of 1966, or because of their failure to achieve their general objectives, or their failure to regularise their status, or their failure to carry out the purposes stipulated in their articles of association, or their cessation of activity for a period of six months, or their failure to perform such purposes. The Centre records that the Ministry of Social Development laid down objective criteria for associations to obtain government grants,¹⁰² as (43) associations specialising in the care of persons with disabilities were supported, and a number of associations were supported with half a million Dinars.

98. In order to protect the right to establish associations, the Centre wishes to reaffirm its recommendations contained in its annual report for 2007, and recommends that the Government and Parliament (the National Assembly) ensure that the new Societies Law is based on the principles guaranteed by the provisions of the Constitution and the rules of international human rights legitimacy, in a manner that conforms to human rights standards and contributes to strengthening the role of civil society institutions' participation in development in complete freedom.¹⁰³

registered with the Companies Controller at the Ministry of Industry and Trade as not-for-profit institutions that do not seek to achieve material profit or any personal benefits reached (35) companies in 2008, of which (32) operate in the capital, Amman, one company in the Aqaba Governorate, one in the Balqa Governorate and one in the Madaba Governorate. The number of companies registered with the Ministry of Industry and Trade as multi-needs companies reached (15) companies, of which (14) are in Amman and one company is in Mafrq. The Ministry of Industry and Trade has also issued the Not-for-Profit Companies Regulation.

¹⁰² The association prepares the project, which is then submitted to the Ministry and evaluated by the competent body at the Ministry, on the basis of which the amount is determined.

¹⁰³ It should be noted that the Centre set out these principles in its annual report for 2007.

3. Economic, Social and Cultural Rights

The Right to Work

99. The Constitution, in Articles (6/2) and (23), guarantees the right to work to all citizens. Jordan has also ratified (24) international conventions that have accorded special attention to this right, in particular the core conventions issued by the International Labour Organisation.¹⁰⁴ The Labour Law No. (8) of 1996 provides for the regulation of the foundations of the contractual relationship between workers and employers, which has led to workers enjoying the rights, benefits and legal measures guaranteed by this Law, foremost among them: workers' enjoyment of legal protection through inspection procedures and the imposition of penalties and fines upon breach of the general safety conditions in the work environment. However, the Centre observed that there are a number of obstacles that adversely affect the enjoyment of this right by the labour force.

100. As regards the reality of the labour force, estimates indicate that its size in 2008 reached (1.5) million male and female workers, and the unemployment rate was estimated at approximately (12%), while the size of the migrant labour force was estimated at approximately (400-500) thousand, of whom (310516) male and female workers had obtained work permits up to 25/11/2008. Egyptian workers constitute approximately (70%) of the total migrant workers. Most migrant workers are concentrated in the following sectors: services (26%), industry (25%), agriculture (23%), and the construction sector (15.3%). The following chart shows the distribution of migrant workers holding work permits by nationality, during the period 1/1/2008-13/12/2008:

Distribution of Migrant Workers Holding Work Permits by Nationality and Sex, 1/1/2008-13/12/2008

[Bar chart. Legend: Males; Females. Vertical axis: number of workers, 0 to 200000 in intervals of 20000. Horizontal axis (nationality): Egypt; Syria; Other Arab Countries; Iraq; Pakistan; India; Philippines; Sri Lanka; Indonesia; Other Asian Countries; European Countries; United States; African Countries; Other Foreign Countries. The bar for Egyptian males reaches approximately 180000; all other bars are below approximately 25000, the largest of them being females from Indonesia, males from the other Asian countries, and females from Sri Lanka and the Philippines.]

101. In the area of the reality of occupational health and safety for workers, the Centre records that the Ministry of Labour/Inspection, Health and Occupational Safety Directorate carried out, during 2008, approximately (68899) inspection visits to various establishments, which resulted in

¹⁰⁴ See Article (7) of the International Covenant on Economic, Social and Cultural Rights, which provides for the right of individuals to the enjoyment of just and favourable conditions of work ensuring the provision of equal work opportunities to all workers, fair and equitable wages equal for all without discrimination, the securing of a decent living, conditions of work in which safety and health are ensured, and the reasonable limitation of working hours, with paid wages including rest and leisure time. Jordan has also ratified the core conventions issued by the International Labour Organisation, with the exception of Convention No. (87) concerning Freedom of Association. These conventions 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 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.

the issuance of warnings to (1091) companies, or violations to (4679) companies and commercial premises.¹⁰⁵ The Centre affirms that the reality of occupational health and safety still requires further regulation; for although the Labour Law provides for health and occupational safety in a manner consistent with international standards, the Centre observed that some of the legislation pertaining to occupational safety and health is incomplete in setting out the technical details, which makes its application subject to the discretion of the occupational safety and health inspector, particularly in the construction sector; nor does it cover the agricultural sector. Furthermore, the distribution of oversight functions among numerous bodies has hindered the development of the level of performance of these bodies and has caused duplication in their work. The Centre also observed the weakness of deterrent measures to ensure compliance by employers and workers with occupational safety and health requirements and standards, which renders the application of these Instructions insufficiently binding and contributes to an increase in the number of work injuries.

102. In the area of the agricultural sector, the Centre appreciates the Government's response to its recommendation on the necessity of amending the Labour Law so as to extend its provisions to workers in the agricultural sector; however, it observed that, up to the date of the preparation of this report, the special Instructions regulating the rights of this category had not been issued in accordance with the provisions of Article (3/c) of this Law.¹⁰⁶ Through the Centre's monitoring of the conditions of this category and the problems they faced in 2008, the following became apparent: (a) their not being covered by health insurance and social security; (b) some of them being subjected to verbal violence, physical abuse and degrading treatment; (c) the withholding of passports belonging to migrant workers and compelling them to sign financial papers for fear of their absconding from their sponsors; (d) the length of working hours, which may exceed (16) hours per day, and not granting them a weekly rest day, in addition to the irregularity of work in this sector owing to the nature of agriculture and its seasons; (e) there is no statistical survey of the number of workers in agricultural areas, particularly given the movement of this labour between agriculture and other occupations with a view to obtaining better working conditions.

103. In the area of workers in health services companies, the Centre received one complaint from the Health Services Union, which undertakes the management and provision of services in the projects of the Ministry of Health represented by hospitals, comprehensive and primary health centres and the health directorates in the governorates. These complaints indicate the existence of violations suffered by workers in this sector, consisting of the following: (a) the failure of all these companies to pay salaries and wages to workers at the end of each month, which may extend beyond the period permitted by the Labour Law; (b) making arbitrary and unjustified deductions from the salaries of most workers monthly; (c) these companies do not recognise sick leave and deduct the period of leave from salaries at a double rate; (d) deducting an amount of ten Dinars from any worker absent from work, regardless of the reason. (e) Forcing many workers to work

¹⁰⁵ During 2008, the Inspection, Health and Occupational Safety Directorate received (2609) complaints from workers, and also received (514) complaints through the hotline. It also deposited (39) collective agreements, from which (71179) male and female workers benefited.

¹⁰⁶ On 17/8/2008 the Law Amending the Labour Law No. (8) of 1996 was enacted, which provides in Article (3) for subjecting workers in the agricultural sector to the provisions of the Labour Law under a special regulation issued for this purpose; however, no such regulation has been issued to date.

for (16) hours a day, particularly on the second and third shifts, or what is known as the (A+B) shift, for a salary ranging between (180–200) dinars only. (f) Failure to register workers with social security, even though these companies deduct a percentage from the worker. (g) Some project managers collecting sums of money from job seekers, particularly migrant workers. (h) Some employees in the administration of the projects sexually harassing female employees.

104. With regard to female domestic workers, and notwithstanding that Article (3/c) of the Labour Law was amended on 17/8/2008 so as to extend its provisions to female domestic workers, the special regulation governing the rights of this group, in the drafting of which the Centre participated, has not been issued to date. The Centre considers that the failure of female domestic workers to enjoy any legal protection is contrary to the text of Article (6/2) of the Constitution and to the international labour conventions ratified by Jordan. The figures issued by the Ministry of Labour indicate that the number of such workers holding work permits and residence permits has reached (48) thousand, whereas the figures of the Syndicate of Owners of Recruitment Offices and Employers of Non-Jordanian Workforce indicate that there are more than (75) thousand male and female domestic workers.¹⁰⁷ The Centre monitored more than (140) complaints relating to the recruitment and employment of female workers, and also monitored cases in which female workers were exploited for the benefit of certain recruitment offices to a degree amounting to what is known as trafficking in persons. The Centre further monitored the phenomenon of violation of the contracts concluded between female workers and the owners of recruitment offices, given the discrepancy between the terms of wages and the nature of the work agreed upon before their departure from their countries, and the terms of work and wages upon their arrival in Jordan. The Centre notes that the Ministry of Labour closed and suspended more than five recruitment offices as a result of their commission of numerous violations, and referred one of them to the judiciary.

105. During 2008, the Centre observed a number of problems faced by this group of workers, the most important of which are: (a) the absence of health insurance for female domestic workers, as well as their exclusion from social security coverage;¹⁰⁸ (b) the absence of a mechanism guaranteeing that these workers receive the wages agreed upon in the contract, which leads to their escape from their sponsors' homes, or to the deportation of some of them without receiving their wages, owing to the absence of an official body supervising the receipt by female workers of their rights before they leave the country; (c) some sponsors having the female worker deported by procuring her removal through the filing of theft complaints after the expiry of the employment contract; (d) the exposure of some female workers to verbal violence and physical abuse (various forms of cruel, degrading and inhuman treatment), and at times to sexual assault; numerous reports of sexual assault have reached the Family Protection Department of the Public Security Directorate, in its capacity as the body competent to investigate such cases before their referral to the competent court; (e) sponsors' violation of the employment contract, which leads to female

¹⁰⁷ The number of female workers who entered Jordan during 2008 reached (24218), distributed among the following nationalities: Sri Lanka (4807), Indonesia (13560) and the Philippines (4851), notwithstanding the issuance of an official decision by the Philippine authorities prohibiting the employment of Filipino female domestic workers in Jordan since the beginning of 2008.

¹⁰⁸ See Article (6) of the Social Security Law, which suspended the application of the insurances provided for in the Law pending a decision to be issued by the Council of Ministers.

workers escaping from their sponsors' homes; (f) failure to pay wages, payment of a wage lower than that agreed upon in the contract, long working hours exceeding (18) hours a day, failure to grant these workers a weekly rest day, and compelling them to work in more than one house in many cases; (g) the deprivation of liberty of these workers and the restriction of their movement, by keeping them in their sponsors' homes or seizing their passports, on the pretext of the sponsors' fear that they will escape or violate the residence requirement; (h) the forgery of female workers' documents by certain recruitment offices abroad (Iraq, for example); many such workers have been removed from the Kingdom in cooperation with the various bodies in order to curb this phenomenon, yet many underage female workers are still employed in domestic work; (i) the exposure of some female workers to exploitation by certain embassies of their countries of origin, particularly as some of these embassies keep a number of them for long periods without attempting to provide solutions to their problems, in addition to some of these embassies employing them for the account of certain individuals working in restaurants and hotels; (j) the exposure of female workers who violate the Residence and Foreigners' Affairs Law to detention by the Public Security Directorate in the Juweideh Correction and Rehabilitation Centre – Women's Detention Facility, for periods sometimes exceeding several months until they are returned to their countries; (k) the employment of female domestic workers in various places across different labour sectors and occupations; the Centre monitored that a number of female workers work in markets, various shopping centres (malls), schools, nurseries, beauty salons, restaurants, hotels and other places, in violation of the laws and regulations in force.¹⁰⁹

Table No. (8): Number of complaints received by the Centre from male and female domestic workers

Type of complaint	Number of cases
Right to obtain identity documents	50 complaints and requests for assistance
Freedom of movement and place of residence	60 complaints and requests for assistance
Various forms of cruel, degrading and inhuman treatment	30 complaints and requests for assistance

106. With regard to workers in the garment and textile industry, particularly in the Qualifying Industrial Zones (QIZs), the Centre examined the environmental conditions of work surrounding these workers,¹¹⁰ and observed a clear improvement in the general conditions in the QIZs compared with previous years, especially after the Ministry of Labour established inspection offices therein. This resulted in a noticeable decrease in labour complaints in this sector concerning working hours, wages and overtime, the number of which reached (5) complaints in 2008 compared with (20) complaints in 2007. Despite the noticeable improvement in this sector, the Centre recorded a number of violations of workers' rights therein, the most prominent of which

¹⁰⁹ It is worth mentioning that during 2009 the Ministry of Labour approved the establishment of the National Recruitment Company, in partnership between the General Federation of Jordanian Trade Unions, the Migrant Working Women Society and the Jordanian Women's Union, with the aim of applying international standards in the recruitment and employment of female domestic workers and overcoming the problems from which this sector suffers. However, the Centre expresses its reservation regarding the establishment of this company, since its profit-making objectives are inconsistent with the company's declared aim of defending this category of workers and their rights.

¹¹⁰ A decline was observed in the number of Jordanian workers in the Qualifying Industrial Zones, as well as the small numbers of qualified Jordanian workers in the garment and textile sector compared with the numbers of migrant workers, and the decrease in their numbers year after year.

are: (a) the absence of a clear mechanism for the recruitment of workers, which has led to the presence of local and foreign intermediaries who supply workers to factories in return for collecting sums of money; (b) the failure of a number of companies to comply with working hours; (c) the presence of a number of foreign workers whose status as regards work permits has not been regularised; (d) the incitement by some workers of other workers of their nationalities to stage sit-ins and strikes in order to obtain the greatest possible privileges, despite this being in violation of the contracts signed with them, and this incitement has been behind many of the strikes in those factories; (e) the claims of some foreign workers that they have been subjected to beating and insults, particularly by supervisors in the factories, when demanding their rights, protesting against working conditions, or striking and refraining from work; (f) the absence of health insurance for these workers; (g) the failure of some factory owners to comply with the provision of health and general safety conditions, particularly with regard to places of accommodation and food.

107. With regard to child labour, and notwithstanding the Government's ratification of numerous international conventions relating to child labour,¹¹¹ the Centre observed the expansion and aggravation of the phenomenon of child labour, for reasons relating to family disintegration or for economic reasons.¹¹² The Centre affirms that the governmental efforts, represented in the

¹¹¹ Jordan has ratified the International Convention on the Rights of the Child and International Labour Convention No. (138) of 1973 concerning the Minimum Age for Admission to Employment, and the Labour Law was consistent with this Convention when Article (73) thereof provided that "with due regard to the provisions relating to vocational training, no juvenile who has not completed sixteen years of age may be employed in any manner whatsoever." Jordan has likewise ratified International Labour Convention No. (182) of 1999 concerning the Worst Forms of Child Labour, the aim of which is the elimination of the worst forms of child labour, and which classified the worst forms of child labour as follows:

- All forms of slavery and practices similar to slavery, such as the sale of and trafficking in children, debt bondage and forced or compulsory labour, including the forced or compulsory recruitment of children for use in armed conflict;
- The use, procuring or offering of a child for the purposes of prostitution, for the production of pornography or for pornographic performances;
- The use, procuring or offering of a child for illicit activities, in particular for the production of drugs;
- Work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

¹¹² The report of the Department of Statistics on child labour for 2008 showed the following results:

- The number of working children reached (32676) working children in the age group (5–17) years.
- The Capital Governorate accounted for (32.4%) of the number of working children.
- The average working hours of working children reached (42) hours per week.
- The main reason for the work of (38%) of the children was to generate additional income for the family.
- The average monthly income of a working child does not exceed (81) dinars per month.

development and implementation of the National Strategy for the Reduction of Child Labour and the National Agenda, and the allocation of more than (250) thousand dinars of the budget to the child labour item, are still insufficient to curb the aggravation of this phenomenon, as the Ministry of Labour did not undertake any role during 2008 towards reducing it, nor did it respond to the Centre's recommendations contained in its previous reports regarding the establishment of a specialised unit staffed with child labour inspectors.

108. The Centre carried out field visits to a number of children's workplaces in a number of areas, and observed that the ages of these children range from (5 to 17) years, and that they work in the occupations of mechanics, car servicing, crafts and construction, blacksmith and paint workshops and garbage collection, all of which constitute work hazardous to children and fall within the classification of the worst forms of child labour in accordance with the international conventions. The Centre recorded a number of violations and abuses, the most prominent of which are: the lack of social insurances for the working child, long working hours, failure to receive the minimum wage and failure to calculate overtime, in addition to the fact that all such work is hazardous, exhausting and harmful to the health of children; the failure of labour inspectors to visit children's workplaces and the violation by employers who employ them; and the spread of the phenomenon of begging, which falls under one of the worst forms of child labour, since begging is in most cases for the account of other persons, quite apart from being forced labour in some instances and coming close to being an organised trade.

109. With regard to trafficking in persons, the international human rights conventions have prohibited slavery, servitude and forced labour, and have affirmed the recognition of equal and inalienable rights for all human beings without discrimination on the basis of race, colour, sex, language, religion or social origin. Forced labour contradicts the principles of freedom and equality, as set out in Convention No. (122) of 1964 concerning Employment Policy, ratified by the Government on 10/3/1966. In view of the Government's ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, on 14/3/2006, the Centre, during 2008, participated with other official bodies in drafting a law for the protection of victims of trafficking in persons.¹¹³ During 2008, the Centre also followed up with the relevant bodies on (10) complaints falling within the scope of trafficking in persons, all of which were connected with the situation of migrant workers.

110. In order to protect the right of Jordanians and residents to work, the Centre presents a number of recommendations. **In the field of the protection of occupational health and safety**, the Centre recommends that the following measures be taken:

a. The establishment of a specialised directorate, administratively and financially independent, affiliated to the Ministry of Labour, in which all the official bodies (health, environment, civil defence, municipalities and the Public Security Directorate) are represented, to supervise occupational health and safety in all establishments.

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- The proportion of those employed for a wage reached approximately (66%).
 - Those working in vehicle repair account for approximately (27%).

¹¹³ In March 2009, the Prevention of Trafficking in Persons Law No. (9) of 2009 was issued.

b. The re-launching of awareness, training and education programmes in the field of occupational safety and health, in order to make all workers in establishments aware of the importance of occupational safety and health.

111. With regard to workers in the agricultural sector, the Centre recommends the need to protect them through the adoption of a number of measures, including:

a. The inclusion of workers in the agricultural sector in health insurance and social security.

b. The activation of the role of inspectors in the supervision and monitoring of living conditions, and the provision to them of the capacities necessary to monitor farm owners, in order to verify that migrant workers have been recruited to work on their farms.

c. The inclusion of these workers in the minimum wage and the non-discrimination between them and the other labour sectors.

112. With regard to workers in service companies and female domestic workers, the Centre recommends the need to protect the workers therein through the adoption of the following measures:

a. The full supervision by the various bodies, in particular the Ministries of Health and Labour and hospital administrations, of service companies and their administrations, in order to verify their compliance with the law and their application of the conditions of a lawful working environment.

b. The inclusion of domestic workers in health insurance and social security.

c. Granting irregular migrant workers a period of time to regularise their status, with their exemption from the fines accumulated against them by the Ministry of Interior.

d. The establishment of a mechanism for coordination between the Ministry of Labour and the Residence and Borders Department of the Public Security Directorate, with the aim of monitoring the renewal of these female workers' residence permits and ascertaining the numbers of violators among them.

e. The establishment of a mechanism for the settlement of disputes arising from the employment contract, through the formation of a committee whose decisions are binding on all parties to the relationship, provided that its membership includes representatives of each of: the Ministry of Labour, the Ministry of Interior, the Family Protection Department, the Syndicate of Office Owners, the employers (the employer), the relevant embassy, and human rights organisations.

f. Coordination with the embassies of the states concerned for the adoption of a unified employment contract approved by the Ministry of Labour, and coordination with labour-exporting states through agreements and protocols for the purposes of regulating the recruitment and employment of migrant workers to the Kingdom, and the non-employment of certain staff of these embassies as female domestic workers.

g. The establishment of a mechanism guaranteeing that wages reach these workers (for example: the transfer of all wages to the worker's own bank account).

h. The necessity of including these workers in the minimum wage and the non-discrimination between them and the other labour sectors.

i. The activation of the role of inspectors (vested with judicial police powers) in the supervision and monitoring of the living conditions of female domestic workers, and the provision to them of the capacities necessary to monitor the owners of offices recruiting female domestic workers, through: expanding the powers of labour inspectors in order to curb 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 prohibition of the seizure of passports, pursuant to Article (18) of the Temporary Passports Law and its amendments No. (5) of 2003.

113. With regard to workers in the garment and textile industry and in the Qualifying Industrial Zones, the Centre recommends the need to protect the workers in this sector through the adoption of the following measures:

a. Working to increase the volume of Jordanian labour and to qualify and train it in this sector, through a national media campaign aimed at encouraging the unemployed to enter the labour market.

b. Amending the definition of “wage”, and setting working hours and the number of overtime hours, which may not be left without an upper ceiling.

c. Amending Article (11) of the Labour Law so as to restrict the entry of migrant labour to recruitment and employment offices registered with the Ministry of Labour only.

114. With regard to child labour, the Centre recommends the need to protect working children through the adoption of the following measures:

a. Activating the role of the Ministry of Social Development in applying the provisions of the law for the return of working children to schools, and activating Article (389) of the Penal Code concerning the offences of begging.

b. Activating the text of Article (74) of the Labour Law concerning the prohibition of the employment of juveniles in hazardous work and work harmful to health.

c. Creating a post of child labour inspector in each labour directorate in the Kingdom for monitoring, inspection and the penalisation of employers, in order to curb this phenomenon, even partially.

115. With regard to trafficking in persons, the Centre recommends the need to strengthen efforts to combat trafficking in persons through the establishment of a shelter for the protection of victims of trafficking in persons, and the development of protection programmes for physical, psychological and social recovery.

116. Proceeding from the Centre’s role in promoting and protecting the rights of Jordanian and foreign workers in accordance with the standards set out in the Jordanian Constitution and the international conventions, it recommends, in general, that amendments be made to the Labour Law, the most prominent of which are the following:

- a. Amending Article (12) in line with international standards, by removing the forms of discrimination between Arab and foreign workers.
- b. Amending the text of Article (35), by providing expressly that the probation period shall be confined to contracts of indefinite duration.
- c. Amending the text of Article (46/a), by providing expressly that the wage shall be paid at the place of work.
- d. Amending the text of Article (52/b), by linking the setting of the minimum wage to the actual cost of living, and providing that the minimum wage be reviewed annually.
- e. Amending Articles (98) and (100), which relate to the establishment of trade unions, trade union freedom and the protection of the right to organise, as they contravene Articles (20) and (23) of the Universal Declaration of Human Rights, and also contravene Convention No. (87) of 1948 concerning Freedom of Association and Protection of the Right to Organise, and Convention No. (98) of 1949 concerning the Right to Organise. These conventions have vested workers and employers with the right to establish labour organisations, draw up their constitutions, internal regulations and rules for the election of their representatives, and organise their administration and activities and formulate their programmes, without interference from the public authorities.
- f. Amending Article (116), which empowers the Minister of Labour to dissolve a trade union where it violates the provisions of the Labour Law and other legislation, so that the text becomes more specific as to the cases in which the trade union may be dissolved, and so that the text of Article (116) is consistent with the provisions of Convention No. (87) of 1948, or so that the determination of the seriousness of the violation is left to the competence and discretion of the court (the judiciary).
- g. Amending the text of Article (87), by providing expressly for the employer's obligations with regard to a worker who suffers a work injury.
- h. Amending Article (137), which relates to the settlement of labour disputes, by shortening the duration of litigation in labour cases, through:
 - i. Activating Article (4), Paragraph (3), of the Civil Procedure Code No. (16) of 2006, which provides that in cases granted urgent status, the hearing may not be adjourned for more than seventy-two hours; the decision of the Court of Cassation No. (1494/2005) dated 19/2/2006 was issued in support of this approach.
 - j. The necessity of affirming that the person authorised to issue judgments before the Wages Authority court must be a judge, and not a legal officer at the Ministry of Labour.
 - k. Providing expressly for alternative means of resolving individual labour disputes (arbitration and mediation).
 - l. The necessity of the effective application of the content of the core conventions set out in the Declaration on Fundamental Principles and Rights at Work, which all the member states of the International Labour Organisation endorsed, thereby committing themselves to work in accordance with the content of the eight core conventions; and ratifying Convention No. (87)

concerning freedom of association, in addition to studying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990 for the purposes of ratification and accession thereto.

The Right to Education

117. The right to education is among the most important rights set out in the International Covenant on Economic, Social and Cultural Rights,¹¹⁴ which a person must enjoy in order to enjoy his or her other rights; without education, a person cannot know his or her rights or defend them against violations. The right to education is enshrined in many of the international conventions ratified by Jordan,¹¹⁵ and the Constitution guaranteed the right to education within the limits of the State's capabilities, and also provided for the right to establish private schools and for compulsory education in Articles (6/2 and 19) thereof.¹¹⁶ It also struck a balance between the duty of the State in the field of education and the freedom of education for communities, and laid down two criteria for education, namely: the limits of the State's capabilities and observance of the general provisions of the laws, and the Government's supervision of community schools; however, it did not specify the level of these duties with regard to university education. As regards school education, the educational process is regulated by a series of legislation and regulations, the most important of which are the Education Law No. (3) of 1994 and its amendments, the chapter on the philosophy and objectives of education of which contains provisions relating to the right to education and its objectives;¹¹⁷ the Adult Education and Literacy Regulation No. (81) of 2005; the Instructions for Evening Study Centres in Governmental Educational Institutions

¹¹⁴ This right is set out in Articles (13) and (14) of the Covenant, under which the right to education is guaranteed to every individual and must be directed to the full development of the human personality and the strengthening of respect for human rights. This requires making primary education compulsory and available free of charge to all; making secondary education in its various forms generally available and accessible; making higher education equally accessible on the basis of capacity, and the progressive introduction of free secondary and higher education. It also requires the encouragement and intensification of fundamental education for persons who have not completed their primary education, and respect for the freedom of education through respect for the liberty of parents to choose for their children schools other than government schools, provided that they conform to the minimum standards for education laid down by the State.

¹¹⁵ Jordan ratified the Convention against Discrimination in Education on 6/4/1976; on 18/12/1995 it ratified the Protocol Instituting a Conciliation and Good Offices Commission to be responsible for seeking the settlement of any disputes which may arise between States Parties to the Convention against Discrimination in Education; and on 3/9/1992 it ratified the Convention on Technical and Vocational Education.

¹¹⁶ Article (6/2) affirmed that the State shall ensure work and education within the limits of its capabilities, and shall ensure tranquillity and equal opportunities to all Jordanians; and that communities shall have the right to establish their schools and to maintain them for the education of their members, provided that they comply with the general provisions prescribed by law and are subject to the control of the Government in their programmes and orientation. Article (20) provided that "elementary education shall be compulsory for Jordanians and free of charge in Government schools". However, the Centre points out that the Education Law does not include specific mechanisms guaranteeing the commitment of parents to its application, which leads to many children dropping out of school or not entering it at all, out of a desire to help the family secure its livelihood.

¹¹⁷ As set out in Article (3-c): 1. Jordanians are equal in rights and duties, and they excel in proportion to their contribution to their society and their affiliation to it; 2. respect for the freedom and dignity of the individual; 5. education is a social necessity, and education is a right for all, each according to his or her abilities and personal capacities. Article (4) thereof also provides among the general objectives: (n) adherence to the rights of citizenship and bearing the responsibilities arising therefrom; (f) appreciation of human dignity and the formation of positive values and attitudes towards oneself, others, work and social progress, and the embodiment of democratic principles in individual and social conduct.

No. (6) of 2006; Instructions No. (4) of 2006 concerning examinations for the programme for non-regular students (home study); and Instructions No. (7) of 2003 concerning pioneer centres for gifted students.

118. School education in Jordan witnessed a number of positive developments during 2008, the most prominent of which are: an increase in the number of schools together with an increase in the number of students, the number of students in the Kingdom's schools for the academic year 2007–2008 being estimated at approximately (1598211) male and female students, representing an annual increase of (1.7%) over the previous year, while the number of schools reached (5690), an increase of (132) schools over the previous year. As for kindergartens, their number increased by (2.3%)¹¹⁸ in 2008 compared with the previous year, at the rate of (130) governmental schools and (46) private schools, there being (2027) kindergarten schools in the Kingdom, of which (1327) are governmental and (700) are private. The budget of the Ministry of Education also increased this year, reaching (460088600) dinars, constituting (8.8%) of the State's general budget. Although its share declined compared with the previous year, its value increased over the previous year by (12) million dinars, owing to the increase in the value of the State budget. The Centre considers that these figures and percentages carry positive indications regarding the provision and expansion of the right to education, and confirm its growth in line with the natural annual increase in the population; however, it notes that the increase in the number of students in government schools during 2008 is not commensurate with the increase in the number of government schools, while the number of private schools is growing at higher rates than the growth of government schools.¹¹⁹ The figures in Table No. (9) indicate that there is a need to intensify efforts to build new schools, whether by the Government or by UNRWA, in order to reduce the ratio of students per class section with a view to developing the quality of education, particularly in UNRWA schools. Notwithstanding the increase in the number of school buildings, the Centre observed the limited infrastructure of the buildings, particularly with regard to playgrounds, theatres and the like, as shown in Table No. (10).

Table No. (9): Distribution of students in school education by supervising authority

Supervising authority	Percentage of students – Total	Percentage of students – Males	Percentage of students – Females	Student ratio per class section	Student ratio per teacher
General total	100%	50.5%	49.5%	26.8	17.9
Ministry of Education	69.4%	33.3%	36.1%	27.5	17.7
Other governmental	1.1%	0.9%	0.2%	20.4	13.3
UNRWA	7.9%	4%	3.9%	37.3	29.2
Private education	21.6%	12.3%	9.3%	22.8	16.3

¹¹⁸ According to the statistics of the Ministry of Education, the schools affiliated to the Ministry of Education and the other governmental schools constitute approximately (58.4%), a decrease of (0.2%) from their share in the previous year, and (1126844) students study in them, an increase of (12300) students, i.e. an increase of (1.1%) in the number of students in government schools; while private sector schools constitute (38%), and (345823) students study in them, an increase of (4.6%) in the number of students over the previous year; and the schools affiliated to UNRWA constitute (3.1%), with (125544) students studying in them.

¹¹⁹ The Centre points out that the increase in the number of private schools implies the State's withdrawal from the task of free education provided for in Article (20) of the Constitution.

Table No. (10): Number of playgrounds and halls in schools

Description	Ministry of Education	Private education	UNRWA	Other schools	Total
Sports halls	27	12	-	2	41
Multi-purpose courts	1212	142	62	41	1457
Football pitches	38	2	1	1	42
Yards	840	68	56	22	986

119. The Ministry of Education pays special attention to students with disabilities: students with physical (mobility) disabilities have been integrated into regular classes, with the provision of the facilities they require in the schools attended by students with physical disabilities. There are also (10) schools for the deaf, attended by (800) students, and two schools for the blind, attended by approximately (215) students, with transport provided for them, and students with disabilities are exempted from school donations. As for students facing learning difficulties, (580) special rooms have been provided, benefiting approximately (12500) students, each room serving on average (20–25) students, and a special curriculum is provided for them from the first to the fourth grade. However, the Centre observed that some of these rooms lack the equipment and tools that assist learning, and that what is available requires continuous maintenance.

120. The Ministry of Education likewise pays special attention to gifted students; there are (3) schools devoted to them, namely the King Abdullah Schools for Excellence in each of Irbid, Salt and Zarqa, in addition to the Jubilee School, which was established to nurture the gifted at the level of the Kingdom with advanced educational programmes. Outstanding students are selected from the sixth grade for the King Abdullah Schools for Excellence and are provided with additional curricula alongside the official curricula. There is also the Pioneer Centres programme, the number of which reaches (19) pioneer centres, attended by approximately (2000) students in the evening period, who are provided with enrichment educational materials. There are also educational resource rooms for gifted students, which work to strengthen students' skills with enrichment educational materials, numbering (21) rooms in the Kingdom's schools. There is also the academic acceleration programme for gifted students, which accelerates students twice during their years of study, i.e. moving to advanced classes in which the student skips two academic grades, with (60–80) students being accelerated annually. The Centre affirms the importance of these programmes and calls for the enhancement of the services provided so that the largest possible group may benefit from them.

121. Private schools teach the Ministry's curricula in addition to other curricula approved by the Board of Education, in line with the freedom of education. On the other hand, the Centre monitored numerous complaints in the media concerning the high level of fees in most private schools during the first half of 2008, which constituted a burden on parents, a number of whom became unable to pay the exorbitant fees.¹²⁰ The Centre also points to the failure of private schools to comply with the Ministry's requirement to appoint educational counsellors, in addition to the low salaries of teachers in some private education schools, which fall below the minimum wage.

¹²⁰ The Centre observed that most private schools raised the instalments for student transport with the rise in fuel prices in the first half of 2008, but refused to reconsider these instalments when fuel prices fell in the subsequent months, falling by more than 50%.

The Centre stresses the need for the Ministry to expedite the preparation and approval of the draft Regulation on the Classification of Private Schools.

122. With regard to illiteracy rates, they decreased from previous years to reach (7.9%) this year, the lowest rate in the history of Jordan; females account for (11.6%) of this rate, while males account for (4.3%). The number of adult education and literacy centres for the academic year 2008/2009 reached a total of (511) centres, attended by (6217) learners, at the rate of (29) centres for males, attended by (472) learners, and (482) centres for females, attended by (5745) learners.¹²¹ While the Centre appreciates the efforts made to reduce the illiteracy rate, it affirms the need to adopt more motivating measures, such as the distribution of certain in-kind assistance to enrollees, since most of them are of limited income, and the strengthening of male enrolment in these centres. The Centre records the distinguished effort made by the Ministry of Education in eradicating illiteracy, as Jordan has become, according to UNESCO statistics, one of the advanced Arab countries in this field.

123. Among the pioneering educational programmes is the programme for the education of inmates by inmates themselves in the Correction and Rehabilitation Centres; however, the Centre points out that the remuneration granted to the inmate teacher is very low, which affects the teacher's motivation,¹²² not to mention the absence of incentives for the learners among them, the limited number of beneficiaries of the educational programmes, and their confinement to certain centres to the exclusion of others in the year 2008/2009.

124. With regard to health care and school nutrition, an expansion of the school nutrition programme and of the range of students benefiting from it was observed, by approximately (157000) students compared with (300000) students in 2007, bringing the total number to approximately (457000) students from the first to the sixth grade, distributed over (2470) schools, in addition to kindergartens in poverty pockets; approximately (42000) students of this total are students of UNRWA schools.¹²³ The health of male and female students in schools was also followed up, as the Ministry of Health carried out preventive vaccinations for (229942) male and female students.¹²⁴ In every school there is a teacher responsible for following up school health services in cooperation with the Ministry of Health; however, the Centre points out that most

¹²¹ There is the evening programme, under which non-regular students are taught from the seventh to the twelfth grade, and which enables students who have completed the literacy stage to complete their studies; however, the Centre observed a sharp decline in the number of enrollees in recent years. There is also another programme within non-formal education, namely the Dropouts' Culture programme, the number of enrollees in which reaches 2859 persons, 2278 males and 581 females, and which includes Jordanians and other nationalities. We point here to the clearly weak rate of enrolment in this programme, which calls for the adoption of more effective measures to ensure the enrolment of dropout students therein, in addition to expanding it to include non-Jordanian students, particularly in view of the large numbers of dropouts among Iraqi children.

¹²² It is mentioned that teachers receive limited financial remuneration, the teacher in the adult education and literacy programme receiving JD 1.600 per single teaching hour, at a rate of 3 hours per day as a maximum.

¹²³ Reference is made to the emergence of the problem of cases of spoiled milk distributed to students within the school nutrition programme, which was suspended from time to time; high-protein biscuits (50 g) and a piece of fruit are provided daily.

¹²⁴ The number of students examined for general health reached (366523), and the number of students examined for dental health reached (276630).

schools have no rooms for medical examination, in addition to the fact that the teachers responsible for school health need training and the raising of their competencies.

125. The fields of vocational education have been expanded to include health, tourism, hospitality, agriculture, industry and information technology, and the subject of vocational education is taught in the stages of basic education. The Centre points to the application of the policy of gender mainstreaming in vocational education, as industrial education is no longer confined to males, nor the teaching of home economics to females. The Ministry also held training courses and issued training manuals in order to build the capacities of its staff,¹²⁵ and exerted many efforts and undertook projects to improve the conditions of teachers.¹²⁶

126. In the field of promoting human rights concepts in school curricula, particularly the rights of the child and of women, all the basic grades, and more than one subject, have included direct specialised lessons on human rights, or in the form of activities carried out by the students. The gender concepts relating to the role of women and men in the curricula have also been strengthened, the student has come to participate in the evaluation of curricula and school textbooks, and an electronic newsletter entitled “The Student’s Letter” has been issued for students to express their opinions.

127. While the Centre values the positive efforts of the Ministry in guaranteeing the right to education, particularly in providing education for the repeated migrations and within a limited budget, and affirms the need to continue these efforts and work to develop them, it nevertheless observed the continued existence of a number of negative aspects witnessed by the school education sector during 2008, the most important of which are: (a) the conditions of some schools are still particularly in poor areas in Zarqa and the Jordan Valley (Ghor), are unsuitable for study in terms of equipment and infrastructure, as they lack yards and halls for various activities, in addition to the reliance on some rented buildings in which the necessary educational facilities are not available; (b) the curricula need to complete the integration of human rights into basic education, in addition to integrating it into secondary education; (c) Christian religious education is not provided for Christian students in schools as is the case with the teaching of Islamic religious education, owing, on the one hand, to the lack of agreement among the Christian churches on a unified curriculum and, on the other hand, to the Ministry’s inability to address the technical and

¹²⁵ Electronic training programmes such as the ICDL were implemented, from which 95% of the Ministry’s employees, numbering approximately 95 thousand, benefited, as well as the INTEL programme for employing competencies inside classrooms, so that there are now 7 computerised courses of study; there is a computer for every student, which calls for the necessity of increasing the number of computers. A manual for the first three grades was also issued and all teachers were trained on it, and the national standards for the professional development of teachers were issued. In addition, 800 teachers are being sent to governmental universities to obtain a higher diploma and a master’s degree in education in various specialisations, at the expense of the Ministry.

¹²⁶ Such as the projects of the Housing Fund and the Education Guarantee Fund through the granting of loans; and reference is made in particular to the improvement of teachers’ salaries through the granting of the relocation (tajyeer) allowance to teachers this year, whereby the teacher is granted (50) dinars if working in a district other than his or her place of residence, (100) dinars if in another governorate, and (150) dinars if in another region, in addition to a tangible increase in the basic salary. To this is added the application of a new system of additional allowances as follows: 10% for a teacher holding the ICDL, together with the granting of the rank of teacher; 25% for a teacher who has completed more than 60 training hours, provided that he or she holds a higher diploma; and 50% for a teacher who has obtained 160 training hours in addition to holding a master’s degree as a minimum and 200 points for publishing individual research in a refereed journal, or for obtaining the Queen Rania Award for the Distinguished Teacher, whereupon he or she obtains the rank of expert.

administrative problems arising from the teaching of Christian religious education¹²⁷; (d) the phenomenon of school violence persists, with cases of violence increasing among students themselves on the one hand, and between students and teachers on the other, notwithstanding the establishment of a hotline at the Ministry to receive complaints of violence against students. The complaints received through the hotline during the period from September to November 2008 reached (33) complaints, (24) of which concerned students being subjected to abuse and beating by a teacher or the school principal. The Centre believes that the number of cases of abuse may far exceed this figure owing to the poor awareness of students and parents of the hotline, in addition to the settlement of many cases of abuse by amicable means. The Centre notes that the Ministry has taken a series of measures to curb abuse against students, including: tightening the instructions issued to teachers and principals; establishing a Section for Protection from Abuse within the General Directorate of Education and Student Affairs to provide protection for children against exposure to abuse; and issuing the Preventive Guide for Protecting Students from Violence and Abuse, which targets counsellors and teachers, and the Guide for Educational Counsellors in Jordanian Schools on Protecting Children from Abuse (8-12)¹²⁸. The Centre emphasises the importance of the role of counsellors in curbing school violence and guiding students, and points in particular to the absence of any obligation to appoint counsellors in private education, which calls for the adoption of measures obliging it to do so; (e) there is no teachers' union, even though teaching is a profession and a mission just like the professions of medicine, engineering, law and others, which impedes the development of the teaching profession and causes those working in it to turn to other professions as long as teachers continue to be deprived of their right to trade union organisation, as is the practice in most countries of the world; (f) the annual increments and additional allowances received by teachers are modest; (g) the training and external delegation programmes conducted by the Ministry are weak, as the number of persons delegated to study abroad during 2008 reached (65) persons, and the number of persons delegated to external courses reached (15); the Centre considers this number small compared with the number of teachers in the Ministry of Education, which stands at (89512); (h) at the beginning of the academic year, some schools experience shortages of teachers in certain natural sciences specialisations.

128. The number of complaints received by the Centre concerning the right to school education during this year reached (8) complaints, compared with (12) complaints in 2007. They dealt with difficulty in reaching school owing to the distance and its hazards, refusal of admission to primary education, deprivation of government education because of foreign nationality, failure to obtain education because the father did not comply with his obligation in this respect, withholding of educational documents, and failure to provide appropriate education for a child with a disability.

129. The higher education sector is regulated by the Higher Education and Scientific Research Law No. (4) of 2005 and its amendments, under which the objectives of higher education are defined as fostering and reinforcing the democratic approach in a manner that guarantees

¹²⁷ Among the most significant problems faced by the Ministry in teaching Christian religious education is the absence of large numbers of Christian students, which has led to the grouping of students from several grades into a single class, the overlapping of school periods, and the provision of teachers, which has not always been feasible.

¹²⁸ The number of male and female counsellors stands at (1675) in government schools and (170) in private schools, totalling (1845); this figure represents one third of the schools in the Kingdom, which indicates the small number of male and female counsellors.

academic freedom, the right of expression and respect for the opinions of others; teamwork and the assumption of responsibility; the use of critical scientific thinking; the provision of an academic, psychological and social environment supportive of creativity, excellence, innovation and the refinement of talents; and the encouragement, support and advancement of scientific research, in particular applied scientific research directed towards the service and development of society. The Centre observed a number of shortcomings in respect of this right during 2008, most notably: (a) the admission criteria still restrict equal opportunities in higher education, as cases of exception abound, whereby approximately (50%) of applicants for admission are admitted under exceptional conditions¹²⁹. Although most admissions in these exceptional cases are made on a competitive basis, the privilege lies in obtaining a university seat at a lower level of competition than that faced by other students. Table No. (11) shows these exceptions. If the proportion of students admitted to the Parallel Programme¹³⁰ is added to them — under which the student is admitted at a lower average than the admission criteria in return for paying higher fees — the proportion of exceptions exceeds (60%), given that the number of students admitted to the Parallel Programme and occupying study seats in the academic year (2007/2008) is (22912) students, meaning that approximately 5,000 students are admitted annually, which constitutes more than (10%) of the proportion of students admitted annually on the basis of the admission criteria, amounting to (49701) students. Universities have resorted to this procedure to increase their budgets, which suffer from a large deficit, whereas it would have been more appropriate for the Government to support them. While the Centre calls for the special circumstances of certain groups of society to be taken into account, it believes that addressing this issue requires a review of the educational policies relating to those groups and their social empowerment, in order to achieve equality, competence and justice in education; (b) the Centre observed increasing complaints about the conditions for accrediting postgraduate studies inside and outside Jordan, as the Higher Education Council has suspended the creation of many postgraduate specialisations in Jordanian universities during the past two years, despite the existence of many persons wishing to enrol in these specialisations. The Centre also considers that the requirement imposed by the Ministry of Higher Education of residence for one academic year for the accreditation of master's and doctoral degrees obtained from foreign universities that do not require attendance of courses has constituted an obstacle preventing many of those wishing to do so from enrolling in them, the Ministry justifying this by its desire to ensure the quality of education. The Centre considers it necessary for the Ministry of Higher Education to strike a balance between quality requirements and the avoidance of excessive accreditation procedures.

Table No. (11): Categories and Percentages of Exceptional Admission in Jordanian Universities

Category Benefiting from the Exception	Percentage
Percentages of admitted students allocated to categories	

¹²⁹ The process of admitting students to public universities for the academic year 2008/2009 is regulated by the Admission Criteria for Students, issued pursuant to Article (6-d) of the Higher Education and Scientific Research Law No. (4) of 2005 and its amendments and by virtue of Higher Education Council Decision No. (207) dated 5/7/2008.

¹³⁰ These admission criteria and the Parallel Programme contravene the principle of equality and competence set out in Article (13-2-c) of the Covenant, which provides for “making higher education equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education”.

Category Benefiting from the Exception	Percentage
Children of personnel of the Armed Forces, Public Security, Intelligence and Civil Defence, and retirees thereof	20%
Children of employees of the Ministry of Education and retirees thereof	5%
Children of university employees who are not members of the teaching staff, and children of employees who have completed at least ten years of service	2%
Students of government schools with special circumstances (the least fortunate previously)	10%
Expatriate Jordanians	5%
Holders of the General Secondary Education Certificate or its equivalent from previous years	5%
Total	47%
Categories receiving a number of seats	
Children of martyrs of the Armed Forces, Public Security, Intelligence and Civil Defence	15 seats at each university (total 375)
One child of members of the Higher Education Council, serving or former, and one grandchild of the first degree	
One child of members of the university's Board of Trustees, serving or former, or one of their grandchildren of the first degree	
Children of members of the teaching staff working at the university and children of former members of the teaching staff who have completed at least ten years of service at the university	
Students excelling in sports, the arts and music	70
Seats at Ayman Al-Hijjawi's Hijjawi College of Technology	4
Children of the camps	350
A limited number of students with disabilities and visually impaired students	
Children of Jordanian diplomats serving in Jordanian embassies abroad	

130. As for university fees, the Centre considers that they remain high relative to the income level of a large segment of society. They also vary between universities for the same specialisations on the one hand, and between the specialisations themselves on the other, with fees per credit hour ranging from (16) Dinars to (150) Dinars, which is inconsistent with the principle of the progressive introduction of free education set out in the International Covenant on Economic, Social and Cultural Rights. The budgets of public universities indicate that students bear the greater share of their budget revenues through university fees, which constitute, for example at the University of Jordan, 70.75% of the budget for 2008 according to the statistics of the Ministry of Higher Education. The Centre has monitored statements by government officials calling for universities to bear the responsibility of securing their own budgets through their own revenues, which signals the possibility of raising university fees for students, thereby further limiting educational opportunities, unless this is accompanied by the activation of a student support fund in each university, to be supported by the Government from its annual grants in order to assist students in paying university fees in whole or in part according to specific criteria.

131. The phenomenon of violence is still practised in Jordanian universities despite its decline this year. While the Centre points out the importance of addressing this phenomenon by enhancing human rights education and disseminating the culture of democracy, tolerance and the peaceful settlement of disputes, and volunteer work, it emphasises the necessity of teaching these concepts

and principles in the form of a university course or by integrating them into specialised courses in every faculty or specialisation, in addition to strengthening extracurricular programmes that reinforce these values, such as student camps, competitions and volunteer work. The Centre considers that one of the causes of this phenomenon is the weakness of youth programmes and of the investment of young people's energies. Moreover, the absence of human rights clubs in most universities and the curtailment of student councils and failure to enable them to perform their role prevent students from expressing themselves, defending their rights and learning their duties, particularly in cases in which students are subjected to disciplinary committees, where the principles of fair trial as set out in the disciplinary regulations are at times not observed, quite apart from interference in the decisions of the investigation committees, which weakens the process of deterring students from committing acts of violence. The Ministry of Higher Education is currently working on the preparation of new disciplinary instructions for university students. The Centre also notes the absence of a general union of students in the Kingdom and the absence of associations for teaching staff and employees in universities.

132. The Centre records a number of positive developments in this sector during 2008, most notably: (a) higher education statistics provide a positive indicator of the extent of access to higher education, as there are a number of universities that accommodate the increase in student numbers and offer various specialisations¹³¹; (b) the Ministry of Higher Education and Scientific Research continued to implement the "National Strategy for Higher Education and Scientific Research 2007-2012"¹³²; (c) the practice of appointment to student councils ceased in most universities, with the exception of Zarqa Private University, following the holding of full direct elections at the University of Jordan, thereby achieving student representation and participation in decision-making; (d) a number of measures were taken to support scientific research, most importantly the amendment of the Jordanian Public Universities Law No. (42) of 2001 by allocating (3%) of the annual budgets of universities to the purposes of scientific research, publication, training and conferences, and (2%) of their budgets to the purposes of delegation to obtain a doctoral degree, and the formation of a national team to develop an integrated strategy for the Scientific Research Support Fund for the years (2009-2012). In this respect, the Centre proposes that these two percentages be unified into a single combined percentage, since newly established universities need delegation owing to the lack of a sufficient number of researchers at the newly established university, whereas long-established universities need support for scientific research rather than delegation, given the availability of absorptive capacity of teaching staff. Leaving this allocation to the universities' Boards of Trustees would support the independence of universities.

133. While the Centre highly appreciates the efforts exerted by the Ministry of Education in the field of the right to education, and in order to consolidate the progress achieved in more than one field, it recommends the following:

¹³¹ There are 25 universities in the Kingdom distributed across its various regions, (10) public universities and (15) private universities, in which a total of 253137 male and female students of various academic degrees and various nationalities study, of whom (122495) are female students, representing (48.4%).

¹³² It comprised seven pillars, namely: good governance and university administration; admission criteria; accreditation and quality assurance; scientific research, development and postgraduate studies; technical (vocational) and technological education; university financing; and the university environment.

- a. Commencing the second phase of the Education Reform for Knowledge Economy Project (ERfKE 2).
- b. Increasing the budget of the Ministry of Education to enable it to expand and develop the infrastructure, particularly to end double-shift and rented schools, and to provide adequate equipment for persons with special needs, theatres, laboratories, playgrounds, musical instruments, vocational training tools and computers.
- c. Expanding the scope of beneficiaries of kindergartens.
- d. Expanding non-formal education programmes for school drop-outs and illiteracy eradication through enhancing the remuneration of teachers and learners, and paying special attention to the education of inmates of Correction and Rehabilitation Centres.
- e. Strengthening the school feeding programme and expanding the scope of its beneficiaries, in addition to strengthening school health services in terms of medical examination rooms and teacher training.
- f. Continuing human rights education, with the need to pay the necessary attention to training teachers, curriculum developers and textbook authors in human rights concepts.
- g. The Ministry should exert greater efforts in addressing the phenomenon of school violence, activating follow-up, monitoring and guidance procedures, and promoting a culture of human rights, peace and conflict resolution.
- h. Establishing a teachers' union to contribute to the development of the teaching profession and to promote the material and moral rights of teachers.
- i. Establishing a classification of private schools, with emphasis on compliance with educational standards, particularly with regard to the appointment of social counsellors and respect for the minimum wage.
- j. Developing a curriculum for teaching Christian religious education to Christian students in government schools.

134. With respect to the higher education sector, the Centre reiterates the recommendations made in its four previous reports and stresses the necessity of working seriously on them and adopting them at the earliest possible opportunity, as follows:

- a. Reconsidering the university admission criteria in a manner consistent with international human rights standards and ensuring access to education for all on the basis of competence and equality, and limiting exceptions.
- b. Applying the general and specific accreditation standards to public universities in the same way as they are applied to private universities in order to raise the quality of education, since the Accreditation Commission Law is binding on all.
- c. Reinforcing the independence of universities by restoring to their Boards of Trustees all the powers curtailed by the Higher Education Council, such that the work of the Higher Education Council — after its reconstitution so as to represent the public and private sectors and civil society

benefiting from the outputs of higher education — is confined to drawing up guiding policies for higher education, developing the higher education and scientific research strategy, and conducting comparative studies with higher education and scientific research worldwide with the aim of raising the level of higher education and scientific research in Jordan.

d. Teaching human rights, democracy and tolerance through the introduction of courses for students in universities or their integration into the various specialisations, and strengthening all forms of extracurricular programmes aimed at this end.

e. Applying a disciplinary and sanctions system consistent with international human rights standards, emphasising the necessity of proportionality between disciplinary sanctions and student violations, provided that the application of such student sanctions does not prevent students from expressing their opinions and conducting their activities in an atmosphere of freedom.

f. Establishing associations for teaching staff and employees in universities, and establishing a general union of Jordan's students on the basis of independence and full direct election, in a manner that guarantees equality among students and promotes a culture of democracy and participation.

g. Expediting the development of an integrated strategy for the Scientific Research Support Fund for the years (2009-2012) to support scientific research priorities, particularly in the fields of water, energy and food security, and implementing the National Strategy for Higher Education and Scientific Research (2007-2012).

Cultural Rights

135. International standards have included texts addressing cultural rights¹³³, most notably the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights¹³⁴. The Jordanian Constitution contains no explicit text relating to cultural rights; however, a reference to freedom of cultural expression may be implicitly inferred from Article (15, Paragraph 1) thereof¹³⁵. The National Charter, in its sixth chapter, also affirmed cultural rights clearly and in detail¹³⁶. The Culture Promotion Law No. (36) of 2006 guaranteed all cultural

¹³³ The cultural right may be defined as the right of every person to take part in cultural life, to enjoy the benefits of scientific progress and its applications, and to benefit from the protection of the moral and material interests resulting from any scientific, artistic or literary production of which he or she is the author. The full exercise of this right requires the State to guarantee the conservation, development and diffusion of science and culture, respect for the freedom indispensable for scientific research and creative activity, and recognition of the benefits to be derived from the encouragement and development of international contacts and cooperation in the scientific and cultural fields.

¹³⁴ See Article (27) of the Universal Declaration of Human Rights and Article (15) of the International Covenant on Economic, Social and Cultural Rights.

¹³⁵ Article (15, Paragraph 1) of the Constitution provides that “The State shall guarantee freedom of opinion, and every Jordanian shall be free to express his opinion by speech, in writing, by photography and by other means of expression, provided that he does not exceed the limits of the law.”

¹³⁶ Paragraph (4) of the National Charter provides for: “Attention to raising the cultural level of Jordanian citizens in all regions of the Kingdom, and working to develop their national culture and to develop it by various possible means so as to achieve their participation in comprehensive cultural development.” Paragraph (6) also recognised cultural pluralism: “Attention to the various patterns of Jordanian folk heritage, as tributaries enriching the national culture, and working to

rights, as Article (4) defines the cultural functions to be undertaken by the Ministry of Culture, most notably: drawing up the general policies for cultural work; developing cultural work by supporting cultural bodies and institutions; providing the appropriate conditions for unleashing creative and artistic energies; sponsoring intellectual, cultural and artistic creativity, highlighting and disseminating it; establishing cultural and artistic centres and museums and theatrical and folk troupes in a manner that serves the cultural and artistic movement; honouring writers, authors and artists and encouraging talents; and consolidating the democratic concept with all that it represents in terms of commitment to the rights of the human being, freedom of expression and opinion. As for the Copyright Protection Law No. (22) of 1992 and its amendments, it guaranteed the right to protection of the moral and material interests resulting from any scientific, artistic or literary work, as Article (3) provides that “original works in literature, the arts and the sciences, whatever their type, importance or purpose of production, shall enjoy legal protection”¹³⁷. The National Library Regulation No. (5) of 1994 and its amendments contributes to providing protection for authors, as it guarantees the deposit and censorship process.

Table No. (12): Number of Works Classified in the National Library for the Years 2006-2008

Year	Books	Periodicals	Cassettes	Video	Computer	Pictures	Total
2006	3076	42	72	13	81	29	3313
2007	3376	14	107	14	58	106	3675
2008	3905	24	85	42	59	32	4147
Total	10357	80	264	69	198	167	11135

136. On the other hand, the Centre recorded a number of practices and shortcomings that do not allow individuals the full enjoyment of cultural rights during 2008, most notably: (a) although the Press and Publications Law prohibited prior censorship of works before printing, which has contributed positively to widening the space of intellectual and cultural freedom, the author, publisher and printer may nonetheless be legally prosecuted in the event of violation of the provisions of Article (38) of this Law¹³⁸. The Centre notes that this Article imposes restrictions

develop them in a manner compatible with the spirit of the age and that reinforces the unity of the cultural fabric of the nation.”

¹³⁷ Article (3) provides that: “b. Original works in literature, the arts and the sciences, whatever their type, importance or purpose of production, shall enjoy protection under this Law. c. This protection shall include works whose mode of expression is writing, sound, drawing, photography or movement, and in particular: books, booklets and other written materials; works delivered orally, such as lectures, speeches and sermons; dramatic works, musicals, musical works and pantomime; musical works, whether numbered or not, and whether accompanied by words or not; cinematographic, radio, audio and visual works; works of drawing, painting, sculpture, engraving, architecture, and applied and decorative arts; illustrations, maps, designs, plans and three-dimensional works relating to geography and surface maps of the earth; computer programs, whether in source language or machine language. d. Protection shall include the title of the work, unless the title is a word in common use to indicate the subject of the work. e. Protection shall also extend to ‘collections of literary or artistic works, such as encyclopaedias, selections and compilations of data, whether in machine-readable or any other form, which, by reason of the selection or arrangement of their contents, constitute original intellectual creations; collections containing selected extracts of poetry, prose, music or other works shall likewise enjoy protection, provided that such collections mention the source of the extracts and their authors, without prejudice to the rights of the authors in respect of each work forming part of such collections’.”

¹³⁸ This Article prohibits the publication of any of the following: a. anything that contains contempt, defamation or disparagement of any of the religions whose freedom is guaranteed by the Constitution, or offence thereto; b. anything that contains an attack on or offence to the prophets of the revealed religions, in writing, drawing, picture, symbol or any other

and lends itself to broad and inconsistent interpretation depending on differing judicial interpretations, and that it constitutes a justification for restricting the author's freedom of expression in an unwarranted manner. It is noted that (5) cases were referred in 2008 by the Press and Publications Department to the judiciary on the basis of their violation of the Press and Publications Law and are still under consideration, in addition to many lawsuits that individuals may bring on the basis of laws other than the Press and Publications Law; (b) the Press and Publications Law still grants the Director of the Press and Publications Department the right to suspend the entry of publications issued abroad and to prohibit their distribution and to determine the number of copies permitted to be distributed temporarily, provided that the Director of Press and Publications applies to the court, as a matter of urgency, for the issuance of an urgent decision to prohibit their entry or distribution or to determine the number of copies distributed, pending the issuance of a final decision in this regard¹³⁹; (c) the Press and Publications Law granted the Director of the Press and Publications Department the power of prior approval of publications imported by governmental institutions, universities and scientific research centres, as no publications may be brought into these institutions except after the prior approval of the Director, and they must be placed in special places for their use in scientific research, which constitutes a restriction on the freedom of scientific research and deprives scientific institutions of the right of recourse to the judiciary.

137. The year 2008 witnessed a number of developments relating to the activation of citizens' enjoyment of cultural rights, most notably the referral by the Copyright Protection Office of (1800) cases of violation of the law to the courts during the period from 2001 to 2008, and the issuance of the Jordanian Cultural Creativity Full-Time Dedication Regulation No. (22) of 2007. The Ministry of Culture also implemented the Cities of Culture Project, with the city of Salt being the City of Culture for 2008, in which many seminars, lectures, festivals and exhibitions were held, a film was produced, and other activities. However, the Centre records the absence of a law for the preservation of national documents, which leads to the destruction of many of them without their being deposited with the National Library.

138. The number of books deposited with the Press and Publications Department rose to a total of (849) publications in 2008, while in 2007 it amounted to approximately (350), which contributes to the process of prior protection. The Ministry of Culture also publishes the creative and intellectual output of Jordanian writers through several means, including the full publication of books at the Ministry's expense, as (130) books were published, printed and distributed during 2008, with the writer being granted a financial reward and a number of copies of the book¹⁴⁰. Books were also supported for publication in a manner covering the full printing budget in return

means; c. anything that constitutes an insult to the sentiment or religious belief, or the incitement of sectarian or racial strife; d. anything that offends the dignity, personal freedoms of individuals, or that contains false information or rumours about them.

¹³⁹ The Press and Publications Department generally permits the entry of foreign books into the Kingdom, as approximately (8000) books entered the Kingdom during the years 1999–2008; however, a limited number of them were prevented from entry on the basis of the prohibitions set out in Jordanian laws, which are often for political or religious reasons or public morals.

¹⁴⁰ The reward for a creative book amounts to (750) Dinars in addition to (100) copies, while the reward for a study amounts to (1000) Dinars in addition to (100) copies, whereas the reward for a children's book is (500) Dinars in addition to (100) copies.

for the Ministry obtaining (200) copies, the number of books supported this year amounting to (170) books. The Ministry also implemented the Family Library Project, under which (60) titles were sold during this year at a rate of (5000) copies per book and at nominal prices. The Ministry further provides creative persons with opportunities to write in the three literary magazines it issues, namely: Afkar magazine, the monthly children's magazine "Wisam", and the quarterly magazine "Funun".

139. In this context, and in order to protect cultural rights, the Centre presents a number of recommendations for developing individuals' enjoyment of cultural rights, namely:

- a. Enacting a law for the preservation of national documents with the aim of protecting them from destruction.
- b. Supporting cultural bodies financially and technically, particularly those located in the governorates, and supporting cultural festivals, particularly in the governorates.
- c. Abolishing taxes on inputs used in the book industry.

The Right to Health

140. The Constitution contains no direct reference to the right to health, although international instruments have accorded this right special attention owing to its importance for human life. However, the amended Public Health Law No. (47) of 2008 contains provisions affirming the responsibility of the State for the provision of health care in its various forms, including: the provision of medical and therapeutic services, combating communicable diseases, raising awareness, and maternal and child care. The Centre points out that all national legislation lacks any provision on the responsibility of the State for securing the objective conditions for the exercise of this right. The Law is also criticised for its focus on physical health and the treatment of diseases, and its failure to accord mental health the same degree of importance.

141. The Centre observed during 2008 that some hospitals and health centres suffer from a number of problems that impede the achievement of their objectives¹⁴¹. The Centre expresses its concern about the absence of quality control in hospital services, notwithstanding that many of them have obtained a grade under the ISO system or similar systems, since these grades and certificates relate to the structure of hospital buildings and their administration, and have no bearing on the quality control of the care provided by the physician, whether examination, procedure, diagnosis or medication. During 2008, the Centre followed the Ministry of Health's preparation of a draft Medical Liability Law, on which the Centre made many observations, most importantly the inclusion of the subject of medical liability within the Jordan Medical Association Law rather than enacting it in separate legislation, in harmony with the legislation in force and drawing on comparable laws such as French law, given that the Medical Association is the competent reference for regulating the affairs of the profession and those working in it, out of concern for protecting the rights of health practitioners and the rights of patients. The year 2008 witnessed the Ministry of Health expanding and modernising (13) hospitals in various regions of the

¹⁴¹ Most notably: shortages of medical and nursing staff, shortages of certain essential medicines, and shortages in the number of dental chairs.

Kingdom¹⁴², establishing two comprehensive health centres in Jerash Governorate and Al-Rusaifa District, establishing (14) primary health centres, and establishing two branch health centres in Karak and Ajloun Governorates¹⁴³.

142. Among the shortcomings that the Centre records regarding the Public Health Law is that it does not give sufficient attention to mental health, as it does to other diseases; however, the Centre commends the formation of a national committee on 17/12/2008, chaired by the Secretary General of the Ministry of Health and comprising representatives of health service providers in the public and private sectors and the Ministry of Higher Education, with the aim of developing national policies and strategies aimed at integrating mental health services into primary health care services¹⁴⁴. The Centre hopes that this strategy will take into account the high cost of psychiatric services and the importance of providing them in a manner commensurate with general living conditions.

143. In 2008, there was a marked rise in the incidence rates of non-communicable diseases, particularly heart disease, cancer and diabetes. Heart disease is considered the main cause of death in the Kingdom, accounting for (38%) of total deaths, while cancer ranks second at (14%), and accidents account for (11%) of deaths¹⁴⁵. Based on the study conducted by the Ministry of Health¹⁴⁶ in 2007, it was found that the incidence of these diseases among the youth group is high. Table No. (14) shows the percentage of the population affected by non-communicable diseases¹⁴⁷. The high rates of diabetes, hypertension, dyslipidaemia, overweight and obesity represent high figures when compared to the size of the population, entailing a high cost to society for the treatment of these diseases and requiring the development of a national strategy for both prevention and treatment.

Table No. (14): Prevalence rates of non-communicable diseases among the population

Disease	Percentage
Hypertension	25.6
High total blood cholesterol	36
Diabetes	16
Latent diabetes	23.8
Overweight	30.5
Obesity	35.9

144. In 2008, the problem of persons suffering from thalassaemia, numbering (1425), emerged. The Centre addressed the Ministry of Health regarding the complaints it received from patients,

¹⁴² These consisted of establishing paediatric and neonatal departments, operating theatres and intensive care units, and outpatient clinic buildings, and modernising obstetrics and gynaecology departments.

¹⁴³ The Ministry of Health provides two types of health care, namely: primary care, provided by health centres; and secondary and tertiary care, provided by hospitals. Health centres are also divided into three categories according to the importance and type of care provided, namely comprehensive, primary and branch centres, in addition to maternal and child care centres and dental centres.

¹⁴⁴ The Primary Health Care Directorate.

¹⁴⁵ National Health Strategy 2008–2011.

¹⁴⁶ These studies are conducted approximately every (3–5) years, and their results were published in 2008.

¹⁴⁷ Based on information provided by the Ministry of Health / Non-Communicable Diseases Control Directorate.

and has received no response to date. The complaints included demands for the provision of the oral treatment “Exjade” in place of the current “Desferal”, which is administered by injection into the patient’s abdomen over a period of ten hours, and for the provision of specialised medical staff to deliver medical services to thalassaemia patients, as medical services are currently provided to them by paediatricians.

145. The Centre also monitored the Government’s adoption, in April 2008, of a decision restricting the treatment of cancer patients holding exemptions from the Patients’ Affairs Unit at the Royal Hashemite Court, and of all children, to the King Hussein Cancer Center, and transferring other medically insured cancer patients to other hospitals according to their health insurance. The Ministry of Health justified the government decision on the ground of alleviating the financial burden on the budget, which prompted these patients and popular bodies to resort to sit-ins and protests, regarding it as a decision that relieves the Government of providing the minimum level of medical care to citizens and leaves them victims of the privatisation of the medical sector and its health services¹⁴⁸.

146. As regards communicable diseases, the Centre considers that most communicable diseases have been brought under good and effective control, and that vaccine-preventable diseases have witnessed a noticeable decline; no new cases of diphtheria or childhood poliomyelitis were recorded during 2008, owing to high vaccination coverage rates. However, it was noted that diarrhoea, respiratory diseases and hepatitis still constitute major diseases that are periodically reported by health centres, and a limited number of cases of whooping cough and tetanus were also recorded¹⁴⁹. Table No. (15) shows the number of persons infected with communicable diseases up to October 2008 compared with 2007¹⁵⁰.

Table No. (15): Number of cases of communicable diseases up to the end of November 2008 compared with 2007

Disease	Number of cases in 2008	Number of cases in 2007
Viral hepatitis (A)	354	387
Hepatitis (B)	13	15
Food poisoning	175	2608
Brucellosis (Malta fever)	108	212
Malaria	37	74
Schistosomiasis (bilharzia)	94	85
Cutaneous leishmaniasis	126	219
Animal bite cases	2498	2542
Chickenpox	9762	5759
Epidemic meningitis	12	18
Non-epidemic meningitis	453	634
AIDS	10	8

¹⁴⁸ Al-Ghad newspaper, dated 11/5/2008.

¹⁴⁹ National Health Strategy 2008–2012.

¹⁵⁰ Based on information provided by the Ministry of Health / Communicable Diseases Control Directorate.

147. The Centre records a number of efforts made by the Ministry of Health in 2008 to limit the spread of both communicable and non-communicable diseases, most notably: (a) training health and medical cadres in communicable disease surveillance operations and supplying the Communicable Diseases Control Directorate therewith on a periodic basis; (b) the Ministry of Health's implementation of two free vaccination campaigns in April and November for persons living in remote areas and persons moving to and from different areas within the Kingdom, such as nomadic Bedouins; (c) issuing awareness and educational publications on communicable diseases for medical cadres and the public, these materials including publications on communicable diseases and how to deal with them, the vaccination guidance manual and the guide to vaccine side effects; (d) establishing permanent national programmes to combat communicable diseases, such as the National Breast Cancer Programme; (e) establishing a national registry of hereditary diseases and congenital malformations, with the aim of revealing the scale of hereditary diseases and congenital malformations in the Kingdom and dealing with them at an early stage. It is noteworthy that the Centre, in cooperation with the Ministry of Health (National AIDS Programme) and with support from the Global Fund to Fight AIDS, held three training courses during 2008 for representatives of governmental bodies and civil society organisations on "Introduction to the National Legislation Relating to Human Immunodeficiency Virus (AIDS) Patients and its Review".

148. As regards health insurance, this year saw a rise in the percentage of medically insured persons from (78%) in 2007 to (86%). Three hundred (300) thousand Jordanian citizens were covered by civil health insurance within the social safety net, and (6) new areas were brought under the umbrella of free civil health insurance, namely: Northern Shouneh, Burma, Zay, Al-Qatrana, Al-Hasa and Eil, which are among the areas classified as poverty pockets¹⁵¹. Table No. (16) shows the percentage of population coverage by health insurance according to the insurance provider for 2008. During this year, the Ministry of Health also renewed the health insurance agreement with (44) private-sector hospitals, under which government employees subscribed to civil health insurance may receive treatment in these hospitals, each according to the insurance grade to which he belongs, with the employee bearing (20%) of the treatment costs and the Health Insurance Fund bearing (80%)¹⁵².

Table No. (16): Percentages of population coverage by health insurance

Insurance provider	Percentage of population coverage by health insurance
Civil health insurance	41%
Military health insurance	28%
University health insurance	1.5%
Private health insurance	6%
Insurance companies	6%
Funds and unions	3.5%
Total	86%

¹⁵¹ Subscribers Directorate, Health Insurance Administration.

¹⁵² Subscribers Directorate, Health Insurance Administration.

149. As regards the sale of and trafficking in human organs, the Centre views with grave concern the growth of the phenomenon of trafficking in human organs, as confirmed by the study prepared by the Ministries of Social Development and Health in cooperation with the competent security agencies during 2008, which revealed (127) cases of kidney sale having taken place outside the Kingdom, in Egypt, Pakistan and Iraq. The results of the study also showed that (90%) of the young men who sold their kidneys outside the Kingdom, half of whom are married, live in difficult social circumstances and suffer severe poverty¹⁵³. The study indicated that (77%) of those who sold their kidneys did not suffer health setbacks or complications after the operation, whereas (23%) of them suffered complications such as blood poisoning and serious infections, which led to the death of some of them as a result of the kidney transfer being carried out by unsafe means. The Centre considers that the success of the security agencies in arresting (81) persons trafficking in human organs (kidney sale) and referring them to the judiciary during 2008 demonstrates the urgent need to address this phenomenon and to find solutions to the causes of its spread.

150. As regards food and food safety, 2008 witnessed the closure of many food establishments and factories, and the issuance of warnings and violations to them by the Jordan Food and Drug Administration (JFDA)¹⁵⁴, as a result of the seizure of quantities of spoiled and expired foodstuffs, in addition to the failure of those establishments and factories to comply with public health and safety conditions. Health inspectors carried out approximately (275) thousand visits during 2008, which resulted in (27167) cases of warnings, violations and closures¹⁵⁵, which indicates that the state of food and food safety in Jordan is a matter requiring the utmost attention.

151. As regards medicines, the Centre commends the JFDA for reducing the prices of (1600) types of medicines imported from Europe during 2008, at rates ranging between (10%–34%)¹⁵⁶. The JFDA is also currently working to reduce the prices of generic medicines on the basis of the prices of the originator medicines¹⁵⁷ that were reduced based on the price in the country of origin. The Centre also monitored the JFDA's closure during 2008 of (140) pharmacies out of (1700) pharmacies operating in the Kingdom, of which (15) pharmacies were found in possession of counterfeit medicines¹⁵⁸ and (125) pharmacies were found in possession of smuggled medicines, in addition to the closure of (4) medicine warehouses for importing medicines illegally, meaning that those medicines were not subjected to examination and verification of their validity by the

¹⁵³ The study showed that (55%) of those who sold their kidneys are males belonging to the age group under (31) years, that the majority of the young men, at a rate of (79%), of those who sold their kidneys live in Baqa'a Camp, and that (57%) of them work in crafts.

¹⁵⁴ Article (2) of the Temporary Food Control Law No. 79 of 2001 and its amendments defines food as "any substance or product, whether processed, semi-processed or unprocessed, intended or expected to be for human consumption, including beverages, chewing gum and any substance used in the manufacture, preparation or treatment of food, including water ... etc.)".

¹⁵⁵ Jordan Food and Drug Administration.

¹⁵⁶ The reduction covered antibiotics and medicines for chronic diseases such as heart disease, blood pressure, diabetes and cholesterol, in addition to cancer medicines. Jordan Food and Drug Administration.

¹⁵⁷ Generic medicines: medicines that are identical or similar to the composition of originator medicines. Originator medicines: medicines that were discovered and manufactured for the first time in the world.

¹⁵⁸ Counterfeit medicines: medicines that are not manufactured in pharmaceutical factories and are sold at prices lower than the permitted price, differ in packaging and colour, and are of non-concentrated content or do not conform to specifications.

competent authorities. It is noteworthy that the JFDA closed (56) pharmacies in 2007¹⁵⁹. The Centre also observed the spread of the phenomenon of the use of herbs by some doctors or pretenders to medicine from among herbalists and charlatans, who exploit patients away from proper scientific methods and charge exorbitant sums in return, on the pretext of being able to cure diseases which modern science has proven cannot be cured except through the use of chemical compounds.

152. To protect the right to health, the Centre reiterates the recommendations contained in its previous reports concerning the right to health, and emphasises the following:

- a. Developing a national strategy for upgrading mental health services, amending the laws and policies in force, and establishing an independent body for the protection of mental patients, preventing their exposure to abuse and including them under the umbrella of health insurance.
- b. Striving to increase the percentages of persons covered by health insurance of its various types.
- c. Taking deterrent legal measures against doctors or pretenders to medicine who exploit patients through the use of herbs away from proper scientific methods and charge exorbitant sums in return.
- d. Establishing effective inspection and monitoring mechanisms by the Ministry of Health and the JFDA, to ensure the compliance of all food establishments, factories and restaurants throughout the Kingdom with public health and safety conditions.

The Right to a Healthy Environment

153. Environmental issues have become a focus of attention for many countries of the world during the past two decades. This is attributed to environmental degradation in its various forms resulting from population growth and the advancement of technologies, which have contributed to widening the destructive effects on the environment, such as air and water pollution, the disappearance of forests and soil erosion. It is noted that the Constitution does not directly address this right; however, the international conventions ratified by Jordan guarantee it¹⁶⁰, and the Environmental Protection Law No. (52) of 2006 affirmed this right and accorded environmental issues the character of urgency in their handling. It became apparent to the Centre, through monitoring and following up the environmental indicators witnessed in 2008, that some positive developments occurred in this field, alongside an escalation in the severity of negative aspects, particularly the receding of forest areas, the increase in encroachments upon them and the lack of follow-up of their afforestation, water and air pollution, the spread of flies and mosquitoes in a manner threatening tourism in the Jordan Valley area, and the inefficiency of wastewater

¹⁵⁹ Jordan Food and Drug Administration.

¹⁶⁰ The most important of these conventions are: the Convention on Biological Diversity, the United Nations Convention to Combat Desertification, the United Nations Framework Convention on Climate Change, the Kyoto Protocol, which requires industrialised states to reduce their carbon emissions, 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.

treatment plants, which has increased the pollution rates of dams and water bodies and the spread of foul odours, threatening to curtail agriculture on the banks of rivers, streams and valleys.

154. In the field of institutional and legislative regulation, the Government approved the Instructions for Granting Prior Approval for the Licensing or Renewal of Licences of Environmental Societies for 2008¹⁶¹. A draft Environmental Protection Fund Regulation and a draft Environmental Inspection and Monitoring Regulation were also prepared. The Ministry of Environment also made environmental information, particularly the environmental conventions concerned with the right to a healthy environment, available to the entire public on the Ministry's website¹⁶². The strength of the Royal Department for Environmental Protection (formerly the Environmental Police) was increased from (400) to (497) police officers, and (5) new sections and (4) detachments were created with the aim of enhancing the capacities of the Ministry of Environment in dealing with various environmental violations. The Ministry of Environment and the Royal Department for Environmental Protection also adopted a new programme for the aerial detection of environmental hotspots, in order to monitor establishments and factories that cause environmental pollution and to report environmental violations when they occur.

155. In the field of enhancing monitoring and inspection, 2008 witnessed the issuance of (17643) environmental violations. The Ministry also closed (85) establishments during 2008, and the Central Licensing Committee granted (640) licences and rejected (234) applications for the licensing of industrial, agricultural and craft projects out of (874) applications, for violating the environmental conditions for the licensing of investment projects.

Table No. (17): Number of closures by type of establishment

Type of establishment	Number of closures
Craft	54
Agricultural	19
Industrial	9
Service	3

156. In the field of air pollution, an agreement was concluded with the World Bank to implement projects and programmes in the Kingdom in the field of central cooling at a cost of one million dollars as a grant from the Montreal Fund. The Centre values the Government's commitment to cease the use of ozone-depleting substances definitively by the end of 2009, having disposed of (97%) of ozone-depleting substances. The Jordan Institution for Standards and Metrology also adopted a decision to amend the Jordanian standard specifications in the field of the environment and to oblige vehicles to use the "catalytic converter" device, which purifies car exhaust, as of the beginning of 2007. The Centre points out that this decision was not activated during 2008 on large transport vehicles, and was applied on an optional basis to small transport vehicles. The Ministry of Environment also prepared a project to monitor air quality in Jordan, under which the installation and operation of (12) stations commenced; the project comprises three main axes, namely: monitoring air quality in major cities, emissions from vehicle exhausts, and the stacks of large factories. The Ministry of Environment also commenced implementing an environmental

¹⁶¹ Issued pursuant to Article (24) of the Environmental Protection Law No. (52) of 2006.

¹⁶² www.moenv.gov.jo

compliance plan for the management of the Cement Factories Company according to a timetable, in order to oblige the company to take all the measures required to improve the environmental situation in the city of Fuheis; however, it failed in following it up, as citizens still complain of pollution, especially during night hours¹⁶³. In addition, bag filters were installed by the Cement Factories Company in Rashadiya, in place of electrostatic filters, to reduce dust emissions pursuant to the environmental compliance plan with the Ministry of Environment. Finally, Al-Balqa Applied University commenced conducting cement dust measurement operations in the Fuheis and Rashadiya areas through (5) monitoring stations in the Fuheis area and (3) stations in the Rashadiya area.

157. In the water and sanitation sector, the Ministry of Water and Irrigation failed to achieve integrated management of the water sector and to overcome the problem of water resources, as wastewater treatment plants and the deficiency of sanitation infrastructure have become a source of pollution of river and dam water and constitute a danger to agriculture. The Centre also noted the absence of coordination among the Ministry of Environment, the Ministry of Water and Irrigation, the Ministry of Agriculture and the Ministry of Industry in limiting water pollution and upgrading wastewater treatment plants, which have come to threaten the agricultural sector. Moreover, the emission of foul odours from the wastewater treatment plant in Jerash negatively affects tourism in the Roman city.

158. As regards solid and hazardous waste and its management, the Ministry of Municipal Affairs, in cooperation with the Deir Alla office, prepared unified specifications for a solid waste separation unit, and prepared instructions regulating the transport, storage, manufacture and use of, and trade in, organic fertiliser for 2003, with a view to eliminating the problem of the spread of flies in the Jordan Valley area. The Centre appreciates the response of the concerned bodies in implementing this initiative pursuant to its recommendation in its 2007 report, in order to eliminate this chronic problem, which negatively affects the quality of life of citizens and tourism opportunities in the Jordan Valley. The Centre records the failure of the Ministry of Environment to make any progress in eliminating flies and mosquitoes in the Jordan Valley; on the contrary, their numbers and the dangers they pose have increased, which threatens the development of the Valley and the quality of life therein, particularly tourism at the Dead Sea. The Centre records the Ministry of Environment's development of a national-level policy for the management of electrical and electronic waste, and considers it necessary to develop a system for the management of electronic waste and end-of-life mobile phones, in cooperation with the various telecommunications and computer companies. The Ministry also implemented a project for sorting household waste at source (a project for private-sector participation in solid waste management) in the Greater Amman area, which constitutes a positive development in the handling by official bodies of some environmental problems.

159. The Centre notes with concern the escalation in the severity of encroachments upon forest wealth and forests for the purpose of illegally trading in timber during 2008; the Royal Department for Environmental Protection issued (256) environmental violations in this field.

¹⁶³ The compliance plan was implemented, and it included changing the filtering systems at the factory stacks and operating warehouses for raw materials to prevent dust from flying off, in addition to planting a belt of trees around the factory perimeter and some other measures preventing dust emissions from the mining areas.

160. As regards pesticides, figures of the Ministry of Agriculture indicate that Jordan imports annually approximately (100) thousand tonnes of various pesticides, in addition to local production thereof, which requires monitoring the various uses of these pesticides in order to protect both citizens and the environment. The results of studies over the past eight years indicate a decline in the percentage of samples in which pesticide residues above the limit permitted under the Jordanian standard and the international standards adopted for this purpose were detected. Since the Ministry of Agriculture, through the Pesticide Analysis Centre, takes random samples of imported and local agricultural products to examine them and determine the level of pesticide residues therein, the Centre considers it necessary to grant it the power to take any action with respect to samples in which the level of pesticide residues is higher than the limit permitted under the standard.

161. As regards chemical fertilisers, figures of the Ministry of Agriculture indicate that Jordan imports annually approximately (50) thousand tonnes of various chemical fertilisers, in addition to diammonium phosphate fertiliser, potassium chloride and some compound fertilisers produced locally. These fertilisers are characterised by ease of use and rapid dissolution with irrigation water, which leads to the pollution of watercourses and streams, particularly the eutrophication of their waters and the growth of algae therein, and consequently their unfitness for drinking and human consumption. The Centre considers it necessary for the National Centre for Agricultural Research and Extension to intensify awareness and extension campaigns for farmers on the danger of adding chemical fertiliser in quantities exceeding the actual needs of plants, to develop a special guidance list specifying the actual needs of agricultural varieties for chemical fertilisers as well as the times of their application, and to provide soil and plant analysis services to farmers, in return for nominal fees, specifying the actual needs of plants for fertiliser. The Centre emphasises that the Ministry of Water and Irrigation should examine random samples of groundwater wells and surface water to determine the extent of their pollution with chemical fertilisers, particularly in irrigated agriculture areas.

162. As regards natural fertilisers, figures of the Ministry of Agriculture indicate that the annual production of the various livestock farms amounts to approximately (1.07) million cubic metres of natural manure. The use of this untreated manure, particularly in the Jordan Valley, results in the carrying out of pesticide spraying campaigns at a high cost, which may affect public health and safety. In this context, the Centre values the establishment of a manure treatment plant in the Deir Alla area with the aim of mitigating the aggravation of this problem.

163. As regards agricultural plastic, figures of the Ministry of Agriculture indicate that there are approximately (30) thousand plastic houses in Jordan, in addition to these houses' need for black plastic. The impact of this plastic material lies in the manner of its improper disposal¹⁶⁴, whereby it affects agricultural productivity and blocks irrigation canals and pipes if it reaches them, and also leads to the death of livestock if grazing takes place in these areas, causing economic loss.

164. As regards olive presses, the records of the Ministry of Agriculture indicate the existence of (93) modern presses and (10) old presses spread throughout the Kingdom, with (182) production

¹⁶⁴ Many farmers resort to burning it, releasing gases harmful to health, or to ploughing it into the soil, which impedes the growth of plant roots and pollutes the soil.

lines. These presses produce large quantities of olive mill wastewater (zibar), estimated at (160–180) thousand m³/year. This water is characterised by its phenol content, and its improper disposal leads to the pollution of spring water and agricultural soil and renders them unfit for agriculture¹⁶⁵, instead of being disposed of in the ponds designated for that purpose at the landfills designated for this purpose. These presses also produce dry olive pomace (jift) in a quantity estimated at (80–100) thousand tonnes/year. The Centre records that this material no longer constitutes a burden on the environment, owing to its use for heating after it is dried and pressed into moulds, and that it has also become a source of additional income for press owners.

165. As regards livestock farms, figures of the Ministry of Agriculture issued from the latest agricultural census, conducted in 2008, indicate the existence of (3.5) million head of sheep and goats and (86) thousand head of cattle, in addition to the spread of poultry farms (laying hens, broilers and parent stock). The Centre points out that the negative impact of these farms appears when they fail to comply with the environmental and health conditions set by the Ministries of Agriculture and Environment, particularly the issue of the improper handling of the manure produced by these farms, as well as the wastewater discharged from cattle farms, which affects the health and public safety of nearby residents as a result of the spread of foul odours and the proliferation of insects and mosquitoes, in addition to the impact on the quality of milk and the products of these farms in general.

166. In the field of the craft sector and industrial cities, the Centre noted the wide spread of craft industries in all municipalities¹⁶⁶, particularly after the process of merging municipalities and expanding their boundaries on the one hand, and the expansion of zoning boundaries following the urban boom recently witnessed by Jordan on the other, which has led to an increase in citizens' complaints, recently, about the presence of these industries among their homes or close to them in a manner that disturbs their comfort and causes them annoyance. The Centre also noted that most of these industrial cities have come to lie within the environment of residential cities¹⁶⁷, which leads to pollution of the environment in general and to the annoyance of nearby citizens in particular, especially as most of these cities lack infrastructure services, their organisation is haphazard and their buildings distort the general appearance of the cities.

167. It is observed that the presence of quarries, sand pits and crushers in the vicinity of residential places and agricultural areas negatively affects the health of citizens, their homes and their farms, owing to the blasting carried out by quarry owners and the soil and dust resulting therefrom, in addition to the fact that most quarry owners abandon quarry sites upon completion of work therein in a manner that distorts the general appearance and affects public safety.

168. In light of all the foregoing, the Centre recommends taking a number of measures that provide protection for the right to a healthy environment, most notably the following:

¹⁶⁵ Olive mill wastewater is disposed of by discharging it into the valleys adjacent to the presses, or the owners of the tankers transporting olive mill wastewater resort to discharging it into nearby valleys or emptying it onto agricultural land.

¹⁶⁶ For example: brick factories, tile and marble factories, stone saws, and others.

¹⁶⁷ This refers to service activities such as mechanical car repair workshops, car painting, smithing, aluminium works and others.

- a. Expediting the adoption of the draft Environmental Protection Fund Regulation and the draft Environmental Inspection and Monitoring Regulation, as they constitute a positive basis for addressing some environmental issues.
- b. Developing a system for the management of electronic waste in cooperation with the various telecommunications and computer companies.
- c. Continuing the preparation of the study being conducted by the Ministry of Environment with the aim of providing an indicator of the extent of pollution of the Jordanian environment with pesticide residues.
- d. The JFDA monitoring the level of pesticide residues on a periodic basis, particularly in imported milk and children's food.
- e. Developing and upgrading wastewater treatment plants in a manner commensurate with population growth in cities and villages, particularly those that discharge into the Zarqa stream, which feeds King Talal Dam with polluted water.
- f. Developing a time-bound plan to eliminate flies and mosquitoes in the Jordan Valley and other areas of the Kingdom through the treatment of cesspits, swamps and organic manure.
- g. The Ministry of Environment adopting a national programme to encourage the establishment of factories producing paper bags for use in shopping, so as to gradually replace plastic bags, and providing the facilities necessary for the establishment of factories specialising in recycling plastic used in agriculture and exempting them from taxes.
- h. Establishing stations for the treatment of olive mill wastewater resulting from presses in the north, centre and south of the Kingdom, and obliging press owners to treat their olive mill wastewater therein, in order to reduce the environmental pollution resulting from olive mill wastewater and to enable the reuse of this water in agriculture.

The Right to an Adequate Standard of Living

169. The right to an adequate standard of living is considered the essence of the other economic, social and cultural rights¹⁶⁸; it is not limited to the provision of the basic elements necessary for human survival only, but is also linked to a person's independence and freedom from dependency on others¹⁶⁹. It is closely connected to the right to work, and is also connected to the right to social security. The right to adequate and appropriate food, as one of the components of the right to an

¹⁶⁸ 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 himself and of his family, 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, particularly in respect of food, clothing, housing and medical care". Article (11) of the International Covenant on Economic, Social and Cultural Rights also reaffirmed this right, and the said Article, in its second paragraph, linked this right and freedom from hunger.

¹⁶⁹ The adequate standard of living refers to the quality and quantity of goods and services available to individuals and the manner of their distribution among them, and it is generally measured by a set of criteria such as: the wage rate, the real per capita poverty rate, and the quality of health, educational and social care and ease of access thereto. Studies also add to the aforementioned criteria intangible criteria in measuring well-being and quality of life, such as: comfort, security, cultural resources, social life, mental health, political stability and many other indicators.

adequate standard of living, is closely linked to human dignity. The Committee on Economic, Social and Cultural Rights, in its General Comment No. (12) of 1999, defined the core content of the right to adequate food¹⁷⁰, which requires the adoption of appropriate economic and social policies to eliminate the problems of poverty, unemployment and the rising cost of living.

170. As regards poverty, the Centre considers that poverty is a natural result of the spread of the phenomenon of unemployment, the rise in the economic dependency ratio, the escalation of the price level, low wages and the decline in the educational level. A decline was noted in the percentage of the population whose income fell below (556) dinars annually, being the poverty line, to (13%) for 2006, compared with (14.2%) in 2002¹⁷¹. Table No. (18) shows the poverty rates in all governorates of the Kingdom¹⁷². The Centre points out that the Government has identified twenty (20) areas as poverty pockets in the Kingdom, in which this scourge exceeds (34%) of their total population¹⁷³, and it was shown that (71%) of the poor in these areas fall close to the absolute poverty line, as against (29%) who suffer from chronic poverty.¹⁷⁴ The Centre considers that low wages are linked to an increase in the poverty rate, and consequently to the spread of hunger and deprivation, particularly in light of the rise in the economic dependency ratio, which has reached (68.2%),¹⁷⁵ and the rise in the prices of goods and services. Inadequate wages do not ensure that the multiple human needs are met, and they place the person in a cycle of permanent want. Conversely, many of these families add to their cash income a number of mechanisms for coping with difficult living conditions, such as receiving support from relatives and charitable aid institutions; nevertheless, they do not escape the cycle of want. The Department of Statistics indicates that the percentage of families receiving humanitarian assistance in the form of financial aid amounted to (5%), with the National Aid Fund ranking first in providing such aid at a rate of (4.1%), and non-governmental bodies at a rate of (0.3%), while the percentage of assistance provided by individuals was (0.5%).

Table No. (18): Poverty rates in the governorates of the Kingdom for 2006

Governorate	Poverty rate for 2006
Amman	9.4

¹⁷⁰ For further details, see: General Comment No. (12) on “The Right to Adequate Food”, Committee on Economic, Social and Cultural Rights, Twentieth Session, 1999.

¹⁷¹ Economic performance during 2007, Ministry of Planning and International Cooperation, quoted from the following link: www.mop.gov.jo/uploads/economic_A_new1.pdf

¹⁷² Based on an interview conducted by the research team with the official in charge of the poverty file at the Department of Statistics on 30/12/2008; these percentages represent the latest poverty-related figures issued by the Department of Statistics.

¹⁷³ The Government identified 13 of the twenty areas in which the poverty rate exceeds (73%) of the population, namely: Al-Ruwaished, Wadi Araba, Al-Dleil, Al-Salihiya, Al-Hussainiya, Al-Jafr, Bireen, Al-Muraigha, Al-Azraq, Al-Quwaira, Deir Al-Kahf, Umm Al-Jimal and Ghor Al-Safi. See: Jordan Poverty Assessment Study 2004, prepared by the World Bank in cooperation with the Ministry of Planning and International Cooperation, the Ministry of Social Development and the Department of Statistics, 2004, noting that no official studies have been published since then.

¹⁷⁴ A team of local experts, in cooperation with international experts from the World Bank, prepared a poverty assessment study in Jordan in 2004, the first of its kind in Jordan in terms of the scientific methodology it followed in calculating poverty lines and other indicators. For further details, see the following website link: – www.surf-as.org/FocusAreas/PR/CoP/Presentations/Poverty%20in%20Jordan_Arabic.ppt

¹⁷⁵ Jordan in Figures 2006, page (1), Department of Statistics.

Governorate	Poverty rate for 2006
Madaba	10
Irbid	12.1
Ma'an	12.7
Mafrq	23
Zarqa	14.9
Balqa	15.3
Aqaba	15.4
Jerash	16.7
Ajloun	17.7
Tafleh	19.1
Karak	21.7

171. The Centre sees in these percentages clear indications of the degree of want experienced by society, and calls upon the Government to activate strategies to combat the scourge of poverty and to rid them of the fragmentation in proposing solutions to this problem in light of the overlapping roles of the social assistance funds affiliated with the Ministry of Social Development, such as the National Aid Fund, and other lending funds,¹⁷⁶ and civil society institutions; the fragility of the organisational structure of these institutions; the weakness of the governmental funding directed to them; and their inability to gain the trust of the local community in poor areas, which leads successive governments and civil society institutions to share responsibility for the failure to raise the standard of living of citizens. The Centre likewise points to a number of obstacles facing the Ministry of Social Development in addressing the problem of poverty, the most prominent of which are: the lack of funding for most of its strategic plans and programmes; competition among the bodies working in the field of small development loans; the difficulty of marketing the products of productive projects; and the lack of sustainability of the fixed assets of most projects, owing to their owners disposing of them.¹⁷⁷ The Centre calls upon the Government to evaluate the work of these institutions, their programmes and their management methods periodically, so that they may perform the role entrusted to them, in particular the National Aid Fund, which bears the responsibility of adopting transparent and clear foundations in this field, especially given the growing segment of the poor in light of the sharp rise in fuel prices.¹⁷⁸ The Centre considers that the Fund is incapable of implementing its policies in light of its limited financial resources, which amount to approximately (72) million dinars for 2008, i.e. an increase of (14) million over 2007.¹⁷⁹ The Centre notes that the financial aid provided by the National Aid Fund does not contribute to achieving social security for the poor, since

¹⁷⁶ For example, the Zakat Fund provides monthly assistance to families and orphans to improve their living conditions; the number of beneficiaries reaches 1,579 families, in addition to more than one thousand orphans across the various governorates of the Kingdom. See the link www.zakatfund.org/policy_zakat.html

¹⁷⁷ Ministry of Social Development, interview conducted by the research team on 15/6/2008; see also Al-Ghad newspaper, "Experts Criticise Partnership Strategies between Associations and 'Development' in Combating Poverty and Unemployment", 5/3/2008.

¹⁷⁸ Fuel prices witnessed a marked decline in the last quarter of 2008 as a result of the global financial crisis; however, this was not reflected in the prices of goods and services locally.

¹⁷⁹ The number of beneficiary families rose from 65,658 to approximately 73 thousand poor families. Quoted from the link www.naf.gov.jo/admin/UploadImage/publication/f17.pdf

raising the aid provided per individual from (33) dinars to (36) dinars per individual following the liberalisation of fuel prices is considered a very meagre amount and does not meet his basic needs in light of the high cost of living.¹⁸⁰

172. The Centre further points out that successive governments have sought, during past years, to increase the tax burden on citizens with the aim of bringing about a positive adjustment in domestic revenues in the budget in order to close its deficit, particularly with regard to the rate of the general sales tax imposed on consumer goods. The Centre therefore calls upon the Government not to increase the tax burden on citizens in view of the negative effects it leaves on citizens' livelihoods, and to rely on alternative measures that ensure the control of public expenditure and the reform of the tax system. In this regard, the Centre stresses the need to abolish the fees for the "property search" transaction paid by beneficiaries of national aid, amounting to six dinars and ten piasters upon review of the Department of Lands and Survey in order to prove that they do not own any real property, as a condition for obtaining national aid. The Centre considers that the various fees¹⁸¹ imposed on those wishing to benefit from the Fund drive some of them to forgo such aid, particularly families consisting of four or more members, which require (30) dinars for the property search.

173. The Centre has observed the aggravation of the phenomenon of begging and its taking on multiple forms and methods,¹⁸² and points out that, despite the existence of a number of legal provisions prohibiting begging and imposing penalties on those who engage in it, the problem lies in the lack of actual application of these legal provisions.¹⁸³ Conversely, the Centre records the opening of a care centre for beggars in Madaba Governorate on 30/11/2008, which accommodates approximately (250) male and female residents.¹⁸⁴ The Centre also commends the national campaign implemented by the Ministry of Social Development in cooperation with the Greater Amman Municipality to curb begging during the period extending between summer 2007 and summer 2008, the most prominent positive results of which were as follows: (a) raising citizens' awareness of the seriousness of this phenomenon by reporting beggars and homeless persons to

¹⁸⁰ Statistics indicate that the National Aid Fund serves approximately 37% of the total number of the poor only, i.e. at a rate of 74 thousand poor families, with financial allocations amounting to approximately 64 million dinars. Interview conducted by the research team with the National Aid Fund on 16/6/2008.

¹⁸¹ For example: fees for applications for extracts of registration, sale and mortgage transactions, the transaction of searching a register, and the issuance of a registration deed, as well as the transactions of the National Aid Fund relating to the search of the ownership of applicants for recurring cash assistance. It should be noted that the reason for the increase in property search fees arose under Article (15) of the Law of the Higher Council for the Affairs of Persons with Disabilities, with the aim of financing the Fund of the Higher Council for the Affairs of Persons with Disabilities.

¹⁸² Direct begging by way of soliciting the sympathy of others, and indirect begging, such as selling goods in order to make money.

¹⁸³ The number of beggars arrested during 2008 reached (1,684), whereas the number in 2007 was (1,567), as a result of the intensification of efforts and serious action by the relevant authorities in combating begging. Article (389) of the Penal Code No. (16) of 1960 and its amendments defines a beggar as: "Any person who begs or solicits alms from people, using as a pretext the display of his wounds or a deformity he has, or by any other means, whether roaming about or sitting in a public place, or who is found leading a child under sixteen years of age to beg and collect alms, or encourages him to do so".

¹⁸⁴ The new centre receives adult beggars of both sexes referred by the judiciary and administrative governors, in addition to underage female beggars. A social study of the beggar is prepared immediately upon his entry to the centre in order to identify his economic and social situation; they are enrolled in training courses and in awareness, rehabilitation and educational programmes, and those capable of work among them are rehabilitated by equipping them with various skills.

the relevant authorities; (b) effective cooperation by the various media in addressing this phenomenon through advertisements, the broadcasting of series, the distribution of posters, and the like; (c) the tightening of the measures taken by the Ministry of Social Development through the completion by the beggar child's family of a form containing important data that constitute a database for the Ministry, showing cases of recurrence, income, and economic and social status; (d) the Ministry's taking in of approximately (400) cases, of which (89) cases of persons in need of protection and care were placed in the places designated and prepared by the Ministry, such as homes for the elderly and centres for persons with disabilities, while strict measures were taken in respect of approximately (311) cases, such as the imposition of high financial bonds and referral to administrative governors; (e) the provision of (200) job opportunities for a number of beggars who used to practise begging, in numerous occupations such as work in public gardens and as cleaning workers; (f) curbing begging gangs that exploit children, as it transpired that their members were persons with previous criminal records, and they were arrested; (g) a decrease in the rate of recurrence among child beggars to (20%) in 2008, whereas the rate in 2007 was (38%); juvenile courts also dealt with (450) cases, and (14) cases were referred to protection and care centres.

174. With regard to unemployment, its rate reached (12%) in the last quarter of 2008, compared with (13.1%) in 2007; it has affected university graduates in particular, as the unemployment rate among bachelor's degree holders reached (15.5%).¹⁸⁵ The Centre also draws attention to the fact that Jordanian labour faces numerous challenges in the labour market, the most important of which is fierce competition from migrant workers, whose numbers have swelled considerably in past years. It calls upon the Government to find a balanced equation to resolve this dilemma, since it is not sufficient to speak of Jordanian workers' reluctance to work in certain occupational sectors; rather, the causes of this phenomenon should be investigated and addressed. In this context, the Centre values the Royal initiative to increase the number of those admitted to the National Employment and Training Partnership Programme to (10) thousand additional trainees, bringing the total to (15) thousand trainees, in order to reduce unemployment rates among young people in the governorates of the Kingdom.¹⁸⁶ The Centre calls for expansion in this direction and for the establishment of advanced industrial institutes that contribute to addressing the problem of unemployment, provided that these institutes are established in cooperation with the private sector and with its contribution to management and financing, so as to secure skilled professional cadres for national industries, with a focus on the need to involve women workers in order to attract

¹⁸⁵ Annual Report of the Employment and Unemployment Survey for 2007, issued by the Department of Statistics, quoted from the website.

¹⁸⁶ His Majesty the King launched the National Company for Employment and Training programme in May 2007. It aims to train young people in occupations lacking in the market, such as tiling, plastering, stone construction, bricklaying, painting, carpentry, electricity, air-conditioning and heating, which are occupations for which demand has increased with the boom witnessed in construction and building operations. The company commenced its work through an alliance between the Jordan Armed Forces, the Ministry of Labour and the contracting sector, and it provided the trainee with a monthly salary, health insurance, social security, housing, food and clothing; these are advantages that prompted large numbers of Jordanian young people to join the training programme in order to secure a job opportunity needed by the market. What remains is the commitment of the partners, namely the companies, to absorb the graduates. For further details, see the following link: www.pm.gov.jo/arabic/index.php?page_type=news&part=1&id=3765

Jordanian women into the labour market, as the rate of women's participation in work is still less than (12%) according to the information of the Department of Statistics for 2006.¹⁸⁷

175. With regard to the rise in the cost of living, the Centre observed that 2008 witnessed successive rises in food product prices¹⁸⁸ at a rate of (18.77%) over 2007. The phenomenon of the high cost of goods and services may be attributed to a group of causes¹⁸⁹ that contributed to the rise in the consumer price index¹⁹⁰ for all items for 2008 to (139.90), compared with (115.51) in 2006 and (121.74) in 2007.¹⁹¹

176. In the context of the governmental measures to confront the rising cost of living, and despite the Government having raised salaries and wages at the beginning of 2008, this did not lead to a tangible improvement in the standard of living, because those increases were accompanied by successive rises in fuel prices,¹⁹² which led to a considerable increase in the burdens on citizens in the face of this changing economic reality. Despite the decline in oil and food prices globally since the end of the last quarter of 2008 as a result of the international financial crisis, the decline did not affect citizens' lives, because traders refused to reduce the prices of goods and services on the pretext of high global prices, contrary to what they used to do when prices were rising. This means that initiatives from the private sector regarding prices cannot be awaited unless the

¹⁸⁷ Employment and Unemployment Survey 2006, Annual Report issued by the Department of Statistics, February 2007.

¹⁸⁸ Department of Statistics figures, in an interview with the Head of the Prices Section on 27/1/2009.

¹⁸⁹ Among the most prominent causes of the rise in the prices of goods and services during the first nine months of 2008 were: the rise in global prices of most food products; the rise in fuel prices globally, coinciding with the lifting of the material subsidy allocated from the general budget, which led to a rise in the prices of all products, goods and services; the rise in production costs as a result of increased fees and imposed taxes; and the existence of an alliance among traders benefiting from the rise in prices, who pushed rapidly in this direction as a result of the weakness of the governmental role in controlling and monitoring market prices and developments.

¹⁹⁰ The consumer price index means the monitoring of the changes occurring in the general level of the prices of consumer goods and services within a specific period of time; index numbers are relative figures illustrating the relationship between two figures, one of which is a base figure and the other a comparison figure. The food items index recorded an increase of (36.14%) over 2006, as the index reached (121.24) in 2006 and (132.5) in 2007, while it reached (157.38) in 2008. As regards clothing and footwear, the index reached (96.62) in 2006 and (99.84) in 2007, but it reached (110.29) in 2008. As for housing, the index reached (111.58) in 2006 and (113.8) in 2007, and stood at (129.67) in 2008. While the prices of other goods and services (transport, communications, education, medical care, culture and recreation) recorded an index of (114.41) in 2006 and (117.39) in 2007, they rose to (130.24) in 2008. For further details, see: Consumer Price Index Statistics, Department of Statistics, quoted from the website www.dos.gov.jo/sdb_ec/sdb_ec_a/index.htm

¹⁹¹ Expenditure on food items amounted to (649.5) dinars, on clothing and footwear (71.36) dinars, on housing and its appurtenances (453.85) dinars, and on transport, communications, education, health care, culture and recreation services (537.89) dinars; i.e. the total annual per capita expenditure amounts to (1,712.6) dinars, and accordingly a family of five persons spends a total of (8,563) dinars per year. According to the General Budget of the State for 2008, the total of salaries, wages and compensation for public-sector employees equals (661.1) million dinars, distributed among (174,158) employees and personnel, which means that the average share per individual equals (316.3) dinars per month; this clearly shows the extent of the gap between the costs of living and the level of salaries, which equals approximately (4,779.6) dinars. It should also be noted that the average income of private-sector workers amounts to (234) dinars per month, and that the percentage of workers earning a wage of less than (244) dinars per month amounts to (73%) of (476,784) workers in the various economic sectors.

¹⁹² The Government raised the prices of petroleum derivatives on 8/2/2008 by varying percentages: the prices of unleaded petrol rose by 4%, gas oil (diesel) and kerosene by 76%, and electricity fuel by 111%. The Government considered that the social safety net measures that would accompany the process of lifting subsidies on goods, and the resulting liberalisation of their prices, would be sufficient to protect the segment of the poor and those of limited income from the rise in prices.

Government intervenes by force of law to protect society and to ensure the provision of goods and services at fair prices commensurate with the decline in oil prices globally.

177. The Centre records a number of governmental measures taken to curb the high prices witnessed in 2008, with the aim of protecting the right of a broad segment of society to an adequate standard of living, the most important of which are:¹⁹³ (a) granting a financial increase in the salaries of public-sector employees and retirees, both civilian and military, and providing indirect support to other groups in the private sector;¹⁹⁴ (b) implementing a social safety net package consisting of several measures aimed at alleviating the severity of the rise in prices for citizens, represented in: the allocation of (301) million dinars in the general budget for the social safety net, followed by the addition of a further (200) million; the exemption of a group of basic food items from the sales tax and customs duties, and their reduction for a number of other items at rates ranging between (5–22%);¹⁹⁵ the prohibition of the export of goods whose prices are witnessing a sharp rise, with the aim of meeting the needs of the local market;¹⁹⁶ the postponement of the decision to fully liberalise the selling price of the gas cylinder, which costs the budget (8.5) million dinars per month; the deferral of the liberalisation of fodder selling prices, which costs the budget (148) million dinars; not raising bread prices despite the rise in wheat prices globally and the increase in the cost of government subsidy to (242) million dinars; avoiding raising electricity prices for the poor brackets consuming less than (160) kilowatts per month; and exempting industrial production inputs from customs duties with the aim of preserving the competitiveness of this sector; (c) supporting the civil and military consumer corporations to supply the market with basic commodities without adding any profit margin, in addition to working to open (22) new markets so as to ensure wider coverage of the regions of the Kingdom; (d) implementing a

¹⁹³ The Government's measures were obtained from the Prime Ministry and the relevant ministries, such as the Ministry of Finance, the Ministry of Industry and Trade, the Ministry of Social Development, the Civil Consumer Corporation, and other relevant institutions and departments. For further details, please see the website: www.pm.gov.jo/arabic/index.php?page_type=news&part=1&id=4032

¹⁹⁴ The Government increased the salaries of employees and retirees by 50 dinars for those earning less than 300 dinars, and by 45 dinars for those earning higher salaries. It also granted each individual in a family whose annual income is less than 400 dinars cash support of 25 dinars, provided that the value of compensation for the family does not exceed 150 dinars; cash support of 15 dinars was provided to each individual whose share ranges between 400 and up to 800 dinars annually, provided that the value of compensation for a single family does not exceed 90 dinars; and cash support of 10 dinars was provided to each individual whose share of family income ranges between 801–1,000 dinars annually, provided that the value of compensation for a single family within this bracket does not exceed 60 dinars. The private sector was urged to increase the salaries of its employees; however, most of the private sector did not comply with that increase, on the basis that the Government has no administrative authority over it to increase employees' salaries. Consequently, a large segment of private-sector workers, numbering 600 thousand persons, remain at the mercy of employers.

¹⁹⁵ The Civil Consumer Corporation decided to reduce the profit margin on 27 basic food commodities, and decided to purchase 10 thousand tonnes of sugar and to sell it without any profit margin at 34 fils per kilogram, in addition to a previous stock of 11 thousand tonnes. The prices of vegetable oils were also reduced by 8.1%, and new markets were opened during this year, bringing their number to 22 civil and military markets.

¹⁹⁶ Among the most prominent examples thereof is the extension of the period of non-export of table eggs for an additional three months. However, the Centre observed that the Ministry of Agriculture opened the door to the export of sheep to Saudi Arabia despite the rise in red meat prices in the local markets, after the latter lifted the ban on the import of Jordanian sheep, which had continued for nearly two years following the announcement by the International Office of Epizootics that the Kingdom was free of foot-and-mouth disease; local red meat prices rose by percentages ranging between (10–20%). Poultry meat prices also rose owing to the export of large proportions of local production abroad and a shortage in the quantities offered in the markets.

plan to expand the establishment of parallel and popular markets to cover the various parts of the Kingdom, although the Centre has observed that the prices of goods in them are still high compared with wholesale prices; (e) halting the privatisation procedures of the Silos and Grains Company, in which wheat and barley are stored, and directing the company to develop the plans necessary to increase the capacity of the existing silos and to distribute them across all parts of the Kingdom, so as to suffice to provide a strategic wheat stock for a period of one year instead of (6) months. While the Centre points out that the foregoing governmental measures aimed to provide an adequate standard of living for citizens of limited income, the results of the experience on the ground were modest in the face of the continuous rises in the prices of goods and services, as they were unable to halt the erosion of citizens' purchasing power. The Centre observed that the Government lacked a specific strategy for dealing with the repercussions of price liberalisation from the legislative and procedural perspectives, which was manifested in the changes in the prices of goods and services at the end of every month, and the resulting chaos and confusion in the market, and the exploitation of this situation by some greedy traders, and the weakening of citizens' purchasing power after prices exceeded the value of the increase obtained by employees and retirees.

178. In the field of the right to adequate housing, the Committee on Economic, Social and Cultural Rights has defined a diverse set of considerations that have broadened the interpretation of the right to housing so as to guarantee a person's right to live somewhere in security, peace and dignity.¹⁹⁷ In view of the rise in the population growth rate, which reached (2.2%),¹⁹⁸ this right faces a real challenge, which would increase the need for dwellings, and specifically residential apartments, especially since Jordanian society is described as a young society, as young people constitute (57.5%) of the population, which means that the future need for the construction of new dwellings is pressing.

179. In order to achieve adequate housing in which the essential elements for living in dignity and security are available, the Centre considers it necessary to provide a set of guarantees and conditions for housing, including the legal guarantee of continuing to occupy the dwelling without fear of forced eviction.¹⁹⁹ The Centre points out that the Owners and Tenants Law No. (11) of 1994 and its amendments No. (30) of 2000 set midnight on 31/12/2010 for the termination of approximately one million lease contracts in the Kingdom,²⁰⁰ whereby owners will demand that

¹⁹⁷ The Committee on Economic, Social and Cultural Rights has defined a set of considerations that must be taken into account for housing to be adequate. For further details, see: General Comment No. 4 on "The right to adequate housing", Committee on Economic, Social and Cultural Rights, Sixth Session, 1991.

¹⁹⁸ Department of Statistics, quoted from the following link: www.dos.gov.jo/dos_home/dos_home_a/main/index.htm

¹⁹⁹ The Centre observed that the Marka District Administration evicted several properties in the Al-Mahatta area without granting tenants sufficient notice prior to requesting their eviction. The tenants complained that the property owners had not notified them of these procedures a suitable period in advance, given that the expropriation decision was issued in November 2007 and was published in the daily newspapers so that owners could review the Department of Lands and Survey and collect their entitlements. These properties were expropriated in order to implement the Amman-Zarqa railway project, whereby traders were requested to vacate the premises within 3 days of the date of notification; otherwise, the mechanisms of the Greater Amman Municipality would move their belongings to the Municipality's warehouses by force.

²⁰⁰ This figure covers lease contracts for all forms of real property (dwellings, commercial shops, offices, etc.). The statistics of the 2006 Household Expenditure and Income Survey indicate that the percentage of rented dwellings amounts to 23.7%. For further information, Department of Statistics.

tenants vacate the leased premises or conclude new lease contracts in accordance with the owners' conditions and without legal guarantees protecting tenants, which threatens a not inconsiderable number of tenants with displacement or with being compelled to submit to the owners' conditions after the new provisions come into force.²⁰¹ It is worth mentioning that, over past decades, the Owners and Tenants Law gave precedence to social and humanitarian considerations with regard to the provisions of the lease contract.²⁰² However, the new law has reverted, with respect to the lease contract, to the idea of negotiation, abolishing what may be regarded as care for the tenant, and giving the agreement of the parties to the contract the first and last word regarding the duration of the lease, which may be regarded as giving precedence to the economic dimension of the lease contract over any other consideration. In this context, the Centre values the directive of His Majesty King Abdullah II to the Government in the Speech from the Throne on the need to begin a national dialogue on the Owners and Tenants Law that takes into account the interests of all parties to the contractual equation, which gives hope for the possibility of amending the current law before its special provisions abolishing the statutory extension enter into force, thereby increasing the likelihood of avoiding a legal, economic and social crisis, which may be averted in order to preserve legal stability and civil security, and to take into account the social aspects of the lease contract, without hindering the economic and investment growth witnessed by Jordan.

180. The Centre considers that the Owners and Tenants Law will have negative consequences for the right to housing upon its application, especially as it has set the end of 2010 for the termination of lease contracts concluded before 2000. This will result in the eviction of many dwellings and the re-conclusion of contracts, with the additional costs this entails for citizens, which requires the Government to expedite the adoption and implementation of housing projects for those of limited income and the poor, particularly the tenants among them.

181. Adequate housing is linked to the availability of the basic facilities necessary for health, security, comfort, water, energy, means of waste disposal and emergency services. To ascertain the actual state of the services and infrastructure facilities available to the population, the Centre points out that the percentage of families connected to the public electricity network reached (99%), while the percentage of dwellings connected to the sewerage network reached (57.3%), and the individual share of water reached approximately (141.9) litres/day.²⁰³ However, the Centre observed that the electricity tariff was raised in 2008, while it was kept fixed and subsidised for the first bracket (the first 160 units per month) of household consumers; the Government also kept the water pumping tariff fixed without amendment.²⁰⁴ The Centre values the Ministry of Energy

²⁰¹ To view the law, see the following link: www.arblaws.com/board/showthread.php?t=4350

²⁰² It is not hidden that such a provision constitutes a departure from the general rules providing that the contract is the law of the contracting parties. If the economic circumstances in which what came to be termed the principle of the statutory extension of the lease contract was adopted have changed, then legal logic and considerations of justice require reconsideration of the exceptional principle of the judicial extension of the lease contract by force of law. Perhaps this is what prompted the legislator to reconsider the Owners and Tenants Law and to abolish the principle of the statutory extension of the lease contract, while granting a period of time of ten years for the activation of the new provisions in this regard, ending at the end of 2010.

²⁰³ Jordan in Figures 2006, page (3) (22).

²⁰⁴ The Council of Ministers approved the decision of the Board of Directors of the Electricity Sector Regulatory Commission including an amendment of the electricity tariff for ordinary subscribers as follows: from 1 to 160 kilowatt-hours per month at 32 fils per kilowatt-hour; from 161 to 300 kilowatt-hours per month at 71 fils per kilowatt-hour; from

and Mineral Resources' launching of the wind-energy electricity generation project, which is hoped to be reflected in a reduction of costs for citizens. The Centre considers that the lack of wastewater drainage and treatment services leads to the pollution of surface water and groundwater and the creation of health hazards that may cause the spread of cases of diarrhoea and diseases among children. The Centre stresses guaranteeing the individual's right to obtain a fair share of water that meets his various needs, and reaching more efficient methods of managing water resources. The ability to bear the accompanying costs of housing is also one of the main components for the realisation of the right to housing, as the rise in costs negatively affects the meeting of individuals' basic needs. The Centre points out that the percentage of families living in rented dwellings amounted to (22.1%), with an average rent of (50–99) dinars, and the percentage of these was (49%) among tenants.²⁰⁵

182. The Centre monitored a number of complaints during the summer of 2008 concerning the interruption of water to areas or entire neighbourhoods for many days, particularly in the Governorates of Zarqa, Karak, Jerash and Irbid respectively. It also monitored a number of individual complaints resulting from water not reaching elevated houses. The Centre stresses the need for all inhabitants to be able to bear the direct and indirect costs of water and its facilities and services, and considers that the proposal to raise water prices will cause the value of the water bill to double for the citizen. It recommends that the increase in water prices should not affect the expected lowest consumption brackets.²⁰⁶ It likewise recommends that the Ministry of Water and Irrigation adopt a progressive water tariff, in such a way that the progressive tariff accommodates the lowest income brackets through an acceptable starting point. The Centre also emphasises the need to rationalise water consumption for the success of the distribution programme in all regions of the Kingdom, and stresses the intensification of media awareness programmes for citizens on the need to rationalise consumption.

183. With regard to the solid waste collection service, the Centre considers that the method of collecting waste from homes and other sources and disposing of it poses a danger to the health conditions of citizens, as some municipal councils resort to establishing transfer stations to collect

301 to 500 kilowatt-hours per month at 85 fils per kilowatt-hour; and more than 500 kilowatt-hours per month at 113 fils per kilowatt-hour. As for the tariff for commercial subscribers, it amounted to 86 fils per kilowatt-hour. See the Prime Ministry website at the link: www.addustour.com/ViewTopic.aspx?ac=%5CLocalAndGover%5C2008%5C03%5CLocalAndGover_issue156_day13_id33663.htm

²⁰⁵ See Household Expenditure and Income Statistics for 2006, page 42, Department of Statistics.

²⁰⁶ It is mentioned that the Government raised the water tariff in mid-August 2005, through an increase introduced on water bills as a whole and not on the price per cubic metre. The additional increase approved on the water bill for the fourth quarter of 2005 came on the basis of the decision of the Council of Ministers to "cover part of the costs borne by the Authority for the production and distribution of water to subscribers, in addition to covering the rise in electricity prices that occurred recently during 2005". The tariff approved by the Council of Ministers and applied as of 1 October 2005 was as follows: 1.65 dinars for brackets whose use is less than 20 cubic metres per cycle; 2.65 dinars for those consuming a quantity ranging between 21 and 40 cubic metres per cycle; and 3.65 dinars for those whose water consumption exceeds 41 cubic metres per cycle, the same tariff applying to non-domestic subscribers. The Council of Ministers had approved an additional increase during 2003, with a minimum of 500 fils and a maximum of 1.500 dinars per bill. Interview conducted by the research team with the spokesperson of the Ministry of Water and Irrigation on 7/5/2008; see also the website of the Jordan News Agency (Petra), quoted from the following link: www.petra.gov.jo/Artical.aspx?Lng=2&Section=8&Artical=20492 and Al-Rai newspaper, 15/3/2008, www.alrai.com/pages.php?news_id=201189

waste in certain areas, after which it is transported to landfills by means of large trucks.²⁰⁷ The Centre also observed the spread of the phenomenon of itinerant vendors who collect some waste remnants from containers and sell them to waste traders; this is a negative phenomenon that leads to the haphazard scattering of waste and constitutes a health nuisance for residents. In this context, the Centre calls for the development of an effective system for solid waste management in terms of collection, transport and treatment, since there is currently no clear policy in Jordan on the subject of sorting, recycling and benefiting from waste. It is therefore necessary to establish approved standards for operating waste dumps, to give the private sector a greater role in the solid waste management process, to benefit from the experiences of other countries in this regard, to enact legislation ensuring the sound management of waste during the operations of collection, transport, recycling and disposal, and to conduct periodic studies to determine the type and quantity of waste and the ways of exploiting and recycling it.

184. The rise in the prices of iron and cement witnessed in 2008 led to a rise in the prices of dwellings, as the rate of increase in the years 2006–2008 reached (38.9%), which prevents persons of limited income from being able to acquire these dwellings, particularly with the rise in the cost of loans financed by banks. In this context, the Centre values the initiative of His Majesty King Abdullah II, “Decent Housing for a Decent Living”, which aims to strengthen social and economic security for those of limited income, who constitute a broad segment of citizens amounting to approximately (58%) of the population.²⁰⁸ The Centre stresses the need to implement the Royal initiative relating to decent housing at the required speed and in accordance with the highest specifications that ensure the provision of adequate housing for citizens within a sound urban environment, and in a manner that ensures that these residential communities take into account the environmental and social dimensions, so that their inhabitants come from all social and

²⁰⁷ Waste is collected from homes and other sources in two ways: kerbside containers, where citizens dispose of their waste in special containers of various dimensions; and house-to-house collection, in which cleaning workers collect waste from homes directly into larger containers or into collection vehicles. For further details, see: Jabr Daradkeh, *The Jordanian Experience in Solid Waste Management*, the General Corporation for the Protection of the Environment, quoted from the following link: publications.ksu.edu.sa/Conferences/Moroco%20Conference/11.doc

²⁰⁸ The Royal Initiative aims to build approximately 100 thousand dwellings in all parts of the Kingdom within a five-year plan; the Housing and Urban Development Corporation undertakes the implementation of the governmental plan set for providing adequate housing for those of limited income in two phases: approximately 20 thousand and 500 apartments are to be built during 2008, and 75 thousand apartments within the second phase, distributed over 3 residential cities of 75 thousand housing units, fully equipped with infrastructure services and green spaces, while 25 thousand apartments are to be distributed over all districts of the Kingdom during the next 5 years. The Initiative has adopted several housing projects in all governorates of the Kingdom, comprising 23 sites, whereby 1,200 apartments will be implemented in the Princess Iman suburb, and in Abu Alanda 1,000 apartments, and in the Al-Diyar/Marka area 500 apartments, in addition to the city of Ahl Al-Azm/Al-Jiza with 5,000 apartments and in the Al-Mustanada/Hazzam Road area 500 apartments. As for Irbid Governorate, 200 apartments will be implemented in Al-Husn, and in Al-Nu’aymeh 800 apartments; and in Zarqa, 530 apartments in Jabal Tareq, 200 apartments in Old Zarqa and 5,000 apartments in the city of Khadim Al-Haramain. As for Karak, 400 apartments will be established in Al-Thaniyyeh, in two phases, while 254 apartments will be established in the Al-Eis and Umm Al-Salafeeh area in Tafileh Governorate. As for Jerash, 450 apartments will be implemented in Bayader Ajarmeh, while approximately 222 apartments will be built in the Al-Wahadneh area in Ajloun. As for Balqa, it has been decided to establish 800 housing units in the Al-Huda area; in Madaba/Lib area 60 apartments; and in the Al-Faiha area 656 apartments. As for Mafrqa Governorate, 250 apartments will be implemented in the Aydoun area; in Ma’an Governorate it has been decided to build 250 apartments; in Shobak 328 housing units; and in Aqaba Governorate 1,500 housing units. See: report “His Majesty King Abdullah II Launches the National Housing Initiative”, Prime Ministry, 27/2/2008, quoted from the link www.pm.gov.jo/arabic/index.php?page_type=news&part=1&id=4166, in addition to an interview conducted by the research team with the Housing and Urban Development Corporation on 11/6/2008.

professional classes. It emphasises the importance of distributing housing units to those actually entitled to them according to clear criteria that ensure justice in distribution and entitlement, and of providing the requirements of health, comfort, public safety and environmental cleanliness and the conditions of sustainable development. The Centre also values the Ministry of Social Development's allocation of (2.5) million dinars for the construction of (12) dwellings in each governorate to house poor families receiving cash support from the Aid Fund during 2008, and considers that the Ministry is capable of adopting a programme to finance the housing needs of the poorest individuals, by virtue of its dealing with this segment and its ability to cooperate with local and international economic bodies in providing long-term loans.

185. The habitability of housing requires the availability of all health and psychological safety factors; however, the large size of the family (an average of 6 members) has led to the spread of the phenomenon of overcrowding inside dwellings. The Centre considers that overcrowding results in unsound health, social and psychological housing conditions. It also points to the phenomenon of air pollution, which negatively affects the habitability of housing.²⁰⁹ Housing is likewise considered adequate where its location affords its inhabitants the possibility of benefiting from employment options, health care services, hospitals, schools and other necessary facilities, so that individuals can benefit from them without being physically and materially exhausted. The Centre points out that the percentage of families living at a distance of 1 km from the nearest primary school amounts to (32%), at a distance of 1 km from the nearest doctor's clinic (24%), at a distance of 1 km from the nearest health centre (33%), at a distance of 1 km from the nearest hospital (0.06%), and at a distance of 1 km from the nearest maternal and child health centre (30%).²¹⁰

186. To protect the right to food, the Centre recommends moving towards holding a national dialogue in which the political, economic and social actors in the public and private sectors contribute, in order to arrive at a balanced national formula in the field of wages and prices that achieves a decent standard of living for citizens. The Centre also recommends a number of specific measures, including:

- a. Determining salaries and wages on the basis of the costs of living.
- b. Limiting the imposition of direct and indirect fees and taxes on goods and services.
- c. Activating the application of the Competition Law, which prohibits monopoly, and allowing citizens and civil society institutions to file lawsuits against monopolising traders.
- d. Expediting the adoption of the Consumer Protection Law by Parliament, as it will constitute a qualitative leap that grants citizens many rights and benefits.
- e. Encouraging the civil and military corporations to continue their important role in offering goods, particularly basic staple goods, with good specifications and competitive prices.
- f. Strengthening the social safety net as an institutional system, in such a way that the poor segments are able to confront the burdens of living, so that health and social care, housing and

²⁰⁹ Statistics of the Household Survey issued by the Department of Statistics.

²¹⁰ Interview with the Household and Social Surveys Section at the Department of Statistics on 17/6/2008.

social welfare services are provided through civil and military retirement and through social security for private-sector workers, appropriate work at the appropriate age, and unemployment insurance, so that the citizen does not become a dependant instead of being driven towards production.

g. Intensifying official and unofficial national efforts to curb the phenomenon of begging by increasing awareness and education campaigns, and providing health care and psychological counselling services in beggars' centres.

h. Adopting a national strategy for the use of energy based on the following pillars: rationalising energy consumption by educating citizens on the importance of using public transport, and using various energy alternatives, such as establishing an electric railway between cities and expanding it gradually, as well as gas and oil shale.

187. In the field of the right to adequate housing, the Centre recommends the following:

a. Facilitating the possession of land and housing for citizens on the basis of equality and transparency, including for the segments of women, young people and the poor, and the development of poor neighbourhoods and the alleviation of the severity of poverty.

b. Reconsidering the Owners and Tenants Law on the premise that the right to housing is a social issue of the first degree, in a manner leading to the enactment of a fair law that balances the rights of the owner and the tenant and includes legal safeguards for cases of eviction and increases in rent.

c. Reviewing and updating the National Water Strategy and proposing priority policies, programmes and projects in accordance with precise and well-studied work plans and clear indicators for measuring performance, with the aim of advancing the water sector in the Kingdom, developing and making optimal use of the water resources in the Kingdom, and adopting modern and advanced technologies for the treatment of wastewater with the aim of reusing it for agriculture and industry, together with continuous endeavours to halt the depletion of groundwater basins and protect them from pollution.

4. Rights of Vulnerable Groups

Women's Rights

188. Article (6) of the Constitution established the principle of equality between men and women alike,²¹¹ while Article (23) discriminated positively in favour of women when it required that special conditions be laid down for the employment of women and juveniles.²¹² Jordan has also ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW);²¹³ however, the Centre objects to the Government's continued reservation to Article (9/2) of the Convention concerning the granting to women of equal rights with men with respect to the nationality of their children, as well as to Paragraphs (c, d, g) of Article (16) concerning marriage and family relations.²¹⁴ It is worth noting that the Centre and the Jordanian National Commission for Women, in cooperation with civil society institutions, submitted to Parliament in April 2008 a list containing their demands for the amendment of (12) laws relating to women (namely, the laws on: elections, nationality, residence and foreigners' affairs, passports, public meetings, societies, labour, social security, penalties, juveniles, landlords and tenants, and personal status), given the need for such amendments to achieve harmony between the legal texts and the provisions of the Constitution and of the international human rights conventions ratified by Jordan and published in the Official Gazette, with a view to achieving equality among citizens without discrimination. However, Parliament failed to amend most of them on the one hand, and on the other hand confined itself to amending the Societies Law and the Public Meetings Law in a manner that does not meet the demands of the women's sector.

189. Conversely, the Centre commends the Government's response to one of its recommendations contained in its annual report for 2007, as the Protection from Family Violence Law²¹⁵ was published in the Official Gazette on 16/3/2008. The Law aims to preserve family ties and to mitigate the effects of the criminal proceedings that follow the commission of an offence between family members; it also aims to replace custodial penalties with measures less harmful than such penalties. The Law authorises the Director of the Family Protection Department and the heads of sections in that Department to take precautionary measures consisting of an undertaking by the respondent not to harm the injured party or any family member and, where there is a danger to the injured party or to any member of his or her family, a number of measures may be taken to guarantee protection from domestic violence, such as: prohibiting the respondent from entering the family home for a period not exceeding (48) hours if there is no other means of securing the protection of the injured party or a family member; and holding the respondent for a period not exceeding (24) hours at the Family Protection Department or one of its sections until protection

²¹¹ Article (6) provides that "Jordanians shall be equal before the law, with no discrimination between them as regards their rights and duties, even if they differ as to race, language or religion."

²¹² This was given practical effect by Labour Law No. (8) of 1996.

²¹³ This Convention was published in the Official Gazette, Issue No. (4839), dated 1/8/2007.

²¹⁴ It should be noted that the Council of Ministers lifted the reservation to Article (15/4) concerning the granting to women of equal rights with men with regard to the movement of persons and the freedom to choose their residence and domicile, by virtue of its Decision No. (3951) dated 27/1/2009.

²¹⁵ Law No. (6) of 2008, published in the Official Gazette, Issue No. 4892, dated 16/3/2008.

has been secured for the injured party or a family member, where the preceding measure cannot be taken. The Director of the Family Protection Department and the heads of sections in that Department may also, in cooperation and coordination with the Ministry of Social Development or any of its directorates, refer the injured party and the respondent to the family reconciliation committees. The Law likewise empowers the competent Courts of First Instance, where satisfied of the need to protect the injured party or any family member, to issue a protection order obliging the respondent not to harm the injured party or any family member, nor to incite others to harm them; not to approach the alternative place of residence, whether a safe place, a care home or any place mentioned in the protection order; and not to damage the personal property of the injured party or of any family member; and enabling the injured party or the person authorised by him or her to enter the family home in the presence of the authorised officer in order to collect his or her personal belongings and hand them over to the person concerned against a receipt record. The court may also, where the parties to the dispute so agree, take measures requiring the referral of both the injured party and the respondent to the family reconciliation committees, and the referral of either or both parties to the complaint and of the family members to family counselling sessions or to psychological and social rehabilitation, as alternative protection measures.

190. Although the Law was enacted with the aim of preserving the family and applying alternatives to custodial penalties, the Centre's careful study of the Law revealed the following: (a) The scope of application of the Law is limited: having defined family members broadly in Article (3), it stipulated that the perpetrator of the offence must reside with the victim in the family home, which means that it does not apply to family members if the perpetrator resides in another house. (b) The expansion of the powers granted to judicial police assistants: the Law granted them the power to stay prosecution without oversight by the judiciary, which may contravene the principle of the separation of powers and the judiciary's original right to issue decisions staying prosecution in criminal cases as the authority competent to adjudicate disputes, since the Law granted this right to the Director of the Family Protection Department and the heads of sections and completely excluded the role of the Public Prosecutor. Indeed, although the Law granted the court the power to refer the dispute to the family reconciliation committees, the court does not have the right to stay prosecution but is rather bound to apply the provisions of the Penal Code. This raises considerable questions about the expansion of the powers of judicial police assistants and the unjustified curtailment of the powers of the judicial authorities represented by the Public Prosecutor and the Court of First Instance. (c) Although the Law granted the court and the Family Protection Department the power of referral to the family reconciliation committees and to family counselling sessions, and the power to issue a protection order to resolve disputes, and provided for the formation of the family reconciliation committees by decision of the Minister of Social Development, these committees have not been formed to date, nor have their working mechanisms been established, which constitutes a practical reason for the non-application of the Law. (d) The Law granted the personnel of the Family Protection Department a number of extremely serious precautionary protection measures that are difficult to apply, the most important of which is prohibiting the respondent from entering the family home for a period not exceeding (48) hours (removal from the home). (e) The Law did not grant the Public Prosecutor any power and made no mention of him whatsoever; rather, it mentioned only the Director of the Family Protection Department and its personnel and the court, and the powers of the Public Prosecutor were granted to the Director of the Family Protection Department and its personnel.

191. Among the national legislation relating to women's rights is the draft Alimony Advance Law, in the preparation of which the Centre cooperated with the Jordanian National Commission for Women and women's organisations. The draft aims to alleviate the suffering of those entitled to maintenance, namely wives, divorcees, widows and parents, and guarantees the enforcement of maintenance judgments whose execution is impeded by the absence of the judgment debtor, by his place of residence being unknown, or by the absence of funds available for the execution of the maintenance judgment. Article (11) of the proposed draft provides for granting the Fund administration the power of recourse against the judgment debtor and of recovering the amount of maintenance and fines paid by the Fund on his behalf, while Article (9) thereof affirms that the adjudged amount shall be disbursed within a maximum period of (15) days from the completion of the required documents. The Centre hopes that Parliament will adopt this draft as soon as possible.

192. The national legislation relating to women's rights also includes the draft Social Security Law prepared by the Social Security Corporation. This draft addresses maternity insurance in Articles (42/a) and (43);²¹⁶ however, the Centre considers that these two Articles are inconsistent with Article (19) of the Jordanian Labour Law No. (8) of 1996, as amended, which recognised the right of working women to obtain maternity leave without any deduction from their salary.

193. As for the draft Family Offices Regulation, which was prepared by the Chief Justice Department and the National Council for Family Affairs and submitted to the Legislation and Opinion Bureau on 10/4/2005, and given that such offices require a legal text constituting a legal basis for their establishment and for directing cases to them before they are presented to Sharia judges for consideration, it was necessary to adopt a law amending the Sharia Courts Procedure Code, namely Law No. (50) of 2007, which was published in the Official Gazette on 19/11/2007.²¹⁷ The Centre considers that these family offices offer a number of positive features aimed at protecting the family, the most important of which are: providing a suitable environment for resolving disputes between family members without causing the family to disintegrate and be lost; relieving the material, psychological and health-related suffering of its members; and saving time, effort and money in seeking to resolve disputes between them outside the court corridors; in addition to protecting children from entering into lengthy judicial proceedings that are harmful to their psychological well-being. The Regulation thus provides an opportunity to consolidate all disputes relating to a single family before a single judicial body with experience and knowledge

²¹⁶ Article (42/a) provides: "An insured woman shall be entitled to maternity leave for a maximum of four births, in accordance with the maximum periods specified in the Labour Law in force, provided that: 1. the birth takes place during the period in which she is covered by the provisions of this Law; 2. the period of her subscription to insurance is not less than nine consecutive subscriptions at least before she becomes entitled to maternity leave; 3. the birth is proved by an officially certified certificate." Article (43) provides: "a. The insured woman shall be paid, for maternity leave, an allowance equal to her wage according to her last wage subject to deduction at the time of birth, provided that such allowance does not exceed the average of her wage for the last nine subscriptions by more than (8%) as a maximum. b. The service of the insured woman during maternity leave shall be deemed actual service, and old-age, disability and death insurance contributions at the rate of (5.5%) shall be deducted from the allowance paid to her during that period."

²¹⁷ Article (11) of the Law amending the Sharia Courts Procedure Code constitutes the legal basis for their establishment, and provides as follows: "The statement of claim shall be submitted to the judge, who shall refer it to the court registry for registration, and the judge may refer divorce requests and claims in which he sees a possibility of resolving the family dispute through the Family Reform, Mediation and Reconciliation Offices established in the Sharia courts. All detailed matters relating thereto shall be determined by a Regulation and Instructions issued for this purpose."

in legal affairs, reform and guidance, taking into account at the same time the social and psychological aspects in resolving problems and reaching satisfactory solutions; it also reduces the burden placed on judges as a result of the large number of cases before them, through the agreement concluded between the parties to the dispute, which has the force of an executory instrument.

194. As for violence against women, the Centre contributed, in cooperation with the National Council for Family Affairs, to the preparation of a study on the reality of violence against women and an evaluation of the Jordanian experience in this field. The study showed that the most prominent challenge facing the reduction of violence against women is the fragmentation of the work of the relevant institutions, in a manner that does not give a clear picture of the scale of the problem at the national level, owing to the lack of agreement among these institutions on a defined concept of violence and the absence of a national monitoring system for cases of violence.

195. In order to strengthen the protection of women's rights, the Centre recommends that a number of legal and practical measures be taken, including:

- a. Lifting the Government's reservations to Articles (9/2), with a view to achieving harmony with the principles set forth in the relevant international conventions and with the principles of justice and human rights.²¹⁸
- b. Ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.²¹⁹
- c. Expediting the completion of the constitutional procedures for the adoption of the draft Alimony Advance Law and the draft Family Offices Regulation.
- d. Harmonising Articles (42/a) and (43) of the draft Social Security Law relating to maternity insurance with Article (19) of the Jordanian Labour Law No. (8) of 1996, as amended.
- e. Supporting the participation of women in public life and their assumption of senior political and administrative positions in State institutions, and guaranteeing their effective participation in the House of Representatives through both candidacy and election.

Children's Rights

196. The Constitution addressed children's rights as an integral part of human rights in general: Article (5) entrusted the determination of Jordanian nationality to the law, and the same applies to everything relating to personal status matters, such as the right of access, maintenance and other matters, as Article (103/2) of the Constitution vested personal status matters for Muslims in the jurisdiction of the Sharia courts, and Article (108) vested personal status matters for Christians in

²¹⁸ In its reports for the years 2007, 2006, 2005 and 2004, the National Centre for Human Rights called for the lifting of the reservations to Articles (9/2, 15/4) of the Convention. For further details, see the foregoing section of this report on the right to nationality.

²¹⁹ Adopted and opened for signature and ratification by United Nations General Assembly resolution of 9/10/1999, it entered into force on 22/12/2000. The Protocol allows the Committee on the Elimination of Discrimination against Women to receive individual complaints from individuals claiming to be victims of a violation.

the ecclesiastical courts. The Constitution also referred in Article (10) to the inviolability of dwellings inhabited by adults and minors. As for the right to education, it is provided for in Article (20), which made elementary education compulsory for Jordanians and free of charge in government schools.

197. The year 2008 witnessed a number of legislative steps that contributed to providing special protection for children, consistent with the provisions of the Convention on the Rights of the Child (CRC), the most prominent of which was the adoption of the Protection from Family Violence Law No. (6) of 2008,²²⁰ as this Law protects family members, including children, within the framework of the marital institution from domestic violence. The Law came in response to the content of General Comment No. (19) on Article (23) of the International Covenant on Civil and Political Rights (ICCPR), which emphasises the adoption of legislative and administrative measures to guarantee equality between men and women and to secure the necessary protection for children upon the separation of spouses, as they are the weakest link in family disputes. In addition to what was stated in Paragraph No. (189) of the chapter on violence against women, the most important features of the Law as regards children are: (a) all procedures and information relating to cases of domestic violence enjoy complete confidentiality; (b) children under the age of eighteen who are in the custody of alternative families are included within the scope of this Law; (c) the focus on preventive and corrective procedures and measures, such as transferring victims to special centres for sheltering women and children until a resolution of the dispute is reached; the court may issue a temporary protection order for the abused party guaranteeing that the injured party will not be harassed by family members and that they will not approach the place of ordinary or alternative residence, under penalty of criminal liability, and if the protection order is breached, the precautionary measure turns into a custodial penalty not exceeding six months in addition to a fine of up to two hundred dinars; (d) the referral of family members, including abused children, to counselling sessions or to psychological and social rehabilitation. It is also worth noting that the Ministry of Social Development has prepared a special Regulation for the licensing and management of children's residential care homes, with the aim of raising the standard of their performance in line with international standards and achieving the objectives of institutional shelter for children who need this service.

198. In June 2008, the Government withdrew the draft Child Rights Law from the House of Representatives in order to harmonise it with the Convention on the Rights of the Child, which became part of the national legal system following its publication in the Official Gazette on 16/10/2006; however, 2008 did not witness any activity towards the adoption of a new Child Rights Law consistent with international standards. In this regard, the Centre sets out a number of observations that must be incorporated into the draft Child Rights Law in harmony with international standards on children's rights, the most prominent of which are: (a) expanding the umbrella of legal protection for children against the burden of exploitation in all its forms, particularly economic exploitation as manifested in begging and child labour; (b) toughening penalties against those who abuse children subjected to physical, psychological or sexual violence; (c) granting children born out of wedlock a birth certificate without obtaining the

²²⁰ The Law was adopted on 16/3/2008. For further details, see Item Eight of this report relating to women's rights in this regard.

consent of one of the parents (usually the mother), which has in fact been done within the efforts of the Ministry of Social Development, when a Sharia fatwa was obtained granting the public guardian (the State) the right to issue birth certificates for children who bear no guilt; (d) emphasising alternative family care or institutional care in accordance with the provisions of national laws, particularly with regard to the Foster Care Regulation; (e) non-discrimination in custody maintenance between a female who chooses to remain with her mother after reaching puberty and a male who retains this right in the same circumstances; (f) registering and documenting cases of disability from birth for the purpose of raising the standard of care and rehabilitation for children with disabilities, now and in the future; (g) introducing psychological care programmes, in both their preventive and therapeutic aspects, with regard to comprehensive health care, and emphasising the provision of these services in care institutions specialising in childhood.

199. As for the most important developments witnessed in practice in the field of child protection during 2008, a hotline was established to assist abused children, in partnership between the Jordan River Foundation and the Public Security Directorate (PSD), through which approximately (2387) calls have been received since 2007, approximately (40%) of them from abused children seeking assistance, support and protection. The Centre also received (29) complaints during 2008 relating to children's rights; the following chart shows the classification of the complaints received from children or their representatives:

Chart of the types of complaints received by the Centre in 2008

Right concerned	Number of complaints
Right to maintenance	1
Right to freedom of movement	1
Right to health care	4
Right to custody and access	5
Right to education	5
Right to a fair trial	1
Right to dignified family protection	1
Right to obtain identity documents	5
Right not to be subjected to torture and cruel treatment	4
Right to social insurance	2

The Centre also monitored the violations to which children are subjected within the framework of the project "Building the Capacities of Civil Society to Prepare the Parallel Report and Monitor Violations relating to Children", in cooperation with Save the Children; a network of civil society organisations was formed with the aim of raising awareness of the Convention on the Rights of the Child and activating its provisions, and more than (1221) cases of violation of children's rights in the Kingdom were monitored. The cases of violation fall into seven categories, namely: the right to education, the right to special protection, the right to health care, the right to participation, the right to life, survival and development, the right to play and recreation, and the right to nationality. The chart shows the distribution of those violations by type of violation:

Chart of the numbers and types of violations monitored by the network of civil society organisations

Right concerned	Number of violations (approx.)
Right to a name and nationality	75
Right to life, survival and development	50
Right to participation	75
Right to play	150
Right to protection	320
Right to health	170
Right to education	415

children from reporting or disclosing cases of sexual abuse where the perpetrator is a family member or a relative. (e) Children with disabilities suffer from psychological and moral violence consisting of schools and educational staff not being equipped to receive and educate them.

201. In light of this reality, the Centre recommends the completion of the legal and administrative procedures relating to the draft Child Rights Law, with a view to presenting it to the House of Representatives and adopting it as soon as possible, especially as it has been under consideration for a long time; it also emphasises the need to activate the Protection from Family Violence Law and to issue the Regulations and Instructions necessary for its implementation.

Rights of Persons with Disabilities

202. Jordan was among the first twenty States to ratify the International Convention on the Protection and Promotion of the Rights of Persons with Disabilities, on 31/3/2008, and on 3/11/2008 Jordan took a seat on the United Nations Committee on the Rights of Persons with Disabilities, which is concerned with monitoring and following up the implementation of the provisions of the International Convention on the Rights of Persons with Disabilities. In implementation of the provisions of Article (33) of the Convention, which requires national human rights institutions to monitor at the national level, the Centre performs this task within a committee composed of experts in the field of disability established specifically for this purpose²²¹, and the Law on the Rights of Persons with Disabilities No. (31) of 2007, which is consistent with the provisions of the International Convention on this group, replaced the Law on the Welfare of Disabled Persons No. (12) of 1993 and its amendments.

203. The Centre noted a number of positive aspects of this Law, most notably the establishment of a Higher Council for Persons with Disabilities responsible for formulating policy on persons with disabilities, reviewing it and following up its implementation, and the adoption of the “rights-based” concept of disability instead of the “welfare-based” concept. On the other hand, notwithstanding the importance of the Law, which embodies many of the rights and principles derived from the International Convention on Persons with Disabilities and the two International Covenants, the definition of a person with a disability is inconsistent with the rights-based concept.

²²¹ In the summer of 2006, on the initiative of the Ministries of Social Development and of Political Development, a committee of experts was formed, composed of representatives of the relevant governmental bodies, representatives of the relevant civil society organisations and persons with disabilities active in this field, with the participation of the National Centre for Human Rights; this committee was chaired by His Highness Prince Ra’ad bin Zeid, the Chief Chamberlain.

204. For the purposes of disseminating and promoting the rights of persons with disabilities in society, the Centre signed a memorandum of understanding with the Higher Council for Persons with Disabilities and the British Council in Jordan with the aim of enhancing the effective participation of persons with disabilities and their integration into society on the basis of equality and equal opportunities. Pursuant to this memorandum, the “Opportunity for All” network was established, an informal voluntary network composed of representatives of (101) civil society organisations and governmental institutions concerned with disability. (8) specialised training courses were also implemented in the various regions of the Kingdom, in which no fewer than (246) participants took part, including members of the network in addition to representatives of the visual, audio and print media; and two specialised studies were prepared, the first entitled “Disability in the Kingdom according to the National Legislative System and International Standards”, and the second entitled “Content Analysis of Jordanian Daily Newspapers with regard to Persons with Disabilities”.

205. It is worth mentioning that the Centre received (27) complaints relating to the rights of persons with disabilities during 2008, compared with (3) complaints in 2007. The following chart shows the distribution of complaints by type of right:

Chart: Distribution of complaints received by the Centre by type of right in 2008

[Bar chart; the number of complaints per category is not printed on the chart (vertical axis: number of complaints, scale 0–3.5). Categories, left to right: the right to work; the right to humane treatment and physical integrity; the right to hold office; the right to community rehabilitation; the right to medical rehabilitation; the right to social insurance; the right to sport and recreation; the right to freedom to choose one’s residence; the right to nationality; the right to education; the right to customs exemptions; the right of the child to develop his or her skills and be integrated into society; the right to health care.]

206. As regards the most significant negative aspects obstructing the full integration of persons with disabilities into society, these lie in the following: (a) the lack of logistical facilities enabling persons with disabilities to move about and to benefit from the available services, where they exist; (b) the failure to fine and/or penalise those who park in places designated for persons with disabilities, since this act is not regarded as a violation under the provisions of Traffic Law No. (49) of 2008; (c) employers’ apprehension about employing persons with disabilities, owing to their belief that their productivity is low and that they lack competence at work; (d) the lack of literacy programmes for persons with disabilities; (e) the shortage of medical staff working in the field of diagnosing and treating disabilities; (f) the high cost of cochlear implants, which constitutes an obstacle for those unable to afford them among persons who suffer from hearing disabilities and need this service; (g) the lack of follow-up and care for persons with intellectual disabilities after the age of sixteen, since the schools for children with intellectual disabilities affiliated to the Ministry of Social Development admit children only up to the age of sixteen, which constitutes an obstacle in the process of their integration into society.

207. In practice, 2008 witnessed positive developments towards improving the conditions of persons with disabilities, most notably: (a) the conduct of a field survey of disability centres in the Kingdom by the Higher Council for Persons with Disabilities for the purposes of coordinating work and raising the level of the services provided; (b) the allocation of (4%) of the posts included

in the establishment table, totalling (400) posts, to persons with disabilities; (c) the provision of financial support to charitable societies working in the field of disability by the Higher Council for Persons with Disabilities and the Ministry of Social Development; (d) the preparation by the Greater Amman Municipality of a guide to the requirements of the National Building Code for persons with disabilities, pursuant to the circular issued for this purpose on 29/5/2008; (e) the issuance by the Higher Education Council of its Decision No. (2539/1/10) enabling persons with disabilities to access higher education institutions, providing environmental facilities and exempting students with disabilities whose disability exceeds (40%) from accredited university fees at a rate of (90%); (f) the expansion by the Ministry of Social Development of the Jerash Centre for the Care and Rehabilitation of Persons with Disabilities with an additional capacity of up to (90) persons, in order to serve the largest possible number of persons with multiple and severe disabilities; (g) the opening by the Ministry of Social Development of the Hutteen Centre for Early Detection in the Rusaifa area, in order to provide better care and rehabilitation services to this group of society, and in particular to diagnose all cases of disability and to provide speech training and physical and occupational therapy services.

208. In light of the foregoing, and in order to guarantee the rights of persons with disabilities, the Centre recommends that the provisions of the Law on the Rights of Persons with Disabilities No. (31) of 2007 be activated through the enactment of regulations and instructions guaranteeing the sound and full application of the Law, and specifically calls for the application of the text of Article (4/c) of the Law, which obliges public and private sector institutions in which the number of employees exceeds (50) to employ persons with disabilities in a proportion of not less than (4%) of their employees, and stresses the need to expedite the formation of the national monitoring committee to follow up the implementation of the provisions and articles of the International Convention pursuant to Article (33) thereof.

Rights of Older Persons

209. The rights of older persons are based on general principles stemming from the necessity of non-discrimination on the basis of age; the Universal Declaration on Ageing of 1993 included five principles, namely: independence, participation, care, self-fulfilment and dignity. The Centre notes that legislation has addressed the subject of older persons from the perspective of age only, without addressing biological factors and health conditions, and has confined itself to regulating and licensing homes for older persons only²²². During the period from 14/6 to 9/7/2008, the Centre, in cooperation with the Ministry of Social Development, carried out a series of field visits to homes for older persons in the Kingdom, for the purposes of reviewing the services they provide to this group of society, assessing the conditions of the homes, identifying their needs and considering the problems they face.

210. The number of residential homes for older persons of both sexes is (10) homes, administered and supervised either by voluntary societies or by the private sector; Table No. (19) shows the number of homes, the beneficiaries and their affiliation.

²²² Article (9) of the Constitution provides that no Jordanian may be prohibited from residing in any place, nor be compelled to reside in a specified place, except in the circumstances prescribed by law.

Table No. (19) showing the names of homes sheltering older persons, the number of beneficiaries and their affiliation

Name of home	Year of establishment	Affiliation	Number of beneficiaries: Males	Number of beneficiaries: Females	Number of beneficiaries: Total
Al-Diyafa Home for Older Persons	1979	Voluntary	80	40	120
HRH Princess Muna Centre for Older Women	1965	Voluntary		28	
Dar Al-Salam for the Elderly	1970	Voluntary	15	24	39
Beit Al-Ziyara for Older Women	1992	Voluntary	For elderly nuns		
Beit Al-Inaya Al-Insaniya for Nuns	1999	Voluntary	10	14	24
Amman Home for Older Persons	1993	Private	13	13	26
Dar Al-Amal for Older Women	1996	Private	10	22	32
Samir Shamma Homes for Older Persons	2001	Voluntary	None at present		
Al-Dar Al-Haditha for Older Women	1987	Private		6	
Dar Al-Zahra for Older Persons	2000	Private	10	10	20
Wadi Al-Shita Centre for Older Persons	2007	Private	7	6	1

211. The Centre recorded a number of observations on the work of these homes and their dealings with older persons, most notably: (a) although the Social Affairs and Labour Law No. (14) of 1956 called for the establishment, financing and administration of any institution that achieves the objectives of the Ministry, such as care centres for older persons, no institution for this purpose has been established since the 1950s, as the Ministry undertakes indirect supervision of these homes through coordination and cooperation in covering the costs of cases referred through it; (b) the number of older persons benefiting from the services of residential homes in the Kingdom for the voluntary and private sectors during the period of the Centre's visit was (302) older persons, and the number of persons working in them was (140), which is a positive indicator of the quality of the services provided on the basis of the ratio of beneficiaries to workers; (c) during the visit

to one of the homes for older persons it emerged that it does not comply with the conditions and instructions for homes for older persons, and the Ministry of Social Development was therefore addressed and, on 26/7/2008, followed up its conditions and closed it in accordance with the law; (d) the residential and care services for older persons are characterised by poor geographical distribution, as their locations are concentrated in the Central Region; (e) the cost of an older person's residence in the private sector is relatively high, ranging between (200–1000) dinars per month, whereas the charitable and voluntary societies cover the costs of residence and services from the relatives of older persons or those who support them at a monthly sum ranging between (120–170) dinars; they also admit poor older persons, after verifying their economic situation, without any financial consideration; (f) the recreational services for older persons are described as simple and limited, consisting of watching television at times and conversing in the courtyards of the homes, where these exist, or in the sitting room; (g) it was observed that there are no controls governing the admission of beneficiaries of the services of these homes, as many of them are younger than would be assumed, and are classified as humanitarian cases, such as persons with disabilities and the poor.

212. The Centre also monitored various forms of violations to which older persons are subjected, consisting of some older persons being subjected to moral and psychological violence as a result of neglect and the failure to fulfil the duty of visiting, and some of them being subjected to economic exploitation by their families on occasion²²³. It was also observed that older persons are unable to sue those who abuse them, either owing to ignorance and lack of knowledge or owing to a lack of the financial and physical capacity to pursue the case.

213. In order to safeguard the rights of older persons, the Centre reiterates the recommendations it made in its previous reports on this matter, and stresses the need to undertake the following:

- a. Criminalising or holding accountable those who neglect their parents in breach of the Sharia and the law, as the legislative texts lack provisions for holding accountable the perpetrators of acts of violence directed by children towards their parents, bearing in mind that many countries of the world convict anyone who abandons his or her parents without a sound and acceptable reason.
- b. Facilitating and providing free legal aid to needy older persons and those without a provider, and resolving the problem of government hospitals refusing to treat sick older persons referred from homes for older persons, bearing in mind that older persons are covered by free health insurance.
- c. Applying the Instructions for Homes for Older Persons No. (2) of 2001 with regard to a suitable residential environment and the availability of courtyards for sunbathing and indoor halls for recreation, and ensuring the availability of public safety conditions relating to older persons.
- d. Harnessing the capacities of older persons in various activities and fields.

²²³ One of the women gave up the house in which she was living as a result of deception by her nephews (her paternal uncle's sons), in return for their caring for her and serving her, as she is unmarried and has no provider; after the registration and transfer of ownership of the property, she was sent to one of the homes for older persons.

e. Building bridges of communication between the local community and the older persons benefiting from the services of these homes, so as to strengthen communication at the internal and external levels in the interest and welfare of older persons and for the purposes of intergenerational integration.

f. Implementing educational programmes concerning the rights of older persons and involving the visual, audio and print media in promoting and respecting this group of society.

5. Complaints and Requests for Assistance Submitted to the Centre

Total number of complaints received by the National Centre for Human Rights according to the rights allegedly violated, 2008

Right subject of the complaints	Number of complaints	Closed with a satisfactory outcome	Closed without a satisfactory outcome	Outside the Centre's mandate	Under follow-up	Non-cooperation of the complainant
Recognition of legal personality (nationality)	7	1	—	—	6	—
The right to physical integrity	30	7	4	2	15	2
The right to freedom of residence and movement	33	11	1	2	17	2
The right to asylum	3	—	—	2	1	—
The right to vote	1	—	—	1	—	—
The right to life	7	—	3	1	3	—
The right to liberty and security of person	38	12	5	7	10	4
The right to humane treatment	29	8	6	—	12	3
Labour rights	31	7	2	7	15	—
The right to social insurance	9	4	—	2	3	—
The right to hold public office	4	—	2	1	1	—
Prisoners' rights	4	4	—	—	—	—
The right to health	7	3	1	—	2	1
The right to education	11	6	1	—	3	1
The right to equality and non-discrimination	1	1	—	—	—	—
The right to a fair trial	47	11	1	20	11	4
The right to obtain identity documents	45	19	3	20	2	1
Rights of women and children	8	2	—	4	1	1
Rights of persons with disabilities	4	2	1	1	—	—
Juvenile rights	4	1	1	2	—	—
The right to an adequate standard of living	1	—	1	—	—	—
The right to housing	2	—	—	2	—	—
The right to freedom of opinion and expression	1	—	—	1	—	—
The right to property	7	—	—	4	3	—
The right to a healthy environment	1	—	—	—	—	1
The right to work	37	12	5	6	12	2

Right subject of the complaints	Number of complaints	Closed with a satisfactory outcome	Closed without a satisfactory outcome	Outside the Centre's mandate	Under follow-up	Non-cooperation of the complainant
The right to join trade unions	1	—	—	1	—	—
Grand total	373	111	37	86	117	22

214. The total number of complaints received by the Centre this year was (373) complaints, compared with a total of (422) complaints in 2007. The number of complaints relating to civil and political rights was (258) complaints, while the number of complaints relating to economic, social and cultural rights was (115) complaints. (111) complaints, i.e. (29.76%), were closed successfully, while the number of complaints still under follow-up was (117) complaints, i.e. (31.37%). It is notable that the Centre received (86) complaints falling outside its mandate, i.e. (23.06%) of the total number of complaints. The reasons for closing a number of cases without a satisfactory outcome are attributable to the complainant's failure to cooperate or lack of desire to follow up the complaint, or to the failure of the body complained against to respond positively to the Centre's recommendations and requests, in addition to the absence of a clear legal cover for stopping and remedying certain violations, and the absence of a provision in the Centre's Law obliging bodies to respond to the Centre's requests within a specified period.

Total number of requests for assistance received by the National Centre for Human Rights according to the rights allegedly violated, 2008

Right subject of the assistance	Number of complaints	Closed with a satisfactory outcome	Closed without a satisfactory outcome	Outside the Centre's mandate	Under follow-up	Non-cooperation of the complainant
Recognition of legal personality (nationality)	8	3	1	2	2	
The right to physical integrity	8	2			6	
The right to freedom of residence and movement	56	25		3	27	1
The right to life						
The right to humane treatment	1				1	
The right to liberty and security of person	10	1	1		5	3
The right to health	12	3	1		5	3
Labour rights	13	3			10	
The right to work	35	3	3	2	27	
Social insurance	8	3	2	1	2	
The right to property						
The right to housing	2	1				1

Right subject of the assistance	Number of complaints	Closed with a satisfactory outcome	Closed without a satisfactory outcome	Outside the Centre's mandate	Under follow-up	Non-cooperation of the complainant
The right to an adequate standard of living	8	1	1	1	5	
The right to a healthy environment	1			1		
Freedom of thought and religion	1					1
The right to the administration of justice	11	3	1	3	2	2
Rights of women and children	8	2		3	2	1
Juvenile rights	1				1	
Rights of persons with disabilities	4	2			2	
The right to obtain identity documents	37	6	2	1	25	3
The right to education	8	3		1	2	2
The right to asylum	4	2	1		1	
Juvenile rights	2	2				
The right to freedom of opinion and expression	1	1				
Prisoners' rights	5	5				
Grand total	244	71	13	18	125	17

215. The total number of requests for assistance received by the Centre this year was (244) requests, the number of requests for assistance relating to civil and political rights being (144) requests, while the number of requests relating to economic, social and cultural rights was (100) requests. (71) requests, i.e. (29.10%), were closed successfully, while the number of requests closed without a satisfactory outcome was (13) requests, i.e. (5.33%). The number of requests still under follow-up was (125) requests, i.e. (51.22%), and the Centre received (18) requests falling outside the Centre's mandate, i.e. (7.38%). The reasons for closing a number of cases without a satisfactory outcome are attributable to the failure of the person requesting assistance to cooperate or lack of desire to follow up the request for assistance, or to the failure of the body from which assistance was requested to respond positively to the Centre's recommendations and requests, in addition to the absence of a provision in the Centre's Law obliging bodies to respond to the Centre's requests within a specified period.

216. It is observed that 2008, as was the case in 2007, witnessed an increase in the number of complaints and requests for assistance received by the Centre compared with previous years, their numbers having multiplied, as shown in the figure. This is attributable to the following reasons: 1- citizens' awareness of the services provided by the Centre as a result of the media campaigns carried out by the Centre; 2- the holding of seminars and awareness courses on human rights and

the role of the Centre in contributing to the removal of the effects of certain violations; 3- the professional and skilled conduct of the Centre's staff in dealing with citizens and their good reception and handling of citizens' requests; 4- the operation of the hotline service to receive complaints and requests for assistance around the clock, in addition to the multiplicity of methods of receiving them, as shown in the figure.

Chart: Total complaints and total requests for assistance received by the Centre, 2003/2004–2008

[Clustered bar chart; values are not printed on the chart (vertical axis scale 0–450). Series: total requests for assistance; total complaints. Categories: 2003/2004, 2005, 2006, 2007, 2008.]

213. The method of receiving complaints orally and in person ranked first among the other methods, as (73.25%) of the total complaints and requests for assistance were made orally through personal attendance at the Centre and the presentation of the complaint before a lawyer, or through the hotline. The method of submitting complaints in writing came second, at (24.52%) of the total complaints and requests for assistance, as some complainants prefer to set out their complaint in writing and submit it to the Centre, whether by hand, which accounted for (14.52%), or by fax, which reached (6.69%); in addition, most complainants following this method provide the Centre with other aspects of the complaint. The method of submitting complaints by e-mail came third, at (3.71%) of the total complaints and requests for assistance; the low percentage is attributable to the lack of widespread Internet service in all regions of the Kingdom and to the fact that most of those following this method reside outside the Kingdom and are unable to attend the Centre in person. Finally, the percentage of complaints submitted through the hotline reached (2.23%) of the total complaints and requests for assistance. The Centre observed that citizens believe that the Centre receives complaints only during official working hours, which led the Centre to put in place arrangements whereby one of the lawyers works for two hours daily after the end of official working hours, to issue new instructions for lawyers working on the hotline to take turns on duty, and to conduct an intensive media campaign to guide citizens in this method and to inform them that the Centre receives complaints around the clock.

Chart: Methods of receiving complaints and requests for assistance

Method	Percentage
Oral	73.25%
Written	14.12%
Fax	6.69%
E-mail	3.71%
Hotline	2.23%

Number of complaints and requests for assistance submitted to the Centre by governorate

217. As for the distribution of complaints across the various governorates of the Kingdom, it is clear from the figure that (69.05%) of complainants reside in the Capital Governorate. The reason for this is that the Centre has no branches in the other governorates of the Kingdom, as well as the high population of the governorate and the Centre's proximity to citizens residing in the Capital Governorate. The complaints received from the three largest governorates in terms of population also represented the highest percentage: the Zarqa Governorate came second, its complaints

amounting to (7.92%); the Balqa Governorate came third, its complaints amounting to (5.00%); and the Irbid Governorate came fourth, its complaints amounting to (3.81%). As for requests for assistance, the Capital Governorate came first at (82.13%), the Irbid Governorate second at (2.75%), and the Zarqa Governorate third at (2.41%), while the Balqa and Jerash Governorates came jointly fourth at (1.37%). Out of a desire to reach citizens in all regions of the Kingdom, the Centre will work to establish a network of volunteer lawyers in all governorates of the Kingdom to receive complaints, and will also activate the postal service for receiving complaints from the governorates.

Chart: Percentage of complainants and of persons requesting assistance by governorate

[Clustered bar chart; values are not printed on the chart (vertical axis scale 0.00–90.00). Series: percentage of complainants; percentage of persons requesting assistance. Categories, left to right: outside Jordan, Madaba, Aqaba, Tafileh, Ma'an, Karak, Mafrq, Ajloun, Jerash, Irbid, Balqa, Zarqa, the Capital.]

Chart: Percentage of complaints and of requests for assistance by body complained against

[Clustered bar chart; values are not printed on the chart (vertical axis scale 0.00–40.00). Series: percentage of complaints; percentage of requests for assistance. Categories, left to right: Israeli authorities; phosphate mines; Ministry of Labour; military institution; Greater Amman Municipality; Royal Hashemite Court; Social Security; Civil Defence; Ministry of Awqaf; UNHCR; councils of church denominations; Jordan Medical Association; Jordan Bar Association; Customs Department; individuals; family; State Security Court; Sharia courts; General Command; judicial authority; employer; employment offices; General Intelligence Directorate; Public Security Directorate; Ministry of Environment; Ministry of Water and Irrigation; Ministry of Interior; Ministry of Foreign Affairs; Ministry of Tourism; Ministry of Agriculture; Ministry of Municipal Affairs; Ministry of Social Development; Ministry of Higher Education; Ministry of Education; Ministry of Health; Prime Ministry.]

218. As for the body complained against, the figure shows the percentage of complaints by the governmental body against which the complaints were made. It is observed that the largest proportion of complaints (54.57%) concerns the security bodies, the percentage of complaints made against the Public Security Directorate reaching (26.11%), followed by the Ministry of Interior at (18.02%), followed by the General Intelligence Directorate at (10.44%). It is also observed that approximately (25%) of complaints relate to labour and employment offices, the complaints against employers amounting to (8.88%) and the percentage of complaints against employment offices amounting to (9.14%). Moreover, (11.23%) of complaints were against key government ministries such as the Ministries of Education, Health, Social Development and Higher Education. It is also observed that (3.39%) of complaints were against the judicial authority. These percentages indicate the priorities that must be focused on in order to reduce the number of complaints and to promote human rights in the Kingdom. As for the body from which assistance was requested, the figure shows that the largest proportion of persons requesting assistance relates to recruitment offices, at (35.29%), followed by the Ministry of Interior at (13.33%) and employers at (11.76%).

6. Annexes

Annex: National Legislation Referred to in the Report and Requiring Amendment

No.	Legislation	Year
1	Nationality Law No. (6)	1954
2	Crime Prevention Law No. (7)	1954
3	State Security Court Law No. (17)	1959
4	Penal Code No. (16) and its amendments	1960
5	Criminal Procedure Code No. (9) and its amendments	1961
6	Criminal Procedure Code No. (9) and its amendments	1961
7	Public Security Law No. (38)	1965
8	Juveniles Law No. (24) and its amendments	1968
9	Law on the Protection of State Secrets and Documents No. (50)	1971
10	Law on Residence and Foreigners' Affairs No. (24) and its amendments	1973
11	Narcotic Drugs and Psychotropic Substances Law No. (11)	1988
12	Owners and Tenants Law No. (11)	1994
13	Labour Law No. (8) and its amendments	1996
14	Press and Publications Law No. (8)	1998
15	Jordan Press Association Law No. (15)	1998
16	Law on the Independence of the Judiciary	2001
17	Provisional Elections Law No. (32)	2001
18	Public Assemblies Law No. (7)	2004
19	Correction and Rehabilitation Centres Law No. (9)	2004
20	Higher Education and Scientific Research Law No. (4)	2005
21	Law on Guaranteeing the Right of Access to Information No. (47)	2007
22	Political Parties Law No. (19)	2007
23	Protection from Domestic Violence Law No. (6)	2008
24	Ombudsman Bureau Law No. (11)	2008
25	Public Health Law No. (47)	2008
26	Traffic Law No. (49)	2008
27	Societies Law No. (51)	2008
28	Electoral Districts Regulation No. (42)	2001
29	Judicial Inspection Regulation No. (47)	2005
30	Regulation on Contribution to the Financing of Political Parties No. (89)	2008
31	Court Fees Regulation No. (108)	2008

Annex: International Human Rights Conventions and Jordan's Status in Respect Thereof

Convention	Ratification Status	Date of Signature	Date of Ratification/Accession	Date of Publication in the Official Gazette	Reservations
International Covenant on Civil and Political Rights	Ratification	30/6/1972	28/5/1975	15/6/2006	–
International Covenant on Economic, Social and Cultural Rights	Ratification	30/6/1972	28/5/1975	15/6/2006	–
International Convention on the Elimination of All Forms of Racial Discrimination	Accession	–	30/5/1974	15/6/2006	–
Convention on the Elimination of All Forms of Discrimination against Women	Ratification	3/12/1980	1/7/1992	1/8/2007	Article 9 (Paragraph 2) • Article 16 (Paragraph 1(c)) • Article 16 (Paragraph 1(d), (g))
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Ratification	13/11/1991	13/12/1991	15/6/2006	–
Convention on the Rights of the Child	Ratification	29/8/1990	24/5/1991	16/10/2006	Article (14) • Article (20) • Article (21)
Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography	Signature	6/9/2000	–	16/10/2006	–
Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict	Signature	6/9/2000	–	16/10/2006	–
Convention concerning Equal Remuneration for Men and Women Workers	–	22/9/1966	–	–	–
International Convention against Apartheid in Sports	Accession	16/5/1988	26/8/1987	–	–
Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages	Signature	1/7/1992	–	–	–

Convention	Ratification Status	Date of Signature	Date of Ratification/Accession	Date of Publication in the Official Gazette	Reservations
Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively	–	12/12/1968	–	–	–
Slavery Convention	–	5/5/1959	–	–	–
Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery	Signature	27/9/1957	–	–	–
Convention on the Prevention and Punishment of the Crime of Genocide	Signature	3/4/1950	–	–	–
Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First)	–	–	–	(15/3/2007)	–
Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second)	–	–	–	(15/3/2007)	–
Geneva Convention relative to the Treatment of Prisoners of War (Third)	–	–	–	(15/3/2007)	–
Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth)	–	–	–	(15/3/2007)	–
Additional Protocol I to the Geneva Conventions, 1977: Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts	–	–	–	(1/4/2006)	–
Additional Protocol II to the Geneva Conventions, 1977: Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-	–	–	–	(15/3/2007)	–

Convention	Ratification Status	Date of Signature	Date of Ratification/Accession	Date of Publication in the Official Gazette	Reservations
International Armed Conflicts					
Convention on the Rights of Persons with Disabilities	Ratification	30/3/2007	31/3/2008	–	–

Annex: Labour Conventions to Which Jordan Has Acceded

International Labour Conventions Ratified by the Hashemite Kingdom of Jordan (Multilateral Conventions)

Conventions	Year of Ratification	Dates of Publication in the Official Gazette
Convention No. 29 of 1930 concerning Forced or Compulsory Labour.	1964	2/12/1964
Convention No. 81 of 1947 concerning Labour Inspection in Industry and Commerce.	1963	2/2/1963
Convention No. 98 of 1949 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively.	1963	16/6/2003
Convention No. 100 of 1951 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value.	1966	10/7/1966
Convention No. 105 of 1957 concerning the Abolition of Forced or Compulsory Labour.	1958	Not published
Convention No. 106 of 1957 concerning Weekly Rest in Commerce and Offices.	1979	Not published
Convention No. 111 of 1958 concerning Discrimination in respect of Employment and Occupation.	1963	30/5/1963
Convention No. 116 of 1961 concerning the Partial Revision of the Conventions Adopted by the General Conference at its Earlier Sessions for the Purpose of Standardising the Provisions regarding the Preparation of Reports by the Governing Body on the Working of Conventions.	1963	1/4/1963
Convention No. 117 of 1962 concerning Basic Aims and Standards of Social Policy.	1963	Not published
Convention No. 118 of 1962 concerning Equality of Treatment of Nationals and Non-Nationals in Social Security.	1962	1/12/1963
Convention No. 119 of 1963 concerning the Guarding of Machinery.	1964	14/5/1964
Convention No. 120 of 1963 concerning Hygiene in Commerce and Offices.	1965	2/1/1965
Convention No. 122 of 1964 concerning Employment Policy.	1965	16/12/1965

Conventions	Year of Ratification	Dates of Publication in the Official Gazette
Convention No. 123 of 1965 concerning the Minimum Age for Admission to Employment Underground in Mines.	1966	10/4/1966
Convention No. 124 of 1965 concerning Medical Examination of Young Persons for Fitness for Employment Underground in Mines.	1966	10/4/1966
Convention No. 135 of 1971 concerning Protection and Facilities to be Afforded to Workers' Representatives in the Undertaking.	1979	Not published
Convention No. 138 of 1973 concerning Minimum Age for Admission to Employment.	1997	16/7/1997
Convention No. 142 of 1975 concerning Vocational Guidance and Vocational Training in the Development of Human Resources.	1979	Not published
Convention No. 182 of 1999 concerning the Elimination of the Worst Forms of Child Labour.	2000	Not published
Convention No. 159 of 1983 concerning Vocational Rehabilitation and Employment (Disabled Persons).	2003	–
Convention No. 144 of 1976 concerning Tripartite Consultations to Promote the Implementation of International Labour Standards.	2003	16/7/2003
Convention No. 150 of 1978 concerning Labour Administration.	2003	16/7/2003
Convention No. 147 concerning Minimum Standards in Merchant Ships.	2004	16/2/2004
Convention No. 185 of 2003 concerning Seafarers' Identity Documents	2004	15/7/2004

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