



Ninth Annual Report on the State of Human Rights in the Hashemite Kingdom of Jordan 2012

The Ninth Annual Report of the National Centre for Human Rights

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The Ninth Annual Report on the State of Human Rights in the Hashemite Kingdom of Jordan

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1. Introduction

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

“Human rights” are inherent in human existence and essential to the protection of the dignity rooted in the very being of the human person. They are rights whose observance has evolved across the many civilisations throughout the ages, and they have gained national and international momentum in the contemporary era of human history. These rights have become universal in their scope and interrelated in their branches; they cannot be fragmented or ranked in order of preference. They have crystallised into binding national and international standards and rules (both legal and customary), foremost among which, at the international level, are the Charter of the United Nations and the Universal Declaration of Human Rights.

The International Bill of Human Rights, adopted by the international community within the framework of the United Nations and its relevant bodies, came with the aim of making governments and public authorities more accountable for respecting and observing these rights. Over time, practice and custom have settled on the principle that “human rights” are fundamental claims vis-à-vis public authorities. This is because every person has a guaranteed human right, and the authorities are bound to respect that right, which means that respect for human rights constitutes a barrier that may not be crossed or violated without accountability and answerability under national law with the same degree of rigour and binding force. This is the essence of the universal human rights system, the monitoring and evaluation of which constitutes the core of the mandate of national human rights institutions, of which the National Centre for Human Rights (NCHR) is one, and which the Centre chaired during the period 2011/2012.

Since the ultimate aim of human rights is to safeguard human dignity, which is the source of the individual’s right to liberty and equality, respecting and safeguarding these rights also reinforces the legitimacy of the political system and promotes social peace, stability, security and development in the State. Accordingly, human rights have become an essential element in the fabric of the State and society, the effect of which extends beyond the relationship between the individual and the State to contributing to the maintenance of national security and to democratic practice. However, analysing this element and following up on its data and manifestations, whether in the form of legislation, regulations and instructions, or of public policies and practices on the ground, is not as easy as it may appear. There is an ongoing dynamic, whether in terms of the occurrence of violations or of their redress in light of the rules and principles enshrined in international instruments and conventions. To capture this dynamic, the monitor must follow, on a periodic basis, the precise details of the human rights situation in the Kingdom, including the system of national legislation, public policies, and the practices carried out by officials or by the bodies responsible for law enforcement. This is the subject of the reports of the National Centre for Human Rights, which ordinarily constitute a general review of the state of these rights in the Kingdom. The report for the current year, 2012, does not differ in its general concept from the previous annual reports.

Accordingly, a large part of the information, conclusions and recommendations contained in this year’s report has already appeared in previous reports issued by the Centre. The challenges are the same challenges, and the problems are the same problems, perhaps with the exception of

limited changes, some of which are substantive. Nevertheless, the careful and attentive reader of each of these successive reports will find precise and important details that chart the features of a new path, which may not be easy to discern at first glance, in the course of the Jordanian State in fulfilling its human rights obligations; rights that have become the third pillar of international relations, alongside international peace and security and sustainable development, in addition to being a source of political legitimacy for any system of government and a measure of its capacity to achieve social justice. In this context, the two most prominent themes of this report may be summarised as follows: new developments in the course of human rights in the Kingdom in 2012, and the issue of the implementation of the Centre's repeated recommendations.

* * *

I. New Developments in the Course of Human Rights

a. The Absence of a Set Pattern in the Conduct of the Parties.

Dealing with the popular movement dominated the greater part of the national scene in 2012. This resulted in focusing attention on the whole range of civil and political rights associated with the exercise of the right to peaceful assembly, such as the right to freedom of expression, the right to public participation, the right to vote, and the right of access to information and to combat corruption, in addition to fundamental economic and social rights. The extent of compliance with these rights, as is the case with other rights, is approached in terms of the conformity of national legislation with the international standards governing them, as well as by identifying shortcomings in policies and departures from international rules and standards in the course of the practices of both parties to the equation: the law enforcement agencies, and the protesters and demonstrators.

In light of the close monitoring and objective analysis carried out by the Centre of the general situation in Jordan in 2012, it became evident that both the demonstrators and the law enforcement agencies had, in general, complied with what is required by the rule of law and international standards. The protesters and demonstrators adhered to the principle of peaceful protest to a large extent, and the law enforcement agencies adhered to respect for international standards and to the protection of the right to peaceful protest in principle; they likewise exercised a degree of self-restraint and a gradual use of force to disperse strikes and protests on most occasions. This does not, however, negate the fact that acts of protest and demonstration departed from the principle of peacefulness on certain occasions. Likewise, the law enforcement agencies at times exceeded international standards and departed from the controls required in dealing with citizens in such circumstances.

These excesses were clearly apparent, on most occasions, during the dispersal by the security agencies of sit-ins, demonstrations and marches, and in places of initial detention. They took the form of the use of "excessive force" and a failure to observe the two principles of "necessity" and "proportionality" in this regard. On at least one occasion there were casualties and injured persons among the demonstrators, just as there were casualties and injured persons within the ranks of the security agencies, as a result of injuries from live rounds fired directly at both parties. The results of the investigation into these events, which more than one party, including the National Centre for Human Rights, had called for, were not made public. The same applies to the treatment of persons deprived of their liberty in initial detention centres during the preliminary investigation,

as on numerous occasions persons were subjected to cruel and degrading treatment which, in a limited number of cases, may amount to a form of torture. Fair trial guarantees and requirements were also frequently violated, whether at the stages of interrogation and preliminary investigation or upon referral to the State Security Court on serious charges, with the majority of those persons then being released on bail shortly after their detention, while a number of them remained in detention for varying periods.

b. The Impact of Policies on Human Rights.

On the other hand, the ambiguity of public policies in many areas relating to human rights frequently aggravates the negative effect of the gaps existing in legislation, particularly where such legislation falls short of conformity with the international standards to which Jordan has committed itself. The shortcomings in such legislation and the ambiguity of such policies often result in multiplying the extent of excesses in the practices of law enforcement agencies with respect to these standards, and indeed in their violation. It is assumed, and it is logical, that policies should cover the space extending between legislation and laws on the one hand and practice on the ground on the other. It may therefore be said that, had the public policies of successive governments been effective in the required manner, it would have been possible to avoid the shortcomings in both legislation and practices to a large extent. The full conformity of national legislation with international standards, for example, would have provided effective remedies for victims and, consequently, a higher degree of respect for human rights, which has not been achieved to date. The Centre calls upon the Government to adopt the appropriate legal amendments to achieve this, in cooperation with the legislative authority.

The monitoring activities carried out by the Centre have revealed that observers and interested parties face difficulty in gaining a full understanding of the policies adopted by successive governments in the country within the framework of applying legislation in various fields, particularly those having a direct bearing on human rights. To arrive at a better understanding of these public policies, the authorities must disclose their policies in general, and such policies must be characterised by continuity, institutionalisation and transparency. Effective and successful government policies that observe human rights must alleviate, and indeed reduce, in many cases, the effects of shortcomings, whether in legislation on the one hand or in the unlawful practices that occur and lead to violations on the other. Moreover, effective policies that observe human rights may, in many cases, eliminate any justification for the occurrence of a violation in the first place, by addressing the causes of protest or the shortcomings and their consequences.

However, the frequent lack of transparency in public policymaking, the lack of clarity of the mechanisms by which such policies are formulated, the decline of the role of institutionalisation in many cases, and the weakness of national oversight tools over these policies at both the formulation and implementation stages have, to a large extent, disabled accountability and answerability mechanisms. This has had a negative impact on the state of human rights in the Kingdom on occasions, in situations and in matters, most of which were referred to in sufficient detail in periodic reports published at the time.

The absence of public participation, and the failure to open up wide space for civil society to play an effective role in bridging the gap between society and official institutions, have likewise

contributed to the decline of the positive impact required of public policies in the field of the protection and promotion of human rights.

Perhaps among the public policies most in need of attention are those relating to economic, social and cultural rights. The Centre's monitoring teams recorded gaps in the efforts to confront the twin phenomena of poverty and unemployment and in the plans to address them. It also became evident that there is a marked disparity in the level of educational and health services provided to citizens. Notwithstanding the achievements realised in the fields of healthcare and education, public policies in these two fields have recently witnessed a clear regression that requires swift measures to remedy it. The public debates that have taken place at the national level in recent years demonstrate the need to exert further efforts and to provide the financial resources necessary to attain a better level of healthcare and of education. There is also a clear disparity in the level of medical and educational services between the capital and numerous governorates, particularly in the southern region.

Efforts to combat poverty and unemployment, and the plans to that end, require economic and fiscal policies that encourage the establishment of productive projects leading to the creation of job opportunities capable of absorbing the largest possible proportion of the labour force and of university graduates; linked to this are educational policies and plans that take into account the requirements of the labour market. These efforts should be complemented by a productive agricultural sector that affords farmers the opportunity to benefit from their agricultural projects and to sustain production, and that encourages the national workforce to return to work in this vital sector, which is fundamental to the national economy. To this should be added the enactment of a set of legislation and the adoption of appropriate measures contributing to the achievement of social justice, foremost among which is the adoption of a progressive income tax law, as provided for in the Constitution.

Education policies at their various stages have not contributed in an acceptable manner to integrating human rights into curricula, whether school or university curricula, resulting in limited knowledge of the importance of human rights.

Moreover, societal violence, including recurrent university violence, has exacerbated societal problems. The steps and initiatives aimed at the empowerment of women, combating violence against them, and respecting the rights of the most vulnerable groups and those most in need remain below the level required nationally. The Eleventh Conference of National Human Rights Institutions, held in Amman in November 2012, adopted the "Amman Declaration and Programme of Action". This Declaration requires a clearly defined government plan to implement the practical recommendations contained in both of the aforementioned documents, alongside the provisions of the National Strategy for Women's Rights recently adopted by the Government. It is not yet too late to benefit from those proposals and ideas when formulating public policies aimed at empowering women and protecting them from all forms of violence, and at protecting the rights of the other most vulnerable groups and those most in need.

II. The Problem of Implementation.

In previous reports, the Centre has sought to draw attention to many gaps in the reality of human rights in the Kingdom and has submitted specific recommendations thereon to the competent

bodies. However, the failure of the relevant authorities, in most instances, to give these recommendations the necessary attention in order to address the areas of shortcoming in several fields (even though these do not indicate widespread practice or gross violations of any right) remains a matter that draws attention. The Centre considers that the treatment of persons detained at the stages of initial detention continues to constitute a gap in the generally positive picture received by inmates of Correction and Rehabilitation Centres (CRCs). This is a fundamental recommendation previously made by the Centre, which we wish to reaffirm among other important recommendations contained in this report. It must also be recalled that the National Centre for Human Rights has expressed, both publicly and through direct contact with officials, its reservations concerning the Elections Law adopted in 2012, under which the elections to the Seventeenth House of Representatives were held. The Board reiterates its recommendation to amend this Law, in respect of which the Government has announced its intention to submit to the House of Representatives a new draft law that avoids the gaps found in the current Law.

III. The Importance of a National Human Rights Plan.

The emphasis placed on shortcomings and gaps in the areas of the protection and promotion of human rights should not be understood to mean that there have not been important and clear steps taken recently by officials at various levels to improve Jordan's human rights record. However, what perhaps needs to be recalled in this regard is the negative effect of the absence of a national plan for the protection and promotion of human rights at the level of the Kingdom. The existence of such a plan would have facilitated the identification of shortcomings at the three levels (legislation, policies and practices) and, more importantly, the identification of the obstacles impeding efforts to address these shortcomings and the gaps accompanying them. The most significant effect of the existence of such a plan, however, would be its substantial contribution to highlighting the positive aspects and the progress and achievements realised through efforts that cannot be denied in the recent period, but which have remained scattered and fragmented in such a way that they are difficult to discern and their importance difficult to appreciate, because they did not come within the framework of a comprehensive plan. The adoption of such a plan will contribute to concentrating the efforts of the various partners to improve the human rights situation in the country, and it will be the best indicator for measuring the extent of progress in the human rights record of successive governments and of the State in general.

Accordingly, the National Centre recommends that the Government work on formulating a national human rights plan for the coming years, and affirms its readiness to contribute to the development and formulation of such a plan and to follow up on its implementation, drawing on the expertise it has accumulated through its extensive experience in this field.

And God is the Grantor of Success.

The Board of Trustees

9/6/2013

2. Civil and Political Rights

Preliminary Remarks

Civil and political rights are the most precisely and clearly defined of all protected rights. The legal systems of all States have consistently recognised them and defined them in a precise and specific manner, whether in terms of their subject matter, their holders or the parties bound by them. In reality, these rights constitute indispensable requirements for the human being and are closely linked to human dignity and humanity.

These rights are usually described as “first-generation rights”, meaning the set of traditional rights that flourished in the eighteenth and nineteenth centuries. They are traditional and long-established rights whose realisation essentially requires States to refrain from interfering in individuals’ enjoyment and exercise thereof. In general, the obligations arising from them are immediate obligations, capable of immediate application irrespective of the economic, financial or social situation of the State.

Perhaps the most prominent civil and political rights are: the right to equality and non-discrimination; the rights relating to the integrity of the human person, in particular the right to life and the prohibition of torture and other cruel, inhuman or degrading treatment or punishment, and the prohibition of slavery, servitude, and customs and practices similar to slavery; personal freedoms, in particular the right to liberty and security of person and the right to freedom of movement; procedural judicial rights, which include the right to a fair and just trial, the right to an effective remedy for grievances, and criminal legality, which encompasses the principle of the legality of crimes and punishments and the principle of the non-retroactivity of criminal laws; the right to political or collective freedoms, namely the right to peaceful assembly, the right to form and join associations, and the right to free and fair elections; the right to intellectual freedoms, namely freedom of thought, conscience and religion, and freedom of expression; the right to privacy, including the inviolability of private life and the right to family life; and finally, the right to property. The following is a review of the reality of some of these rights in the Kingdom.

The Right to Life and Physical Integrity

The human right to life and physical integrity is one of the fundamental rights guaranteed by international instruments, the Jordanian Constitution and national laws. This right was strengthened at the legislative level by the adoption of the constitutional amendments in 2011, which affirmed the right not to be subjected to torture; however, they did not include a provision on the human right to life.

1. The Death Penalty

The death penalty is still prescribed in criminal legislation, despite the partial reduction of the legal provisions that impose this penalty, as it has been confined to serious criminal felony cases (such as murder, terrorism and the rape of a minor). Likewise, it is not applied to persons under the age of (18) years, to pregnant women or to persons suffering from insanity, in addition to the possibility of general and special pardon for persons sentenced to this penalty. Moreover, this

penalty is carried out only after a series of procedures,¹ which are consistent with the safeguards established by international covenants and instruments. The Centre notes that the Jordanian legislator has taken steps leading to confining the application of the death penalty to the gravest or most serious felonies, within legislative, administrative and judicial safeguards that ensure its limitation and its proper application, and to strengthening preventive means of reducing the crime rate, in keeping with the course of criminal reform pursued by the Kingdom, particularly in the field of human rights. However, it is necessary to amend national legislation so as to ensure the activation of the necessary legal guarantees at the preliminary investigation stage, so that confessions are not extracted from accused persons under torture. In 2012, rulings imposing the death penalty were issued by the Major Felonies Court and the State Security Court, as shown in Table No. (1). In addition, there are (17) death sentences that have not become final, and (103) persons sentenced to death are held in Correction and Rehabilitation Centres. This penalty has not been carried out against them,

bearing in mind that Jordan, which previously voted against the abolition of the death penalty, has abstained since 2010 from voting on the General Assembly resolution recommending the abolition of this penalty. Jordan had also suspended the carrying out of the death penalty since mid-2006. All of this is regarded as a positive development aimed at protecting the right to life and physical integrity.

Table No. (1): Number of rulings imposing the death penalty during the years 2008/2012

Year	Major Felonies Court	State Security Court	Total rulings
2008	5	1	6
2009	7	-	7
2010	9	-	9
2011	20	-	20
2012	13	-	13

2. The Right to Physical Integrity and Not to Be Subjected to Torture

The enforcement of the constitutional provision on the right not to be subjected to torture² requires the adoption of a series of legislative, administrative and judicial measures prohibiting all forms of torture set out in the international Convention against Torture and Other Cruel, Inhuman or

¹ In crimes punishable by death, the Criminal Procedure Code requires the presiding judge of the court to ask the accused whether he has chosen a lawyer to defend him; if he has not done so, the court shall appoint a lawyer for him and pay his fees from the State Treasury. Under the law, a death sentence is subject to review by the Court of Cassation by operation of law (cassation as of right), even if the convicted person does not request it (Article 275/c). If the Court of Cassation finds any defect in the application of the law, or that the evidence is insufficient to convict the accused, it shall quash the decision imposing the death penalty and remand the case to the court that issued the judgment. Two articles were also amended, replacing the death penalty with the penalty of hard labour for life, namely Article (137/1) concerning the crime of inciting armed rebellion against the authorities established under the Constitution, and Article (372) concerning the crime of arson resulting in the death of a person.

² Article (8) of the Constitution provides that: 1. No person may be arrested, detained, imprisoned or have his freedom restricted except in accordance with the provisions of the law. 2. Every person who is arrested, detained, imprisoned or whose freedom is restricted shall be treated in a manner that preserves human dignity; he may not be tortured, in any form, or physically or mentally harmed, nor may he be held in places other than those permitted by law; and any statement made by any person under the duress of any torture, harm or threat shall be disregarded.

Degrading Treatment or Punishment, as well as the punishment of its perpetrators. This calls for the amendment of Article (208) of the Penal Code, a review of the grievance mechanisms and of the investigation of torture complaints by independent and impartial bodies or entities, and an assessment of the effectiveness of these mechanisms, in order to ensure that the perpetrators of this crime are held accountable and do not escape punishment. The failure to have allegations of torture investigated by independent and impartial entities, and the absence of adequate guarantees in such investigations, in reality means the existence of a climate of impunity resulting from weak disciplinary or criminal prosecution of persons accused of committing torture. Prosecutions are currently conducted under Article (37) of the Public Security Law of 1965, and through disciplinary procedures only. Although the Public Security Directorate formed (60) committees in 2012 to investigate allegations of torture, none of those committees concluded its investigations by referring any person to the Police Court under Article (208) of the Penal Code, bearing in mind that the perpetrators of torture crimes must be punished by appropriate penalties that take into account their grave nature, as provided for in Article 4 of the Convention against Torture and Other Forms of Ill-Treatment.

As in previous years, the Centre continued to receive complaints concerning torture and ill-treatment committed by law enforcement officials and the various security departments. In 2012, the Centre received (72) complaints against security centres and departments,³ compared with (73) complaints in 2011 and (85) complaints in 2010. It also received (5) complaints concerning beating and torture in Correction and Rehabilitation Centres in 2012, compared with (2) complaints in 2011 and (4) complaints in 2010. According to the statistics available at the Centre, 2012 witnessed an increase in the number of complaints relating to beating in places of temporary detention affiliated with security centres and police directorates, against a decrease in the number of complaints of beating and torture in Correction and Rehabilitation Centres compared with 2011, as shown in Table No. (2). During its visits to Correction and Rehabilitation Centres in 2012, the Centre observed a continued and noticeable decrease in individual complaints concerning the ill-treatment of inmates and detainees.

Table No. (2): Manner of settlement of complaints relating to torture and ill-treatment received by the Centre during the years 2010/2012

Category	Settlement of complaints	2012	2011	2010
Number of complaints against the various security centres and departments	Number of complaints shelved at the complainant's request	13	4	15
Number of complaints against the various security centres and departments	Number of complaints closed for lack of proof of the violation	18	15	10
Number of complaints against the various security centres and departments	Number of complaints referred to the Police Court	-	-	3
Number of complaints against the various security centres and departments	Number of complaints still under follow-up	36	39	57
Number of complaints concerning beating and torture in Correction and Rehabilitation Centres	Number of complaints shelved at the complainant's request	-	-	-

³ Information and complaints received by the Centre indicate that personnel of the Criminal Investigation Department and the Anti-Narcotics Department of the Public Security Directorate resort to beating to a noticeable extent in order to obtain statements and information from the persons complained against.

Category	Settlement of complaints	2012	2011	2010
Number of complaints concerning beating and torture in Correction and Rehabilitation Centres	Number of complaints closed for lack of proof of the violation	-	1	2
Number of complaints concerning beating and torture in Correction and Rehabilitation Centres	Number of complaints referred to the Police Court	-	-	-
Number of complaints concerning beating and torture in Correction and Rehabilitation Centres	Number of complaints under follow-up	5	2	2

The Centre considers that the formation of independent, impartial and objective investigative bodies to examine complaints and allegations of torture and ill-treatment, and ensuring the referral to the ordinary judiciary of those public officials whose guilt is established, namely those proven to have carried out, participated in, remained silent about or colluded in the commission of such acts, is a necessity in order to remedy the current situation, in which the entity complained against undertakes the investigation of such complaints and allegations, which undermines the independence and impartiality of the investigating entity. The Centre also affirms the necessity of suspending the suspect from work during the investigation in cases where there is *prima facie* evidence of torture or ill-treatment, in order to avoid any possible obstruction of the investigation. Accused persons must be prosecuted, and appropriate penalties imposed on those convicted. This requires immediate legal amendments granting the regular courts subject-matter jurisdiction over torture cases, in order to ensure the prosecution and conviction of the accused and the compensation of victims. It should be noted that the Centre has pointed out in its previous annual reports⁴ the shortcomings of the investigation and prosecution procedures relating to allegations of torture and the problems associated therewith, particularly as investigations before the police courts, and the prosecution of such acts, are conducted within a disciplinary approach rather than as criminal prosecution under Article (208) of the Penal Code. The Centre also calls for the amendment of Article (8) of the State Cases Administration Law so that the action for public-service (administrative) liability becomes available to victims of torture and other forms of ill-treatment.

3. Narcotic Drug Cases

The problem of the possession and use of narcotic drugs, particularly among young people, constitutes another factor affecting the right to life and physical integrity. According to Public Security reports, the Anti-Narcotics and Counterfeiting Department dealt with (4708) cases in 2012, compared with (6447) cases in 2011, (3420) cases in 2010 and (3641) cases in 2009. In 2012, (578) addicts were treated at the addiction treatment centres affiliated with the Anti-Narcotics Department. In this regard, the Centre affirms the need for serious action to curb this problem through the adoption of effective social, legal and administrative measures focusing on preventive, therapeutic, care and rehabilitative programmes among all groups of society, specifically women and children. It also affirms the importance of increasing the penalties against anyone who exploits children and women in drug trafficking and drug use. Emphasis must also be placed on the awareness-raising aspect by including scientific material in educational and school curricula to explain the harms of drug use, in addition to activating the role of school principals, teachers and counsellors in using preventive and therapeutic methods in dealing with

⁴ See: http://www.nchr.org.jo/Arabic/ModulesFiles/PublicationsFiles/Files/nchr_stat_rep7_2010.pdf

this phenomenon. Emphasis must also be placed on the rehabilitation of the families of drug users and addicts by equipping them with the skills to deal with all cases of drug use, in order to create a sound environment resistant to delinquency and to raise social competence.

4. Deaths and Suicides in Correction and Rehabilitation Centres and Places of Detention

Suicides in society in general constitute another factor affecting the right to life and physical integrity. In 2012, (86) persons attempted suicide, compared with (40) persons in 2011, (46) persons in 2010 and (65) persons in 2009, according to the statistics of the Public Security Directorate.⁵ The statistics revealed that the majority of those who committed suicide were young people aged between (18 and 27) years. The phenomenon of threatening to commit suicide in public places, by various means, has also emerged in society: some of these persons attempted to set themselves on fire, while others threatened to throw themselves from the roofs of high-rise buildings if their demands were not met. Most cases of suicide or attempted suicide by citizens during the past two years were related to the economic, political and social conditions perceived by these persons. The rise in these figures is a serious phenomenon and an indicator of growing negative trends in society, particularly when these trends are linked to the growing phenomenon of societal violence among students, which signifies the need for greater attention to these phenomena and efforts to devise long-term solutions to them.

With regard to deaths inside Correction and Rehabilitation Centres, the Centre recorded (12) deaths in 2012, of which (11) were natural deaths and one was a suicide, compared with (18) deaths in 2011, (17) deaths in 2010, (18) deaths in 2009 and (24) deaths in 2008. The Centre emphasises the role of the Ministry of Health and of the physicians working in Correction and Rehabilitation Centres in paying greater attention to the health conditions of inmates, dealing seriously with the health condition of the inmate by providing him with emergency care in the required manner and at the appropriate time, and dealing with greater attention with inmates suffering from chronic or serious illnesses, elderly inmates, or those with a medical history, in response to the provisions of the relevant international instruments and national laws.

With regard to deaths and suicides in places of temporary detention affiliated with the Public Security Directorate, the Centre did not record any deaths in any of those places in 2012, whereas in 2011 it recorded (the death of one inmate) among those detained in the holding facility, as a result of his committing suicide by hanging himself. It recorded (5) deaths in 2010. The Centre considers that constant vigilance is required in monitoring the changes and suicidal tendencies that detainees sometimes display, and that due attention must be given to the psychological aspect of the detainee by referring him to psychiatrists. The Centre also notes that some of the decisions of the security committees formed to investigate these cases lack transparency, and that the forensic medicine reports issued in respect of them are drafted in an imprecise and unclear manner. In addition, in most cases the Centre is unable to obtain these reports directly.

⁵ These figures are approximate owing to the absence of a national database.

5. Excessive Use of Force

With regard to the excessive use of force, exaggeration in raids, and arrests, in 2012 the Centre received (12) reports of homes being forcibly broken into and of children and residents being terrorised in a number of areas of the Kingdom during the arrest of persons wanted by the security authorities, as well as during the arrest of persons wanted in cases of narcotic drugs, theft, major embezzlement and fraud, and also during the security campaigns that covered all the governorates of the Kingdom. The most prominent of these cases were: 1. What occurred during the arrest of a number of suspects in the course of the security campaigns in the governorates of the Capital, Ma'an, Zarqa and Al-Shouna Al-Janoubiya (South Shouna). 2. What occurred upon the arrest of the so-called "terrorist cell" on 1/8/2012, where complaints were received of the smashing of the contents of homes. 3. The raid that took place east of the capital (Amman), with the support of the Special Police, to arrest three accused persons, in which weapons were seized in their possession; residents of houses neighbouring the scene stated that those security operations terrorised children and residents, and involved entry into places where women were residing and the destruction of property. 4. The Centre had monitored the raid on what became known as the "Kamaliya gang of criminals", carried out by a joint group of the security forces and the Gendarmerie on 2/8/2012, which resulted in the death of one of the wanted persons who had been firing gunshots after they had barricaded themselves in a house in the Kamaliya – Suwaylih area, and in two police officers being seriously injured. 5. The raid by the security services on 3/10/2012 on the homes of some members of the Salafi Jihadi movement in the Zarqa and Russeifa areas, and the arrest of (7) persons; complaints were received from relatives of members of the Salafi Jihadi movement regarding the violation of the sanctity of homes, including the use of police dogs and batons, which terrorised families and children. 6. The raids that took place in the Al-Jafr area in Ma'an Governorate on 2/11/2012 by joint forces of the Public Security and the Gendarmerie, in which firearms, narcotic substances, cash and (72) stolen vehicles were seized. 7. The raid by the security forces on 29/12/2012 on marijuana farms in Al-Shouna Al-Janoubiya and the arrest of wanted persons in connection with drug cases, where complaints were received by the Centre about the failure to respect the sanctity of the homes of the area's residents and the rights of the families of the wanted persons.

In 2012, there were manifestations of societal violence, including university violence, in a number of governorates of the Kingdom. The most prominent of these were the incidents in the governorates of Al-Balqa, Ma'an, Jerash and the Capital, in which a number of persons were injured as a result of these events and the excessive use of force by the Public Security forces. The Centre calls upon all concerned entities to join efforts to confront this phenomenon and curb its growth, particularly among young people, by addressing its causes and roots, and by working within an integrated system of legislative, judicial and educational solutions, starting with awareness-raising on the dangers of violence and the affirmation of its rejection by strengthening the value system and following educational methods based on dialogue, tolerance and acceptance of the other, beginning with the family, the school and universities, while affirming respect for the principle of the rule of law and individuals' recourse to the judicial authority to obtain their rights, rather than resorting to exacting them themselves by means of violence.

The Centre also expresses its grave concern about the length of the period of detention pending the trial of detainees before the State Security Court on charges of committing terrorist acts or

other criminal cases falling within the jurisdiction of the Court. In 2012, the National Centre observed delays in the scheduling of hearings for persons detained in connection with those cases, contrary to their right to be tried within a reasonable time or to be released. Pre-trial detention frequently lasts for a long period exceeding seven months, contrary to Paragraph (3) of Article (9) of the International Covenant on Civil and Political Rights. In 2012, the National Centre recorded that many of the persons detained in connection with those cases resorted to hunger strikes in protest against the length of their periods of detention and against their trial before the State Security Court.

There have also been cases in which law enforcement forces used excessive force, whether to disperse sit-ins or to arrest wanted persons among participants in the popular movement (Al-Hirak) or in other sit-in activities.⁶

Recommendations:

In light of this situation, the National Centre reiterates the following recommendations:

- The Public Security Directorate should take all measures to curb the abuses committed by members of certain security departments in dealing with persons wanted for security reasons or with peaceful protests or demonstrations, should such abuses occur, and to prosecute the perpetrators of torture crimes and bring them before the judiciary, in addition to developing training plans to disseminate the Convention against Torture among all Public Security personnel and to include it in foundational curricula, lectures and promotion examinations, with a view to achieving the prevention of torture.
- Continue to study legislation that restricts the application of the death penalty, and establish stricter safeguards and conditions on investigation matters in criminal cases punishable by death, ensuring certainty as to the strength of the evidence of guilt against the accused where the act is a felony punishable by death, while subjecting the penalty to all means of appeal, both appeal and cassation, and affirming that the penalty shall not be pronounced except by unanimous decision of the members of the court.
- Call upon the Government to recognise the competence of the Committee against Torture referred to in Article (22) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984, which is competent to consider communications from individuals subject to the jurisdiction of the States Parties to the Convention.
- Accede to the Optional Protocol to the Convention against Torture, which allows for the establishment of a system of regular visits undertaken by independent international and national bodies to places of deprivation of liberty, and establish an independent national mechanism to carry out regular visits; likewise, accede to the two Optional Protocols to the International Covenant on Civil and Political Rights relating to the abolition of the death penalty, in addition to recognising the competence of the Human Rights Committee to receive individual complaints concerning violations of the rights guaranteed by the said Covenant (Article 41).

⁶ For further information, see pages 73–78 of this report.

- Establish specialised centres for the rehabilitation of torture victims, and establish a national fund to compensate them.
- Amend the text of Article (208) of the Penal Code so that it is consistent with the substantive amendment introduced to the text of Article (8) of the Constitution and with the provisions of the international Convention against Torture, in a manner that ensures that the crime of torture is treated as a felony, increases the penalty for law enforcement officials who commit this crime, provides for the right of torture victims to direct compensation from the State when the crime is committed by a public official, and provides that torture crimes are not subject to statutes of limitation and are excluded from amnesty.
- Confine jurisdiction over torture crimes to the regular courts rather than special courts that do not afford fair trial guarantees in accordance with international standards. Until this is achieved, all judgments issued by the courts competent to punish law enforcement officials who commit torture crimes must be subject to review by the Court of Cassation.
- Investigate allegations of torture and ill-treatment of citizens deprived of their liberty in an independent, impartial and transparent manner.

The Right to Liberty and Security of Person

International instruments, foremost among them the Universal Declaration of Human Rights, have guaranteed the human right to liberty and security of person. Moreover, the set of amendments made to the constitutional articles would have afforded the required additional protection to the human right to liberty and security of person had the procedures for amending the legislation in force been pursued in accordance therewith, and had the specialised and periodic reports of the National Centre⁷ been acted upon, together with the recommendations of the treaty bodies⁸ and non-treaty bodies⁹ which called for the provision of basic legal safeguards to all detainees, including those held in facilities affiliated with the General Intelligence Directorate and the Public Security Directorate, from the moment of their arrest. These safeguards include the right of detainees to have recourse to a lawyer, to undergo an independent medical examination, to notify one of their relatives and to be informed of their rights at the time of detention, including being

⁷ The reports pointed to the shortcomings of certain national legislation, or to its causing, in most cases, the perpetrators of the crime of torture to escape punishment, such as: the Crime Prevention Law, which permits the administrative authority to detain persons without allowing them to contact their families or lawyers, and also in isolation from judicial oversight; the State Security Court Law, which grants investigating authorities the right to hold suspects for seven days before referring them 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 upon a broad general criterion termed “the interest of the investigation”, as well as accepting 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 of his own free will and choice.

⁸ See the concluding observations issued by the Committee against Torture following the consideration of Jordan’s combined (second, third and fourth) report at its (44th) session, Geneva, 26/4–14/5/2010. See the recommendations of the Committee against Torture at the electronic link.

⁹ The tenth recommendation issued by the Committee against Torture, which affirmed the incorporation of the prohibition of torture into the Constitution in order to demonstrate the rejection of torture in all its forms and manifestations. www2.ohchr.org/arabic/bodies/cat/index.htm

informed of the charges brought against them, and to be brought before a judge within a period of time consistent with international standards. This is because national legislation, especially the Criminal Procedure Code, still falls short of explicitly granting the arrested person the right to have recourse to a lawyer from the moment of arrest, particularly during the preliminary investigation stage before the police; moreover, this Code, in Articles (63/2) and (64), has permitted public prosecutors, exceptionally and in urgent cases, to interrogate detainees without lawyers.

1. Initial Detention and Temporary Custody:

Temporary Detention Centres of the Public Security Directorate:

With regard to the places of temporary detention of the Public Security Directorate (PSD),¹⁰ in 2012 the Centre carried out (84) visits to those places in cooperation and coordination with the Grievances and Human Rights Office of the PSD. The Centre observed that the PSD undertook the maintenance, renovation and upgrading of a number of security centres in 2012, and the PSD is also to be credited with building model temporary places of detention in conformity with international and national standards, and with taking into account the provision of places designated for juvenile and women detainees, particularly in the police directorates in a number of governorates, including the provision of special waiting rooms for visitors. On the other hand, however, the Centre considers that the infrastructure of a number of security centres in the capital (Amman) and in a number of governorates is in need of maintenance and renovation, while others are in need of expansion. Furthermore, during its visits to all temporary detention centres in the police directorates and the security centres affiliated to the PSD, the Centre's team observed that there is a pressing need for the PSD to adopt a strategic plan for the development of those places and the improvement of detainees' conditions. The Centre's reports indicated that a number of detainees were subjected to beating (*shabah* [suspension] and *falaqa* [beating on the soles of the feet]), ill-treatment (verbal abuse, insults and humiliation) and even torture during the preliminary investigation stage (inquiry and evidence-gathering) at some security departments, particularly the Criminal Investigation Department, the Anti-Narcotics Department and some overcrowded security centres in the capital and in the governorates of Zarqa, Irbid, Madaba and Tafileh, in addition to deprivation of contact with the outside world, particularly in the case of persons detained on account of their participation in the sit-ins that took place in 2012.

With regard to the rights of detainees, the Centre observed that in numerous cases detainees were deprived of the right to the assistance of a lawyer, the right to be examined by a physician, and the right to have their family notified of the place of their detention. It further observed that some judicial police officers failed to comply with Article (100) of the Criminal Procedure Code and encroached upon the powers of the Public Prosecutor by interrogating suspects instead of confining themselves to hearing their statements; that the investigation papers and seizure records prepared by judicial police officers during the preliminary investigation period were not deposited (the "withholding of cases") with the Public Prosecution, which is the competent investigating

¹⁰ These include the lock-ups of the police directorates and security centres, and the holding places at the Criminal Investigation Department, the Preventive Security Department, the Anti-Narcotics and Counterfeiting Department, and the Family Protection Department.

authority, for long periods; that the Criminal Investigation Department and the Anti-Narcotics Department resorted to referring the cases of wanted persons with prior records to the judiciary successively, one at a time, pending the execution of the prison sentence in each case individually, on the pretext of protecting the security of society and defending “national interests”; and that resort was had to the deprivation of persons’ liberty and to instructing that preventive (administrative) measures be taken against them, on the pretext of security considerations and the preservation of the security of society, under the Crime Prevention Law of 1954 and by means of “return” (re-detention) requests.

The Centre’s team also observed a severe shortage in the services provided to detainees, particularly the low level of hygiene in a number of security centres; the lack of sanitary facilities in some of them; the absence of natural lighting and adequate ventilation in a number of them; and the prevalence of damp in others, in addition to the unavailability of drinking water and the lack of heating facilities in the bitterly cold conditions of winter.

The number of individual complaints received by the Centre in 2012 rose markedly. These complaints indicate that temporary detention centres and security lock-ups suffer from a number of shortcomings that affect the rights of detained persons, constitute a violation of the relevant international and national standards, and call for immediate measures by the PSD. The most prominent of these shortcomings are: failure to apply any of the classification standards guaranteed by international and national standards in holding detainees; the unavailability of places designated for holding juvenile and women detainees in those places; the failure to provide decent places for the performance of religious rites in some of them; poor environmental and sanitary conditions; and low levels of hygiene and the unavailability of drinking water therein. Some temporary detention places are also noticeably overcrowded most of the time, which leads to a severe shortage in the services provided to detainees in terms of the meals served and the mattresses and blankets supplied to detainees inside the lock-up of the temporary detention centre, with the likelihood of detainees being subjected to torture and ill-treatment in order to obtain a statement or confession. During the year covered by the report, the National Centre for Human Rights also observed the persistence of the phenomenon of exceeding the statutory period of arrest, namely (24) hours, as suspects continue to be held for long periods exceeding one week on the basis of the Crime Prevention Law of 1954; this was at times done without adhering to the re-examination of detention cases, and in a manner inconsistent with that Law. The Centre’s team charged with visits observed the existence of ready-made detention warrants, signed in advance by administrative governors, in security centres and departments, for extending the detention of persons week after week on the pretext of investigation. Very often, a detainee is also moved between a number of security centres (the so-called *ka’b dayer* [“rotation”]) in order to circumvent the provision on the period of arrest of (24) hours. Cases are also withheld (i.e. the investigation papers and seizure records prepared by judicial police officers during the preliminary investigation period are not deposited with the Public Prosecution), in breach of Article (49) of the Criminal Procedure Code.

The National Centre also expresses its concern regarding the information provided by the records kept by detaining authorities for the purposes of judicial and administrative procedures, in light of its having recorded in 2012 violations to which a number of detainees were subjected during the preliminary investigation periods, as well as persons arrested on account of their participation

in the popular sit-ins that took place throughout the Kingdom,¹¹ in particular the protests known as the “*Habbat Tishreen*” (the November Uprising).¹² The Centre observed that some of them were prevented from notifying their families of the place of their detention, as reported by (54) detainees, and that they were deprived of the assistance of a lawyer and also of appropriate health care. Detainee (A.H.) was placed in a Correction and Rehabilitation Centre even though he had sustained an injury as a result of which he lost one of his eyes, instead of being kept in hospital to receive appropriate health care. In addition, some of them were subjected to beating and to verbal and physical ill-treatment. (53) detainees reported having been subjected to beating, humiliation or ill-treatment during the preliminary investigation stage at security centres, and the National Centre’s team saw traces of beating in the form of bruises and contusions on (13) detainees, and the Centre recorded (9) cases of torture. The National Centre expresses its concern that the investigations carried out by the competent authorities did not observe international standards and fair trial guarantees, in that the independence of the investigations of the body that conducted them was not observed; moreover, these investigations were not made public and did not lead to the trial of any person accused of committing acts of torture.¹³

Places of Temporary Detention of the General Intelligence Directorate:

As regards the places of temporary detention of the General Intelligence Directorate (GID), in 2012 the Centre carried out two announced visits to the detention places affiliated to the GID.¹⁴ It was noted that the periods of detention of the detainees in those places varied, ranging between one week and one year, under detention warrants issued by the Public Prosecutor of the State Security Court. The complaints of detainees held by the GID centred on the state of isolation in which they live in the solitary cells inside the detention centre, the lengthy duration of the judicial detention of some of them, the denial of inmates’ permission to be alone with their visitors during the visit, and the prohibition of visits to some detainees, at times by decision of the Public Prosecutor of the State Security Court,¹⁵ which deprives them of meeting their families, relatives, lawyers and the delegates of the National Centre for Human Rights. Table No. (3) presents a summary of the complaints received by the Centre against the GID in 2012 compared with previous years.

Table No. (3): Number of Complaints Received by the Centre against the General Intelligence Directorate during the Years 2009/2012

Type of complaint	2009	2010	2011	2012
Closed with a satisfactory outcome	11	22	25	15
Complaints under follow-up	2	7	2	7
Complaints outside the Centre’s mandate	2	6	5	3
Complaints filed for absence of a violation	0	5	5	7

¹¹ The Kingdom was swept by a number of sit-ins and protests calling for reform and the combating of corruption.

¹² The protests that swept the Kingdom following the decision to raise prices on 14/11/2013.

¹³ See the fact-finding reports on the website of the National Centre, www.nchr.org.jo.

¹⁴ The Centre’s team examined the conditions of the places of detention and the legal status of the detainees, who were met individually, and heard their demands and complaints. It also examined the forms of care, the specifications of the environment of the correction centre, the quality of food, the level of health care, and mental health services.

¹⁵ Article (63, Paragraph 2) and (64) of the Criminal Procedure Code and its amendments, No. (9) of 1961.

Type of complaint	2009	2010	2011	2012
Complaints for which no satisfactory outcome was reached	0	0	0	0
Total	15	40	37	32

The Centre calls upon the Directorate to comply with the requirement of notifying a detainee's family of his whereabouts; to work towards separating the offices of the Public Prosecution of the State Security Court from the premises of the GID; and to activate inspection of the detention centre affiliated to the GID by the presidents of courts and the Public Prosecution, pursuant to the Correction and Rehabilitation Centres Law No. (9) of 2004, such that the bodies charged therewith carry out visits on a regular basis and in an effective manner; in addition to permitting the competent team of the Centre to conduct unannounced visits to the detention centre affiliated to it, similar to the visits the Centre conducts to the detention places affiliated to the PSD.

Administrative Detention:

The year 2012 witnessed a rise in the number of administrative detainees, which reached (12,410) persons compared with (11,345) persons in 2011. The problems of administrative detention and its social, psychological and economic consequences persist, owing to the failure to address the set of legal and procedural problems arising from the application of the Crime Prevention Law, foremost among them the problem of administrative detention. Detention orders continue to be issued by administrative governors after the conclusion of judicial proceedings under the “return” (re-detention) system, and in some cases in the absence of any act, or where the act is not punishable by law, against persons having “security records”.¹⁶ The competent authorities (administrative governors) advance several justifications for continuing to apply this Law, such as: the national need to protect the security and safety of society, the particular character of Jordanian society, and the preservation of public order and public morals, particularly in tribal cases, revenge cases and others. The Centre, however, considers that the continued enforcement of the provisions of this Law is inconsistent with the principle of the separation of powers and the principle of fair trial, and contravenes the principle of criminal legality, in particular the rule that “the accused is innocent until proven guilty” and the rule that “there is no crime and no punishment except by law”, in addition to its violation and disregard of the principle that a person may not be prosecuted more than once for the same act,¹⁷ since administrative detention orders are issued after the conclusion of the trial of persons before the regular courts, whether a judgment of acquittal, of non-liability or even of conviction has been rendered, and after the expiry of the term of the sentence, with the period of detention reaching six months or more under the “return” and security-record system. These measures contravene international standards on the right to liberty and the legislative provisions reinforcing human rights, in addition to disregarding the principle of the independence of the judiciary, since it is impermissible to interfere in judicial proceedings, and such proceedings and judgments may not be subjected to review by an administrative authority. This is in addition to the failure of the administrative authorities to adhere to the legal procedures prescribed in accordance with due process and to the judicial measures that guarantee the fair conduct of proceedings and respect for the rights of persons in practice. Furthermore, this

¹⁶ A cumulative record kept by the security departments of persons who have committed conduct contrary to the law.

¹⁷ Article (58) of the Criminal Procedure Code provides that “the same act shall not be prosecuted more than once”.

Law has the effect of disregarding the principle of the two-tier judicial system, since administrative decisions may be challenged only before the High Court of Justice, which is an administrative court and a court of law, and is not one of the tiers of litigation; these decisions are not subject to objection or appeal before the regular judiciary, whose courts have consistently ruled to annul such decisions for their contravention of the law, or for arbitrariness in the exercise of authority, or its misuse.¹⁸

The abuses and irregularities to which the Centre had previously referred in its report on administrative detention (“Judicial Powers in the Hands of the Executive”)¹⁹ in 2010 continue, and the Government has not taken any initiatives to implement the recommendations contained in that report. Administrative governors have continued to detain persons administratively and to prolong such detention, particularly in the case of holders of foreign nationalities, some of whom have been held for up to three years owing to their inability to furnish bail and to delays in taking deportation measures or in deciding on the detainee’s case, which is a major contributing factor in the overcrowding of Correction and Rehabilitation Centres and the occurrence of disturbances. Administrative governors have also continued to fail to observe the legal rules governing administrative detention, such as not permitting lawyers to attend the interrogation of the suspect, conducting investigations in the absence of a written complaint, and requiring that the matter not be pending before the judiciary; all of this notwithstanding the circular of the Minister of the Interior dated 16/10/2009.²⁰ Moreover, administrative governors have continued to apply decisions imposing house arrest on the basis of security records (the cumulative record of the records of suspects) and on the recommendation of the security agencies, which constitutes a measure contrary to the principle of criminal legality, since the Penal Code exhaustively specifies these penalties in its Articles (14/17), and house arrest is not included among them. Women held in administrative detention in so-called “honour cases” also continue to suffer deprivation of their liberty under the pretext of protecting their right to life; some of them have been held for ten years or more. There are national efforts under way to secure their release or to place them in a special shelter or a safe rehabilitation home, away from protective custody. Until this is achieved, the

¹⁸ High Court of Justice Decisions No. (2/96) and (11/60).

¹⁹ See the report at www.nchr.org.jo.

²⁰ The purport of the circular is the commitment to respect human rights and to provide legal and procedural guarantees when applying the Crime Prevention Law, by permitting a lawyer to attend the interrogation conducted by the administrative governor with the suspect in respect of the acts attributed to him, provided that the lawyer holds a special power of attorney from him entitling him to the right of defence, pursuant to the provisions of Articles (4) and (5) of the Crime Prevention Law and in line with Article (32) of the Bar Association Law No. (11) of 1972 and its amendments. The circular also emphasised the responsibility of the administrative governor to investigate the acts attributed to the suspect before issuing a summons against him, in order to ascertain that the acts attributed to him do not fall within the jurisdiction of the regular courts; if they fall within the jurisdiction of those courts, the complainant shall be instructed in writing to refer to them, without the need to conduct an investigation. Finally, the circular emphasised that complaints must be in writing, duly drawn up and signed by the complainant in accordance with legal requirements, in order to be considered by the administrative governor, and that he must refrain from interfering in cases pending before the judiciary, in line with the principle of the separation of powers. The Centre considers that this circular represents progress in the rectification of the procedures followed in administrative detention; it is, however, insufficient to curb abuses, and legal amendments must be made to the Criminal Procedure Code and the Penal Code in order to transfer the powers of administrative governors under the Crime Prevention Law to the judiciary and the public prosecutors.

Centre calls for a better means to be found, within a national action plan, to protect women at risk without continuing to deprive them of their liberty, particularly in secure detention centres.

In 2012, the Centre received a number of complaints and reports relating to administrative detention, amounting to (56) complaints, and (44) complaints concerning the imposition of house arrest, noting that (3,471) persons were placed under house arrest in 2012, most of whom were administratively detained after serving their sentences. On the basis of the complaints received by the Centre during the years 2007–2012 and their analysis, it has become evident that there has been a clear expansion in the exercise by administrative governors of the powers conferred upon them under the provisions of the Crime Prevention Law of 1954.

Judicial Detention

With regard to judicial detention, the Centre notes an increase in the number of persons held in judicial detention²¹ in 2012 compared with the two previous years, as (25,211) persons were detained. Table No. (4) shows the numbers of persons held in judicial detention in 2012 compared with previous years, which prompted the relevant authorities to take a number of measures to curb the phenomenon of the rising numbers of judicial detainees, whose number during the five years from 2008 to 2012 exceeded the number of convicted persons for the same years. Notwithstanding the amendments made to the Criminal Procedure Code by Amending Law No. (19) of 2009 regarding the offences to which the penalty of detention applies and the conditions of detention, they have not led to a reduction in the number of judicial detainees. These amendments are based on a legal understanding that regards judicial detention, whether ordered by a judge or a public prosecutor, as a precautionary measure and not a penalty. The Centre calls for appropriate measures to be taken to achieve prompt justice, and for a study of the reasons for the failure to expedite the adjudication of cases brought before the judiciary in light of international standards and national laws, particularly given the continuation of detention for long periods that at times exceed the term of the penalty. Cases have been observed of persons detained for periods exceeding three years, after which the court ultimately rendered judgments either acquitting them or finding them not liable. It is well established that detention may not be a penalty, as that constitutes a clear breach of fair trial guarantees and of the right of the individual to be tried without undue delay.²² Without clear and reasonable controls and criteria for the use of detention at the investigation or trial stage, it will be impossible to apply judicial oversight of detention, which upsets the required balance between respect for individual liberty and the authority of the State to investigate, thereby undermining one of the characteristics of a legal order in which oversight of legal procedures in accordance with known and published criteria must be possible. In order to give effect to this right, procedures must be in place to ensure that proceedings at first instance and on appeal alike are conducted “without undue delay”; to curb the problems of service of notification between the courts and the Correction and Rehabilitation Centres; to establish a clear mechanism for ensuring that detention warrants are renewed within the statutory time limits

²¹ The direct and principal reason for the rise in the numbers of persons held in judicial detention is the expansive use of detention by public prosecutors, as detention orders are issued at the beginning of the investigation stages, or other reasons including the extreme slowness of trial proceedings and of the service of notification on witnesses, or the attendance of the accused, or the prolongation of trials as a result of lawyers’ requests.

²² Article (14) of the International Covenant on Civil and Political Rights.

and that renewal is not resorted to automatically; and to activate the mechanism for the inspection of Correction and Rehabilitation Centres by the judicial authority. Legislation must also be amended in order to provide for the right of every person who has been the victim of unlawful detention or arrest to obtain compensation, in accordance with the international instruments to which Jordan is committed.

Table No. (4): Number of Persons Held in Judicial Detention in the Years 2008/2012

2012	2011	2010	2009	2008
25,211	23,118	23,502	29,547	26,088

Correction and Rehabilitation Centres

In 2012, the Centre carried out (77) surprise and semi-surprise visits covering all Correction and Rehabilitation Centres (CRCs) in the Kingdom, in cooperation and coordination with the Grievances and Human Rights Office of the PSD. The number of inmates in CRCs in 2012 ranged between (7,500) and (8,500) inmates. This year witnessed a number of measures taken within the policy of developing these centres, the most prominent of which were: the closure of Salhoub CRC; the commencement of operations at new CRCs in (Irbid and Tafileh), which were built in accordance with international and national standards; the expansion of Karak CRC to resolve the problem of overcrowding; the adoption of criteria and a working mechanism for the transfer of inmates from one centre to another, taking into account the inmate's place of residence and the location of the court hearing the case; the preparation of Instructions on private visits, in addition to the opening of a number of visiting gardens in CRCs and the preparation of Instructions on garden visits (family visits); the opening of a dental clinic in every CRC; the provision of the necessary ambulances to all CRCs; the continued implementation of the “*Tahween*” programme²³ and the “*Tahyi 'a*” (Preparation) programme;²⁴ the launch of the “*Ihtimam*” (Care) initiative, which includes equipping a special wing for persons with disabilities; the formation of the first inmates' council, composed of (24) inmates elected to represent the inmates before the administration; the launch of the “*Musanada*” (Support) programme for persons convicted or detained three times in drug cases, with the aim of resolving the problems of this category and providing appropriate care for it; the launch of the “*Mazaya*” health wing initiative to give inmates the opportunity to choose a healthy lifestyle free of violence and disorder in a humane environment; and the training of CRC personnel in modern anger-management techniques and their involvement in workshops and seminars on combating torture and on the use of methods and practices consistent with international and national standards.

On the other hand, in 2012 the Centre observed the persistence of a number of problems that adversely affect the protection of inmates' rights to liberty and security of person, which were referred to in its previous reports, the most prominent of which are: (a) the failure to close Juweideh CRC/Men, given that it does not meet the minimum international standards for CRCs;

²³ The programme benefits convicted inmates and persons held in judicial detention for minor misdemeanours whose penalty does not exceed one year, and who have not previously entered Correction and Rehabilitation Centres.

²⁴ The programme benefits inmates sentenced to terms of eighteen months or more whose sentences are nearing completion; the programme aims to prepare them to overcome the difficult situation upon release and to adapt to the outside environment.

(b) the weakness and limited scope of the legal aid services provided to inmates, with the exception of Juweideh CRC/Women; (c) the weakness and ineffectiveness of the social care services provided to inmates and their families; (d) the limited scope of custodial, preventive and curative health care services, including psychological care and counselling services, and the failure of some physicians working in the hospitals to which inmates are referred to treat inmates well when providing them with the necessary medical services; (e) the continued suffering of inmates, when transferred to hospital on account of illness, as a result of the administrative procedures followed; (f) the continued suffering of inmates from the lack of access to drinking water, the inadequacy of the breakfast and dinner meals provided to them, the severe shortage of blankets and heating in winter in some CRCs, and the unavailability of hot water for bathing in winter; (g) the continued suffering of inmates from the problem of missing court hearings, either because of the late arrival of notification summonses or because they were not sent at the time those hearings were held, owing to the large number of inmates in the inmate transport bus, who have to be delivered to various courts and hospitals; (h) the persistence of overcrowding in some centres despite the construction of new centres, and the failure to adopt a studied criterion for determining the capacity of CRCs that takes into account the total area of the CRC, the area allocated to service facilities, and the sleeping space of each inmate, which has led to the spread of the phenomenon of “selling the right to use equipment” and “selling services”, and the spread of narcotic pills and violence among inmates; (i) the limited judicial oversight of CRCs; (j) the rise in the recidivism rate to (33%) among men and women, and the lack of precise statistics showing the types of offences, the age group, the geographical area and the reasons for reoffending; (k) the delay in transferring the supervision of CRCs from the Ministry of the Interior to the Ministry of Justice; (l) the transfer of inmates to centres far from their family’s place of residence on account of disciplinary violations committed inside the CRC; (m) the prevention of some lawyers from visiting their clients without stating the justifying reasons; and (n) the limited availability of recreational, cultural and sports programmes.

The Centre recorded the occurrence of (342) strikes in CRCs in 2012, compared with (276) strikes in 2011, (422) strikes in 2010 and (606) in 2009. These strikes were distributed among the CRCs as shown in Table No. (5). Although the frequency of those strikes decreased compared with the previous year, the continued occurrence of such cases is an indicator of the problems from which inmates still suffer. In 2012 the National Centre also recorded that detainees held on account of the sit-ins of the youth movement, or of those participating in such activities, and detainees held on account of their affiliation with extremist Islamist currents (the Jihadi Salafists and others), who are being tried before the State Security Court, resorted to hunger strikes to express their rejection of the charges brought against them, the refusal to release them on bail, or their detention for long periods without being brought before the court, and the delay in scheduling their trial hearings.

Table No. (5): Number of Strikes in Correction and Rehabilitation Centres during the Years 2009/2012

Correction and Rehabilitation Centre	2009	2010	2011	2012
Swaqa Centre	51	74	31	9
Juweideh Men’s Centre	114	82	13	12
Qafqafa Centre	80	24	20	Closed

Correction and Rehabilitation Centre	2009	2010	2011	2012
Birin Centre	51	47	10	Closed
Muwaqqar 1 Centre	73	23	27	68
Karak Centre	19	2	—	11
Ma'an Centre	82	21	17	25
Aqaba Centre	20	3	9	26
Balqa Centre	67	49	57	17
Umm Al-Lulu Centre	2	12	11	10
Juweideh Women's Centre	30	6	16	43
Muwaqqar 2 Centre	17	49	30	18
Rmeimin Centre	—	30	35	22
Irbid Centre (opened in 2012)	—	—	—	20
Zarqa Centre	—	—	—	61

The Centre also expresses its grave concern regarding the length of detention pending trial of detainees before the State Security Court on account of their alleged commission of terrorist acts or other criminal cases falling within the jurisdiction of the State Security Court. In 2012, the National Centre observed that a number of them were detained for long periods exceeding seven months without hearing dates being set for their trial, contrary to their right to be tried within a period of time that allows for the achievement of prompt justice, or to be released, since pre-trial detention (custody) should be an exceptional measure and its duration should be as short as possible. In 2012 the National Centre recorded that many detainees held in connection with those cases resorted to hunger strikes in protest at the length of their detention periods and their trial before the State Security Court.

Recommendations:

In light of this situation, the Centre reiterates the recommendations contained in its previous annual reports and calls upon the Government to take the following measures promptly:

- Repeal the Crime Prevention Law of 1954. Pending its repeal, the Centre stresses the necessity of respecting and abiding by judicial decisions and final judgments of acquittal or non-liability, and of observing the principle of the proportionality of the preventive measure and the criminal dangerousness when imposing house arrest. Administrative governors should also comply with the procedures that must be followed under Article (4) of the Crime Prevention Law when resorting to the issuance of an arrest warrant and hearing the statements of persons and then issuing administrative detention warrants; and the cover of the administrative governor should be lifted from the investigative procedures undertaken by the police to pursue perpetrators of offences, in a manner that ensures that persons are not kept in detention for questioning for long periods on the basis of detention warrants issued by administrative governors.
- Expedite the closure of Juweideh CRC owing to the deterioration of humanitarian conditions therein as a result of the age of the buildings and the deterioration of its infrastructure.

- Find solutions to the problem of overcrowding in CRCs, including the enactment of legislation on alternative non-custodial measures and the activation of the legislative provision on the suspension of the execution of sentences (Article 54 bis of the Penal Code).
- Upgrade places of detention in existing security centres in accordance with standards that ensure the provision of care and protection for detainees, in a manner consistent with the relevant international standards.
- Address the issue of judicial detention and the length of such detention before and during trial, and work towards developing legislation and judicial practices so as to expedite trial proceedings; curb the problems of service of notification between the courts and CRCs; establish a clear mechanism for ensuring that detention warrants are renewed within the statutory time limits and that renewal is not resorted to automatically; and activate the mechanism for the inspection of CRCs by the judicial authority.
- Take measures to separate detainees in pre-trial detention facilities from the investigators, so that they are not subject to the latter's supervision for longer than the time prescribed by law for obtaining judicial authorisation for pre-trial detention.
- Maintain accurate records in places of detention, including the recording of the time and place of arrest, the identity of the officials, the actual place of detention, the state of health of the person upon arrival at the detention centre, the time at which the family and lawyer were contacted, the time of visits to the detained person, and information on medical examinations upon arrival at the centre and upon transfer therefrom.

The Right to a Fair Trial

The Jordanian Constitution guarantees the independence of the judiciary, and the legislator reinforced this independence following the amendments made to the Constitution in 2011. International instruments likewise guarantee the right to a fair trial by an independent, fair, speedy and effective judiciary.

Among the principal developments that took place in 2012 were the promulgation of the Constitutional Court Law No. (15) of 2012²⁵ and the commencement by the Court of its review of the constitutionality of laws and regulations and its interpretation of the provisions of the Constitution. Under the constitutional amendments made to Article (128), Paragraph (2): "All laws, regulations and other legislative acts in force in the Hashemite Kingdom of Jordan upon the entry into force of this Constitution shall remain in force until repealed or amended by legislation issued thereunder, within a maximum period of three years." However, to date, no amendment has been issued to the Law on the Independence of the Judiciary No. (15) of 2001, and the draft Administrative Judiciary Law has not been approved by the Government so as to bring them into line with the constitutional amendments, despite the lapse of more than a year and a half since those amendments were issued. The Centre once again focuses on a set of principles that these

²⁵ Official Gazette Issue No. (5161), published on page (2519) on 7 June 2012. The Royal Decree appointing the President and members of the Constitutional Court was also issued and published on 16 October 2012 in Official Gazette Issue No. (5183).

laws must incorporate, namely: 1. explicitly providing for the financial and administrative independence of the Judicial Council; 2. activating the power of the Judicial Council to appoint judges without any interference from the executive authority; 3. amending Article (16) of the Law on the Independence of the Judiciary, which permits the termination of a judge's service or his referral to retirement without stating reasons, which constitutes an obstacle to the promotion of the principle of the personal and psychological independence of the judge;²⁶ 4. amending Article (41) of the Law on the Independence of the Judiciary, ending the subordination of the Judicial Inspection Department to the Ministry of Justice and defining its functions and powers, prohibiting the submission of reports concerning judges to the Minister of Justice, and ending the Ministry of Justice's retention of judges' files, given that supervision of the affairs of judges and the follow-up of their work is a judicial matter; 5. amending Article (14) of the Law on the Independence of the Judiciary, which permits the Minister of Justice to make recommendations on the appointment of judges; 6. introducing a provision permitting judges to establish a club or association for the conduct of their extracurricular or intellectual activities, and guaranteeing freedom of expression for judges in line with the eighth article of principles of the independence of the judiciary, which provide that: "Members of the judiciary are, like other citizens, entitled to freedom of expression, belief, association and assembly; provided, however, that in exercising such rights, judges shall always conduct themselves in such a manner as to preserve the dignity of their office and the impartiality and independence of the judiciary". 7. Reconsidering the Code of Judicial Conduct, which contains numerous restrictions on judges in the exercise of their ordinary daily activities or their presence in public places. 8. Ending the subordination of the judges' support staff, namely process servers, clerks, chief clerks, legal researchers and administrative supervisors of court facilities, to the Ministry of Justice and transferring it to the Judicial Council, so as to ensure effectiveness, speed, oversight and impartiality, without prejudice to the principle of the separation of powers. 9. Reconsidering all of the general requirements to be met by those assuming judicial office, in particular the Future Judges Programme, and reconsidering the provisions of Article 10 of the Law on the Independence of the Judiciary concerning the requirements to be met by a judge in terms of age, which stipulates that a judge shall be not less than twenty-five years of age, as well as the capacity of those appointed at this age to bear the burdens of judicial office. 10. Defining the mechanisms and procedures for secondment, promotion, transfer, upgrading, placement on leave pending retirement and participation in training courses in a manner that guarantees equality, fairness and capacity-building among all judges, since this was a reason for more than one hundred judges to address a written memorandum to the President of the Judicial Council demanding equality and equal opportunities on objective bases.

The Jordanian Constitution does not expressly provide for the guarantees of a fair trial, with the exception of the guarantee of the presumption of innocence, the public nature of court hearings, and the prohibition of trying any civilian in a criminal case except before civilian judges. Hence the importance of the Law on the Independence of the Judiciary providing for the remaining fair-trial guarantees, most notably: the non-retroactivity of laws; the prohibition of imprisonment merely on the ground of inability to fulfil a contractual obligation; the right to the assistance of counsel; prompt notification of the person of the charge against him or her; trial without undue

²⁶ Article (16) of the Law on the Independence of the Judiciary.

delay; the right to summon and examine witnesses; the assistance of an interpreter; obtaining a judgment as speedily as possible; and the prohibition of being punished twice for the same offence.

On the basis of the foregoing, the Annual Report on the Work of the Judiciary issued by the Judicial Council for 2011–2012 stated that there is a set of challenges facing the consolidation of the individual independence of the judge, namely: a. weak transparency, equal opportunities and equality with regard to the appointment, secondment and promotion of judges, and the interference of the Ministry of Justice therein, independently of the Judicial Council; b. the scarcity of legislation that enhances the standing of the judge in society, respect for his or her decisions, and protection from the influence exerted on him or her by governmental bodies, as well as social pressure from colleagues, relatives and friends; c. the broad powers of the Ministry of Justice, particularly in respect of its supervision of all courts in terms of infrastructure, equipment and logistical support, and the appointment of court support staff.²⁷

Cases received by the enforcement departments are trending towards a slow decrease, as the number of cases received fell from (70.9) thousand cases in 2010 to (68.4) thousand cases in 2011, a decrease rate of 3.6%, and the number is expected to fall to (65.9) thousand cases in 2012. This has prompted repeated demands for the amendment of the Enforcement Law No. (25) of 2007, as well as the amendment of numerous provisions that delay the adjudication of cases.

As regards the organisational situation of the enforcement departments, they have not received the necessary attention and care in terms of the shortage of space, the lack of administrative staff, financial allocations, and the number of enforcement judges.

Decided cases rose from (75.6) thousand cases in 2010 to (143.2) thousand cases in 2011, an increase estimated at about 92%, and the number is expected to rise to (275) thousand cases in 2012. Despite the rise in the rates of disposal of cases, a comparison of these rates with the number of cases received and carried over shows that a heavy burden falls on the judge,²⁸ as shown in Table No. (6).

Table No. (6): Indicators of the work of enforcement cases before the public prosecution departments of the courts of first instance for the years (2010/2011) and the expected figures for 2012

Years	2010	2011	2012
Number of judges	52	52	52
Cases carried over	168525	16003	89167
Cases received	70949	68365	65875
Cases decided	7581	143201	155042
Total cases carried over and received	239474	232368	155042
Cases decided to cases received	105.1%	209.5%	235.4%
Actual annual caseload per judge	605	4469	2982
Disposal (performance) rate per judge	1434	2754	2982

²⁷ Annual Report on the Work of the Judiciary for 2011, page (26).

²⁸ Annual Report on the Work of the Judiciary for 2011, page (59).

Years	2010	2011	2012
Cases decided / carried over and received	31.1%	61.6%	100%
Monthly caseload per judge	384	372	248

* The rate of decrease over the two years (2010 as the base year, and 2011) in cases received is about 3.6%, and that expected for 2012.

* The rate of increase over the two years (2010 as the base year, and 2011) in cases decided is about 92%, and that expected for 2012.

With regard to the constitutional amendment to Article (101, Paragraph 2) of the Jordanian Constitution, which provides that no civilian may be tried in criminal cases except before a court all of whose judges are civilians, with the exception of the crimes of high treason, espionage, terrorism, drug offences and currency counterfeiting, it must be noted that the State Security Court continues to exercise its jurisdiction to hear criminal cases in which the accused are civilians. In a notable decision issued by the Court of Cassation concerning the stock exchange (bourse) cases, the Court ruled that the bourse cases fall within the jurisdiction of the State Security Court, on the ground that the 2011 constitutional amendments did not divest the State Security Court of its jurisdiction to hear these crimes, but rather prohibited the trial of any civilian in a criminal case before a court whose judges are not all civilians. The decision held that, since the entry into force of the constitutional amendments last year, the State Security Court was required to hear this case before a panel composed of three civilian judges, and stated that the 2011 constitutional amendments did not divest the Court of its jurisdiction to hear these crimes, which fall within its jurisdiction set out in Article 3 of the State Security Court Law No. (17) of 1959. This decision of the Court of Cassation sparked wide controversy in legal circles regarding the content of the constitutional amendment. In another decision, the Court of Cassation held that jurisdiction over the two offences of inciting sectarian strife, contrary to the provisions of Article (150) of the Penal Code, and of lèse-majesté (insulting the King), contrary to Article (195) of the same Law, where committed through one of the visual or audio media, lies with the Court of First Instance and not with the State Security Court. This means that the State Security Court lacks jurisdiction to hear cases relating to the media where committed through one of these means.²⁹

Notwithstanding the developments referred to in the area of the administration of justice in 2012, the Centre observed a number of challenges impeding citizens' enjoyment of the right to the administration of justice, most notably: (a) the continued application of certain legislation containing provisions that derogate from human rights and conflict with the provisions of the Constitution and the general principles of the administration of justice, such as the Economic Crimes Law No. (11) of 1993, which grants the Prime Minister the power to refer any of the crimes provided for therein to the State Security Court; (b) the referral by some public prosecutors of cases to the courts despite the absence of any evidence linking the defendants to the crimes attributed to them, and their failure to apply Article (130) of the Criminal Procedure Code, which provides that: (If it becomes apparent to the Public Prosecutor that the act does not constitute an offence, or that no evidence has been established that the defendant is the person who committed the offence ... he shall decide, in the first and second cases, not to prosecute the defendant ...).

²⁹ Court of Cassation Decision (556/2012) issued on 13 May 2012.

The number of complaints received by the National Centre for Human Rights in 2012 reached (35) complaints, centring on prolonged detention, rejection of requests for release, prolonged litigation, and grievances against certain judicial procedures. Of these, (9) were closed with a satisfactory outcome, (6) were closed as falling outside the Centre's mandate, (2) were closed because no violation was established, and (18) remain under follow-up and investigation. Comparing the number of complaints received by the Centre with previous years, the Centre received (59) complaints in 2011 and (119) complaints in 2010, representing a decrease over the two years (2010 as the base year, and 2011) in cases received of about 10.23%.

As regards requests for assistance, the Centre received (4) requests for assistance in 2012, centring on the provision of legal aid and requests for general amnesty and special pardon. Of these, (2) were closed as falling outside the Centre's mandate, (1) was closed owing to the complainant's lack of cooperation, and (1) was closed with a satisfactory outcome. Comparing the number of requests for assistance received by the Centre with previous years, the Centre received (6) requests for assistance in 2011 and (12) requests for assistance in 2010, representing a decrease over the two years (2010 as the base year, and 2011) in requests for assistance received of about 11.1%.

On 13 March 2013, the Council of Ministers approved the draft Law Amending the Law on the Formation of Sharia Courts of 2012, in order to achieve the foundations of justice and equality between the Sharia judiciary and the regular judiciary, to ensure job and psychological stability for judges and personnel of the Sharia judicial system and Sharia court assistants, and to establish a social solidarity fund comprising two independent accounts, the first called the Sharia Judges' Account and the other the Sharia Court Assistants' Account. The resources of this fund shall consist of deductions from the revenues of the Chief Islamic Justice Department and a percentage of the gross monthly salary of judges and court assistants. The draft law regulates all matters relating to the fund and its two accounts and their management, as well as the heads of expenditure and the disbursement procedures for each of them. On 25 September 2012, Sharia court employees announced a strike in all Sharia courts in the Kingdom, and their demands included the non-application of the Law on the Formation of Sharia Courts insofar as it establishes a fund for these courts.

In this area, the challenges set out by the Centre in its previous reports remain unchanged, and nothing new arose in 2012. Given the importance of these challenges, the Centre reiterates the most significant of them: (a) the Sharia enforcement departments continue to suffer from overcrowding and low productivity, as well as the length of time needed by citizens to follow up enforcement cases and by women to obtain alimony cheques; (b) the failure to approve the draft offices of reconciliation and family conciliation and the alimony fund, despite their having been completed a long time ago; (c) the absence of a specialised judicial institute for the preparation and qualification of Sharia judges; (d) inadequate financial allocations for the Sharia judiciary, in addition to the low salaries of staff; (e) the lack of suitable buildings for the work of the courts, as most of them are rented and unsuitable for the work of the courts;³⁰ (f) the failure to issue the regulations and instructions necessary for the implementation of the Provisional Personal Status Law No. (36) of 2010.

³⁰ The number of rented court buildings reached (60) buildings, whereas the number of court-owned buildings is only (8).

As regards the ecclesiastical (church) judiciary, 2012 witnessed no notable development in addressing the obstacles it faces, on which the Centre has shed light in its previous annual reports.³¹

Recommendations

For the advancement of the judicial system and to enable it to perform the tasks entrusted to it, the Centre recommends the following:

- Expediting the enactment of a special law on the administrative judiciary that guarantees two-tier litigation and defines the decisions subject to administrative appeal.
- Amending the Law on the Independence of the Judiciary in line with the constitutional amendments, taking into account the principles that would strengthen the independence of the judiciary, and consistent with the constitutional amendments, by establishing an independent and effective Judicial Council capable of assuming all matters relating to judges.
- Expediting the construction of the High Judicial Palace, and completing the construction of courthouses (palaces of justice) in the governorates and districts and equipping them with infrastructure capable of accommodating the technological means necessary for judicial work.
- Removing all obstacles facing the religious courts (the Sharia and ecclesiastical judiciaries) in a manner that ensures the fulfilment of the international standards for fair trials.
- Enacting a law establishing a Sharia Lawyers' Association.
- Amending the Enforcement Law in a manner that guarantees citizens easy access to their rights and overcomes prolonged litigation, and taking administrative measures to prevent the persistent overcrowding in the enforcement departments.
- Reviewing and updating the standards relating to the affairs of judges, starting with appointment, training and qualification, through the standards for promotion, transfer and discipline, and ending with the standards for placement on leave pending retirement and for retirement.
- Modernising the infrastructure of the courts in terms of space and equipment.

³¹ These obstacles include: (a) the non-publication of the laws of certain ecclesiastical courts in the Official Gazette and their non-availability to the public, in addition to some of them not being in Arabic, which makes them difficult to access; (b) the absence of a fixed procedural law applicable to all cases, which causes instability for citizens; (c) high court fees before the ecclesiastical courts, the absence of a fixed system governing them, and their being subject to the discretion of the judge; (d) the existence of certain courts (of the second instance) outside Jordan, which undermines the independence of the Jordanian judiciary and prolongs the trial proceedings therein; (e) the failure of certain judges serving in the ecclesiastical judiciary to meet the legal requirements; (f) the length of trial proceedings, as the hearing of certain cases takes years before they are decided, which causes the gravest harm to litigants and results in the loss of their rights.

The Right to Nationality, Residence and Asylum

1. The Right to Nationality

The Nationality Law No. (6) of 1954 regulates the conditions for acquiring nationality and other matters relating to this right, in application of Article 5 of the Constitution, which provides that: “Jordanian nationality shall be determined by law”. Furthermore, the international human rights standards have affirmed the right of every person to a nationality as one of the rights expressing the legal personality of persons, and, according to these standards, they may not be arbitrarily deprived of this right.

There are two categories of Jordanians who argue that government policy on the granting and withdrawal of nationality prejudices their rights. These two categories are: Jordanian women married to non-Jordanians, and a number of Jordanians of Palestinian origin. The number of the first category in the period from 2008 to 2012 reached (13384) women according to data of the Chief Islamic Justice Department, whereas their total number according to women’s organisations as at 31/12/2012 reached approximately (60,000) women. The core of the problem lies in their inability to grant Jordanian nationality to their children from non-Jordanian husbands. Their demand of the committee charged with drafting the constitutional amendments in 2011 was the addition of the word “sex” to Article 6 of the Constitution, in order to address what they consider a situation of discrimination against women. In response, however, it was said that the courts have interpreted the term “Jordanians” contained in the aforementioned Article as meaning both men and women. It was also said that children follow the nationality of their fathers, and that there is an Arab agreement within the framework of the League of Arab States prohibiting the holding of two Arab nationalities at the same time.

2012 witnessed no legislative developments in the legal framework relating to the right to nationality. The situation remained unchanged, which led to the continued occurrence of the violations to which the Centre had referred in its previous reports, the most significant of which we summarise again as follows:

- The persistence of the Government’s position that discriminates between Jordanian men and women in the transmission of nationality to their children, on the basis of Article (3/3) of the Nationality Law, notwithstanding that Article (9) of the same Law affirms that (the children of a Jordanian man are Jordanians wherever they are born), and notwithstanding the Government’s affirmation that “the word Jordanian” includes both male and female. In practice, however, the Government pursues a policy of facilitation for the husband and children of a Jordanian woman with regard to residence in Jordan, without codifying this in the Residence Law. Moreover, the husbands of Jordanian women and the wives of Jordanian men are exempted, as a result of this policy, from residence fines.
- As regards a number of Jordanians of Palestinian origin, within the framework of the withdrawal and restoration of national numbers on the basis of the Instructions on the Decision on Administrative and Legal Disengagement from the West Bank of 1988, the Centre received in 2012 a total of (12) complaints relating to the withdrawal of national numbers, one of which was closed with a satisfactory outcome consisting of the restoration of nationality, while (8) complaints remain under follow-up with the Ministry of Interior,

and (3) complaints were closed owing to the absence of an established violation and the complainant's lack of cooperation. By comparison, the number of complaints received by the Centre concerning violations of this right in 2012 is much lower than that received in 2011, when these complaints reached (52) complaints in the past year.

- On the other hand, there are certain logistical obstacles facing aggrieved persons when dealing with the Directorate of Nationality and Arab and Foreign Affairs, including: the lack of published information facilitating procedures for service recipients, and the heavy workload of that Directorate, particularly during the summer season, as it receives from (3000 to 5000) visitors daily, compared with (1500 to 2000) visitors in the winter season, while the number of staff providing this service remains the same, namely (150) employees, a large proportion of whom are seconded from other ministries.

On another note, nothing new has arisen regarding the issue of a not insignificant number of persons residing in population clusters in the town of Al-Ruwaished and certain other villages of the Eastern and Western Badia districts who wish to obtain Jordanian nationality. The Government formed a special committee chaired by the Director of Nationality at the Ministry of Interior to follow up this issue; although this committee received applications for the examination of the situation of these persons who hold no documents in the areas of the Northern Badia with a view to granting them nationality, nationality has not been granted to any of them, and the work of the committee formed to examine these applications was recently suspended.

2. The Right to Freedom of Movement and Residence

The right to freedom of movement is a fundamental condition for respect for human rights. This right is regulated by the Residence and Foreigners' Affairs Law No. (24) of 1973, on the basis of Article (9) of the Jordanian Constitution, which was amended in 2011 to read as follows: "1. No Jordanian may be deported from the territory of the Kingdom. 2. No Jordanian may be prohibited from residing in any place, or prevented from moving, or compelled to reside in a specified place, except in the circumstances prescribed by law".

In 2012, as a result of Parliament's rejection of Provisional Laws No. (5) of 2003 "Passports Law" and No. (42) of 2003 "Law Amending the Passports Law", the requirement of the husband's consent for the wife to obtain her own passport was reinstated, since the Passports Law currently in force, No. (2) of 1969, provides in Article (12) thereof that: "A separate ordinary passport may be issued to a wife or to minor children upon the written consent of the husband or guardian". The Civil Status and Passports Department adopts a general policy based on facilitation and understanding in order to avoid the effects of this provision, by not requiring the presence of the husband and accepting the submission of his written consent.

Furthermore, in 2012 the Centre received (41) complaints relating to the right to freedom of movement and residence. Of these, (8) complaints were closed with a satisfactory outcome, while (5) complaints were closed, some owing to the absence of an established violation and others owing to the complainant's lack of cooperation or lack of jurisdiction. (28) complaints remain under follow-up with the relevant authorities and centre on: (a) refusal to grant entry or transit permits to the husbands and children of Jordanian women, particularly those coming from Syria as a result of the difficult humanitarian situation there, since they do not hold Jordanian

nationality; (b) the retention of foreigners' passports by employers, contrary to the Passports Law No. (2) of 1969, which restricts their freedom of movement, after the Centre established that they had retained such passports; (c) the issuance of deportation decisions against foreigners married to Jordanian women; (d) the continued deportation of foreigners pursuant to the provisions of the Residence and Foreigners' Law No. (24) of 1973 without affording them the guarantees set out in Article (13) of the International Covenant on Civil and Political Rights, which provides that an alien lawfully residing may be expelled only in pursuance of a decision reached in accordance with law, and after being allowed to submit the reasons against his or her expulsion and to have his or her case reviewed by the competent authority or by a person or persons especially designated by that authority, and to be represented for that purpose before such authority or persons.

3. The Right to Asylum

Syrian Refugees

2012 witnessed an influx of large numbers of Syrian refugees into the Kingdom. Although Jordan has not ratified the 1951 United Nations Convention relating to the Status of Refugees or the 1967 Protocol thereto, the Jordanian Government has dealt well with these refugees in many respects. Nevertheless, following dozens of visits carried out by teams formed to monitor the extent to which Syrian refugees enjoy the rights granted and recognised to them under international standards, the Centre observed the following:

1. The number of Syrian refugees who entered the Kingdom since the beginning of the crisis, whether legally or through "the border fence", reached, as at 31/12/2012, (285073) (two hundred and eighty-five thousand and seventy-three male and female refugees).³²
2. Al-Zaatari Refugee Camp was opened on 29/7/2012, and the number of its residents as at 31/12/2012 reached (56838) (fifty-six thousand eight hundred and thirty-eight male and female refugees).³³
3. In 2012, a new camp was prepared in the Mrageeb Al-Fhood area³⁴ to accommodate the growing numbers of refugees, and another camp was prepared in the Western Mukhaizen area.
4. Since 2011, the Ministry of Education has issued a decision to admit Syrian students to Jordanian schools, and it facilitated the opening of schools in Al-Zaatari Camp in 2012 with the support of certain sister Arab States.

As a result of repeated visits by the Centre's team to the Syrian refugee camps and the places where refugees are present in various cities, the team observed the following negative aspects:

³² The number of Syrian refugees in the Kingdom since the beginning of the crisis in Syria up to the beginning of April 2013 reached (475844) refugees, noting that there were about (600000) Syrians in Jordan before the events there (according to the Rapporteur of the Higher Steering Committee for the Management of the Affairs of Syrians Residing in the Territory of the Kingdom).

³³ The camp received more than (165000) refugees up to the beginning of April 2013 (according to the above source).

³⁴ This camp was opened on 10/4/2013 to receive special cases of children and widowed women.

a. The unsuitability of Al-Zaatari Camp for habitation owing to the dust and soil that accumulate and are blown about, causing them many illnesses, particularly before most of its streets were paved. It is worth noting that the weather in the north-eastern region of Jordan, where the camp is located, is extremely hot in summer and extremely cold in winter. This is in addition to the unsuitability of the camp (Al-Bashabsheh housing in Al-Ramtha) for housing refugees, owing to its inability to absorb more refugees, whose number has exceeded its capacity, which constituted a violation of numerous rights of its residents.

b. The unsuitability of the tents allocated for housing, the poor condition and lack of cleanliness of the toilets, and the failure to pave all the streets in Al-Zaatari Camp, particularly at the beginning of residence therein; these shortcomings were subsequently addressed, in particular through the provision of caravans for residence and public services.

c. The difficulty of accommodating the large numbers of refugees in Al-Zaatari Camp and Al-Bashabsheh housing, and the strictness in granting sponsorships (bail-outs) and restricting them to difficult humanitarian cases. In 2012, (14377) (fourteen thousand three hundred and seventy-seven) male and female refugees were sponsored for the purpose of leaving the camp, whereas the sponsorship of (38676) (thirty-eight thousand six hundred and seventy-six) male and female refugees was refused because they did not meet the sponsorship requirements.

d. The failure to guarantee the right to freedom of movement for refugees who had worked in the Syrian security and military services.

The Centre addressed all the relevant authorities (the Prime Ministry, the Ministry of Interior and the United Nations High Commissioner for Refugees) to exert further efforts to provide the best service to Syrian refugees.

Iraqi Refugees

2012 witnessed the voluntary return of large numbers of Iraqi refugees to their country as a result of the improvement in the security situation there, which led to a decrease in their numbers in Jordan. As a result, the number of applications for resettlement in a third country, undertaken by the United Nations High Commissioner for Refugees (UNHCR), decreased, as shown in Table No. (7). It is worth noting that, according to UNHCR, (3351) Iraqi refugees were resettled in 2012 out of the total number of asylum seekers among the refugees whose applications had been accepted since previous years and up to 2012.

Table No. (7): Comparison of resettlement applications submitted for Iraqi refugees

Year	2009	2010	2011	2012
Resettlement applications	8529	5057	3298	1661
Actual approvals	4852	3350	995	199
Percentage	56.9%	66.2%	30.1%	11.9%

Palestinian Refugees

With regard to Palestinian refugees, mid-2012 witnessed the disruption of all service facilities provided by the United Nations Relief and Works Agency for Palestine Refugees (UNRWA) in all Palestinian camps in the Kingdom, as a result of its employees launching a general strike owing

to the failure of the Agency's administration in Jordan to respond to demands relating to the improvement of employees' living conditions. The Jordanian Government expressed its rejection of any reduction or decline in the level of services to refugee groups under the pretext of a budget deficit. The Centre calls upon the Jordanian Government to intensify its efforts in this area in order to affirm the commitment of the international community to the question of Palestinian refugees pending its resolution in accordance with the relevant United Nations resolutions.

Recommendations

In order to guarantee the effective enjoyment of the rights to nationality, residence, freedom of movement and asylum, and in light of the observations it has made, the Centre reaffirms the following recommendations, which it has previously made in its prior reports:

- Giving effect to Article (5) of the Constitution, such that nationality is neither granted to nor withdrawn from any person except in accordance with the provisions of the law, and that nationality and other identity documents are not withdrawn except pursuant to a judicial decision and on condition that fair-trial guarantees are met.
- Forming an impartial committee to examine complaints submitted by citizens concerning the withdrawal of their national numbers, and restoring them to those from whom they were withdrawn unlawfully, and activating the special committee formed to examine naturalisation applications submitted by the people of the Northern Badia.
- Amending Article (37) of the Residence and Foreigners' Affairs Law, which grants administrative governors and other executive officials the power to issue deportation decisions against foreigners, and confining the power of deportation to the judiciary alone.
- Taking immediate and urgent measures to ensure that the husband of a Jordanian woman and the wife of a Jordanian man are not deported by administrative decisions, so as to guarantee the stability of family and living conditions.
- Reconsidering the Passports Law and introducing amendments thereto in a manner that ensures the consistency of its provisions with the principle of non-discrimination and equality among all Jordanians, whether male or female.
- Harmonising national legislation and the asylum mechanism with international standards, considering ratification of the 1951 Geneva Convention relating to the Status of Refugees and the supplementary 1967 Geneva Protocol, and establishing a national asylum mechanism in the Kingdom consistent with international human rights standards, including the enactment of a special law on asylum.
- Achieving better management of the services provided to Syrian refugees, and intensifying assistance and protection efforts for them in order to address any attempts to exploit them, particularly the most vulnerable and needy groups among them, and urging the international community to assume its responsibilities in this regard.

The Right to Vote and to Stand for Election

Parliamentary elections are among the most important legitimate means for the free expression of the sovereignty of the people. In view of this importance, international instruments, foremost

among them the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Arab Charter on Human Rights, have provided for the right of the citizen to vote and to be elected in periodic, democratic and fair elections. The Jordanian Constitution likewise guarantees this right to citizens.

The year 2012 witnessed the promulgation of Election Law No. (25) of 2012, after the House of Representatives passed it at its session held on 19/6/2012 by a majority of (57) deputies out of the (72) deputies who attended the session at which the draft law was adopted. The National Centre had followed with great interest the atmosphere that preceded the promulgation of the Election Law of 2012 and the dialogues conducted by civil society institutions and political parties, as well as the viewpoint of the Government that submitted this law. This is the first time since 1986 that parliamentary elections have been held under an election law enacted by the legislative authority, as all parliamentary elections before the adoption of this law had been held under temporary laws issued by the executive authority.

Upon reviewing the provisions of this law, it is found to contain many new provisions, the most important of which are the following:

- a. Replacing the single-vote system that had been adopted in the previous parliamentary elections of 2010 with a mixed electoral system. Under this law, the voter has two votes: one vote by which he chooses his candidate for the local electoral district, and another vote, newly introduced in the new law, through which voting takes place for a closed proportional national list to which (17) seats were initially allocated (this was amended at the first extraordinary sessions of the House of Representatives on 8/7/2012 under the Law Amending the Election Law No. (28) of 2012, raising the number to (27) seats). Nevertheless, the law still adopts voting for a single candidate in the local electoral district, despite the variation in the number of seats allocated to each electoral district in the Kingdom, which ranges between one seat and five seats; this is what has been known as the (single-vote system) since the 1993 elections.
- b. Providing for the division of electoral districts under the law itself, rather than under a regulation issued for this purpose as was the case under the previous law. The new law retained the number of electoral districts at (45) electoral districts, but raised the number of their representatives in the House to (108) deputies, to whom a women's quota of (15) deputies is added, together with a nationwide general district comprising (27) seats, so that the number of members of the House of Representatives becomes (150) deputies instead of (120) deputies.
- c. This law granted the voter the right to cast his vote at any polling centre, and the counting takes place in his local electoral district, as well as the counting of votes and the announcement of the result at each polling centre.
- d. In order to prevent influence on, or manipulation of, the will of the voters,³⁵ the law provided for numerous offences and the penalties prescribed therefor.

³⁵ Article (61) of the Jordanian Election Law No. (25) of 2012, as amended, provides that "Any person who commits any of the following acts shall be punished by imprisonment for a period of not less than six months and not more than two years, or by a fine of not less than five hundred dinars and not more than one thousand dinars, or by both such penalties: a. keeps an identity card or an election card belonging to another person without right, or seizes, conceals or destroys it; b.

e. The law also imposed, in its Article (63), severe penalties for the use of political money.

However, the adoption of the law in its current form, and its retention of the single-vote system for the local district while adding another vote for the nationwide proportional list, deepened the dispute between the political forces and the Government, and forfeited the opportunity to reach a national consensus on the form of the electoral system. This was reflected in a widespread boycott of the voter registration process and in the continuation of political activity through marches, meetings and seminars opposing, and casting doubt on, the reform process. Following the promulgation of the law, many political, professional and popular forces declared their dissatisfaction with some of its provisions and their rejection thereof. They also rejected the amendment to the Election Law adopted by Parliament (the House of Representatives and the Senate), which increased the number of proportional list seats by (10) seats to become (27) seats instead of (17) seats. They emphasised their position rejecting the Election Law and demanded that the number of national list seats be raised to (40) seats, and that the voter be granted three votes instead of two: one vote for his local electoral district, one vote for the governorate and another for the national list.³⁶ As a result of the Government's rejection of these popular demands, many political forces and parties decided to boycott the parliamentary elections. After the Jordanian Government took a decision on 14/11/2012 to raise fuel prices, the Jordanian arena witnessed numerous protests and sit-ins, accompanied by the burning of election cards in protest against this decision, and calls to boycott the elections intensified once again.

The year 2012 also witnessed the issuance of the Royal Decree dissolving the Sixteenth Jordanian House of Representatives on 4/10/2012 and calling for early parliamentary elections. The decision to dissolve the House before the completion of its constitutional term of four years had been anticipated by the political, partisan and popular forces, which had repeatedly expressed their dissatisfaction with it owing to the numerous irregularities that accompanied the general elections that brought the House into being, as well as with its performance, which apparently did not convince various segments of citizens, who expressed this by various means during the first two years of its term and demanded its dissolution. The House had been subjected to severe criticism since the beginning of its work in November 2010, particularly after it granted confidence to one of the governments on 23/12/2010 by a majority of (111) votes against only (9) votes of deputies who withheld confidence from it, which reinforced criticism of the House's performance. Criticism of the House then continued as a result of the manner in which it dealt with the

impersonates another person or uses his name with the intent to vote in the election; c. exercises his right to vote more than once; d. claims inability to write when he is not so; e. tampers with any ballot box, the electoral rolls or the papers prepared for voting, or steals any of these rolls or papers, or destroys them or does not place them in the box, or carries out any act with the intent of undermining the integrity and secrecy of the election procedures; f. enters the polling and counting centre with the intent of buying votes, influencing or delaying the electoral process, or with the intent of harming any of the officials responsible for conducting it.”

³⁶ The adoption of the closed-list electoral system gave rise to extensive debate in political and legal circles, as, in the view of some, it conflicts with the right to direct election provided for in the Constitution. This prompted the Government to refer two questions to the High Council for the Interpretation of the Constitution, requesting it to clarify whether election by the list system, including the closed list, constitutes direct election in accordance with the provisions of Paragraph (1) of Article 67 of the Constitution. The High Council for the Interpretation of the Constitution replied that election by the list system, including the closed list, constitutes direct election consistent with the provisions of Paragraph (1) of Article (67) of the Constitution. The Council also replied, in its opinion dated 29/5/2012, that the formation of lists, whether partisan, non-partisan or mixed, is constitutionally permissible.

corruption files, for which the House formed many committees only to subsequently dissolve most of them and close most of these files, particularly those of great sensitivity to public opinion. In addition, the House adopted certain laws, such as the Law Amending the Press and Publications Law, the Law Amending the Owners and Tenants Law, and the Law Amending the Social Security Law, which did not enjoy the support of political, partisan, media and labour forces, prompting them to stage numerous sit-ins in 2012 in front of the gate of the House to express their rejection of these amendments. Despite the short term of the House, it was one of the most prolific Houses in adopting laws relative to its parliamentary lifespan,³⁷ in addition to its adoption of the constitutional amendments drafted by the Royal Committee established for that purpose. Over the past two years, it also granted confidence to (4) successive governments that sought its confidence, and did not withhold confidence from any government or minister.

In 2012, the Independent Election Commission Law No. (11) of 2012 was adopted. The establishment of the Commission was provided for for the first time in the Kingdom under the second paragraph of Article (67) of the Jordanian Constitution as amended in 2011, and it commenced its work on 9/5/2012. It has been entrusted with the power to supervise and administer the electoral process at all its stages, and to supervise any other elections decided upon by the Council of Ministers. This is the first time in the history of Jordanian parliamentary elections that an independent body has undertaken the task of supervising and administering the electoral process. It should be noted here that the National Centre for Human Rights had recommended, in its previous reports on the state of human rights in the Kingdom and in its reports of 2007 and 2010 on the conduct of the electoral process, that such an independent national commission be established to administer the electoral process. Following the issuance of the Royal Decree calling for parliamentary elections, the Independent Election Commission set 23/1/2013 as polling day. Prior to that, the Independent Election Commission had opened registration for obtaining election cards on 7/8/2012, after taking the decisions and measures necessary to enable it to perform its functions, and determining the form and specifications of the election card. The Commission addressed a question to the Bureau for the Interpretation of Laws regarding the possibility of designating a specific polling centre and ballot box for the voter to cast his vote, and the Bureau replied that this was permissible and that this measure did not contravene the law. In order to facilitate the registration process for voters, the Independent Election Commission opened approximately (80) registration centres in the offices of the Civil Status Department in all governorates of the Kingdom and (105) centres for receiving applications for the issuance of election cards, in addition to the operation by the Civil Status Department of a number of buses to villages and population clusters remote from governorate centres to collect applications for the issuance of election cards. It also sent its representatives to some universities, institutions and departments to receive registration applications from employees; however, this measure was met with objection as a result of information circulated indicating that some administrations had

³⁷ During the first ordinary session of the House, the deputies addressed approximately (473) questions to the Government and submitted (105) memoranda, and the number of interpellations submitted by the deputies reached (3). They also submitted (11) law proposals. During the first extraordinary session, the House submitted (181) questions to the Government, and the constitutional amendments were adopted. During the second ordinary session, the deputies addressed (252) questions to the Government, (8) interpellations and (154) parliamentary memoranda.

exerted pressure on their employees to push them into registering, which constitutes interference with the free will of the voter.

In view of the weak turnout for registration for the elections, the Independent Election Commission extended the registration period twice in succession, bringing the total registration period to (65) days. Although the Commission's Law permits it to do so, some political forces and observers linked this decision to the desire to raise the proportion of registered voters, whose number, after the end of the first extension of the registration period on 3/9/2012, did not exceed one million (878) thousand and (944) male and female voters. Some of them therefore considered that the Independent Election Commission's resort to means of encouragement and urging registration for the elections and collection of election cards, and its use of all means of publicity to urge citizens to take the initiative and register for the elections, were among the reasons that contributed to the final number of registered voters, after the end of the second extension period on 15/10/2012, reaching a total of (2272182) voters, of whom (1178864) were female and (1093318) were male. Accordingly, the proportion of those registered for the 2013 parliamentary elections is 63.7% of those entitled to vote according to the records of the Civil Status Department in all governorates of the Kingdom, whose number, according to the latest statistics, is (3.5) million female and male voters. After the end of the period for objections to the lists of registered voters, the proportion of objections accepted against the preliminary voter rolls, after the expiry of the period for deciding thereon, reached 16%, while the proportion of rejected objections reached 84%, out of (24116) objections submitted by citizens throughout the Kingdom.

On 22/12/2012, candidate nomination for the parliamentary elections was opened. The candidates for the parliamentary elections to the Seventeenth House recorded the largest number of candidates in the history of Jordan, as (1528) male and female candidates submitted nomination applications, including (203) women. The number of candidates for the general electoral district reached (829) male and female candidates, who applied through (61) lists, compared to (699) male and female candidates at the level of the local districts. Upon examining the structure of the national lists, it is found that (15) of them did not include any female candidates. Moreover, the number of candidates legally permitted was completed in only one national list, which nominated (27) candidates to contest the parliamentary elections, while (15) lists decided to contest them with the minimum number of list candidates set by the Commission, namely (9) candidates. With the end of the period for receiving withdrawal applications from candidates for the parliamentary elections, their final number for the local districts became (606) candidates, including (105) women, after the withdrawal of (93) candidates, including (10) women, while the final number of candidates for the general district became (819) candidates, including (86) women, after the withdrawal of (10) candidates. Accordingly, the total number of candidates for the parliamentary elections is (1425) male and female candidates. Within the framework of the efforts of the Independent Election Commission and the competent authorities to combat any influence exercised by candidates or their supporters on the will of voters, whether by offering them cash or in-kind items, making promises of benefits after the elections in return for voting for them, or holding their election cards, a number of candidates and their supporters were referred to the judiciary, the necessary legal measures were taken against them, 4 candidates were detained in Correction and Rehabilitation Centres pending investigation, and a fifth candidate was prosecuted for offences relating to the use of money and influencing the will of the voters.

In order to monitor the parliamentary elections held on 23/1/2013, the National Centre for Human Rights built a national coalition in cooperation with civil society institutions numbering (50) institutions to monitor the electoral process. A team of coordinators for the governorates and electoral districts was formed, comprising (60) coordinators, in addition to the training of (1200) observers to follow up and monitor all election procedures and the stages of the parliamentary elections on polling day. The team issued numerous statements and observations on the procedures of the voter registration process, the announcement of the voter lists and the challenges thereto, nomination, electoral campaigning, the designation of polling centres and the arrangements made by the Independent Election Commission, and the process of voting, counting and announcement of the results, together with the events and decisions that accompanied them.³⁸ The Centre also issued its preliminary report on monitoring the conduct of the electoral process and the findings resulting from the monitoring process.³⁹

Municipal Elections

In 2012, the municipal elections that had been scheduled to be held on 15/9/2012 were postponed to March 2013. On 4/12/2012, the Council of Ministers took a decision to postpone the municipal elections throughout the Kingdom for a period of (6) months as of 14/3/2013,⁴⁰ on the basis of the text of Article Four of the Municipalities Law, which granted the Council of Ministers the power to postpone elections if the requirements of the public interest and the integrity of the election so require. The Special Bureau for the Interpretation of Laws had issued Interpretative Decision No. (9) of 2012, published in the Official Gazette on 14/11/2012, which authorised the Government to take this measure, noting that the Government had requested, for the second time during the year, a legal opinion from the Special Bureau for the Interpretation of Laws on the legality of postponing the holding of the 2012 municipal elections, and the Council ruled that it was permissible to postpone such elections, relying on the same text (Article 4 of the Municipalities Law). This direction was reinforced by the impossibility of holding the municipal elections concurrently with the parliamentary elections that were scheduled to be held at the beginning of 2013. The decision issued in 2011, under which approximately (130) municipalities were created without demarcating their boundaries,⁴¹ bringing the number of municipalities to (230), also played a role in this postponement.

³⁸ For more information on these statements and the observations they contained, see the website of the National Centre for Human Rights at the following link: www.nchr.org.jo.

³⁹ Please refer to the report of the National Centre on the conduct of the 2013 electoral process on the website of the National Centre for Human Rights.

⁴⁰ The Council of Ministers decided to hold the municipal elections on 27/8/2013. It also assigned the Independent Election Commission to supervise them, and the Ministry of Municipal Affairs commenced taking the legal measures for holding the elections on that date. The Independent Election Commission announced that its work would be limited to supervising and overseeing the package of executive measures taken by the Ministry of Municipal Affairs, as the authority that implements the provisions of the law and fully administers the electoral process.

⁴¹ In its report for 2011, the National Centre for Human Rights called for the following to be observed when creating municipalities: analysing the impact of these amendments on the economic sustainability of the municipality; ensuring that these amendments have a positive impact on the exercise of municipal competences; observing the fair distribution of property, rights, procedures, debts and obligations when the separation of municipalities is decided; observing the fair distribution of the staff of the existing municipalities and the new municipality in a manner that serves the citizen; and clarifying the boundaries of the new municipalities and determining the number of their inhabitants clearly and accurately.

Recommendations

With a view to strengthening the right of individuals to free and fair elections, the Centre makes the following recommendations:

First: Recommendations Relating to the Parliamentary Elections Law

- Amending the Election Law in a manner that strengthens the democratic orientation, political pluralism, popular participation and fairness of parliamentary representation in accordance with the Constitution and consistent with the relevant international standards.
- The need for clarity in the bases for the division of electoral districts.
- The need to include in the Election Law provisions ensuring the follow-up and prosecution of the perpetrators of electoral offences, by giving the punishment of electoral offences the character of urgency and having a specialised court decide on these offences and punish their perpetrators before polling day.
- The need to include in the law a requirement that the authorities preparing the voter rolls abide by the international standards followed in this field, that the voter rolls be updated in accordance with the law and in coordination with the Commission, that all information relating to the voter be known correctly, soundly, clearly and transparently, and that it be organised accurately so as to facilitate reference to it by the citizen or any interested party in due time.
- The need for the law to specify the threshold percentage that qualifies a list to compete in the allocation of seats.
- The existence of provisions that assist the Commission in setting appropriate financial ceilings for spending on election campaigns, regulating the use of money in the electoral process and establishing the necessary legal controls so as to guarantee the principle of equal opportunity among candidates and non-interference with the will of the voters, ensuring the transparency of information relating to sources of funding, setting their ceilings and the manner of their expenditure, and the cessation of electoral campaigns and publicity and the removal of their manifestations (48) hours before polling time, on pain of criminal liability.
- Providing an appropriate environment for polling-day procedures, starting with the provision of polling locations that ensure that voters can cast their votes with ease and that guarantee their right to the secrecy of the ballot, with emphasis on adapting these conditions for persons with disabilities by improving the environment of the polling and counting room, and enabling candidates' agents to fully and accurately monitor the polling procedures from the moment the voter enters until the completion of the counting and tabulation of votes.
- Developing the mechanism for tabulating the votes obtained by each candidate and calculating them in a manner that ensures accuracy and speed and enables candidates' agents and local and international observers to follow it.

Second: Recommendations Relating to the Municipal Elections

- Abolishing the permissibility of dissolving municipal councils three months before the election date, and reinstating the provision as it stood in 1952, so as to require anyone wishing to stand as a candidate in the upcoming elections to resign three months before the election date.
- Abolishing the permissibility of postponing the election without a convincing justification or force majeure.
- Abolishing the provision that deprives the inhabitants of the Capital, Aqaba and Petra of electing their local councils, particularly as the inhabitants of these regions are Jordanians and are entitled to manage their affairs through a municipal council elected by them, on an equal footing with the other municipalities, and in a manner consistent with the text of Article Six of the Jordanian Constitution (Jordanians shall be equal before the law).
- Amending the law to include objective rules ensuring that the Council of Ministers does not expand its exercise of its right to dissolve local councils, and providing that elections be held within three months of the date of dissolution of the municipal councils rather than within a period of one year.
- Entrusting the administration and supervision of the electoral process for municipal councils to the Independent Election Commission, as is the case with parliamentary elections.
- Establishing clear mechanisms for the merger and separation of municipalities on the basis of the national interest, and adopting objective criteria for the creation of new municipalities in order to preserve their sustainability and their capacity to deliver services to the citizen, while taking into account the preservation of a broad base of participation and the achievement of sustainable development.

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

The Constitution, in Article (15) thereof, guarantees freedom of opinion and expression and freedom of the press and the media. International instruments likewise guarantee freedom of opinion, expression and the media as a fundamental condition for achieving the principles of transparency and accountability. This is because the protection of this right is among the most important enablers of the protection of human rights, the combating of corruption, and contributing to the advancement of society economically, politically, socially and culturally. The International Covenant on Civil and Political Rights contains an explicit provision⁴² on the right to freedom of opinion and expression, freedom of the press and the media, and the circulation of information. The State, through its various authorities and pursuant to its international and constitutional obligations, is bound to respect this right by refraining from carrying out acts that infringe upon it, in addition to protecting it from violations committed against it, and taking the legislative and administrative measures that guarantee its realisation on the ground, and guaranteeing the freedom to seek, receive and impart information without interference.

⁴² Article (19) of the International Covenant on Civil and Political Rights.

The year 2012 witnessed the adoption of the Law Amending the Press and Publications Law No. (32) of 2012. This law contained certain positive aspects that strengthen the protection of the right to freedom of opinion and expression, including: (a) designating a judicial chamber at the Court of First Instance and the Court of Appeal to hear press and publications cases, reducing by half the periods for the submission and exchange of pleadings before the Court of First Instance, and also reducing by half the periods for appeals and for the submission and exchange of pleadings before the Courts of Appeal and the Court of Cassation; (b) requiring the court to decide cases relating to press and publications within four months from the date of their receipt by the court registry; (c) removing the jurisdiction of the State Security Court and the Magistrates' Courts to hear publication offences committed through the media, by providing for the establishment of specialised judicial chambers, and providing that the judge of the Amman Court of First Instance shall have jurisdiction to hear offences against the internal and external security of the State provided for in the Penal Code in force if committed by means of publications or licensed audio-visual media.

However, the law included certain provisions that infringe upon freedom of opinion and expression, restrict journalistic work and contravene global trends relating to Internet freedom. The explanatory memorandum for the adoption of this part of the legal amendment stated the following: "In view of the need to regulate the practice by electronic websites of their work, and to oblige those concerned with the internal and external affairs of the Kingdom to register and be licensed like any other press publication in accordance with the provisions of the law, and to subject them to the provisions and sanctions to which any press publication is subject, without imposing any additional restriction or sanction on them". This amendment also provided for the mandatory registration and licensing of electronic publications with the Press and Publications Department, whereas previously only voluntary registration with this Department had been required. This gave rise to many objections from those working in the electronic press sector, as well as from the Jordan Press Association, in addition to objections from active civil society institutions.

There are other contentious points in this law; however, the principal point of contention revolves around the manner of regulating the affairs of electronic media. Whereas in democratic States the regulation of these affairs is undertaken by those working in the sector, and it suffices to deposit the website address with a technical body whose task is limited to verifying that the website address is not duplicated, without interfering in any other matter relating to the website, leaving it to the judiciary to decide on any action brought against the website whose address is known by persons and entities harmed, in the event that harm is caused to them, particularly with regard to the protection of human dignity, the Press and Publications Law imposes registration and licensing of these websites by the Press and Publications Department, as mentioned above. It is worth noting in this context that most States refer to the judiciary electronic websites that broadcast material contrary to public morals, that undermine national security, that tamper with financial and economic transactions, or that hack websites.

Jordan had previously issued the Information Systems Crimes Law of 2010, the provisions of which are consistent with the approach taken by most of these States. Those working in electronic websites in Jordan, as well as the Jordan Press Association, consider that the new provisions set out in the law will restrict electronic media and will affect Jordan's media rating worldwide. The

electronic websites and the Jordan Press Association staged protest vigils and also expressed their objection to the law in various ways. The majority of the principal and influential electronic news websites shaping the media landscape in Jordan announced their refusal to register with the Press and Publications Department. The “Civil Coalition against the Law” was also launched. It is worth noting in this context that the Prime Minister made statements in which he stated that this law would be dealt with and applied in good faith by the Government.

With regard to the extent to which media professionals were subjected to violations affecting public freedoms in 2012, it emerged that no case of killing or abduction of media professionals was recorded, noting that throughout its history Jordan has not recorded any case of the killing of journalists, this being the most important indicator in measuring press freedoms. Nor was any violation recorded relating to the permanent or temporary closure of any newspaper, and likewise no case of expulsion of foreign correspondents from the Kingdom was recorded.

Nor was any information received regarding any case of obstruction of the distribution of newspapers or official confiscation of documents from these newspapers. There remains, however, a significant problem facing newspapers, namely the rising cost of raw materials and equipment used in this industry, in addition to the reduction or withholding of advertising by official bodies.

On the other hand, the Centre monitored a number of violations affecting press and media freedoms, to varying degrees, consisting of physical or verbal assault and abuse of journalists, in addition to the use of force at times while they were performing their duties, and assaults on their equipment and material property. These assaults were carried out by security personnel and, at other times, by unofficial parties. In addition, there were instances of prevention from practising journalistic work and from attending public meetings, arrest and temporary detention, threats from official or unofficial parties, as well as forms of prior and subsequent censorship of press material, the hacking of electronic websites, and suspension of work or broadcasting. Among these, the following may be mentioned in this context:

Physical Abuse and Confiscation of Equipment by the Security Agencies

- The correspondent of the “Gerasa News” agency was subjected to assault by beating, threats and insults by certain Gendarmerie officers while he was covering a sit-in at the Fourth Circle in Amman on 31/3/2012, as these officers beat him and took his press badge from him.
- Physical and verbal assault on a journalist from Al-Ghad newspaper, followed by his arrest, the confiscation of his camera and the deletion of what had been recorded on it.
- An assault on a journalist from the “Scoop” agency and the destruction of the contents of his camera, as well as an assault on a number of journalists by members of the security forces while they were covering a sit-in against the visit of a former official to the city of Irbid on 5 July 2012.
- A correspondent of “Roya” TV channel was subjected to beating and detention in the building of Ma’an Governorate on 11/6/2012 while covering a meeting between the Governor and a number of the city’s notables on account of a sit-in staged by a number of unemployed persons.

Physical Harm and Confiscation of Equipment by Non-Official Parties:

- The “Al Jazeera Mubasher” channel crew was assaulted in Irbid Governorate by a number of persons opposed to a popular protest triggered by the decision to lift subsidies on fuel issued in November 2012, as a group of persons climbed up to the building from whose roof the crew was covering the protest, beat them and smashed their equipment.
- A journalist in the same governorate was attacked by a group of opponents of these protests in order to deter him from filming the clashes taking place between the demonstrators and the Public Security.
- Journalists of “Sky News” satellite channel were subjected to physical and verbal assault by a number of unidentified persons, without any reason, while covering the protests against the lifting of fuel subsidies in Al-Mazar Al-Janoubi area in Karak Governorate on 16/11/2012, which resulted in the camera assistant sustaining various injuries.
- A photojournalist working for “Al-Dustour” newspaper and another working for the (Jordan Days) website were assaulted on 20 January 2012 while covering the “Rights, Not Favours” sit-in in downtown Amman, the capital, where the assailants beat them and attacked their equipment.
- The camera of a journalist working for the “New Media” organisation in Amman was smashed by a group of opponents of the popular protests arising from the decision to lift fuel subsidies issued by the Government in November 2012.
- An assault on the editor-in-chief of a news website by a group of persons while he was providing press coverage of a night march in Al-Barha area in Irbid on 1/7/2012, in which the protesters called on the Government to provide jobs and reduce prices.

Prevention from Practising Work and Attending Public Meetings:

- Members of the Gendarmerie Forces prevented a journalist from the “Jo24” website from covering a sit-in in front of the Egyptian Embassy, and his camera was seized on the pretext that he did not hold the permit required for filming.
- Members of the Public Security prevented an “Al Jazeera” channel crew from filming in the vicinity of a camp for Syrian refugees housed in “Cyber City” near the city of Ramtha in order to prepare a report on the camp, despite the absence of any warning sign prohibiting filming; a number of security personnel destroyed the footage tape.
- Security forces stationed at the entrances of Parliament prevented journalists protesting against the draft amended Press and Publications Law from entering to attend the session of the House of Representatives that discussed the law and concluded with its adoption.
- Public Security personnel used force against a correspondent of a Jordanian satellite channel to remove him from the Royal Cultural Centre while he was covering the Public Security’s celebration of the International Day against Drug Abuse, and confiscated the tape from the cameraman accompanying him while he was attempting to conduct press interviews.
- Public relations staff at the University of Jordan prevented some journalists from covering the debate organised by the University’s Faculty of Law between the Secretary-General

of the Islamic Action Front Party and the Secretary-General of the National Current Party, on the pretext that no invitations had been addressed to them or that they did not carry press cards, despite the fact that the invitation to the debate was public, in addition to the fact that the Press and Publications Law grants journalists the right to attend public events in order to cover them.

Arrest and Temporary Detention, Most Cases of Which Took Place While Journalists Were Covering Demonstrations and Sit-ins:

- The detention of a Radio Al-Balad correspondent while covering the protests that accompanied the lifting of fuel subsidies in Jabal Al-Hussein area, despite his presenting his press card more than once; the security services later released him.
- The release on bail of the journalist and publisher of the “Jerasa News” news website after he had begun a hunger strike. It is worth mentioning that this journalist was referred to the State Security Court on the charge of “opposing the system of government”.
- The arrest of a journalist from Al-Ghad newspaper and the confiscation of his camera by the security services while he was covering a sit-in in the city of Irbid on 5 July 2012. During the same sit-in, the security services also arrested the spokesperson of the Northern Movement Coordination Committee.
- The security services detained the correspondent of the “Sawt Al-Aghwar” (Voice of the Jordan Valley) programme broadcast on Radio Al-Balad for three hours while she was conducting an opinion poll among the residents of Deir Alla on their position on the sit-ins and the popular movement demanding reform; her mobile phone and recording device were confiscated.
- The arrest by the security services of a group of activists of the [popular] movements for expressing their opinions during the marches held in the cities of Amman and Irbid, some of whom were charged with undermining the system of government on account of the slogans chanted.

Threats by Official Parties:

- The editor-in-chief of the weekly “Al-Nabda” newspaper received a threat from a governor in connection with the publication of a press item concerning a complaint by some citizens who had been harmed by the destruction of their property during a brawl.
- A minister threatened a journalist from the investigative reporting unit of “Radio Al-Balad” and the “Amman Net” website for publishing an investigative report that exposed certain irregularities falling within the work of the ministry.
- A media professional working for “Roya” satellite channel was subjected to a threat of an attack on the channel’s building and studios should the channel broadcast a particular programme.

Prior Censorship:

- Preventing the publication of a media report on appointments in the Sixteenth House of Representatives.

- Preventing the publication of a number of articles in the daily newspapers, as a result of which they were published on news websites. It should be noted in this context that a columnist expressed his protest against the repeated and increasing prevention of the publication of his articles in Al-Rai newspaper.

Subsequent Censorship:

- Some media outlets reported that the security services had requested the managing editor of the “Amman Net” news website to remove published documents relating to certain controversial privatisation cases. These documents were in fact removed from the website’s home page.
- Al-Arab Al-Yawm newspaper removed from its news website an article by a columnist that dealt with the Tafileh movement and praised the quality of this movement, following pressures exerted on the newspaper’s management.
- It is worth mentioning that the Press and Publications Department informed the Centre that no case had been filed against any author or publisher of a book issued inside or outside the Kingdom, nor had any case been filed against any daily or weekly newspaper issued inside or outside the Kingdom; noting that the judiciary alone is the authority that holds the right to suspend the distribution of any newspaper published at home or abroad, as well as other books and publications.

Hacking of Websites⁴³ and Suspension of Work or Broadcasting:

- Al-Yarmouk channel was subjected to hacking and jamming, as officials of the channel stated that misleading and untrue news was broadcast on the breaking-news ticker, prejudicing national unity and a number of Jordanian national and Islamic figures. The same channel was also subjected to a temporary suspension of its broadcasting by the service provider company as a result of pressures exerted on it.
- The hacking and pirating of the website of the Islamic Action Front Party.
- The deletion of the page of Al-Yarmouk satellite channel on the social networking site Facebook without any reasons being given.
- The “Ain News” website was subjected to a hacking operation that caused the destruction of many files and much information.
- The temporary suspension of the broadcasting of Jo Sat channel on 26/7/2012 after it aired one of its programmes.

As regards the prosecution of journalists, media professionals and holders of differing opinions, the Centre monitored the following in 2012:

- The Public Prosecutor brought a charge of incitement to change the system of government against the owner of the “Jo Sat” satellite channel, the channel’s director and others, on

⁴³ The Human Rights Committee has affirmed the extension of the protection of freedom of expression to cover new media, including bloggers or so-called “citizen journalists”. General Comment No. (34) of the Human Rights Committee on Article (19) of the International Covenant on Civil and Political Rights, adopted by the Committee on 21 July 2011.

the basis of a case initiated against them by the Audiovisual Media Commission following a programme aired on the channel; the case is still pending before the judiciary.

- The Amman Court of First Instance issued a decision of non-liability in favour of a columnist and the editor-in-chief of Shiha newspaper on the offence of failing to observe accuracy and objectivity, contrary to the provisions of Articles (5) and (7) of the Press and Publications Law, and on the offence of offending the dignity and personal freedoms of individuals and spreading false rumours pursuant to the provisions of Article (38/d) of the same Law. This was in connection with the complaint filed by the Jordan Engineers Association concerning an article by the said columnist on the Association's position on the sit-in of engineering offices.

The decision taken by the competent court stated the following: (The Court has found, on the basis of its reading and interpretation of the article, according to what it understands and not as understood by the reader or the parties, and by virtue of its power of interpretation, that the subject of the press item consists of two parts: one part relating to the information in the article, as to whether it is true or untrue, and the other part being the opinion of the author of the article on the sit-in, its motives and its repercussions). The decision concluded that: (as regards the first part, namely the extent of the accuracy of the information, the information was correct in respect of the sit-in, its location, its mechanism, the visit of politicians and parliamentarians to it, and its duration; accordingly, the Court finds that this article observed objectivity and accuracy, which means that the provisions of Articles (5) and (7) of the Press and Publications Law do not apply. As for the second part, namely the opinion of the author of the article, it does not go beyond being an expression of the author's opinion on the sit-in, its causes, its results and its course of events; in light of this, the Court finds that this article is an expression of a political point of view that carried criticism of the performance of the Association's Council, and therefore it does not go beyond being criticism to which the conditions of permissible criticism apply). On this occasion, it is worth mentioning that the Jordanian judiciary has previously issued judgments distinguishing between the offences of defamation, slander and insult on the one hand and permissible criticism on the other.

Recommendations:

- Reviewing the body of legislation governing freedom of opinion and expression and the media legislation so as to bring them into conformity with international human rights standards. This body of legislation is in urgent need of being reconsidered as a single legislative package and amended in a manner that ensures an exit from the cycle of legislative confusion that has led to certain laws, such as the Press and Publications Law, being subjected to a series of amendments over recent years. Moreover, a number of other laws related to journalistic work and to freedom of opinion and expression require substantial amendments, such as the Penal Code, the Law on Guaranteeing the Right of Access to Information, the Law on the Protection of State Secrets and Documents, the Audiovisual Media Commission Law, the Jordan Radio and Television Corporation Law, and the Jordanian Execution Law.

- Ensuring greater protection for journalists during the various marches and protests, providing redress to media professionals who are victims of violations and compensating them materially and morally, and prosecuting those who assault them.

The Right to Assembly

The Jordanian Constitution⁴⁴ guarantees citizens the right of assembly and association, as do the international human rights instruments. This right encompasses the formation of political parties, associations and trade unions, as well as assembly, including the organisation of marches, demonstrations and public events, and it is closely linked to the right to freedom of opinion and expression, other political rights and the rest of the human rights system. The right of assembly and association may be subject to certain restrictions prescribed by law in a democratic society for the protection of national security, public safety, public order or the protection of public health. The right of assembly and association is individual in entitlement and collective in exercise: it guarantees every individual the right to form an association or organisation with persons who share his views, and it also guarantees the collective right of such institutions to carry out activities to serve the interests of their affiliates or members, or of the persons they seek to protect, or to achieve the objectives for which they were established; however, no one may be compelled to belong to an association, organisation or trade union.

The year 2012 witnessed the continuation of partisan and popular activities through the organisation of marches, rallies and demonstrations protesting against the practices and policies of governments and certain legislation, foremost among them the Elections Law. The substantial amendments made in 2011 to the Public Gatherings Law No. (7) of 2004 had the greatest impact in facilitating the organisation of popular activities. These amendments abolished the requirement of the administrative governor's prior approval for holding public meetings and organising marches, and sufficed with a mere notification submitted by the organisers of the meeting specifying the place and time of the meeting, the names of its organisers and the purpose of the meeting.

Sit-ins and Demonstrations:

The year 2012 also witnessed numerous sit-ins and demonstrations in most governorates of the Kingdom. These activities were, in the overwhelming majority of cases, peaceful; however, some activities were dispersed by force. On 12/2/2012, the Gendarmerie Forces forcibly dispersed a sit-in in front of the Kalouti Mosque after the protesters announced their intention to head towards the Israeli Embassy. On 1/4/2012, a Public Security and Gendarmerie force ended a sit-in at the Fourth Circle in the capital, Amman. On 1/4/2012, the security and Gendarmerie forces dispersed a sit-in in front of the Prime Ministry headquarters at the Fourth Circle that was demanding the release of the detainees of the Tafileh movement; during that sit-in, (10) persons were injured, and (15) of the participants in the sit-in were arrested. On 21/7/2012, the security forces dispersed a sit-in at the Fourth Circle in central Amman, the capital, after the protesters decided to stage an open-ended sit-in and to stay overnight at the Circle; the security forces used violence and arrested

⁴⁴ Article (16/1) of the Jordanian Constitution.

some of the protesters. On 11/11/2012, security personnel and the Gendarmerie Forces dispersed a sit-in of retirees of the Phosphate Company staged in front of the company's headquarters located in Al-Abdali in central Amman, the capital, after the protesters closed the main road in protest against the failure to meet their demands for end-of-service gratuities, health insurance and the distribution of shares.

Protests Following the Decision to Lift Subsidies on Petroleum Derivatives:

Following the Government's decision to lift subsidies on petroleum derivatives and gas on the evening of Tuesday, 13/11/2012, and the wave of protests to which the decision gave rise in all governorates of the Kingdom, the National Centre for Human Rights monitored the popular and public reactions opposing this decision and the manner in which the law enforcement agencies (the Public Security and the Gendarmerie Forces) dealt with the popular protests, and followed up on these developments in the various governorates of the Kingdom through field monitoring teams it formed for this purpose and through the liaison officers present in the governorates. Most regions of the Kingdom witnessed protests that led to the closure of roads, the burning of some public property, including courts, banks and municipalities, and the destruction of traffic lights. The Northern Region witnessed (29) incidents involving the closure of roads, the firing of gunshots and the burning of tyres, while the Southern Region witnessed (20) cases; there were also two cases of protest in Aqaba Governorate and eight cases of protest in the Badia areas. These protests and demonstrations extended over several days, during which frictions occurred between the demonstrators and the Gendarmerie Forces and the Public Security. These protests caused material damage to (15) buildings of governorates, district administrations, municipalities and directorates of education, three courts, five civil and military consumer establishments, (13) banks and ATMs, two shops, and four cases of attacks on private property.

Following the decision to raise prices and the outbreak of popular protests, the National Centre for Human Rights issued a statement on 15/11/2012 in which it affirmed: 1. The established right of citizens to freedom of expression, assembly and protest. 2. The State's guarantee of this right and the full protection of its exercise. 3. Full commitment to the peaceful nature of protest and refraining from attacking property, whether public or private. 4. The commitment of the law enforcement agencies not to use force except in cases of absolute necessity and in a manner proportionate to the nature of the threat to public order. 5. Full respect for the human rights of detained persons. 6. The provision of accurate and complete information, with transparency, on the economic measures taken to deal with the difficult economic situation. 7. The impossibility of separating these austerity economic measures from the political considerations that call for deeper, more comprehensive and more democratic reform steps. The National Centre for Human Rights also called upon all parties to adopt dialogue as an effective means of overcoming the difficulties facing the nation and of reaching consensual solutions to them.⁴⁵

In light of the rapid succession of events, the increase in the waves of popular protests and the arrest of participants therein, the Centre formed a team to investigate the facts, follow up on all developments and visit the detainees. The Centre's teams were able to interview (89) detainees in

⁴⁵ To view all statements and fact-finding reports issued by the National Centre for Human Rights, please refer to the Centre's website at: www.nchr.org.jo.

the various Correction and Rehabilitation Centres (Swaqa, Irbid, Karak, Ma'an, Juweideh/Men, Juweideh/Women, Rmeimeen and Balqa); in addition, (19) juveniles were detained ... All the juveniles were released on bail. It transpired that (80) of the detainees had been detained judicially, and (9) of them had been detained administratively under the Crime Prevention Law of 1954. (13) of these detainees stated that they were activists of the [popular] movement. (67) of the detainees interviewed stated that they had been arrested in front of their places of residence or their workplaces, or while passing through an area witnessing a popular gathering, without having participated in any protest activity. (4) of them also stated that they had participated in general popular activities but were not activists of the movement. The number of those who stated that they had been subjected to beating, insult or ill-treatment during arrest and before being handed over to the security centres reached (66) detainees, while the number of those who stated that they had been subjected to torture, beating, insult and ill-treatment while detained in the security centres reached (53) detainees. On the other hand, all those interviewed affirmed that they had not been subjected to any ill-treatment after being placed in the Correction and Rehabilitation Centres. The Centre's team observed traces of beating in the form of bruises and contusions on (13) detainees. (22) of these detainees stated that the guarantees of a fair trial had not been observed during their interrogation by the Public Prosecutor, such as allowing the presence of a lawyer during the investigation, informing them of the nature of the charges against them, and referring them to a doctor, and/or that the Public Prosecutor of the State Security Court did not take into consideration their statements that they had been beaten. (54) detainees stated that they had been able to inform their families of the place of their detention immediately upon being placed in the Correction and Rehabilitation Centres. (52) detainees stated that the Public Prosecutor of the State Security Court had informed them of the charges attributed to them when they appeared before him, while (38) detainees stated that they had not been referred to a forensic doctor and had not been allowed to appoint lawyers. There were (5) injuries among the movement activists, including two serious injuries; regrettably, these injuries led to the death of one of them in Irbid Governorate as a result of being hit by a gunshot. (50) juveniles were arrested, (12) of whom were brought for trial before the Public Prosecutor of the State Security Court, according to Public Security sources; all of them were released in batches on bail a few days after their arrest. The Centre's team interviewed one woman at Juweideh/Women Correction and Rehabilitation Centre, who stated that she had been beaten during her arrest and initial interrogation, and the Centre's team observed traces of bruises on her body. According to sources of the Public Security Directorate, there were (50) injuries among the ranks of members of the Public Security and the Gendarmerie Forces; (17) of these members' injuries required admission to hospital, (15) of these injuries resulted from gunshots, and (4) of them were serious injuries: two of them were in a coma and, regrettably, subsequently died. As for the remaining injured, their injuries were to the limbs and face. On 25/11/2012, a sit-in of port workers was dispersed following the decision to dismiss about (80) security workers from among the workers of Aqaba Port, after they closed the Shallaleh road with stones, which led to the halting of lorry traffic on the road. On 12/12/2012, a sit-in of employees of the Electricity Company in Mafraq Governorate was dispersed, and the President of the Electricity Workers' Union and (40) workers of the United Cables Company were detained during their sit-in in front of their company in Mafraq by a decision of the Governor and without the reasons for the detention being known; they were released on the same day, with a statement being issued by the Governor of Mafraq affirming that he had not issued a decision to detain them. It should be noted that the sit-in was held to demand the revocation of the decision to dismiss two

of the company's employees on account of trade union activity. On 15/12/2012, a sit-in at Wasfi Al-Tal Circle in Irbid Governorate, held in protest against the Government's decision to raise prices, was dispersed, and the Gendarmerie Forces used tear gas intensively to disperse the sit-in. The Centre issued numerous statements⁴⁶ and recommendations, made repeated visits to the detainees, and addressed all the competent authorities regarding their situation.

Recommendations:

In order to guarantee respect for the right of citizens to assembly, the Centre recommends the following:

- That the law enforcement agencies protect marches, demonstrations and sit-ins, and take the necessary measures and arrangements to prevent attacks on them.
- Emphasising that no member of the security services should participate in protecting or dispersing marches and sit-ins unless he has received adequate training on the international standards relating to human rights and on the rules governing the use of force during law enforcement operations.
- Taking the necessary measures to ensure the identification of security and Gendarmerie personnel participating in law enforcement operations by displaying name or number identifiers clearly visible to the eye.

⁴⁶ The statement of the National Centre for Human Rights dated 20/10/2012, which stated: "The National Centre for Human Rights has previously expressed, in an earlier statement, its concern over the arrest of activists of the youth movement. In light of the continued deprivation of liberty of these persons without trial, the Centre wishes to reaffirm the respect of the responsible authorities for the right to peaceful demonstration and assembly and the right to express opinion in complete freedom. Should any of these persons be charged with violating the standards and principles of freedom of expression guaranteed under the Jordanian Constitution and the international human rights instruments to which Jordan is committed, in particular the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, the guarantees of a fair trial must be provided, beginning with the trial of these activists before the regular courts and respect for the two principles of the presumption of innocence and that liberty is the rule and its deprivation the exception. Finally, the National Centre for Human Rights shares the position of public opinion that the continued deprivation of liberty of these citizens is inconsistent with the process of reform and openness and with the desire for broad popular public participation in the forthcoming general elections, and calls upon the competent authorities to release them promptly." Likewise, the National Centre for Human Rights had previously issued a statement dated 26/9/2012 in which it stated the following: "The National Centre for Human Rights has followed with concern the recent arrests among the ranks of the youth movement activists, and in this regard the Centre wishes to draw attention to the following matters: The rising pace of arrests among the ranks of the movement's activists is inconsistent with the trend towards the desired openness and reform adopted by the Government. / Despite the decline in the level of abuse and ill-treatment of persons deprived of their liberty by the law enforcement agencies, there are cases in which such treatment is practised, which contradicts the international and national texts relating to 'physical integrity and freedom from torture and other forms of ill-treatment'. The verification team observed a fracture in the shoulder of one of the detainees and bruises on two others. / There are still gaps and violations in fair trial procedures, according to the statements of a number of detainees. Moreover, the constitutional right of civilians not to be tried except before civilian judges has not been observed with respect to a number of them. Guaranteeing respect for the right to freedom of opinion and expression and freedom of peaceful assembly. The relevant official authorities of the State shall guarantee this right, including by providing an appropriate environment for the exercise of the right of peaceful assembly without prejudice to the rights and freedoms of others, and likewise without allowing anyone other than the law enforcement agencies to intervene and obstruct the right of these persons, which may create chaos and constitute a threat to life and public property. / The Centre affirms that no person exercising his right to peaceful expression in a manner consistent with the relevant international standards should be targeted, and stresses the importance of arriving at the correct legal characterisation, based on the constitutional provisions, when bringing charges in such circumstances."

- Emphasising the role played by media professionals in investigating and documenting facts, which requires facilitating their tasks and providing them with the necessary security and protection.
- Adherence by persons charged with law enforcement to the constitutional rules and international standards relating to the use of force in cases of absolute necessity for the protection of public order.
- Prompt and thorough investigation of the violations committed by persons charged with law enforcement.
- Taking the necessary procedural measures to ensure that no more than one intellectual and political event is held at the same time and place, in order to prevent the possibility of any disputes or clashes arising between the different parties.

The Right to Establish and Join Political Parties

The Jordanian Constitution and the Arab and international human rights instruments guarantee the right to establish and join political parties. The year 2012 witnessed the adoption of a new Political Parties Law, which contained numerous provisions, perhaps the most important of which are: 1. The formation of a committee at the Ministry of Interior called the Political Parties Affairs Committee, competent to consider applications for the establishment of parties and to follow up on their affairs, chaired by the Minister of Interior and with the membership of the President of the Legislation and Opinion Bureau, the Secretary-General of the Ministry of Justice, the Secretary-General of the Ministry of Interior, a member from civil society institutions named by the Prime Minister, and the Commissioner General for Human Rights. 2. The requirement that any decision issued by the Committee rejecting an application for establishment be reasoned, and the impermissibility of the Committee invoking any other reasons before the court, Article (14). 3. The legislator's stipulation that women constitute (10) per cent of the founders. 4. The impermissibility of dissolving a political party except by a decision of the competent court on the basis of a lawsuit filed by the Committee, Article (34). 5. The exemption of the premises of political parties from all government taxes and fees levied on immovable property. 6. The impermissibility of monitoring the means of communication of parties, or raiding or searching their premises, except by a judicial decision, with the exception of cases of flagrante delicto. 7. The permissibility of parties using public, cultural and social facilities and the premises of trade unions, associations and clubs. 8. The impermissibility of subjecting any citizen to harassment, questioning or accountability, or prejudicing his constitutional or legal rights, on account of his party affiliation. 9. Allowing political parties to invest their funds inside the Kingdom in the ways specified by the Law in Article (26). 10. Guaranteeing the right of parties to litigation and to have recourse to the judiciary, and at the same time guaranteeing the right of individuals to file grievances with the judiciary against decisions issued against them by political parties.

However, the Law contains numerous problematic issues which the Centre continues to stress must be remedied so that this Law becomes consistent with the Jordanian Constitution, specifically Article (16) thereof, as follows: 1. The Law maintained the Ministry of Interior as the reference authority for parties and the supervisor of their affairs, despite repeated demands that the Ministry of Justice become the government body that follows up on the affairs of parties, in a

manner that preserves their independence, such that its principal task would be to receive notifications of the establishment of parties within a legal amendment specifying this, and the Ministry's responsibility would be limited, in the event of a violation of the Law, to referral to the judiciary. 2. The Law maintained the same mechanism followed for the registration of a party, which is characterised by complexity and lack of ease through following numerous procedures, which require lengthy periods and long time limits, in addition to the adoption of the licensing method, whereas best practices and international experience in this context provide for a notification or deposit system within certain controls, so that registration procedures do not constitute an obstacle preventing the exercise of this right. 3. In many of its articles, the Law imposes lengthy procedures, including Article (11), Paragraph (a), which obliges the Secretary of the Committee to respond to the registration application within thirty days; Article (12) of the Law, which obliges the representative of the founders to respond to enquiries within (15) days, a period that may be extended, in addition to the period the Committee needs to decide upon the application; and Article (14), which requires the Committee to issue its decision within sixty days from the date of receipt of the notification, or within thirty days from the date of receipt of the clarifications. 4. The Law does not include any objective criteria setting out the procedures and bases for providing financial support to parties within the Law itself; rather, the legislator merely referred the matter to a regulation to be issued for this purpose, as provided for in Article (28) thereof, at a time when the Law was required to include these bases so that no measures are taken that might influence the determination of the amount of financial support, taking into account the rules applicable in this regard, including the announcement of establishment, participation in elections, the number of votes obtained by the party, the number of seats won by the party, the proportion of women and youth represented in the party, the number of party members, and the number of party offices in the regions and governorates, while affirming the exemption of parties from taxes and fees. 5. In Article (30/c) thereof, the Law provides that the party's statute may not be amended, nor the party merged into another party, except with the prior approval of the Committee, which constitutes an infringement of the party's right to amend and develop its internal regulations; it would be more appropriate for the legislator to require merely that the Committee be notified of the substance of the amendment. 6. Article (33) of the Law sets out a number of penalties, and the opening of the Article contains the phrase "without prejudice to any more severe penalty provided for in any other legislation", which means that the legislative intent was inclined in advance towards severity. It would have been preferable for no such provision to exist and for the imposition of penalties not to be expanded, so that they do not act as a deterrent to citizens' engagement in party activity, particularly since the political approach declared by the Government calls for developing the structure of parties, supporting them, and citizens' interaction with them.⁴⁷ 7. Article (29) of the Law contains a provision permitting the Chairman of the Committee, or his delegate, the right to inspect the accounts of political parties and audit their financial records, which conflicts with the obligation laid down by the legislator to appoint a legal auditor to audit the accounts and financial statements of parties at the end of each year.

On the other hand, 2012 witnessed a number of governmental practices aimed at activating the role of parties, in particular as regards involving parties in consultations relating to the formation of governments and to the laws affecting their work. The Ministry of Political Development

⁴⁷ For further information, see the outcomes of the National Dialogue Committee in 2011.

carried out consultative visits to the offices of political parties to identify the obstacles to their work and to learn of their vision for the development of political life in Jordan; it also held workshops and conferences on the work of political parties. Many political parties issued statements setting out their views on the Election Law, the Draft Political Parties Law, and their positions on the Government's decision to lift subsidies on petroleum derivatives and other decisions. 2012 also witnessed the announcement of the parliamentary elections for the Seventeenth House of Representatives, together with official invitations to political parties to participate and engage in the elections, paving the way for the formation of parliamentary governments based on programmes and parties. The positions of political parties on participation in the elections varied in line with developments in Government decisions: some parties announced their boycott of the parliamentary elections, while others preferred to engage and participate in them.

The number of licensed political parties reached (24) parties by the end of 2012, and (22) parties submitted applications to carry out the preparatory activities for establishing parties, which reflects a notable development. This necessarily requires parties to undertake institutional and programme-based work that includes visions and plans for developing the political, economic, social and cultural life of Jordanian society, as well as solutions to all the problems and obstacles that this society faces. No party was dissolved, and the Centre did not receive any complaints relating to political parties in 2012. However, through sit-ins and demonstrations, the Centre recorded certain practices of restriction against party activity and party activists, and against participants in political and public activities. It also observed the weak participation of women in party activity at all levels, and their weak engagement in party and electoral activity, notwithstanding the amendment of the Election Law of 2012 and the adoption of the national list system. A review of the names of the candidates on these lists shows that (14) lists were entirely devoid of any female representation, women were represented by one woman on (20) lists, by two women on another (20) lists, (3) lists each included (3) women, another (3) lists had four women, and one list included (6) women.⁴⁸ Among the lists on which women were represented, only two lists were headed by a woman.

It is worth noting that on 7/12/2012 the National Centre for Human Rights held a training course for members of all political parties entitled “The System of National Legislation Regulating Political Life and the Role of the Independent Election Commission”, in order to raise the parties' awareness of the national legislation relevant to political activity and to make recommendations for developing institutional work in partnership with the parties.

The Centre affirms the necessity of creating an environment conducive to party activity at all levels, in order to promote civic and political education and to refrain from any acts that might influence or restrict Jordanians' affiliation with parties. Since party life is in the process of being built and developed, any practice against party life amounts to an obstruction of party activity and represents a continuation of the negative societal culture towards such activity.

⁴⁸ According to a statement issued by the International Institute for Women's Solidarity on 6 January 2013, published on the website of the Jordan News Agency (Petra).

Recommendations

In order to protect the right to form parties and to develop and invigorate party life on democratic foundations, the Centre reiterates its call for the adoption of the recommendations it made in its previous annual reports, the most important of which are:

- Developing the legal environment in line with international standards on the right to form and join parties, and granting parties further guarantees for disseminating their principles and ideas.
- Entrusting the registration of political parties to the Ministry of Justice or to an independent and impartial body.
- Developing school and university curricula in the field of civic and political education, and removing any material that conflicts with freedom of opinion and expression, political pluralism, and the right to form and join parties.
- Halting all official practices that might influence affiliation with political parties or engagement in their activities.
- Involving all civil society forces, including political parties, in development plans and community programmes, and refraining from infringing the right of parties to address public opinion, including young people.
- Expediting the amendment of the regulation on financial support for political parties in consultation with those parties and the relevant bodies, in order to agree on objective bases and criteria in light of which support is provided to parties, in accordance with successful international best practices in democratic States.

The Right to Form and Join Trade Unions

The Jordanian Constitution guarantees the right of Jordanians to form and join trade unions.⁴⁹ International instruments, including the Universal Declaration of Human Rights and the two International Covenants on human rights, have enshrined this international approach in a number of their provisions.

Labour Protests and Demands

2012 witnessed the continuation of the phenomenon of labour protests, which extended to cover workers in both the public and private sectors. The number of protests in 2012 reached (901) protests, an increase of 8% over 2011, when they numbered (829) protests. The following chart shows the number of labour protests during the years (2010/2012).⁵⁰

Number of labour protests for the years 2010–2012 (chart)

⁴⁹ Article (16/2) and Article (23) of the Jordanian Constitution.

⁵⁰ Labour Protests Report 2012, prepared by the Jordan Labour Watch and the Phenix Center for Economic and Informatics Studies, February 2013, page 3.

Year	Number of protests
2010	149
2011	829
2012	901

Labour protests varied and took several forms, including strikes, sit-ins, threats to strike, and suicide or attempted suicide. Table No. (8) shows the number of these protests according to the type of protest:

Table No. (8): Number and type of protests in 2012

Type of protest	Number of protests	Percentage %
Strike	410	45.0
Sit-in	334	37.0
Threat to strike	140	16.0
Suicide or attempted suicide	17	2.0
Total	901	100.0

As regards protests by employment sector (the private and public sectors), it was observed that around half of the labour protests carried out in 2012 were concentrated in the public sector, carried out by its employees, at a rate of 49.8%, amounting to (449) protests. This points to two matters: first, the feeling among broad segments of public-sector employees that their salaries are low and insufficient to cover their basic needs; and second, the rise in commodity prices, the increase in the requirements of living, and the failure of the salary scale and cost-of-living allowances in the public sector to take this into account. By comparison, the proportion of labour protests carried out by private-sector workers reached 42.7%, while the unemployed accounted for 7.4% of all labour protests. Table No. (9) shows the number of labour protests in 2012 by employment sector.⁵¹

Table No. (9): Number of labour protests by employment sector in 2012

Employment sector	Number of protests	Percentage
Public sector	449	49.8%
Private sector	385	42.7%
Unemployed	67	7.4%
Total	901	100%

2012 also witnessed several protests carried out by professional associations and trade unions, expressing their objection to the amendments introduced to the Social Security Law of 2010, particularly as regards the suspension of early retirement, the reduction of the benefit factor, which may lead to a reduction in pension salaries in the future, and the application of maternity and unemployment insurance, which raised the monthly deduction paid by subscribers by 1% for insured persons and 1.25% for establishments. The unions protested against these amendments, which, in their view, will not benefit the value of pension salaries in the days to come.

⁵¹ Labour Protests Report 2012, prepared by the Jordan Labour Watch and the Phenix Center for Economic and Informatics Studies, February 2013, pages (4) and (5).

Demands for the Establishment of New Professional Associations

The demands of the Preparatory Committee of the Sharia Lawyers' Association for the establishment of an association for Sharia lawyers are continuing, despite the preparation in 2011 of a draft law for the Sharia Lawyers' Association and its submission to the Chief Justice Department. The main features of the draft law focused on providing protection and immunity for Sharia lawyers, establishing a retirement and social solidarity fund, and social and health insurance, as well as laying down a set of controls to regulate the profession. On the other hand, there are still demands for the establishment of unions for workers in other sectors, the most important of which are: (a) the establishment of a trade union organisation for workers in the profession of chartered accountancy in both of its branches, accounting and auditing, since this profession is still regulated by the Jordanian Association of Certified Public Accountants, which is subject to the direct supervision of the High Council for the Accountancy Profession; it should be noted that in 2012 the draft Accountants' Association Law was reviewed and audited, and a public conference was held to launch a draft law establishing an association for this profession; (b) the continued demands of the workers of the Arab Potash Company, numbering approximately (2,500) employees, to establish their own trade union and to separate it from the Mines and Mining Union, in addition to workers in the pharmaceutical industries, numbering more than (8) thousand male and female workers employed in (25) pharmaceutical manufacturing establishments; and (c) the demand of the Preparatory Committee for the establishment of a Civil Pilots' Association, representing working and job-seeking pilots, officially estimated at (700) pilots, to be permitted to establish an association for pilots.

On the other hand, a lack of homogeneity in trade union representation still prevails in many unions, such as the unions of mines, mining and petrochemicals, food industries, and printing presses, to which non-journalist workers in newspapers are affiliated and who continue to demand representation in independent unions. The Centre considers that there is still a flaw in the classification of occupations and their distribution according to the forms of unions, as there is no homogeneity among many of them, and calls on the responsible authorities to reconsider the classification of occupations and to open the door to the establishment of new trade unions and labour federations. Trade unionists and labour activists continued to direct their criticisms and objections at the monopolisation by trade union leaders of leadership positions, membership of boards of directors, and union representation inside and outside the Kingdom. They demanded fundamental changes to the internal regulations of trade unions and the General Federation in a manner that strengthens labour protection; they also demanded that candidacy for the post of President or Vice-President of the Federation be prohibited for more than two consecutive terms, and that the union term be reduced from (5) years to (4) years. The Centre hosted a dialogue meeting between representatives of employers, the Government, independent unions under establishment, existing unions and the General Federation of Trade Unions, in order to hear their views.

Assaults on Doctors and Nurses

Furthermore, assaults on unionised professionals continued in 2012, whether doctors or nurses employed by the Ministry of Health, while performing their duties inside the hospitals affiliated

to it.⁵² The Ministry of Health and the other relevant State bodies did not take sufficient and deterrent measures at the time to protect doctors and nurses from these assaults in order to preserve their physical integrity and dignity. It should be noted that the Penal Code had increased the penalty for assaulting a doctor while performing his duties, treating it as an assault on a public official performing the duties of his office, so that the penalty became imprisonment from one to three years.

The number of recorded assaults on medical personnel in 2011/2012 reached (117) assaults according to the statistics of the Ministry of Health, of which (69) were on doctors, (23) on nursing staff and (25) on technical and administrative professions.⁵³

Recommendations

In order to protect the right to form and join trade unions, the Centre affirms the recommendations made in its previous annual reports and reiterates the most important of them:

- Amending the Labour Law so as to bring it into conformity with the provisions of the Constitution and international standards, and calling for the formulation of consensual visions among all parties concerning these amendments.
- Addressing the Tripartite Committee competent under the Labour Law to determine the occupations whose workers may establish a union, with a view to reconsidering the classification of occupations whose members may form unions concerned with their affairs.
- Permitting the formation of new independent unions in accordance with due process, in addition to the existing unions, and granting them the opportunity to prove their existence where it is established that they have a large number of members, since there is nothing in international standards that prevents the plurality of unions for workers in the same occupation.
- Enacting a general law that genuinely guarantees the right of trade union organisation for workers in every sector and ensures the fair representation of its members, in the drafting of which trade unions participate, and which is in line with the international conventions issued by the International Labour Organization, particularly those ratified by Jordan.
- Applying the principles and standards of decent work to all workers.
- The Ministry of Health and the security services, in cooperation with the Jordan Medical Association and the other medical professional associations, taking the necessary measures to protect doctors and workers in the various medical professions from the assaults to which they are subjected, whether by amending legislation to deter the assailant through punishment or to oblige him to pay fair compensation, in addition to raising awareness through the various media, providing direct security protection, and taking appropriate measures to avoid exposing the medical body to such assaults through

⁵² The number of doctors subjected to beating reached (20) doctors, and nurses (6) nurses, according to the statistics of the Jordan Medical Association and the Jordan Nurses and Midwives Council.

⁵³ A statement issued by the Ministry of Health on 6/11/2012.

administrative measures by the Ministry of Health, including providing the medical personnel needed to perform the increasing tasks and providing designated areas for receiving companions that are separate from treatment areas.

The Right to Form and Join Associations

The Jordanian Constitution and the Arab and international human rights instruments guarantee the right to form and join associations. The Constitution entrusted the law with regulating the manner in which associations are formed and their financial resources are monitored, while preserving the essence of this right and guaranteeing its exercise (Article (16) of the Constitution).

No change occurred in 2012 to the legislation regulating the right to form and join associations. The Societies Law No. (51) of 2008,⁵⁴ which regulates this right, still contains many problems and loopholes that would restrict the exercise of this right, as the Centre pointed out in its previous annual reports. It is worth noting that the practical application of this Law over past years has produced many legal and practical problems that have confirmed the pressing need to review this Law, the most important of which are: (a) the decision of the Board of the Registry to suspend the registration of private societies,⁵⁵ provided for in Article Three of the Law, since no difference had been established between them and the ordinary society and the purpose of providing for them in the Law no longer existed, which led to the suspension of the implementation of the Private Societies Regulation No. (32) of 2010; (b) the failure to adhere strictly to the principles of good governance in the exercise of their activities, and the absence from most of their internal regulations of any time limit on the holding of any leadership position by the persons working in them, in addition to the failure to adopt the principles of transparency and the provision of information in the work of certain societies, which deprives beneficiaries and the public of access to it, and the concentration of the majority of these societies in the capital, Amman,⁵⁶ which confirms the need to expand the work of societies and the conduct of their activities in the various governorates, and for the Ministry to adopt programmes and activities to support societies in all governorates of the Kingdom.

Formation of Associations

It should be noted that, in light of directives from the Prime Minister to review, amend and develop the Societies Law in line with constitutional provisions and the ratified international human rights instruments, a joint committee was formed comprising in its membership the Ministry of Political

⁵⁴ For the purposes of this Law, the word “society” means any legal person composed of a group of persons numbering not fewer than seven, registered in accordance with the provisions of this Law, to provide services or carry out activities on a voluntary basis without aiming to make and share profit, or to achieve any benefit for any of its members or for any specific person as such, or to achieve any political objectives falling within the scope of the work and activities of political parties in accordance with the provisions of legislation.

⁵⁵ The term “private society” means a society whose membership is restricted to a group of persons numbering not fewer than three and not more than twenty.

⁵⁶ The number of registered and licensed societies reached (1,307) societies in the capital, Amman; (320) societies in Irbid; (212) societies in Zarqa; (148) societies in Balqa; (140) societies in Madaba; (195) societies in Mafrq; (65) societies in Jerash; (89) societies in Ajloun; (142) societies in Karak; (76) societies in Tafleeh; (94) societies in Ma’an; and (58) societies in Aqaba.

Development and the relevant institutions, including the National Centre for Human Rights. However, this committee has not been convened up to the present moment. In this regard, the Centre affirms that any amendment to the Societies Law must proceed from the following principles: 1. Freedom to form associations by notifying the administration thereof, with the administration having recourse to the judiciary in the event of objection. 2. Associations shall enjoy the right to lay down and amend their own charters and regulations, without any restrictions other than those necessary in a democratic society for the protection of national security or public safety, public order, public health or public morals, without expanding the interpretation of the concept of “public order”. 3. Supervision of associations shall be vested in an independent body composed of representatives of the governmental administration and representatives of civil society organisations. 4. Associations shall enjoy full freedom in managing their affairs under the supervision of the independent body referred to in Item (3), which shall have the right to resort to the judiciary to hold accountable any association that violates the law. 5. Associations shall enjoy the right to elect their administrative bodies in full freedom without interference by the administration therein. 6. The law, as provided in the Constitution, shall regulate all the affairs of associations, and many organisational matters shall not be referred to regulations and instructions, as recurred in the Societies Law of 2008. 7. The Government shall cease using the right to appoint interim administrative bodies to manage associations and federations, as occurred in the Islamic Centre Charity Society, the Federation of Capital Societies and the General Union of Voluntary Societies. 8. The penalties provided for in the Law shall be repealed, and the handling of any violations committed by associations shall be referred to the Penal Code, which is sufficient for that purpose. 9. The executive authority shall not be permitted to dissolve associations, as is currently the case; this should be left either to their general assemblies, by a large relative majority, or to the competent judiciary. 10. Affirming the right of associations to receive assistance and donations from Jordanian and foreign sources, provided that they are disclosed to the independent body supervising associations and appear in their annual budgets, with an explanation of how they are spent on the basis of the objectives and purposes in accordance with their statutes.

Funding of Associations

2012 witnessed the continued application of the Instructions on Spending and Supporting Societies from the Funds of the Societies Support Fund⁵⁷ of 2011, which specified the areas in which societies are supported from the funds of the Societies Fund in programmes and projects falling within the objectives of these societies. The Centre affirms that these Instructions contain many problems that prevent societies from implementing their activities and constitute legislative obstacles to individuals’ exercise of their right to form associations, the most important of which are: (a) determining the areas of spending and support for societies by means of instructions constitutes a legal violation leading to instability in the bases of the support provided to societies, particularly since these Instructions are subject to amendment and change at any time; accordingly, the Societies Law ought to have specified these bases. (b) The Instructions contain many delegating provisions that grant broad powers to the Board of the Registry in determining

⁵⁷ The Instructions on Spending and Supporting Societies from the Funds of the Societies Support Fund of 2011, published on page (571) of Official Gazette issue No. (5077) dated 1/2/2011, by virtue of Paragraph (c) of Article (22) of the Societies Law No. (51) of 2008 and its amendments.

the areas of support decided by the Board.⁵⁸ (c) The Instructions grant the Minister the power to lay down the bases and criteria of direct financial support for societies, whereas it would have been preferable for these bases and criteria to be issued by virtue of a regulation. (d) These Instructions contravene international standards relating to the right of associations to obtain financial support, in addition to the continued lack of coordination and the duplication of work between the ministries and institutions that supervise societies and the Board of the Registry, in that any society calling for a meeting of its general assembly, taking any decision to amend its internal bylaws, or opening offices in the regions of the Kingdom is obliged to notify both the supervising ministry and the Board of the Registry at the same time; this constitutes a clear conflict between official bodies, and it would be more appropriate to unify the authorities supervising the work of societies and to coordinate among them.

The number of registered and operating societies in the Kingdom in 2012 reached (3,486) societies, distributed by supervising body as follows:⁵⁹ the Ministry of Social Development (2,276) societies; the Ministry of Interior (470) societies; the Ministry of Political Development (78) societies; the Ministry of Culture (534) societies; the Ministry of Health (28) societies; the Ministry of Industry and Trade (10) societies; the Ministry of Agriculture (5) societies; the Ministry of Environment (50) societies; the Ministry of Awqaf and Islamic Affairs and Holy Places (6) societies; the Ministry of Information and Communications Technology (2) societies; the Ministry of Tourism and Antiquities (22) societies; and the Ministry of Justice (3) societies. The number of societies registered in 2012 reached (568) societies, while the number of societies for which a dissolution decision was issued in the same year reached (113) societies.

As for the distribution of the work of societies according to their place of operation in the governorates, it was as follows: Amman Governorate (1,576), Balqa (172), Zarqa (260), Madaba (170), Irbid (396), Mafraq (248), Jerash (80), Ajloun (124), Karak (189), Tafileh (85), Ma'an (113), Aqaba (72).

It should also be noted that the Board of the Societies Registry decided to support and fund societies in the governorates of the Capital, Irbid, Zarqa, Tafileh, Aqaba and Ma'an, on the basis that support for the remaining societies in the governorates of the Kingdom would be completed subsequently. The Board had received (383) requests for support and funding in 2012, and stipulated, as conditions for obtaining support, that the project meet the objectives for which the society was registered; that the grant requested not exceed a maximum of (20) thousand dinars; that the duration of the project not exceed one year; that the project not be for the purposes of building infrastructure or purchasing vehicles; and that it combat pockets of poverty and unemployment. The society must also attach a feasibility study for the project and contribute 20% of the total amount to the project. The amount allocated for this purpose reached (1,232,326) dinars. In the field of institutional cooperation with societies, the Ministry of Political Development implemented many conferences and courses in partnership with societies operating in the Kingdom, and involved them in building and developing the National Strategy for Political Development. It should be noted that, for the first time in Jordan, on 27 June 2012 the Prime

⁵⁸ In accordance with Article (5), Paragraph (6) thereof, and Article Four, Paragraph Eight thereof.

⁵⁹ These statistics are according to the letter of the Secretary General of the Societies Registry No. (ج د 2/183) dated 24/1/2012.

Ministry rejected a request to accept funding for one of the operating societies, based on the recommendation of the Minister of Political Development, without giving reasons.

Recommendations

With the aim of strengthening and protecting the right to form associations, the Centre makes a number of recommendations, as follows:

- Developing the legal environment regulating the right to form associations in line with the Jordanian Constitution and the ratified international instruments.
- Establishing a national mechanism to unify the institutional authorities supervising the work of societies.
- Reconsidering the system of registering societies and moving towards the establishment of societies by submitting a notification thereof to the competent governmental body, and simplifying administrative procedures and follow-up for the purpose of registration, so that they do not constitute an impediment preventing citizens from enjoying the right to form and join associations.
- Involving societies in development projects, national plans and policies, and public dialogues.
- Affirming that the regulatory power to supervise the work of societies does not include the right to infringe the independence of their work, or to grant any body the right to dissolve a society.
- In return, societies must adopt the foundations of good governance and best practices in all their administrative and financial affairs, and proceed from national priorities in implementing their work, in order to avoid duplication and conflict in the activities implemented.

3. Economic, Social and Cultural Rights

Preliminary Remarks

Economic, social and cultural rights, referred to as second-generation rights, are a relatively recent category of the human rights protected under the various international human rights instruments and national constitutions. The United Nations and a number of regional organisations have dedicated specific international conventions to regulating the legal protection of these rights.

The obligations incumbent upon the State in respect of economic, social and cultural rights are described as progressive or programmatic obligations, which require the State to do everything within its means to develop its resources in a manner that leads to the fulfilment of these rights and their realisation in the optimal manner.

However, the dividing line between civil and political rights, on the one hand, and economic, social and cultural rights, on the other, is not entirely clear, and the distinction between the immediate application of civil and political rights and the progressive or programmatic application of economic, social and cultural rights is not to be taken literally. There are civil and political rights that are difficult to realise immediately owing to the economic situation of the State, whereas, conversely, there are economic, social and cultural rights that can be realised immediately and do not depend on the financial resources of the State.

In all cases, there is no doubt that there is no hierarchy in value or importance between the two categories of human rights, and that these rights are interrelated, complementary and indivisible. These rights complement one another and act in concert to protect human dignity.

The most important economic, social and cultural rights that this report will address are: the right to work, the right to education, and the right to an adequate standard of living. In addition, the report gives attention to two third-generation rights, or solidarity rights, namely: the right to development and the right to the environment.

The Right to Development

The right to “development” acquired its importance following the issuance of the “Declaration on the Right to Development” by the United Nations General Assembly in 1986. This Declaration came in the context of the developments and changes that occurred in the composition of the international order following the accession of many Third World countries to the United Nations after they had been liberated from the colonial powers and gained their national independence in the middle of the last century. The United Nations Millennium Declaration was subsequently issued,⁶⁰ and its eight Millennium Development Goals focused on the following:

1. Eradicating extreme poverty and hunger.
2. Achieving universal primary education.

⁶⁰ The United Nations Millennium Declaration adopted by the General Assembly in its Resolution (55/2), issued on 8/9/2000.

3. Promoting gender equality and empowering women.
4. Reducing child mortality.
5. Improving maternal health.
6. Combating the human immunodeficiency virus (HIV/AIDS), malaria and other diseases.
7. Ensuring environmental sustainability.
8. Developing a global partnership for development.

The Current Situation of the Kingdom in 2012 in Light of the Millennium Development Challenges

The Human Development Report for 2011 classified Jordan as a country of medium ranking in terms of the human development index, and Jordan has made progress towards achieving the Millennium Development Goals in the fields of education and health. It has also taken steps to eradicate poverty; however, the economic crisis that it suffered in 2012 as a result of international and domestic economic factors, including privatisation policies, the slowdown in economic growth, the decline of the agriculture and livestock sectors, and successive years of drought, has adversely affected the progress achieved in this domain. Unemployment represents a major challenge, owing to the high proportion of young people in the population, the decline in economic growth figures and the increase in the number of graduates, set against the shrinking of employment opportunities, as the net number of jobs created fell from about (68.7) thousand jobs in 2009 to (65.6) thousand jobs in 2010, and then to (53.9) thousand jobs in 2011.⁶¹ Natural population increase has played a major role in this regard, as the population of Jordan reached (6) million and (388) thousand persons in 2012, 82.6% of whom live in cities and the remainder in rural and desert (Badia) areas,⁶² which places Jordan among the highly urbanised countries. Some 38.7% of the total population is concentrated in the capital, Amman. The decline in mortality rates and the high fertility rates have contributed to a high population growth rate, which has stabilised over the past six years at 2.2% per annum, based on the General Population and Housing Census 2010.

Major demographic changes are expected over the next fifty years, as the population is set to double by 2035.⁶³ The 2012 statistics showed that 37.3% of the population are under (15) years of age, and 59.4% are aged between (15–64) years, while 3.3% of the population are aged (65) years or over, bearing in mind that this last percentage is increasing owing to the expected decline in mortality rates among older persons, coupled with a decline in the birth rate; this group is expected to constitute 4% of the total population by 2015.

Jordan suffers from a scarcity of natural resources, the most important of which is the scarcity of water, which constitutes a fundamental and strategic challenge, both now and in the future, as Jordan is classified among the six most water-poor countries in the world, with the per capita

⁶¹ Report on Job Creation issued by the Department of Statistics in 2012.

⁶² Report of the Employment and Unemployment Survey issued by the Department of Statistics in 2012.

⁶³ Projections of the Higher Population Council.

share of water amounting to (156) cubic metres per annum, one of the lowest rates in the Middle East region. Although 96.7% of the population is connected to the public water network, the problems of pollution resulting from poor management of domestic wastewater, factory effluents and chemicals used in agriculture further aggravate the water crisis. On the other hand, Jordan has achieved almost complete coverage of the population with electricity, as the proportion of dwellings connected to electricity in the Kingdom has reached approximately 99.9%; this has had a positive impact on the quality of life of citizens.

As for social and economic development, the United Nations Population Fund and the United Nations Development Programme ranked Jordan (100) out of (186) countries according to the indicators of the Human Development Report for 2012, Jordan being distinguished by its qualified and trained human resources, despite the imbalance between the sexes in employment, as the proportion of working women stood at only 16.7% of the total employed, with certain disparities in wages between men and women, particularly in the private sector.

Jordan is considered a low-income country, as the income adopted to determine poverty status varies according to the definition of the general poverty line per individual, which has risen annually to exceed (800) dinars, based on the results of the Household Expenditure and Income Survey data for 2010.

An analysis of the poverty rate, which stood at 14.4%,⁶⁴ shows that the absolute poverty line (food and non-food) amounts to an income of (814) dinars per individual per annum (i.e. 67.8 dinars per individual per month). At the level of the standard household, the poverty line amounts to (4393) dinars per annum (i.e. 366.3 dinars per month). The abject household poverty line (the food poverty line) for a household of (4–5) persons amounts to (151.2) dinars per month, noting that the food poverty line amounts to (336) dinars per individual per annum (i.e. 28 dinars per individual per month). Unemployment was perhaps one of the most important determinants of poverty, as about 29.1% of the poor are unemployed.⁶⁵

With regard to the spread of technology, studies, including the Survey on the Use of Information and Communications Technology in Households for 2011, have shown that 61.2% of Jordanian households own personal computers, 35% of which are connected to the Internet; 98.7% of households own a television set, 90.9% own a satellite dish, and 98.1% have a mobile telephone line. Households owning a landline telephone stood at 18.5%, and the proportion of households owning a private car reached 37.9%. Households owning a refrigerator stood at 97.2%, and those owning a washing machine at 97.3%. The proportion of households owning a radio stands at 38.7%, those owning a solar water heater at 9.7%, and those owning a gas cooker at 93.6%.

Wages

The annual Employment and Unemployment Survey of the Department of Statistics⁶⁶ showed that 1.4% of employed Jordanians receive salaries of less than (100) dinars per month. The survey data revealed that 10.4% of workers in the Kingdom receive salaries of less than (200) dinars, noting

⁶⁴ Based on the data on the poverty situation in Jordan issued by the Department of Statistics in 2012.

⁶⁵ Report of the Poverty Survey issued by the Department of Statistics in 2010.

⁶⁶ Report of the Department of Statistics, 2012.

that the minimum wage adopted in Jordan amounts to (190) dinars. The proportion of those earning less than (300) dinars per month constituted about 31% of all employed Jordanians, while the proportion of those receiving salaries exceeding (300) dinars stood at about 57.2%, according to the survey data of the Department of Statistics. The same data show the difficulties faced by new entrants to the labour market and junior employees in obtaining high wages, as about 65.6% of those employed in the age group (15) to (24) years receive salaries of less than (300) dinars. The same data show that the proportion of those receiving high wages in the real estate sector is the highest among all economic activities, as the proportion of those receiving salaries exceeding (500) dinars in this activity reached about 35.4% of all those employed in this sector in 2012.

The proportion of those receiving salaries exceeding (500) dinars in international organisations operating in Jordan stands at 33.7%, while in mining companies the proportion of workers receiving this level of wages stands at 33.3%, followed by the category of workers in professional, scientific and technical activities, 25.6% of whom receive wages exceeding (500) dinars.

Policies and Actual Practices for Achieving Development

There are numerous economic and social development programmes that are concerned, directly and indirectly, with addressing the issues of poverty and unemployment and increasing employment opportunities in the Kingdom, through creating an environment conducive to attracting investment; broadening the base of popular participation in development decision-making and its follow-up; and enabling citizens and local bodies and actors to identify their needs and set their priorities, in order to advance their local communities and develop them, within the framework of small micro-projects aimed at eradicating the phenomena of poverty and unemployment. Examples of programmes aimed at reducing poverty in Jordan include: cash assistance programmes for poor families implemented by the National Aid Fund, the zakat committees, charitable societies, the United Nations Relief and Works Agency (UNRWA) and other institutions; in addition to health insurance programmes for the poor, under which the Ministry of Social Development and the National Aid Fund provide health services to citizens in cooperation with the Ministry of Health; as well as creating employment opportunities and ensuring a decent life for the poor by supporting and financing micro-projects. There are many such programmes throughout the Kingdom, including the granting of individual and group loans, the financing of income-generating projects, and credit funds. Among the institutions and associations supporting these programmes are: the Housing Cooperative Corporation, the Women's Lending Fund, the Jordan Loan Guarantee Corporation for project financing, the Jordanian Hashemite Fund, and the Zakat Fund in cooperation with the Ministry of Awqaf, Islamic Affairs and Holy Places.

Statistics show that unemployment figures in the country are continuously rising, despite certain policies aimed at mitigating its prevalence in Jordanian society adopted by the Ministry of Labour, foremost among them the National Employment Strategy and its Executive Programme for the years 2011/2020, which provide young people with avenues enabling them to find suitable employment opportunities. The Jordanian Employment Charter emanating from this strategy aims to stimulate the creation of job opportunities for Jordanian workers in the private sector, providing (12) thousand additional job opportunities for workers by the end of 2013, in addition to 22 thousand job opportunities in 2014, with most of them expected to be stable in the labour market

and sustained in a balanced manner across the various governorates of the Kingdom. This is to be achieved through the implementation of a set of specific proposed programmes and the coordination of efforts among the Government, the private sector and civil non-governmental organisations. The number of Jordanian workers employed since the start of the implementation of the strategy reached about (11) thousand workers.

The causes of the spread of unemployment are attributable to many considerations covering both the supply and demand sides of labour. The low level of the minimum wage, for example, limits the uptake of employment. The continued reluctance of citizens to work in certain service-sector activities limits the opportunities available to the national workforce. Likewise, reliance on *wasta* (intercession), nepotism and the lack of equal opportunities in appointment significantly restrict the mechanisms of the labour market, while the mismatch between the outputs of the education sector, at both school and university levels, and the requirements of the labour market deepens the problem of unemployment. The rising numbers of university degree holders, for example, the great tendency of young people, at the outset of their lives, to opt for academic education and prefer it over vocational education, and the enrolment of students in Jordanian universities in specialisations without verifying that there is sufficient demand for them in the labour market, all contribute to deepening the problem of unemployment. All of these issues require radical treatment in order to overcome them and to undertake the various projects leading thereto.

The Executive Development Programme 2011/2013

The Executive Development Programme 2011/2013 represents the Government's plan of action in this field until the end of 2013. The programme comprised seven axes, namely: the legislation and justice axis; the axis of improving and developing the business environment; the axis of administrative, fiscal and monetary reforms; the axis of employment support and vocational and technical training; the social welfare axis; the axis of education, higher education, scientific research and creativity; and the axis of upgrading the level of infrastructure. All the relevant parties participated in the preparation of this programme, on the basis of a number of foundations, including the recommendations of the "We Are All Jordan" Commission, the National Agenda, the Royal Letter of Designation, the Royal initiatives, the various sectoral strategies, and the recommendations of Parliament (the National Assembly) on the financial and economic reform programmes. In addition to these foundations, care was taken to incorporate the elements linked to a number of public policies and strategies relating to the Millennium Development Goals and their indicators, the Demographic Opportunity Policy Document, the Strategy for Combating Poverty through Local Development, the Integrated Financing Strategy to Combat Desertification, the National Strategy for Persons with Disabilities, the priorities of the outputs of the comprehensive plans prepared for the governorates of the Kingdom, and the mainstreaming of gender considerations in the various aspects of the programme. Within the framework of the implementation of these programmes, which were discussed at the level of the sectoral ministerial committees during the first six months of 2010, the challenges facing Jordan were identified and summarised as follows:

- Maintaining stable rates of economic growth.

- Preserving fiscal and monetary stability (addressing the budget deficit and indebtedness and inflation, stabilising the dinar exchange rate, and addressing the current account deficit).
- Sustaining the growth of national exports.
- Ensuring the flow of investment and capital into the Kingdom.
- Reducing the problem of poverty.
- Achieving a high degree of balanced development among the regions.
- Addressing structural imbalances in the labour market and the high rate of unemployment.
- Achieving water security and security of energy supply.
- Increasing productivity at the macro and sectoral levels.

The long-term and short-term objectives of the Executive Development Programme for the years 2011/2013 were as follows:

- **First: Long-term objectives:**
 - Developing the Jordanian economy so that it becomes prosperous and open to regional and global markets.
 - Preparing Jordanians for lifelong learning and motivating them to work in occupations whose added value is continuously rising.
 - Enabling the national economy to absorb the growing annual inflow of the Jordanian workforce.
 - Strengthening government administration so that it is financially stable, transparent and accountable, at both the central and local levels.
 - Enabling Jordanians to hold their governments and their elected officials accountable.
 - Preserving Jordan and enhancing it as a safe and suitable place to live, work and raise future generations.
 - Ensuring that Jordanians enjoy an adequate standard of health at all levels.
 - Enhancing the self-reliance of Jordanians and assisting those among them who are unable to meet their basic needs.
 - Improving and preserving the quality of the environment.
 - Strengthening the independence and fairness of the judicial system and continuing to activate its role in safeguarding rights and freedoms.
 - Restructuring the public sector to make it more productive and effective.
 - Providing facilities and infrastructure of high efficiency and return.
 - Ensuring that Jordanians obtain equal opportunities to participate in political, economic and cultural activities.
- **Second: Short-term objectives:**

- Strengthening the independence and integrity of the judiciary and developing the legislative framework.
- Enhancing fiscal and monetary stability and increasing self-reliance.
- Creating an environment conducive to business and investment and enhancing the competitiveness of the national economy.
- Developing the tourism product and preserving the Jordanian civilisational and cultural heritage.
- Enhancing the competitiveness of the agricultural sector and increasing its productivity in quantity and quality.
- Promoting the knowledge-based economy and aligning educational outputs with the requirements of the labour market.
- Promoting local development in a manner that achieves a high degree of balanced development among the governorates, protecting the middle class, and combating poverty and unemployment.
- Developing water resources and raising the efficiency of their management.
- Diversifying energy sources and forms.

Components of the Economic and Social Productivity Programmes

- Infrastructure and housing projects, which aim to improve the climate and the environmental and physical conditions surrounding poor communities by providing infrastructure services, and to encourage the establishment of productive investment projects.
- Housing for poor families:
- Providing the poorest families in all regions of the Kingdom with housing that meets the requirements of healthy housing.
 - The project for building and maintaining dwellings for poor families.
 - Projects for developing camp areas and their housing.
 - The King Abdullah II Project for Housing Poor Families.
 - Wadi Araba Housing.

Building the Institutional Capacities of the Local Community

Improving the standard of living and increasing the income of the local community by establishing productive, income-generating and labour-intensive projects; institutionalising the process of building the institutional capacities of local community institutions and involving them in the process of managing comprehensive and sustainable development; in addition to providing rapid solutions to the problems of local communities.

- Small grants projects for associations.
- Direct intervention projects.

- Institutional capacity building for non-governmental organisations (“Qudurat”).

Comprehensive Local Development

Creating sustainable local economies through the implementation of productive development projects, and enhancing local participation in the development process, so as to enable local communities in the future to implement and finance projects.

- Rural clusters.
- Comprehensive pioneering development projects.
- Development projects in poverty pockets.

Recommendations

The Centre considers that the most important reasons for the decline in development rates in Jordanian society are attributable, in addition to the impact of external factors and the scarcity of natural resources, to social and economic causes and to the absence of popular participation in political decision-making. With a view to mitigating these problems and challenges, the Centre recommends the following:

- Raising awareness of the effects of the demographic changes facing the Kingdom at present and in the future, and the impact thereof on the educational, health and economic sectors in light of scarce capabilities and limited resources.
- Establishing a social system for eradicating the twin problems of poverty and unemployment, aimed at empowering the poor and encouraging the principles of self-employment that contribute to creating job opportunities commensurate with the nature of the job-seeker.
- Strengthening the effective and free participation of citizens in the equitable sharing of basic resources and in the management of their diversity, means and mechanisms. In this context, the Centre considers that there is slowness in developing the mechanisms for the institutional participation of citizens in the formulation of public policies and in the reform of the public sector.
- Adopting the approach based on human rights concepts when formulating the State’s general budget, so that the rights of citizens to education, health, work and other rights take priority in expenditure.
- Strengthening the partnership between the Governorates Development Fund and the relevant institutions and associations, in order to ensure that the largest possible number of citizens benefit from the Fund’s programmes.

The Right to an Adequate Standard of Living

Livelihood demands and daily living concerns topped the priorities of Jordanians. Poverty, unemployment, the high cost of living and rising prices have become the overriding concern preoccupying citizens, in light of the challenges facing the Kingdom, namely the growing fiscal deficit; the limited assistance received by the Treasury compared with the varied requirements of

the State; the rising subsidy bill⁶⁷ owing to the increase in oil prices⁶⁸ on the international exchanges; and the influx of thousands of Syrian refugees and the consequent need to provide public services to them. All of this led to mounting pressures and an increased burden on the Jordanian economy, which requires the Government to rearrange its priorities by formulating a sound budget and providing new job opportunities. It also necessitates reducing current expenditure, preventing the waste of public funds, activating economic reform programmes, providing conditions conducive to encouraging investment, and maximising the role of national capital in achieving economic growth that contributes to improving the standard of living of citizens, as guaranteed by the Jordanian National Charter⁶⁹ and affirmed by international instruments.⁷⁰

The Fiscal Situation

Data issued by the Ministry of Finance indicate an increase in the fiscal deficit⁷¹ in the general budget after grants, reaching (1807.7) million dinars for 2012, compared with (1382.7) million dinars for 2011. When foreign grants are excluded, the fiscal deficit rises to (2134.8) million dinars for 2012, compared with a deficit of (2597.7) in 2011. It should be noted that the 2012 deficit excluding grants is lower by approximately (463) million dinars than the level of the deficit excluding grants in 2011. The following chart shows the development of the general budget deficit in the Kingdom, in millions of dinars, during the period 2008/2012.

Development of the General Budget Deficit (in Millions of Dinars) during the Period 2008–2012

Year	Budget deficit after grants	Budget deficit before grants
2008	-338.2	-1056.5
2009	-1509.3	-1842.7
2010	-1045.2	-1446.9
2011	-1382.7	-2597.7
2012	-1807.7	-2134.8

⁶⁷ Statements of the Prime Minister dated 3/11/2012: over the past two years, the Public Treasury has borne 5 billion dinars in oil price differences (“subsidy of oil derivatives”), and the amount will reach 2.5 billion dinars in 2012, of which 800 million dinars are for fuels and the remainder for electricity generation.

⁶⁸ Jordan consumes an average of one hundred thousand barrels per day of crude oil, which rose to 170 thousand barrels owing to the interruption of Egyptian gas supplies.

⁶⁹ Article (3) of the Jordanian National Charter provides that: “Combating poverty and addressing its effects is a strategic objective of the Jordanian State and a national responsibility, which requires providing employment opportunities for those able and seeking to work, giving priority therein to Jordanians, and pursuing fairness in the distribution of services and development projects geographically and socially, in a manner that meets the basic needs of the citizen, renders poverty an exceptional situation, and limits the aggravation of its negative effects that may befall the individual and society.”

⁷⁰ The text of Article (25/1) of the Universal Declaration of Human Rights, and Article (11) of the International Covenant on Economic, Social and Cultural Rights (ICESCR).

⁷¹ Ministry of Finance / General Government Finance Bulletin / Issue No. 12, January 2013.

The net public debt at the end of 2012 reached approximately (16581) million dinars,⁷² i.e. 75.5% of gross domestic product (GDP), compared with (13401.8) million dinars for 2011, at a rate of 65.4% of GDP. The following chart shows the ratio of public debt to GDP for the years 2008/2012.

Ratio of Public Debt to GDP for 2012 Compared with Previous Years

Year	Public debt as a percentage of GDP
2008	54.84%
2009	57.12%
2010	61.09%
2011	65.4%
2012	75.5%

As for the inflation rate in the Kingdom, it reached 4.7% in 2012, compared with 4.4% in 2011, which means that about 71% of the annual growth achieved in per capita GDP, which stood at about 6.8% in 2012, was eroded. The inflation rate recorded last year is attributable to the rise in the prices of the food group at a rate of 4.6%; the item “dairy products and eggs” by 13%, sugar by 3.6%, the item “meat and poultry”, whose prices rose by 6.4%, and the item vegetables by 5%, while the prices of the item cereals and cereal products decreased by 1.3%. Meanwhile, the prices of the “Housing” group by 3.5%, the “Transport” item by 9%, and the “Clothing and Footwear” group, the prices of which rose by 4.7%. The chart below shows the rate of inflation during the period 2009/2012.

Inflation Rate for the Years 2009–2012

Year	Inflation rate for the years 2009–2012 (%)
2008	13.9
2009	-0.7
2010	5
2011	4.4
2012	4.7

The end of 2012 witnessed the liberalisation of fuel prices at rates ranging from 14% to 54%. The price of unleaded 90-octane petrol was adjusted to (800) fils per litre, the price of diesel was adjusted to (685) fils per litre, the price of kerosene was adjusted to (685) fils per litre, and the price of a (12.5) kilogram gas cylinder was adjusted to (10) dinars per cylinder instead of (6.5) dinars. This was in return for the provision of direct cash support to limited-income families whose income is less than (800) dinars per month. According to a study conducted by the Government, the cost of lifting the subsidy on oil derivatives to a limited-income family was estimated at (143) dinars annually, and the Government provided these families, composed of six members, with cash support estimated at (420) dinars annually; that is, the share of a single individual in the compensation amounts to seventy dinars annually, or (19) piasters per day per individual. The liberalisation of oil derivative prices resulted in increases in the prices of certain foodstuffs, such as dairy products, frozen foods and certain types of confectionery and popular meals, on the pretext of the liberalisation of fuel prices, and transport fares rose by rates ranging between 9%

⁷² Ministry of Finance / General Government Finance Bulletin / Issue No. 12, January 2013.

and 11%, depending on the type of fuel used. Sit-ins⁷³ and protests followed one another in the Kingdom in the wake of the liberalisation of oil derivative prices, and the protesters called upon the Government to reverse its decision to raise the prices of oil derivatives and to seek long-term and far-reaching mechanisms to rescue the Kingdom from its financial situation. Demonstrators considered that what the country is suffering from is economic mismanagement, a lack of seriousness in combating corruption, and failure to exploit the State's resources, such as oil shale and others. The Government must adopt national productive economic policies, control government expenditure and financial waste, halt privatisation policies, enact a progressive tax, provide support for development projects in the governorates, and involve young people in decision-making.⁷⁴ The National Centre monitored the opinions of economists on the liberalisation of oil derivative prices, who called upon the Government not to resort to the citizen's pocket, but rather to reconsider unfeasible government projects that drain the General Budget, reduce the number of independent bodies, which total (62) bodies and whose budgets are estimated in aggregate at approximately (2) billion dinars, reduce government expenditure, and develop a national plan to address financial waste, which is estimated at approximately (1.5) billion dinars.

During the first five months of 2013, the inflation rate rose by 6.6%, compared with 3.9% during the same period of 2012, with the "Fuel and Lighting" and "Transport" items contributing 52.2% of the inflation rate.⁷⁵

Poverty and Unemployment Rates:

The results of the available poverty survey⁷⁶ indicate that the general poverty line per individual rose annually from 680 dinars to exceed 800 dinars⁷⁷ for 2012, based on the results of the data of the Household Expenditure and Income Survey for 2010. The average annual income of the Jordanian household was estimated at 8,842 dinars. The figures showed that the highest average current household income by governorate was in Amman, where it reached 10.61 thousand dinars, whereas Madaba was among the lowest governorates, with an average of 6.91 thousand dinars. Karak Governorate came second with 8.75 thousand dinars, followed by Irbid with 7.95 thousand dinars and Jerash with 7.95 thousand dinars. The average household income reached 7.52 thousand dinars in Aqaba, 7.65 thousand dinars in Ma'an Governorate, 7.71 thousand dinars in Ajloun Governorate, 7.36 thousand dinars in Tafileh, 7.25 thousand dinars in Zarqa, 7.25 thousand dinars in Mafraq, and 7.27 thousand dinars in Balqa.⁷⁸ This requires an increase in the financial

⁷³ Al-Dustour, 13/11/2012, quoted from the link: http://www.addustour.com/ViewTopic.aspx?ac=\2012\11_issue1849_day14_id449335.htm#.ULXRHmeZHM0

⁷⁴ Al-Dustour, 9/11/2012, quoted from the link: http://www.addustour.com/ViewTopic.aspx?ac=\2012\11_issue1844_day09_id448326.htm#.UKDaPWeZHM0

⁷⁵ According to data of the Central Bank of Jordan.

⁷⁶ The reason for the unavailability of recent figures on poverty and household expenditure is that the mechanism for conducting the statistical survey of Jordanian household expenditure and income requires a long period of time, owing to the large size of the statistical sample, as the Department of Statistics conducts the survey every two years, and the process of analysing the sample and issuing the report also takes two years.

⁷⁷ Al-Arab Al-Yawm, 27/5/2012. http://alarabalyawm.net/Public_News/NewsDetails.aspx?lang=1&site_id=2&NewsID=2581

⁷⁸ Household Expenditure Survey Report / Department of Statistics for 2010.

allocations for poverty-alleviation programmes, particularly as the Kingdom has witnessed, during the past two years, a rise in the prices of foodstuffs and oil derivatives, which will lead to the aggravation of poverty rates, a decline in the ability of persons with limited incomes to meet their needs, and a deterioration in their standards of living. According to the report⁷⁹ on the State of Poverty in Jordan for 2010, the poverty rate reached 14.4%, and it had been expected to reach 17% were it not for the assistance provided by the National Aid Fund and the various government transfers, amounting to 219.1 million dinars, excluding the subsidy on food commodities. The absolute poverty line (food and non-food) reached 813.7 dinars per individual annually (i.e. 68 dinars per individual per month). At the level of the standard household, composed of (5.4) members, the poverty line reached 4,393 dinars annually (i.e. 366 dinars per month). The abject poverty line for the household (the food poverty line) amounted to (151.2) dinars per month, noting that the food poverty line reached (336) dinars per individual annually (i.e. 28 dinars per individual per month). It should be noted that the classification of an individual as poor under this methodology is linked to the general poverty line of the Kingdom. As for the abject poverty rate, it was less than one percentage point, and below the target value estimated at 3.3% by 2015 under the Millennium Development Goals. The data also indicate disparities in poverty rates among the Kingdom's districts, which number (89) districts distributed over (12) governorates, reaching their maximum in both Wadi Araba District in Aqaba Governorate, at 71.5%, and Al-Ruwaished District in Mafrq Governorate, at 69.6%.⁸⁰

Poverty-alleviation projects are still unable to contain this serious scourge that threatens the national fabric. Among the most prominent challenges relating to combating poverty in Jordan are the population increase, the rate of which exceeded 10% during the past five years, together with the continued influx of refugees into Jordan from neighbouring countries, the global economic crises, and the decline that has affected the national economy and the level of investment in the Kingdom. The programmes for the empowerment of poverty pockets, which are implemented by the relevant authorities with the aim of alleviating the severity of poverty, deal with pockets that were identified on the basis of the Household Income and Expenditure Survey Report for 2008 and 2010. The Ministry of Social Development deals with poverty at two levels, "at the national level and at the governorate level", with the aim of reaching poor families wherever they may be, through the National Poverty Reduction Strategy,⁸¹ which is based on the principle of integrated work with all relevant authorities and comprises five pillars, namely: the social safety net; employment, training and productivity; infrastructure; social insurance; and the pillar currently in force relating to social protection, under which fall the assistance of the National Aid Fund and the services, care and protection provided by the Ministry of Social Development. It is worth mentioning that the Strategy addressed the impact of rising prices on poor groups and the expected future poverty rates, and focused on the employment pillar, particularly since approximately 50% of the job opportunities created in the private sector in 2010 were filled by

⁷⁹ Report on the State of Poverty in Jordan / Department of Statistics for 2010.

⁸⁰ The Department of Statistics followed a methodology of measuring the cost of calories for the lowest-spending segment of the population by adopting the first three deciles instead of the first and second deciles. This is because the measure of household needs and the level of welfare of the Jordanian household have changed from what they were, and many consumption needs, whether food or non-food, have become necessities, which will raise the poverty rate in the Kingdom.

⁸¹ The National Poverty Reduction Strategy for the years 2013/2020, quoted from the link: http://www.mosd.gov.jo/index.php?option=com_content&view=article&id=1656/2013/2020/&catid=95:95&Itemid=14

migrant workers, which the Ministry of Social Development considered unacceptable in light of the large number of young people seeking job opportunities. In this regard, the Centre refers to an incident that occurred in 2012, when a citizen set himself on fire in the office of the Aid Fund of Bani Kinana District because of his deteriorating financial situation and the refusal of the Aid Fund⁸² to allocate monthly assistance to him and his family, as a case demonstrating the weakness of the mechanisms for combating poverty in the Kingdom, which requires concerted efforts to combat this scourge.

Unemployment Rates and Means of Combating Them

Table No. (10) Showing Quarterly Unemployment Rates for the Years 2010/2012

Quarters	2010	2011	2012
First	12.4	13.1	11.4
Second	12.2	13.2	11.6
Third	13.5	13.1	13.1
Fourth	11.8	12.1	12.5

The rise in unemployment rates in Jordan is one of the most prominent challenges facing economic and social development programmes. Official statistics⁸³ indicate that unemployment rates for the last quarter of 2012 reached 12.5%, with the rate for males reaching 10.8% compared with 19.9% for females. Table No. (10) shows unemployment rates in 2012 compared with previous years.

According to the statistics issued by the Department of Statistics, the highest unemployment rate was recorded for the two age groups (15/19) years and (20/24) years, reaching 31.8% and 28.8% respectively during the last quarter of 2012. The highest unemployment rate was in Tafileh Governorate, where it reached 19.6%, while Ajloun Governorate recorded the lowest unemployment rate, at 8.3%. There are (3.5) million citizens of working age in Jordan, of whom 37.7% are economically active and 62.3% are inactive. The number of employed persons is estimated at (1,856,400) individuals, and the unemployed at (243,600) individuals, in addition to the job seekers graduating annually from universities, who average (50,000) individuals, to whom are added on average (8,000) graduates of intermediate university colleges, in addition to (18) thousand students who have completed, or failed, the General Secondary Examination, as well as the presence of migrant workers who, according to official estimates, number approximately between (600) and (750) thousand male and female migrant workers, which imposes economic

⁸² The National Aid Fund provides financial assistance; the number of families benefiting from it during the nine months of 2012 reached (88,758) families, on which approximately 7 million dinars are spent monthly. The total assistance for persons with disabilities out of the overall total amounted to (7,706) assistance payments at a monthly cost of approximately (283.7) thousand dinars. Approximately 164 thousand dinars were disbursed to (484) families as the value of medical devices and aids under the physical rehabilitation assistance. In accordance with the Fund's monitoring and follow-up procedures for the current year, the disbursement of assistance to approximately (3,672) families was stopped and suspended, in addition to an increase of (2,159) monthly assistance payments, while the Fund allocated, and ended the suspension of, approximately (6,530) assistance payments during the past nine months, together with a reduction in the value of (2,714) assistance payments.

⁸³ Department of Statistics: Employment and Unemployment for 2012: http://www.dos.gov.jo/owa/user/owa/emp_unemp_y.list_tables_y

and living burdens on the State in light of Jordan's limited capabilities and scarce natural resources, such as water and electricity. In order to resolve the problem of unemployment in Jordan, (60) thousand job opportunities must be provided annually, i.e. the equivalent of at least (720) thousand jobs during the next decade; however, this is not possible in view of the capacity of the Jordanian economy. For example, the Jordanian economy was able, during 2012, to provide approximately (53) thousand net job opportunities. This calls for broadening the base for absorbing the unemployed through exerting efforts to enable them to obtain job opportunities outside Jordan, given the positive effects thereof on social development and the improvement of living conditions, and benefiting from the cash remittances that will come from Jordanians working abroad.

Among the phenomena that occurred in 2012 were the campaigns carried out by the staff of the Greater Amman Municipality and municipal employees to remove street stalls and commercial shops encroaching on the street in the governorates of the Kingdom, which the Municipality justified as aimed at regulating the movement of traffic and pedestrians, as they cause traffic congestion and bottlenecks and other problems for citizens. In this regard, the Centre recalls the incident of the death of a citizen in the "Middle Beach" area of Aqaba from burns after he set himself on fire in protest against the removal of his stall, owing to his deteriorating financial and social circumstances.⁸⁴

Food Security and the Improvement of Agricultural Production:

With regard to achieving food security and improving agricultural production in the Kingdom, this requires the establishment of an integrated system that includes a policy of developing the work of farmers and encouraging them to engage in agriculture and increase production, in addition to finding practical solutions for exporting goods abroad, exempting agricultural production inputs and food industries from taxes and fees, and reducing energy prices for the sector. According to statements by the President of the Jordan Valley Farmers Union,⁸⁵ the agricultural sector is suffering a real setback in light of the rise in the prices of agricultural production inputs by more than 20%, in addition to the policy of the Ministry of Labour on the recruitment of migrant workers. He also stated that only 5% of the total greenhouses in the Jordan Valley, which number approximately (70) thousand, have been equipped, owing to the circumstances that farmers are going through, and that export contracts declined by 70%, falling to five thousand export contracts in 2012, whereas they had numbered (20) thousand contracts in 2011, because of the current events in Syria, which is the primary consumer of Jordanian agricultural produce, where the volume of exports to it during the current season fell by 50%. Here, the Centre stresses the need to develop practical strategies in favour of farmers to resolve the crisis of exporting agricultural products by land and air transport.

⁸⁴ Al-Rai, 9/9/2012, quoted from the link: <http://www.alrai.com/article/537765.html>.

⁸⁵ Al-Arab Al-Yawm, 9/9/2012, quoted from the link: http://www.alarabalyawm.net/Public_News/NewsDetails.aspx?NewsID=22768&Lang=1&Site_ID=2

The Right to Housing:

With regard to the right to housing, the amended Owners and Tenants Law No. (22) of 2011 provoked widespread controversy among the Jordanian public regarding the fairness of the Law, owing to the amendment made to Article (5), relating to the determination of the fair rent, and Article (7), relating to the right of heirs to occupy the leased premises. According to the Tenants Protection Society, the number of cases registered before the courts in 2012 between the two parties, “owners and tenants”, exceeded (19) thousand cases, most of which relate to requests for a committee of experts to be formed by the court to determine the fair rent. Sit-ins⁸⁶ and protests against the Law also followed one another among the Jordanian public, with the protesters calling for the amendment of the text of the fifth and seventh articles of the Law so as to ensure the achievement of the public interest. They also called for finding practical solutions that take into account social security and justice and the interests of both parties to the equation, the owner and the tenant. As for housing, the Centre monitored media reports on the lack of services in the dwellings of the virtuous families, in particular the absence of schools, health centres and transport, and noted that most of the housing units suffer from internal cracks in their walls and ceilings.⁸⁷

The Transport Sector:

With regard to the transport sector, the amount of the government subsidy provided for fares reached (30) million dinars annually, including the subsidy for the transport fares of students of public universities, which was estimated, from the beginning of the current year until the end of September, at (1.75) million dinars.⁸⁸ The percentage of citizens who use public transport is estimated at 46%. The reason for the low percentage, despite the financial support provided by the Government to the sector, is attributable to: the weak management of public transport facilities; failure to adhere to fixed schedules; randomness in the distribution of routes; the absence of waiting stops and the failure of drivers to adhere to such stops; the instability of the numbers of vehicles operating on routes and of their frequencies; and the scarcity of studies relating to the evaluation of the service provided, or to future planning for it with regard to increasing the number of operating vehicles or strengthening routes and lines. The Centre monitored the suffering of citizens, whether employees or university students, some of whom described it as a daily journey of torment, as public transport is never free on any day of scenes that reflect its bitter reality: citizens wait for public transport buses for hours in long queues, and the public transport sector also suffers from traffic congestion at peak times, specifically between two and four o'clock in the afternoon, particularly at university gates and in certain areas of traffic congestion. All of this drives citizens to acquire private cars through bank loans, or to replace public-sector means of transport with paid private-sector transport; the number of private vehicles in the Kingdom has

⁸⁶ Al-Dustour, 19/3/2012 and 28/5/2012.
http://www.addustour.com/ViewTopic.aspx?ac=\2012\03_issue1614_day19_id400457.htm#.UOvozqxbYUc
http://www.addustour.com/ViewTopic.aspx?ac=\2012\05_issue1684_day28_id416568.htm#.UOvrbaxbYUc

⁸⁷ Al-Dustour, 6/3/2012.
http://www.addustour.com/ViewTopic.aspx?ac=\2012\03_issue1601_day06_id397137.htm#.UUgBbzfmajg

⁸⁸ Al-Dustour, 21/10/2012.
http://www.addustour.com/ViewTopic.aspx?ac=\2012\10_issue1828_day21_id445085.htm#.UVQkKzdqTek

exceeded one and a half million cars, i.e. one car for every four persons. This year also witnessed a boycott by students of the Hashemite University of the buses of the company that transports them from the University to the Raghadan and Yajouz stations, in protest against the doubling of fares without any reasons being given.⁸⁹ Here, the Centre stresses the need to solve the problem of the transport crisis radically, either by increasing the number of buses transporting students to and from universities, or by contracting with transport companies to alleviate the university transport crisis.

The Water Sector:

With regard to the water sector, Jordan still faces the problem of water deficit,⁹⁰ which constitutes a national concern, in light of the rising demand for water relative to the increase in population and the multiple uses for drinking, agriculture and industry. The water deficit in the Kingdom is estimated at more than (600) million cubic metres annually, noting that losses constitute 46%, which is a high rate when compared with the international standard estimated at 15% as a maximum.⁹¹ Table No. (11) shows the percentage of citizens served by water networks and sewerage networks and the percentage of losses, based on the statistics of the Ministry of Water and Irrigation, in addition to sewerage problems and water pollution in various areas of the Kingdom. The Centre monitored sit-ins⁹² by citizens in 2012 because of water cuts in most of the governorates of the Kingdom, such as Zarqa, Rusaifa, Karak, Irbid and Madaba. It is worth mentioning that approximately 89% of the Disi Water Conveyance Project to Amman has been completed, which will improve the water situation and put an end to the problems of the water crises that the Kingdom faced during the past two years. The Ministry of Water has worked on signing an agreement to expand the Khirbet As-Samra wastewater treatment plant under the Build-Operate-Transfer (BOT) system with the Samra Plant Company, in order to develop the plant's capacity to treat suspended solids, biological matter and others, so as to produce larger quantities of treated wastewater suitable for agricultural use, which will contribute to replacing part of the fresh water in the Jordan Valley and diverting it to meet the needs of the urban areas with the highest demand.

⁸⁹ Al-Dustour, 26/3/2012. <http://www.addustour.com/ViewarchiveTopic.aspx>

⁹⁰ Jordan is one of the four poorest countries in the world in terms of water at the global level, as the individual's share of water available for use does not exceed 150 m³ annually, according to the Ministry of Water and Irrigation, compared with the individual consumption rate in water-poor countries, estimated at 1,000 m³ annually.

⁹¹ The Annual Report of the Ministry of Water and Irrigation.

⁹² See: Al-Rai, 21/7/2012: The King directs that the water problem in Tayybeh/Karak be resolved. <http://alrai.com/article/528362.html> Al-Rai, 24/7/2012: Sit-in in Karak demanding a solution to the problem of drinking-water shortage. <http://www.alrai.com/article/528933.html> Al-Rai, 28/7/2012: Sit-in in Kufraiba in protest against water cuts for 3 months. <http://alrai.com/article/529708.html> Al-Dustour, 9/9/2012: Sit-in in Irbid in protest against water cuts and demanding the termination of the French company's contract. http://www.addustour.com/ViewTopic.aspx?ac=\2012\09_issue1786_day09_id436476.htm#.UIKcoVIfsoM

Recommendations:

The Centre reiterates its recommendations contained in the annual reports of previous years regarding reducing the levels of poverty and unemployment and raising the standard of living of citizens, and stresses the following:

- Strengthening the system of prior and subsequent oversight of the use of public funds, as one of the most important factors in combating financial and administrative corruption, which is the main cause of poverty, unemployment, and the shortcomings, or even failure, of development.
- Enacting legislation that helps the private sector bear its “social responsibility” and respect human rights in supporting the local community in several fields, the most important of which are education and training and the establishment of small and medium-sized enterprises, in a manner that leads to achieving human development. Increasing the responsibility of private companies towards persons with limited incomes by adopting economic programmes that create job opportunities and contribute to reducing the effects of the problem of poverty.
- Increasing the responsibility of private companies towards persons with limited incomes by adopting economic programmes that create job opportunities and contribute to reducing the effects of the problem of poverty.
- Re-evaluating the National Agricultural Strategy in Jordan in order to increase the productivity of this sector and its share of the Gross Domestic Product.
- Rationalising water use, stopping waste, modernising networks, and stopping encroachments on groundwater wells and the excessive pumping of their water.
- Allocating technical and financial support to small and medium-sized enterprises, particularly in the governorates, given their role in providing job opportunities, solving the two problems of poverty and unemployment, and stimulating the national economy.
- Increasing coordination among the authorities concerned with social protection in Jordan, particularly between employment programmes, and empowering the lowest-income groups, in order to avoid duplication in obtaining social benefits from more than one authority.
- Developing and qualifying human cadres in order to reduce the two phenomena of poverty and unemployment and to increase economic growth rates.
- Supporting the plans of the Ministry of Transport by providing the financial support necessary to begin introducing modern means of transport, such as light rail between the main cities in Jordan.
- Ensuring the availability of an appropriate environment for enhancing competition in local markets, and working to curb exploitative practices, particularly price manipulation; intensifying oversight of traders who exploit any circumstance to make further profits; and regulating market relations and preventing monopolies and commercial cartels.
- Evaluation by the National Aid Fund of the cases of its beneficiaries in accordance with precise objective criteria for determining the cases that should be provided with assistance.

- The Greater Amman Municipality and the municipalities to find alternative markets for street-stall owners, rather than confining themselves to campaigns to remove them.
- Strengthening the partnership between the Vocational Training Corporation and employment institutions in Arab countries in order to provide job opportunities for Jordanian citizens in Arab countries upon completion of their vocational training.

The Right to Work

The Constitution, in Articles (6/2) and (23), guarantees the right to work for all citizens, and obliges the State to provide it to them by directing and advancing the economy. Accordingly, Labour Law No. (8) of 1996 was enacted to regulate the foundations of the contractual relationship between workers and employers, and thus the enjoyment by workers of the rights, benefits and legal measures guaranteed by this Law. Jordan also published in the Official Gazette the International Covenant on Economic, Social and Cultural Rights, which addresses, in Articles (6, 7, 8), the right of individuals to enjoy satisfactory conditions of work, and guarantees the provision of equal employment opportunities for all workers; fair, equitable and equal wages for all without discrimination; the securing of a decent life; working conditions in which safety and health are ensured; and the reasonable limitation of paid working hours, including rest and leisure time. Furthermore, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990, which entered into force on 1 July 2003, established an adequate, all-embracing and comprehensive codification of all the guarantees and rights of migrant workers that must be respected,⁹³ and the Centre calls upon the Government to accede to this International Convention.

The International Labour Organization has also issued (189) international conventions, of which Jordan has ratified (24) conventions,⁹⁴ in particular the fundamental conventions, with the exception of Convention No. (78) concerning freedom of association, which has not been signed, and International Convention No. (198) concerning decent work, which includes protection of the rights of female domestic workers and which was adopted on 16/6/2011.

In 2012, the Ministry of Labour undertook a number of measures aimed at enhancing and protecting workers' rights, the most prominent of which were: (a) visiting numerous establishments, factories and commercial shops; in 2012 the Ministry carried out (49,463) inspection visits, issued warnings to (3,672) establishments, and recorded (14,214) violations against violating establishments. The number of labour complaints received by the Ministry of

⁹³ Among the most important matters addressed by this Convention for the protection of migrant workers and their families are the following: (the right to work and to receive a fair and adequate wage; non-discrimination; equality before the law and legal protection; freedom from forced labour; protection from arbitrary measures; the right to an adequate standard of living; the right to work in safe conditions; the right to work reasonable hours; the right to rest; freedom from sexual harassment; the right to form trade unions; and the right to freedom of religious belief and freedom of opinion and expression).

⁹⁴ The most important of these conventions include: 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.

Labour reached (5,341) complaints, of which (4,583) were resolved. (b) Granting Egyptian workers several periods to regularise their status. (c) Granting a regularisation period for female domestic workers and exempting them from residence fines and work permit fees for previous periods.

Social Security:

By virtue of its ratification of the International Covenant on Economic, Social and Cultural Rights and its becoming a party to ILO Convention No. (102) of 1952 concerning Social Security (Minimum Standards), the Government has undertaken to provide social insurance, such as medical care, unemployment, old age, employment injury, maternity and invalidity, to all citizens, irrespective of the date of employment or of contribution to the Social Security Fund.

The National Centre for Human Rights followed the issuance of the Temporary Social Security Law, which included a number of positive aspects, including the expansion of the social security umbrella to cover employers and self-employed persons and joint partners working in their establishments, and the application of the provisions on maternity insurance and unemployment insurance.

Among the positive aspects of the Law is the setting of a maximum ceiling on the wage subject to social security, in order to protect the rights of members and successive generations, and the treatment of the phenomenon of the excessive increase in certain retirement pensions that undermine the principle of solidarity, as well as the concept of social protection and justice.

The Centre observed that there are a number of aspects and demands by certain segments of society calling for the amendment of the Law, as they affect their rights, the most prominent of which are: not raising the retirement age, the wage subject to deduction in the year, and the reduction of social insurance returns for contributors through calculating the benefit coefficient on the basis of the last sixty contributions instead of the last twenty-four contributions.

The number of establishments covered by social security reached (66,980) establishments, and the number of insured persons reached (943,362) thousand persons as at 31/12/2012.

The National Employment Strategy:

One of the most prominent challenges facing economic and social development programmes is the rise in unemployment rates in Jordan, as official statistics⁹⁵ indicate that unemployment rates for the last quarter of 2012 reached 12.5%, with the rate for males reaching 10.8% compared with 19.9% for females. In 2011, for the purposes of addressing the problems of poverty and unemployment, the National Employment Strategy and its Executive Programme for the years 2011/2020 were launched, which give young people great importance in order to enable them to build their future and to create suitable job opportunities for them. The Executive Programme of the National Employment Strategy was prepared through a participatory effort that brought together the public and private sectors, civil society institutions and workers' representatives,

⁹⁵ Department of Statistics: Employment and Unemployment for 2012.
http://www.dos.gov.jo/owa/user/owa/emp_unemp_y.list_tables_y

within the framework of the Jordanian Employment Forum, which was held under the slogan “From Planning to Implementation”.

The Strategy addressed the fundamental problem of the lack of alignment between supply and demand and the incentives available in the labour market, gave young people utmost importance, and sought to create job opportunities with which they can build their future.

The Strategy focused on three main pillars, namely:

- a. A short-term pillar: to absorb the unemployed through commitment to a clear and predictable policy and management of foreign labour, in addition to expanding the provision of credit to micro, small and medium-sized enterprises, and evaluating current labour market programmes and reinforcing their successes.
- b. A pillar relating to the medium term, focusing on expanding school-to-work transition programmes and reforming the employment and technical and vocational training sectors.
- c. A pillar relating to long-term impact, consisting of increasing productivity by restructuring human and economic capital and replacing foreign labour with local labour, as productive projects carry large job opportunities and are important to the Jordanian economy.

The Jordanian Employment Charter emanating from this Strategy aims to stimulate the process of creating job opportunities for Jordanian workers in the private sector, providing (12) thousand additional job opportunities by the end of 2013, in addition to (22) thousand job opportunities in 2014, with most of them expected to be stable and sustainable in the labour market and distributed in a balanced manner across the various governorates of the Kingdom, through the implementation of a set of specific proposed programmes and the coordination of efforts between the Government, the private sector and non-governmental civil organisations. The number of Jordanian workers employed since the commencement of the implementation of the Strategy has reached approximately (11) thousand workers.

Sit-ins and Strikes:

In 2012, workers carried out approximately (900) sit-ins and strikes covering both the public and private sectors. The number of disputes handled by the Ministry of Labour reached (100) disputes, and the number of deposited agreements reached (97) collective labour agreements. Workers’ demands focused on the following matters: (a) increasing wages and salaries; (b) achieving additional gains, such as a thirteenth and fourteenth salary; (c) sit-ins against administrative restructuring or the application of new instructions; (d) demands for the confirmation of workers in permanent employment, particularly daily-wage workers, and of certain Social Security workers in their posts; (e) protests relating to trade union matters and the improvement of trade union conditions.

Agricultural Labour:

With regard to agricultural workers,⁹⁶ and notwithstanding the Government's amendment in 2008 of Article (3) of the Labour Law and the subjection of agricultural workers to the provisions of the Labour Law, the special regulations for regulating the rights of agricultural workers have not been issued to date, which adversely affects them. In 2012, the Ministry of Labour issued (81) thousand work permits for workers of foreign nationalities, with Egyptian workers accounting for 80%, in addition to a number of Jordanian workers, particularly women and children, who work in this sector. In 2012, through complaints and field visits carried out in a number of the areas in which such labour is present, the Centre monitored the continued occurrence of the following violations: (a) the failure to cover workers with health insurance and social security; (b) long working hours and violation by sponsors of employment contracts, and failure to abide by the provisions of employment contracts; (c) the manipulation by some employers of the employment contracts of Egyptian workers, and allowing them to work in jobs outside the scope of agricultural work in return for sums of money; (d) requiring some Egyptian workers to sign papers and promissory notes to ensure that they do not abscond.

Domestic Workers

In 2012, the number of female domestic workers reached (47,681), of whom (5,996) were of Filipino nationality, (12,500) Sri Lankan, (7,700) Indonesian and (10,700) Bangladeshi. The Philippine and Indonesian Governments have, since 2008, continued to impose a ban on sending migrant workers to Jordan for domestic work; nevertheless, workers from these two countries continue to arrive in the Kingdom through recruitment agencies. In 2012, the Centre monitored a number of measures taken by the Ministry of Labour that contributed significantly to reducing many of the problems, including: (a) the Ministry of Labour, in coordination with the Ministry of Interior and pursuant to a decision of the Council of Ministers, issued a decision granting the parties concerned a grace period to regularise the status of female workers and exempting them from residence and work permit fines; (b) the Ministry of Labour, by a decision of the Minister of Labour pursuant to Article (9), Paragraph (a), formed a special committee concerned with resolving the problems of female workers residing in the embassies of labour-sending countries owing to disputes with their employers. The Centre monitored more than (106) complaints and requests for assistance in 2012 relating to the recruitment and employment of female workers. It also observed the phenomenon of contracts signed between the workers and the owners of recruitment agencies being breached as regards wage terms, and discrepancies between the nature and terms of the work agreed upon before the workers travelled and left their countries and the nature and terms of the work upon their arrival in Jordan. The Centre notes that the Ministry of Labour closed and suspended more than three recruitment agencies from operating as a result of their commission of such violations. It is evident that the regulation of the contracts of migrant domestic workers in the Kingdom still requires a comprehensive review that is fair to all parties concerned.

⁹⁶ On 17/8/2008, the amending law to Labour Law No. (8) of 1996 was amended, which provided in Article (3) for subjecting workers in the agricultural sector to the provisions of the Labour Law by virtue of a special regulation to be issued for this purpose; however, no such regulation has been issued to date.

Workers in the Qualifying Industrial Zones

With respect to workers in the Qualifying Industrial Zones, the Centre conducted field visits to these zones in 2012, and found that there were (27) inspectors covering (65) companies employing (7,902) Jordanian workers and (29,252) foreign workers. The following observations were recorded: (a) the absence of permanent night-time inspection; (b) failure to pay wages on time, and failure to adequately observe occupational health and safety in some factories; (c) failure to provide health insurance for workers; (d) the lack of awareness among workers, whether Jordanian or migrant, of the Jordanian Labour Law, and the non-compliance of companies with the Labour Law in respect of working hours and overtime pay, the confiscation of passports and the exploitation of workers, in addition to the failure to obtain work permits and residence permits, the deprivation and restriction of freedom of movement during the night hours, and manipulation in the calculation of overtime hours.

Child Labour

With regard to child labour and begging, and notwithstanding the efforts made by the Government and non-governmental bodies to curb the phenomenon of child labour, this phenomenon has continued to worsen since the issuance of the statistical report of the Department of Statistics in 2007, which confirmed the existence of more than (33) thousand working children. In 2012, the Centre conducted field visits to child labour sites in a number of areas of the Kingdom, and found that children work as mechanics and in vehicle servicing, in crafts and construction, in blacksmith and paint workshops, and in waste collection. All of these constitute hazardous work for children and fall within the classification of the worst forms of child labour under international conventions. The Centre has also noted the growth of the phenomenon of children working as street vendors, begging and engaging in other work. The Centre further monitored the violations to which they are exposed, the most prominent of which are: (a) long working hours and low wages that do not reach the minimum wage; (b) the exposure of children working at worksites to numerous practices, most of which include beating and verbal abuse, and other forms of inhuman treatment; (c) immoral practices committed against them in the course of work; (e) the suffering of working children owing to the work environment and their exposure to various diseases as a result of inhaling gases and fumes and/or exposure to occupational hazards such as falling from scaffolding, or exposure to traffic accidents. It is noteworthy that the Decision of the Minister of Labour on the list of hazardous, arduous or health-damaging work for juveniles, issued pursuant to the provisions of Article (74) of Labour Law No. (8) of 1996, as amended, was amended and published in the Official Gazette on 16 June 2011.⁹⁷

Combating Trafficking in Persons

In the field of combating trafficking in persons, the Centre followed up on the action taken by public prosecutors and the competent authorities to prosecute and punish the perpetrators of these

⁹⁷ The amendment covered occupational hazards as follows: 1/ work involving physical hazards; 2/ work involving psychological and social hazards; 3/ work involving moral hazards; 4/ chemical hazards; 5/ physical hazards; 6/ biological and microbial hazards (viruses/bacteria/parasites, etc.); 7/ ergonomic hazards (the fit between the human being and the machine and work tools); 8/ other hazards: work on ships.

crimes, particularly in relation to the referral of (29) cases to the judiciary. This is in addition to the establishment of a specialised unit of the Public Security Directorate and the Ministry of Labour, called the Anti-Trafficking in Persons Unit, to follow up on and investigate these cases and refer them to the official authorities. Although Jordan acceded to the United Nations Convention against Transnational Organized Crime of 2000 and the Protocols thereto, in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, on 30/4/2009, and enacted the Anti-Trafficking in Persons Law No. (9) of 2009, which encompassed protection, prevention and prosecution, numerous obstacles still impede full compliance with the obligation to combat trafficking in persons, the most important of which are: (a) failure to activate the provision of Article (3) of the Labour Law on the issuance of special instructions for agricultural workers; (b) weak implementation of the National Strategy and Action Plan to Combat Trafficking in Persons; (c) the slow progress of the procedures for establishing a shelter (refuge) meeting specifications that provide protection, health care and legal care and the rehabilitation of victims of trafficking in persons, and for training the persons concerned and those in charge of running the shelter in methods of protecting victims of trafficking in persons; (d) weak activation of the provisions of the Anti-Trafficking in Persons Law and of the prosecution of the perpetrators of these crimes, provided that training programmes are implemented to raise the capacity of some of the law enforcement authorities, particularly public prosecutors, judges, public security officers, labour inspectors and personnel of the Anti-Trafficking in Persons Unit of the Public Security Directorate; (e) failure to activate the Instructions on the protection of female domestic workers issued by the Ministry of Labour concerning the rights of female workers, and to apply them to recruitment agencies, ensure that sponsors and recruitment agencies apply them, and follow up on the rights of female workers in the sponsors' homes through labour inspectors; (f) failure to apply the most recent Instructions on the recruitment and employment system, to implement the bilateral agreements with countries sending domestic workers, to abolish certain procedures relating to sponsorship (*kafala*) and the linking of the transfer of a worker to the sponsor, to ensure close follow-up by the Ministries of Labour and Interior of recruitment agencies and companies so as to guarantee the application of the new Instructions, and to establish lists at the Ministries of Interior and Labour in order to prevent the granting of permission to recruit any worker where the employer has breached the contract, failed to pay wages, confiscated passports or subjected the worker to any form of violation; (g) weak inspection procedures for establishments that may employ foreign workers irregularly, such as beauty parlours, salons, malls and hotels, and for verifying the soundness of recruitment mechanisms, the safety of the work environment and compliance with the provisions of the Labour Law, and the application of the Residence and Foreigners' Affairs Law, as well as weak application of the Instructions relating to the leasing of dwellings by foreigners for the purpose of determining their place of residence; (h) weak oversight and inspection of nightclubs and places of entertainment to ensure that they apply the Residence and Foreigners' Affairs Law and the Labour Law, particularly as regards female workers of certain non-restricted nationalities,⁹⁸ who can enter the country with a visa at border crossings and work in nightclubs without obtaining residence permits and work permits; (i) weak

⁹⁸ Restricted nationalities: nationalities whose entry into the country is conditional upon a visa obtained either through the Jordanian diplomatic missions abroad or through the Ministry of Interior, the visa being obtained in advance, i.e. before entry. Non-restricted nationalities: nationalities that do not require a prior visa, i.e. the visa may be obtained directly at the border post upon payment of the prescribed fee of ten dinars.

public awareness of the provisions of the Anti-Trafficking in Persons Law. This calls for the adoption of certain precautionary measures, such as: issuing a guide for foreign workers, establishing a hotline for trafficking cases, posting notices at crossings and borders displaying the telephone numbers needed to pursue such crimes, and working with neighbouring countries to combat and prevent the phenomenon of trafficking.

Recommendations

For the protection and promotion of this right, the Centre reiterates all the recommendations made in its previous reports, and emphasises the following:

- In the field of occupational health and safety protection, the Centre recommends the preparation of awareness-raising, training and educational programmes on occupational safety and health in order to raise the awareness of all workers in establishments of the importance of occupational safety and health.
- In the field of work in the agricultural sector, the Centre recommends the expeditious issuance of the regulations necessary to regulate the rights of workers in this sector and to bring them under health insurance and social security coverage.
- In the field of work in service companies, the Centre recommends the protection of workers therein through full supervision by the various authorities, in particular the Ministries of Health and Labour and hospital administrations, of service companies and their management, in order to ensure their compliance with the law and their application of the conditions of a lawful work environment.
- In the field of combating trafficking in persons, the Centre recommends strengthening efforts to combat trafficking in persons by: activating the provisions of the Anti-Trafficking in Persons Law; expediting the establishment of shelters for victims of trafficking in persons and the development of protection programmes for physical, psychological and social recovery; and, at the same time, strengthening awareness-raising and educational programmes in this field.
- In the field of domestic work, the Centre recommends the following:
 - Bringing domestic workers under health insurance and social security coverage.
 - Activating the Regulation on Domestic Workers, in particular the committee concerned with resolving the problems of female workers, and establishing a mechanism for settling disputes arising from the employment contract.
 - Monitoring recruitment agencies and the situation of female workers, and ensuring that they receive their wages.
 - Activating the role of inspectors vested with judicial police powers in supervising and monitoring the living conditions of female domestic workers, by: expanding the powers of labour inspectors and providing them with the resources necessary to monitor the owners of domestic worker recruitment agencies, so as to curb violations and prevent these workers from being exposed to the risk of prostitution or trafficking in persons; and activating the provision of Article (18) of the

Provisional Passports Law No. (5) of 2003, as amended, concerning the prohibition on confiscating passports.

- In the field of work in the garment and textile industry sector in the Qualifying Industrial Zones, the Centre recommends the organisation of night-time inspection campaigns at factories to verify their compliance with the provisions of the Labour Law.
- In the field of child labour, the Centre recommends protecting working children by taking the following measures:
 - Activating the role of the Ministry of Social Development in applying the provisions of the law, in order to return working children to school, and reconsidering Article (389) of the Penal Code concerning the offences of begging in line with international human rights standards.
 - Activating the provision of Article (74) of the Labour Law on the prohibition of employing juveniles in hazardous and health-damaging work.
 - Activating the role of child labour inspectors in the labour directorates of the Kingdom in monitoring, inspection and the penalisation of offending employers, in order to curb this phenomenon.
 - Regulating the work of juveniles in establishments and monitoring it within the prerequisites laid down by law, namely: (medical examinations to ascertain the fitness of the juvenile, the consent of the guardian, that the juvenile be not less than 17 years of age, and that his working hours not exceed six hours per day).
 - Not permitting their employment during official holidays, religious holidays and weekly rest days.

The Right to Education

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

affirm that basic education shall be compulsory and free, and guarantee freedom of education and the right of individuals to establish private educational institutions under the supervision of the State.

The Committee on Economic, Social and Cultural Rights, established under the International Covenant on Economic, Social and Cultural Rights (ICESCR), has affirmed that the right to education is of vital importance and has been classified in several different ways, as an economic, social and cultural right; it is also a civil and political right, since it is fundamental to the full and effective realisation of all these rights. International instruments have guaranteed the right to education as an essence and pillar for the strengthening and realisation of human rights; it is enshrined in Article (26) of the Universal Declaration of Human Rights, and in Articles (13 and 14) of the ICESCR, which guarantee the right of everyone to education, provide that it shall be directed to the full development of the human personality and the strengthening of respect for human rights, and oblige States to make primary education compulsory and available free to all, to make secondary education in its different forms generally available and accessible, and to make higher education equally accessible to all on the basis of capacity, with the progressive introduction of free secondary and higher education.

Although the Constitution provides that basic education shall be free of charge, and although the Education Law No. (3) of 1994 clearly and expressly provides that basic and secondary education shall be free of charge and that the State shall bear the greater part of this cost, the Law nevertheless contains the following: a/ “School donations may be collected in governmental educational institutions to promote educational work, pursuant to a regulation issued for this purpose.” It should be noted that Jordan imposes a sales tax on the stationery needed by students, ranging between 4% and 16%. The Centre considers that the payment by students of compulsory fees to schools at the beginning of each academic year constitutes a financial challenge for some families, which led to the issuance of a Royal Decree in 2011 and previous years exempting students from these fees. b/ Moreover, the Education Law No. (3) of 1994, as amended, which defined the objectives of education and the foundations on which the educational process is based,⁹⁹ does not contain provisions reflecting the obligation to direct educational curricula so as to include a focus on the integrated system of human rights that has been agreed upon universally and whose basic rules have become part of Jordanian legislation; nor does this Law contain any reference to the incorporation of the principles of human rights and freedoms into school curricula.

⁹⁹ Article (3/b/3) provides that: “The Jordanian people are an integrated unit in which there is no place for racial, regional, sectarian, tribal or family fanaticism.” Article (3/c/2) also refers to “respect for the freedom and dignity of the individual”. Article (4/f) further states: “The general objectives of education in the Kingdom derive from the philosophy of education and consist in forming a citizen who believes in God Almighty, is loyal to his homeland and nation, is endowed with virtues and human perfections, and is developed in the various aspects of the personality — physical, mental, spiritual, emotional and social — so that the student becomes, at the end of the stages of education, a citizen capable of: appreciating the humanity of the human being; forming positive values and attitudes towards the self, others, work and social progress; and embodying democratic principles in individual and social conduct.” Numerous paragraphs of Articles (3 and 4) of the same Law also provide that the educational process shall lead to the development of the human personality in all its aspects.

The Educational Process

The budget of the Ministry of Education for 2012 amounted to (722,081,500) dinars, constituting 11.00% of the general budget of the State, whereas in 2011 it amounted to (719,308,000) dinars, constituting 11.3% of the general budget. This shows the extent of the increase in the budget for this year, while its share of the general budget declined compared with 2011. Table No. (12) shows general statistics on the numbers of schools, teachers and students for the academic year 2011/2012. It is noted that schools of the Ministry of Education constitute the largest share, followed by private schools and the schools of the United Nations Relief and Works Agency (UNRWA), with other government schools constituting the smallest share. The rate of increase in the number of schools in 2012 over the previous academic year was 1%. As regards the numbers of teachers, the largest share is recorded for teachers of the Ministry of Education and the smallest share for other government schools, and the increase in the numbers of teachers from the previous academic year to the current academic year was likewise 1%. It is noted that students in Ministry of Education schools constitute 68.9%, which is the highest share, while the smallest share is that of students in other government schools, at 0.009%. A comparison of the numbers of students for 2011/2012 shows an increase of 1% in the number of students. The Centre considers that the foregoing statistics indicate that the increase in the number of students is commensurate with the increase in the number of schools and the number of teachers.

Table No. (12): General statistics on the numbers of schools, teachers and students for 2011/2012

Authority	Schools	Percentage	Teachers	Percentage	Students	Percentage
Ministry of Education	3486	56.4%	73613	69.18%	1154880	68.9%
Private schools	2478	40.1%	26855	25.24%	406327	23%
Other government	35	0.005%	1478	0.14%	14603	0.009%
UNRWA	173	2.87%	4457	0.042%	114362	7%
Total	6172		106403		1690172	

The Centre points to a number of challenges that continue to impede the provision of an environment that guarantees the enjoyment of the right to education in practice, the most important of which are: (a) recurring shortages of teaching staff, particularly among male teachers specialising in science, mathematics, physics, earth sciences and the English language; in addition, some teachers teach subjects that are far removed from their specialisations where there is a shortage of teachers of a given subject, which affects the proper conduct of the educational process and results in these subjects not being taught to students as required. The Ministry pursues a number of policies to reduce this shortage, including: a scholarship policy for university students in scientific subjects, whereby the student's studies are funded by the Ministry of Education in return for an undertaking to serve in the Ministry's schools after graduation; a policy of feminising the first four grades, as well as the fifth and sixth grades in remote areas where the local community consents thereto, while male teachers are deployed to teach the upper grades to cover the shortage of teaching staff in boys' schools; and an incentive policy whereby a teacher working outside his governorate or region is paid a monthly allowance ranging between (100/150) dinars. (b) The existence of schools operating a double-shift system, attended by 10.1% of students. (c)

The existence of a number of rented government schools, numbering (868) schools, concentrated in the cities of Amman, Irbid and Zarqa. The Ministry of Education attributes the reasons for its continued renting of schools to the lack of plots of land on which to build, particularly in densely populated areas, in addition to the lack of financial resources at other times. Newly built schools in some rural areas are distinguished by better specifications and services than schools in older buildings, as these schools are built on spacious sites and to carefully considered specifications. The Centre commends the Ministry of Education's adoption of a strategic plan to phase out rented and double-shift schools; however, the successive forced migrations of refugees from neighbouring countries in large numbers from 1991 until 2012, in addition to the presence of migrant workers accompanied by their families, have prevented the plan from being achieved within the required period. The Ministry of Education allocates approximately (30) million dinars annually to building new schools and (4) million dinars to maintenance works. (d) The existence of government schools in which students suffer from severe cold in winter owing to the lack or inadequacy of heating, in addition to broken windows, the cost of repairing which is shared among the students in order to protect themselves from the cold; and where heating is available, kerosene heaters are used, which emit harmful gases, particularly in small classrooms that are overcrowded with students, in addition to students tampering with those heaters during breaks between lessons, which poses a danger to them. It should be noted that the Ministry has taken a package of measures consisting of the purchase of (50,000) gas heaters to heat (43,000) new classrooms. (e) Poor hygiene in a number of schools, particularly in the sanitary facilities, which may pose a danger to students' health. The Centre calls for the improvement of the physical learning environment, the maintenance of schools in need of maintenance, the provision of appropriate heating supplies, the distribution of coats to students in winter, attention to the cleanliness and continuous disinfection of schools, and follow-up by the directorates on the implementation of the "National Accreditation of Healthy Schools" programme, which is one of the programmes adopted by the Ministries of Education and Health to provide a health-promoting environment in all schools of the Kingdom by involving them in an educational health programme consisting of a number of health standards applied in schools under the supervision of the ministries concerned. These standards are: 1. leadership and administration; 2. a safe school environment; 3. a healthy school environment; 4. a clean school environment; 5. health education; 6. health services provided to students and staff; 7. educational counselling and mental health services; 8. nutrition; 9. physical activity; 10. the participation of staff and the local community. The number of schools participating in the programme for 2011/2012 reached (101) schools, and it is being extended to the various governorates of the Kingdom. (f) The existence of schools located on main roads in the southern governorates without iron barriers at their gates or speed bumps in their vicinity; moreover, their water tanks are uncovered and exposed to pollution, in addition to the cracked walls surrounding some schools and the huge iron gates lacking maintenance, which pose a latent danger to the lives of students. (g) The decline in the number of beneficiaries of the "Government School Children Nutrition" project. It should be noted that the Centre commends the Ministry of Education for continuing to implement the "Government School Children Nutrition" project, in cooperation with the Ministry of Planning; the number of students covered by the project in the academic year 2011/2012 reached (115) thousand students in poverty pockets, distributed over (907) schools in (18) directorates, at a cost of up to five million dinars. (i) The existence of a wide disparity between some private schools and the majority of government schools in terms of programmes, curricula and resources, which leads to a clear cultural disparity within the same society,

particularly in light of the opportunities available in the Kingdom in certain leadership positions, which require skills that public education may not provide, thereby increasing the differentiation among Jordanians. (j) The failure of the Government to take any measure to classify private schools, which leads to high school fees in a number of these schools despite the low quality of education in some of them, not to mention the burdening of families with exorbitant financial costs.

School Dropout

Notwithstanding the efforts of the Ministry of Education to provide education for all, and its establishment of the Culture Enhancement Programme for Dropouts, which aimed to prepare and rehabilitate children who have dropped out of education by providing them with positive knowledge and experience, so as to enable them to build themselves and serve their community, it has been observed that the phenomenon of school dropout has not been brought under control; the dropout rate for 2011/2012 stood at 0.31%, whereas in 2010/2011 it averaged 0.34%, particularly in the villages and Badia areas in the south of the Kingdom and in the Middle Jordan Valley. It should be noted that the aforementioned programme qualifies its graduates to obtain a certificate qualifying them to enrol in the Vocational Training Corporation, from which they subsequently graduate at the level of skilled worker. It is noteworthy that, through the Educational Development Plan for the years 2008/2015, work was undertaken to provide education for all, to impose criminal penalties on the guardian or any party responsible for depriving a student (male or female) of basic education, and to provide financial support to students unable to meet the indirect costs of education. In this regard, the Centre does not fail to recall that the State bears direct responsibility for ensuring the enrolment of students in basic education and for pursuing parents who do not send their children to school. This matter is of the utmost urgency in light of the growing number of working children of school age, particularly since their engagement in work deprives them not only of the right to education but also of many other rights, not least the right to health, play and rest, or the right to development like their peers. It is noteworthy that there has been an increase in the number of applications for enrolment in vocational education in all its branches, particularly industrial, such that the number of students enrolled in vocational education in the academic year 2011/2012 reached approximately (27,783) in the first secondary and Tawjihi (general secondary) grades, with females constituting 35% of the number of students in the first secondary and Tawjihi grades.

Literacy

Jordan has made great strides in combating illiteracy since the promulgation of the Jordanian Constitution in 1952. Owing to the negative social and economic repercussions of illiteracy, and the obstacles it also poses to sustainable development programmes, the State has been keen to address this problem through a carefully studied and programmed plan, which consisted in closing off the tributary feeding illiteracy, namely students who drop out of school before acquiring the basic skills of reading, writing and arithmetic. It therefore enacted legislation imposing compulsory and free education, and at the same time the Ministry of Education worked to open adult education and literacy centres and expanded them until they covered all parts of the Kingdom, in order to provide educational opportunities to citizens whose circumstances prevented them from continuing their education when they were of school age and who had come to

constitute an obstacle to development programmes, despite their desire to continue learning. The Ministry has worked through two approaches, preventive and remedial, as well as post-literacy programmes, an academic track, a vocational track, and evening and home study. The Ministry has also consistently opened classes and adult education and literacy centres in any population cluster in which (10) learners are available. It has also implemented numerous programmes and projects to reduce this phenomenon, including: the Adult Education and Literacy Programme, which aims to reduce the illiteracy rate by 0.5%–1% annually so as to reach 5% or less by 2015, and to contribute to the generalisation of education, the raising of the cultural level of workers, and efforts to provide suitable employment opportunities and combat unemployment; in addition to the efforts of the Ministry of Education to address the phenomenon of illiteracy in its contemporary sense, through the development of literacy textbooks and curricula since 2009 to cover the Arabic language, Islamic education, mathematics, general culture, computer skills and the English language. Statistics relating to literacy and adult education indicate that the illiteracy rate among males and females in 2012 stood at 6.7%, while the illiteracy rate among females stood at 10% and among males at 3.5%. In 2012, the number of centres reached (543) centres, and the total number of learners enrolled in adult education and literacy centres at all levels reached (6,150) learners of both sexes. It should be noted that the illiteracy rate among females is higher than among males, and that the age group with the highest enrolment in the centres is that aged (45) years and above.

Curricula and Human Rights

The Ministry of Education has completed the development of all basic-stage curricula as a first phase, and is seeking to develop them in a second phase, having formed a committee to review and update the human rights matrix and to follow up on the incorporation of human rights concepts. The second phase will be implemented in three stages, in each of which the curricula of four grades will be developed, and it will also include teachers' guides; the study will, in a later part, evaluate the integration of human rights concepts into a sample of basic-stage curricula. In addition, human rights concepts have been incorporated into the literacy curricula from the first grade to the sixth grade, and teachers have been trained thereon by the Education Department. It may also be noted that the Centre signed a memorandum of understanding with the Ministry of Education on 8/4/2009 to incorporate human rights concepts and principles into the school system; however, the provisions of this memorandum have not been implemented owing to the lack of the necessary funding and the rapid turnover of ministers and officials.

Kindergartens

The Centre affirms the persistence of the challenges it identified in its previous annual reports concerning kindergartens, and calls once again for the expansion of pre-school education programmes through the establishment of kindergartens, which studies have shown to reduce dropout rates and increase the chances of success in subsequent schooling, in addition to their role in bridging the educational gap between the less privileged areas and those enjoying better resources. This is notwithstanding the efforts made to this end in the areas most in need, where the number of newly created kindergarten rooms in 2012 reached (93) classrooms. The Ministry of Education has developed early childhood development standards, prepared a quality system for kindergartens, established a training programme to qualify those in charge of them, and increased

enrolment rates in the kindergarten programme, the rate of expansion of kindergartens in 2012 having reached 58%. Among the most important projects being worked on in this field are: 1. the Parental Awareness Programme; 2. Parental Participation in Kindergarten; 3. the Programme for Enhancing Children's School Readiness; 4. the Smart Kids Programme.

Special Education

With regard to special education, the Special Education Department of the Ministry of Education still faces a number of challenges and difficulties, the most important of which are: (a) the unpreparedness of the majority of schools to receive students with physical disabilities, and the difficulty of carrying out maintenance and modifications to these schools to render them suitable for receiving them, given the high cost of such modifications, which amounts to approximately (4,500) dinars per school; (b) the need for awareness-raising programmes for teachers, principals and parents on the concept of the full inclusion of persons with disabilities in schools, since some parents, teachers and administrators hold a negative attitude towards children with disabilities, which affects their enrolment in schools; (c) insufficient knowledge on the part of parents, teachers and principals of the programmes for gifted students, so as to direct students to enrol in them; (d) the need of teachers and principals working in special education programmes for specialised training programmes on how to deal with each category of persons with disabilities; (e) inadequate physical facilities, in particular transport for students with physical disabilities, deaf and mute students and other gifted students, to reach the venues of the programmes designed for them, especially in the Badia and rural areas, in addition to the reluctance of teachers qualified to teach students with disabilities owing to low wages and few incentives. The total number of students enrolled in special education programmes in 2012 reached (18,055) students with disabilities, ranging from learning difficulties, intellectual disabilities, deafness and muteness, and speech and language difficulties to physical disabilities. The number of resource rooms for students with disabilities reached (860) classrooms, and the number of schools for the deaf and mute reached (11) schools. The Centre calls for the expediting of the procedures for transferring the "Al-Manarat" centres for students with intellectual disabilities to the establishment of the Ministry of Education, given that it is the principal authority responsible for the education of students with disabilities.

School Violence

Among the matters to be regretted is the persistence of the phenomenon of school violence in all its forms (physical, verbal and psychological) in 2012, together with an increase in cases of violence among students themselves, on the one hand, and between students and teachers, on the other, and the inability of the Ministry of Education to curb this serious phenomenon. The number of complaints submitted to the Ministry of Education reached approximately (665) complaints, while the number of complaints submitted concerning cases of violence against students reached (33) complaints during the 2011/2012 academic year. The Centre affirms that some students and their parents do not file complaints for fear that the treatment of the complaining student by teachers and the school administration will change, which suggests that the scale of this problem is greater than it appears. As for the subject matter of these complaints, they centred on physical, verbal and emotional abuse and neglect. It is noted that approximately half of all children are subjected to physical abuse by parents, teachers, school administrations and siblings who share

the child's place of residence. Furthermore, 50% of the complaints concerned physical abuse, which deprives children of a sense of safety at school, drives them to absent themselves from it, and generates in them depression, sadness, shame, confusion, violence and a desire for revenge, all of which are negative effects that contradict the educational and pedagogical mission of the teacher.

The Centre notes the implementation by the Ministry of Education, in cooperation with UNICEF, of the project "Together Towards a Safe School Environment", which focuses on preventing violence in schools by a considered, scientific and pedagogical method based on maintaining a balance between protecting the student from violence and, in return, preserving the standing of the school and the teacher against any transgressions by students, through the application of the slogans "Let us stop, let us talk, let us discuss, let us take the decision collectively and peacefully". The implementation of this project is still ongoing, but it has not yet been completed in all directorates. There is also a national plan for child protection developed by the Ministry and circulated to the field; in each directorate there is a liaison officer responsible for protection and for following up the national plan and for participating in investigations and receiving complaints, and a training workshop for liaison officers has been held by the Ministry. In addition, the Child Protection Section issues posters, leaflets and booklets for awareness-raising and education, as well as drawing exhibitions. There is also a programme for raising awareness of violence against school property on an almost daily basis, whereby field visits to schools are conducted in which a doctor, a lawyer, a human rights activist or an educator is hosted to raise the awareness of students and parents in this field.

Private Schools

The Centre recorded the commission by some private school administrations of a number of violations affecting the rights of teachers, the most important of which are: (a) the continued low wages of teachers in many private schools, and the employment by some of these schools of teachers at wages below the minimum wage in accordance with the Jordanian Labour Law, thereby violating the contracts concluded between them and the teachers; (b) the termination by many schools of the contracts of male and female teachers at the end of the second semester and their renewal at the beginning of the first semester, so as to avoid paying their salaries during the summer holiday; (c) the resort by some private schools to paying salaries for (10) months of the year only, which constitutes an explicit violation of the unified employment contract for male and female teachers in private schools, signed by the relevant parties, namely the Ministry of Education, the Ministry of Labour, the Union of Workers in Private Education and the Association of Private School Owners, which entitles male and female teachers to wages for the full year as of the second year of employment; (d) the deduction by some private schools of the full social security contributions from the salary of the teacher, and the postponement by some of them of the enrolment of their teachers in social security after they have commenced work; (e) the majority of private schools do not provide health insurance for their teachers. Moreover, the unified contract adopted by the Association of Private School Owners and concluded between the teacher and the owner of the private school does not contain any provision making the provision of health insurance for the male and female teachers working in these schools mandatory; (f) in a large number of private schools, female teachers do not obtain the maternity leave of (10) weeks before and after childbirth, as most private school administrations stop paying the working woman's

salary during her leave, while some private school administrations dismiss a teacher from her work when they learn that she is pregnant; some others limit maternity leave to two weeks, others limit it to twenty days, and in other schools maternity leave is set at (10) days without pay, and if the teacher does not agree, she is forced to submit her resignation; (g) many private school administrations deduct from teachers' salaries if they are late for their morning shift, and many male and female teachers do not receive overtime pay when their working hours extend beyond official working hours, contrary to the provision of Article (59) of the Jordanian Labour Law.

The Teachers' Association

In this regard, the Centre commends the establishment of the Jordanian Teachers' Association to elevate the mission of the teacher, develop it and preserve its ethics, and to contribute to raising the teacher's scientific, cultural and social standing. The Centre also commends the Association for achieving a number of benefits, including: (a) the establishment of a retirement fund; (b) the granting of interest-free loans (qard hasan) for education and marriage; (c) the establishment of a social solidarity fund; (d) the provision of private health insurance; (e) the professional development of the teacher through holding courses and seminars and creating work opportunities through cooperation with the relevant authorities, in addition to seeking to develop legislation in a manner that protects the rights and dignity of the teacher. The Centre notes with respect to the Teachers' Association Law the existence of a number of gaps, the most important of which are: (a) the members of the Association are elected at the level of the governorates and not at the level of the Kingdom; (b) retirees are not included in membership of the Association; (c) teachers are not given the opportunity to contribute to the formulation of curricula; (d) the Association is not given the opportunity to contribute to the drawing up of the policies of the Ministry of Education.

Capacity Building of Personnel in the Education Sector

With respect to capacity building of personnel in the education sector, there are numerous training programmes implemented by the Training Directorate at the Ministry of Education, in which all teachers and administrators take part, on various subjects, including: the school science laboratory technicians programme, the school librarians programme, the school administration development programme, the school and directorate programme, the social psychology care programme, the school computer laboratory custodians programme, the educational counsellors programme, the job replacement programme, the educational leaders programme, and the From School to Profession programme. It is worth noting that each programme is applied by the Ministry preparing a core team, which is a selected sample from the three regions of the Kingdom numbering approximately (80) teachers; this team then moves, after the training, to the directorates in order to train their colleagues, and they constitute another core team, so that the role of the Ministry becomes a supervisory one. In addition, in order to support teachers and provide the resources necessary to develop their skills, Queen Rania Academy has designed a network linking teachers within the same subject. It is worth noting that one of the components of this programme, which the Academy is implementing in partnership with Teachers College, Columbia University, is the holding of continuous workshops for teachers in the subjects of science and writing in the English language and mathematics, and leadership workshops for school principals to improve teaching. The Academy adopts an intensive and integrated professional development programme that provides teachers with permanent and continuous

opportunities for learning and for refining their knowledge and skills over time and for addressing implementation difficulties, as the professional development programme has been designed to suit the Education Reform for the Knowledge Economy initiative.

Higher Education

At the level of higher education, the Law of Higher Education and Scientific Research regulates the educational process, and among the objectives adopted by the Higher Education Strategic Plan (2011/2013), as set out in Article (3), Paragraph (c), is: “Fostering the democratic approach and promoting it in a manner that guarantees academic freedom and the right to expression and respect for the opinion of others, teamwork, the assumption of responsibility, the use of critical scientific thinking, the provision of a supportive academic, psychological and social environment, excellence, creativity and innovation, the refinement of talents and the contribution to the development of knowledge in the field of literature, arts and sciences, and the encouragement, support and raising of the standard of scientific research, especially applied scientific research directed at serving and developing society”. However, the Strategic Plan does not refer explicitly to human rights education, on the one hand, nor to the fact that education is a right that must be made available to all on the basis of equality and merit as adopted in international human rights standards. The Council of Higher Education is responsible for regulating higher education affairs by setting policies, issuing licences for educational institutions and laying down admission criteria, among other matters, while higher education institutions enjoy administrative and financial independence. Furthermore, education is available to the public in accordance with standards defined by the admission criteria. The higher education sector in Jordan is witnessing notable development and growth, as confirmed by the increase in the number of higher education institutions and in the numbers of enrolled students, and the increase in the volume of government expenditure. By the end of 2012, the number of higher education institutions in the Kingdom had reached (32) universities offering instruction in various scientific specialisations, including (20) private universities and two regional universities. With regard to university fees, this issue is one of the problems of education in Jordan, as high university fees are collected from students and are increasing steadily, in addition to the high university fees paid by students of the parallel or evening programme, which amount to approximately three to four times the fees of a student studying in the regular programme. Here the following observations may be made: (a) the Jordanian student bears the cost of university education primarily, and the value of the fees is considered high relative to the income level of the Jordanian citizen, whereas the government currently bears only a small part of university budgets; (b) the parallel programme involves discrimination between students, since a student in the parallel programme pays approximately three times what is paid by a student studying in the non-parallel programme, and is admitted with a lower average than a student studying in the regular programme, which makes a student in the parallel programme pay higher fees for a university seat and be admitted with a lower average, bearing in mind that students of the parallel programme or of the evening programme, as well as the other students, are subject to the same educational programme; (c) weak government expenditure on students unable to provide financial support through the Student Support Fund, as (15) million dinars were spent in the year 2011/2012, and this figure is considered small in relation to the level of high university fees, bearing in mind that the total number of students who applied to benefit from grants and funds reached (38043) male and female students, of whom (32429)

male and female students met the conditions for obtaining grants and loans, while the number of students who benefited from them reached (27721) male and female students in the various public universities.

As regards the criteria for the admission of students to public universities, the Unified Admission Coordination Office is responsible for the admission of students to universities in accordance with the admission criteria for Jordanian students in Jordanian universities pursuant to the Higher Education Law. The multiplicity of exceptions to the competitive criteria may be considered to limit equal opportunities on the basis of academic merit: there are 20% for the children of members of the Armed Forces, 15% for the children of martyrs, 10% for the children of tribes and private schools, 5% for the children of employees of the Ministry of Education and retirees, 5% for the children of expatriates, 5% for holders of the secondary school certificate from previous years, and 2% for the children of non-academic university employees, in addition to the allocation of (350) seats for the children of the camps, and other exceptions under which a number of seats are granted. Thus, exceptions to competitive admission have reached more than 62%, so that they have become the rule rather than the exception, and this is considered a discriminatory practice that is incompatible with the principle of equality and the equal opportunities enshrined in both international law and the Jordanian Constitution.

Human Rights Education

With respect to human rights education in higher education, reference is made to the offering by some universities of a course on human rights; however, the offering of this course remains confined to the faculties of law and political science, or as an elective subject for university students. In addition, reference should be made to the abolition of some student human rights clubs that used to carry out awareness-raising activities at some universities, while such clubs do not exist at all at other universities. Furthermore, the student representation mechanism remains one of the problems of enabling students to participate and express themselves, as there is no general union for all students of the Kingdom; rather, students are represented in each university separately, and each has its own representative mechanism. This is in addition to students' statements regarding the existence of interference and harassment by the security agencies to influence student elections, which constitutes a challenge to students' right to participate and to choose their representatives freely. It is also observed that 2012 witnessed an increase in cases of university violence, which has become a worrying and serious phenomenon that threatens the educational institution and social peace, requiring the taking of rapid and transparent measures to investigate its causes, which calls for a review of the admission criteria at universities, an examination of the rise in university fees, the failure to enable students to exercise their rights, and the weakness of human rights education, and the extent of their connection with the increase in university violence, in addition to the various societal pressures to which students are exposed.

Recommendations

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

- Amending the Education Law so as to include both stages of kindergarten within the compulsory stage, and not only the KG2 stage.

- Developing the curricula for the basic and secondary stages, so as to focus on science and mathematics courses and on everything that helps students meet the requirements of life in the twenty-first century.
- Granting university boards of trustees independence in their administration and supporting them financially in a manner that guarantees the means for their development.
- Abolishing the sales tax on the stationery used by students.
- Issuing a regulation for the classification of private schools pursuant to Article 32/b of the Education Law.
- Establishing an adequate and effective monitoring mechanism and system that ensures the commitment of educational institutions to the objectives and aims of education and to the standards laid down by the State for the right to education.
- Amending the Teachers' Association Law to take into account international standards in terms of freedom of association and its independence from the Government, and activating the role of the teacher in educational policy.
- Strengthening the infrastructure of the school network and increasing, as far as possible, the proportion of expenditure on education, with a view to establishing more schools and increasing the number of teachers, and gradually ending reliance on rented schools and the double-shift system in a manner suited to the needs of society.
- Increasing health care services for students in schools and monitoring them, and strengthening the school nutrition programme so as to include the widest possible segment.
- Developing the services provided in schools, particularly heating, and providing playgrounds, sports fields and laboratories, attending to cleanliness and sanitation, and ensuring that these schools are safe places.
- Strengthening programmes to curb the phenomenon of school dropout.
- Strengthening literacy programmes and empowering them financially, in order to curb this phenomenon and eliminate its effects.
- Working to provide the funding necessary to implement the Memorandum of Understanding between the National Centre for Human Rights and the Ministry of Education, and to complete the integration of human rights concepts into the curricula.
- Strengthening opportunities for enrolment in vocational education, particularly taking into account the gender dimension, through financial empowerment and increasing the number of those enrolled in it, and providing opportunities for the exchange of expertise.
- Continuing to develop extracurricular programmes and to integrate human rights concepts into them, together with teaching students the various kinds of arts, including drawing, theatre and music, and emphasising the provision of adequate requirements for practising sports and the provision of qualified technical staff for this purpose.
- Activating student councils and similar programmes for students' management of their own affairs, in addition to activating parents' councils to participate in the development of the educational environment.

- Controlling the increase in the school fees charged by private schools.
- Developing programmes for the education of persons with disabilities and providing reasonable accommodation for them in all schools, and developing programmes for gifted students.
- Giving priority to the issue of school violence in addressing challenges in the field of education, through implementing the National Plan for Child Protection and adopting measures to separate secondary-stage students from basic-stage students.
- Improving the conditions of teachers, particularly salaries and allowances, building their capacities on a continuous basis, and adopting effective measures to monitor violations of their rights in private-sector schools.
- Reviewing the admission criteria at public universities and reducing exceptions in order to create a more just and equal educational system.
- Adopting human rights education in university education by generalising the human rights course for all students, whether as a general course or within each specialisation, and permitting the establishment of student human rights clubs.
- Reviewing the student representation mechanism so as to guarantee the establishment of a more democratic mechanism for the election of student representatives, without interference by the security agencies.

The Right to Health

The right to health is a fundamental human right that is indispensable for the enjoyment of other human rights, and every human being is entitled to enjoy the highest attainable standard of health conducive to living a life in dignity.

The Jordanian Constitution makes no reference to the right to health or its guarantee for citizens, whereas international instruments have accorded the right to health special attention owing to the importance of this right for human life; this is provided for in Article (25) of the Universal Declaration of Human Rights of 1948 and Article (12) of the International Covenant on Economic, Social and Cultural Rights, which Jordan ratified on 28/5/1975 and which was published in the Official Gazette on 15/6/2006.

At the level of national legislation, the amended Public Health Law No. (47) of 2008 contains articles affirming the responsibility of the State for the provision of health care in its various forms. Article (3) of the Public Health Law provides that “The Ministry shall be responsible for all health affairs in the Kingdom, and its functions shall in particular include the following:

- a. Maintaining public health by providing preventive, curative and supervisory health services.
- b. Regulating the health services provided by the public and private sectors and supervising them.
- c. Providing health insurance for citizens within the limits of the resources available to it.

d. Establishing the health, educational and training institutions and institutes affiliated to the Ministry, and supervising their administration, with due regard to the provisions of the relevant legislation in force.”

Preventive Health

The Centre notes a number of measures taken by the Ministry of Health in 2012 to curb the spread of both communicable and non-communicable diseases, the most prominent of which are the following¹⁰⁰:

- The formation of a national committee to follow up the implementation of the national strategy for the prevention and treatment of non-communicable diseases. The strategy focused on the prevention of chronic diseases (heart disease, diabetes, hypertension and cancer) by changing the erroneous health concepts and behaviours associated with the main risk factors for these diseases, namely smoking and alcohol, overweight and obesity, lack of physical activity, failure to detect diabetes and hypertension early, and high cholesterol and fats.
- Epidemiological surveillance of communicable diseases and taking the preventive measures necessary to curb the spread of these diseases, and continuing to hold training workshops on the surveillance of communicable diseases for medical personnel in both the public and private sectors.
- It is worth noting that the eradication of many communicable diseases and the improvement in the performance of curative health over the past half century have contributed to reducing the number of early deaths, as life expectancy at birth, according to the estimated population for 2012¹⁰¹, reached (73) years (males and females). Most communicable diseases have been brought under good and effective control in Jordan, such as diphtheria, poliomyelitis, whooping cough and tetanus, owing to the high rates of vaccination coverage against these diseases; however, diarrhoea and respiratory diseases still constitute major diseases. Table No. (13) shows the number of persons infected with communicable diseases in 2012¹⁰².

Table No. (13): Number of persons infected with communicable diseases in 2012

Name of disease	Number of cases
Viral hepatitis (A)	503
Hepatitis (B)	5
Food poisoning	138
Malta fever (brucellosis)	96
Malaria*	117
Bilharzia (schistosomiasis)*	83
Cutaneous leishmaniasis	103
Rubella (German measles)	46

¹⁰⁰ Ministry of Health.

¹⁰¹ The (estimated) population for 2012 was (6249000) persons.

¹⁰² Ministry of Health / Communicable Diseases Directorate.

Name of disease	Number of cases
Chickenpox	6747
Epidemic meningitis	7
Non-epidemic meningitis	325
AIDS	16
Swine influenza	45

* *These diseases are counted among diseases detected among expatriates.*

- Conducting additional vaccination campaigns to support the national immunisation programme, such as the seven-strain pneumococcal vaccine, since pneumococcal bacteria cause pneumonia, meningitis and middle ear infections and are considered one of the main causes of death among children.
- Following up infection control in public and private sector hospitals.
- Forming (6) technical teams from the sectors concerned with the fields of food and water, communicable and non-communicable diseases, occupational health, and diseases transmitted by insects and parasites, to prepare a strategy and an action plan ready for implementation to confront the health challenges posed by climate change.
- Preparing educational leaflets and posters and guidance manuals on the prevention of communicable diseases for workers in the health field.
- Preparing educational leaflets and posters on the prevention of communicable diseases for the community.
- Holding training courses for doctors on methods of dealing with patients and visitors.
- Establishing a Human Rights and International Instruments Section, administratively affiliated to the Legal Affairs Department at the Ministry of Health. This Section is entrusted with receiving cases and correspondence relating to human rights, following them up, studying and addressing them, and submitting recommendations thereon.

Curative Health

The Ministry of Health provides its primary, secondary and tertiary health services through an interconnected network of public and private health centres and hospitals distributed throughout the Kingdom, as follows:

a. Primary Health Care

Primary health care services are based on the concept of comprehensive care, in addition to the basic services provided at primary and comprehensive health centres¹⁰³. Primary health care services in the Kingdom are run through a wide network of health care centres, the number of which in 2012 reached (677) centres, distributed as follows: comprehensive (86) centres, primary

¹⁰³ Such as health education, reproductive health, water safety, food control, environmental sanitation, early detection of diseases, school health, occupational health, communicable disease control, dental health, health of older persons and persons with disabilities, prevention of accidents and addiction, smoking control, and others.

(371) centres, and branch (220) centres¹⁰⁴. The Royal Medical Services, through its field clinics, and the United Nations Relief and Works Agency for Palestine Refugees (UNRWA), through (23) medical clinics, also participate in the provision of primary health care services, in addition to the contribution of the private and charitable sectors in this field.

b. Secondary and Tertiary Health Care

The concept of secondary and tertiary health care services is based on the provision of specialised services, in which all health sectors participate, taking into account the disparity in the type and quantity of the service provided. The number of hospitals in the Kingdom in 2012 reached (106) hospitals, while the number of beds in Jordanian hospitals in 2012 reached (12018) beds, i.e. a rate of (19) beds per (10,000) of the population, and this ratio is considered acceptable in accordance with the relevant international standards. The number of doctors in the Kingdom in 2012 reached (16362) doctors, i.e. a rate of (26.5) doctors per (10,000) of the population¹⁰⁵, and this rate is likewise considered acceptable in accordance with international standards. Table No. (14) shows the number of hospitals and the number of beds in the Kingdom in 2012¹⁰⁶:

Table No. (14): Number of hospitals and number of beds in the Kingdom in 2012

Health sector	Number of hospitals	Number of beds	Percentage
Ministry of Health	31	4572	38.1%
Royal Medical Services	12	2428	20.2%
Jordan University Hospital	1	574	4.6%
King Abdullah the Founder University Hospital	1	526	4.4%
Private sector	61	3918	32.7%
Total	106	12018	100%

In 2012, the Ministry of Health established, expanded and modernised a number of its hospitals, as follows¹⁰⁷:

- Al-Bashir Hospital: construction of a new building for the surgical departments and the internal medicine department with a capacity of (465) beds and a total area of (48,000) m².
- Prince Hussein Hospital / Al-Balqa: modernisation and expansion of the emergency, accident and operating departments.
- Al-Karak Hospital: expansion with a capacity of (100) beds and a total area of (15000) m², in addition to the construction of a forensic medicine building for the southern governorates with an area of (3500) m².
- Ma'an Hospital: modernisation of the emergency and accident department, with a total area of (725) m².

¹⁰⁴ Ministry of Health.

¹⁰⁵ The above figure includes the doctors in each of: (the Ministry of Health, the Royal Medical Services, the private sector, King Abdullah I Founder Hospital, Jordan University Hospital, and UNRWA).

¹⁰⁶ Ministry of Health.

¹⁰⁷ Ministry of Health.

- Ghor Al-Safi Hospital: creation of a site for a CT scanner.
- Prince Faisal Hospital in Zarqa: construction of an additional floor with a capacity of (40) beds and its operation.
- Jerash Hospital: expansion and modernisation of the outpatient clinics building, the physiotherapy department, the dialysis department, the pharmacy, the blood bank, the administration department, the kitchen, the laundry and the stores, with a total area of (9000) m².
- Al-Iman Hospital in Ajloun: expansion of the hospital with a capacity of (40) beds and its operation, and construction of an additional floor for the internal medicine department.

The total number of patients with renal failure reached (4177) patients by the end of 2011¹⁰⁸, while the number of cases receiving treatment in all dialysis units in Jordan amounts to (3546) cases, as at the end of 2011. (713) new cases were registered in 2011, of which (594) were living-donor cases¹⁰⁹. Breast cancer ranked first among the five most common cancers among Jordanians of both sexes, as the total number of registered cases was (951) cases, representing 19.6%, followed by colon and rectal cancers with a total of (558) cases, representing 11.5%, then lymphoma with (382) cases, at a rate of 7.9%, then lung cancer with (380) cases, representing 7.8%, then prostate cancer and leukaemia with (218) cases, at a rate of 4.5%¹¹⁰.

The proportion of persons with diabetes and latent diabetes reached 39.8% in 2012, total blood cholesterol 36%, triglycerides 48.8%, overweight 30.5%, obesity 35.95%, and high blood pressure 25.6%¹¹¹.

Notwithstanding the efforts made by the Ministry of Health to develop and improve the health and medical services provided to citizens, some hospitals and health centres still suffer from a number of problems that impede the achievement of their objectives, the most prominent of which are: the shortage of the staff and medical equipment necessary in some hospitals and health centres spread throughout the Kingdom; the shortage of some vaccines and some essential medicines, particularly medicines for chronic diseases such as hypertension, diabetes and heart disease, in some hospitals of the Kingdom, which forces patients to purchase them at their own expense from pharmacies; the long waiting period for appointments at outpatient clinics; and the overcrowding witnessed in the emergency and accident departments of some government hospitals, specifically Al-Bashir Hospital, owing to the shortage of doctors and technicians.

Mental Health

With reference to the Public Health Law, we find that it did not accord mental health sufficient attention, as it did for other diseases. However, 2012 witnessed the training by the Ministry of Health of (60) general practitioners in the field of mental health, and the opening of (3) community mental health clinics in the governorates of Amman, Zarqa and Irbid in cooperation with the

¹⁰⁸ A special registry for renal failure was established on 3/5/2007.

¹⁰⁹ Ministry of Health / Non-Communicable Diseases Directorate.

¹¹⁰ Ministry of Health / Non-Communicable Diseases Directorate.

¹¹¹ Ministry of Health / Non-Communicable Diseases Directorate.

World Health Organization. It should be noted that the National Mental Health Strategy for the years 2011/2015 focused on integrating mental health into primary health care services through health centres, and on attracting and encouraging doctors to specialise in the field of mental health to fill the shortage in that field. The National Centre for Mental Health of the Ministry of Health, to which the Psychological Rehabilitation Centre (Karama) and the National Centre for the Rehabilitation of Addicts are affiliated, is the main body for the provision of curative, supervisory and training mental health services, in addition to awareness-raising in these fields. This is in addition to forensic activity relating to the issuance of forensic reports on cases referred from all civil, military and Sharia courts. Curative mental health services are also provided at the Ministry of Health through (34) outpatient clinics distributed across all the cities of the Kingdom, including the clinics of the Correction and Rehabilitation Centres.

Medical Liability

2012 did not witness any development regarding the draft Medical Liability Law, which is still before the Legislation and Opinion Bureau up to now, despite the pressing need for its adoption in order to curb the phenomenon of medical errors, bearing in mind that the draft law was agreed upon in 2010 by the national team, which included representatives of the Legislation and Opinion Bureau and a number of judges, lawyers, doctors and experts. In 2012, an orthopaedic doctor working at one of the government hospitals was detained for a period of (15) days pending investigation following his negligence and his having caused the death of a citizen, and the physician was charged with negligence.¹¹² Furthermore, a physician was temporarily suspended from practice by the Council of the Jordan Medical Association, and the Ministry of Health was addressed to close his clinic pending the completion of the investigation procedures in the case brought against him before the Association's Disciplinary Council by a female citizen on whom he had performed cosmetic surgery.¹¹³

Assaults on Medical Personnel

The year 2012 witnessed the formation of a committee by the Ministry of Health and the Jordan Medical Association to identify the causes of the phenomenon of assaults on medical personnel in all its aspects, and to find solutions capable of curbing its spread. The cases of physical and verbal assault in 2012 reached (71) cases.¹¹⁴ Assaults on medical personnel most often take place in the emergency and accident departments of hospitals that are overcrowded with patients and emergency cases, and are committed by the relatives of such patients and by visitors. The penalty was increased under Article (187) of the Jordanian Penal Code for any person who assaults physicians or other medical personnel, in addition to cooperation with the Public Security Directorate to assign female police officers to hospitals.

¹¹² Al-Dustour newspaper, dated 7/2/2012.

¹¹³ Al-Arab Al-Yawm newspaper, dated 2/2/2012.

¹¹⁴ Al-Dustour newspaper, dated 13/11/2012.

Food and Medicine

The year 2012 witnessed the tightening of health control over food establishments and factories, as many of them were closed and warnings and violations were issued to them by the Jordan Food and Drug Administration, as a result of the seizure and destruction of quantities of spoiled and expired foodstuffs, in addition to the failure of those food establishments and factories to comply with public health and safety requirements. Table No. (15) shows the measures taken against violators in light of the food control activities carried out by the Jordan Food and Drug Administration in the various regions of the Kingdom in 2012 compared with 2011.

Table No. (15): Number of establishments and factories closed or issued with violations and warnings by the Jordan Food and Drug Administration during 2011/2012

Measure	2011	2012
Warning	28717	23147
Violation	1928	1829
Closure	558	671
Total	31203	25647

Table No. (16) shows the quantity of foodstuffs destroyed by the Jordan Food and Drug Administration in 2012 compared with 2011.¹¹⁵

Table No. (16): Quantity of foodstuffs destroyed by the Jordan Food and Drug Administration for 2011/2012

Relevant control category	Weight destroyed (tonnes) 2011	Weight destroyed (tonnes) 2012
Foodstuffs in circulation	1109	1447
Imported foodstuffs	568	683
Total	1677	2130

In 2012, the Jordan Food and Drug Administration reduced the prices of (391) medicines, compared with the prices of (201) medicines in 2011, most notably medicines for vascular diseases, heart diseases and lipids, psychiatric medicines and diabetes medicines. The Centre also monitored the closure by the Jordan Food and Drug Administration in 2012 of (28) pharmacies, compared with (53) pharmacies in 2011, out of approximately (2014) pharmacies operating in the Kingdom, in whose possession counterfeit medicines, expired medicines and smuggled medicines had been seized, in addition to the closure of (2) medicine factories out of (19) factories operating in Jordan.¹¹⁶

Health Insurance

International instruments have affirmed the right of the individual to obtain social insurance and social security, as provided for in Article (9) of the International Covenant on Economic, Social

¹¹⁵ The Jordan Food and Drug Administration.

¹¹⁶ The Jordan Food and Drug Administration.

and Cultural Rights.¹¹⁷ The percentage of citizens covered by health insurance in 2012 reached 86.7%, according to information issued by the Health Insurance Administration at the Ministry of Health, including the inhabitants of remote and poorest areas, the social safety net, children under six years of age, recipients of support from the National Aid Fund, persons with disabilities, blood and organ donors, older persons and pregnant women. Table No. (17) shows the percentage of persons covered by health insurance by insuring body for 2012.

Table No. (17): Percentage of persons covered by health insurance by insuring body for 2012

Body	Percentage insured
Ministry of Health	48.7%
Royal Medical Services	25.6%
University hospitals	1.4%
United Nations Relief and Works Agency for Palestine Refugees (UNRWA)	4.1%
Private sector	6.9%
Total	86.7%

It is worth noting that the Department of Statistics conducted a health insurance survey¹¹⁸ in Jordan in the fourth quarter of 2010 and published its results in September 2011. The survey showed that the overall rate of health insurance coverage in the Kingdom had reached approximately 70% (71% for females against 69% for males). The survey results also showed that rural areas are more widely covered by health insurance than urban areas, at 83.5% and 66.7% respectively, and that approximately 85% of individuals in the Southern Region are covered by health insurance, in addition to the majority of the population of Ajloun Governorate being insured, at a rate of 90%. The survey results confirmed that all children under the age of six are covered by health insurance by the Ministry of Health, and that 97% of children under the age of six are insured regardless of their nationality. The results also showed that 61.4% of members of Jordanian society are insured with only one of the various insuring bodies, while 8.2% of them have dual insurance. The survey results further showed that Ministry of Health insurance is the most widespread form of insurance among members of Jordanian society, at approximately 55%, while the percentage of non-Jordanians insured by UNRWA without having any other health insurance reached 39%. Among the matters worthy of attention is what was indicated by the National Employment Strategy¹¹⁹ for the years 2011–2020, published in June 2012, namely that public-sector employees receive health insurance services, whether civil or military, whereas the provision of health insurance in the private sector is confined to large establishments; that is, the larger the company, the higher the rate of provision of health insurance to employees, with the result that 70% of private-sector employees do not enjoy health insurance. This is one of the principal reasons contributing to young people's preference for working in the public sector over the private sector.

¹¹⁷ Article (9) of the International Covenant on Economic, Social and Cultural Rights provides that: "The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance."

¹¹⁸ Department of Statistics, Health Insurance and Health Expenditure in Jordan 2010, http://www.dos.gov.jo/dos_home_a/main/Analasis_Reports/health_ins/health_ins.pdf

¹¹⁹ The National Employment Strategy, <http://www.mol.gov.jo/tabid/354/default.aspx>

Treatment Costs

Treatment fees under the schedule of fees in force at the Ministry of Health were raised by 40%, to be applied to patients referred at the expense of the allocations earmarked by the Ministry of Health, patients covered by health insurance with universities and companies bound by accounting agreements with the Ministry of Health, and patients covered by military health insurance. Treatment fees in the schedule of fees for non-Jordanians who are able to pay were also raised by 40%, while the current schedule of fees continues to apply to uninsured Jordanians who are able to pay and who attend the Ministry's institutions directly.¹²⁰

The Government issued new Instructions on medical exemptions, under which the Ministry of Health, represented by the Health Insurance Directorate, was granted the right to grant exemptions, and the role of the Uninsured Patients Affairs Unit was confined to receiving applications only, with the necessary procedures being completed at the Ministry and the Directorate, while applications referred from the Prime Ministry are received by the Health Insurance Administration at the Ministry. Under the Instructions, these procedures include establishing a mechanism to verify that the patient is not covered by any type of health insurance, so as to ensure that there is no dual benefit from health insurance; the examination of the medical exemption application by the competent persons at the Ministry; and the adoption of the appropriate decision in accordance with the available data, in order to prevent abuse of medical exemptions. The Instructions also affirmed the requirement that the patient undergo a medical examination by Ministry of Health physicians to diagnose his condition and to determine the illness and the appropriate hospital for his treatment in accordance with the medical condition, such that the hospital nearest to the patient's place of residence is taken into account; the Minister, or whomever he delegates, may determine the appropriate hospital for the patient's treatment in accordance with the medical condition or for circumstances particular to the patient. The Instructions further required that the expected cost of treatment be determined, and that the period of medical exemption be set for a duration determined by the treating medical committee at the Ministry of Health.¹²¹

The Government issued a decision to discontinue free treatment for children suffering from dwarfism and short stature, on the ground that this disease had become very costly to the State Treasury and that the cost of treatment is high, as the price of a single box of the medicine reaches (90) dinars, and the patient needs, depending on his health condition, between (3) and (5) boxes of the medicine per month. This consequently burdens citizens, particularly those with middle and limited incomes.¹²²

Recommendations

To protect the right to health, the Centre reiterates its previous recommendations contained in its report for 2011 with regard to this right, and emphasises the following:

¹²⁰ Al-Arab Al-Yawm newspaper, dated 15/2/2012.

¹²¹ Al-Dustour newspaper, dated 13/2/2012.

¹²² Al-Ghad newspaper, dated 26/3/2012.

- Focusing on comprehensive preventive care, in addition to secondary and tertiary care.
- Increasing the proportion of government expenditure on primary health care as part of the promotion of the right to health, as it is the foundation for preventing the aggravation of diseases, and disseminating a culture of family medicine and the early detection of diseases.
- Focusing on improving the quality of health services in accordance with international standards, and pursuing equity in the geographical distribution of health services (human resources, equipment and expertise).
- Striving towards comprehensive primary health care services that include care for chronic diseases and the provision of medical consultations.
- Establishing an effective quality system, whether with regard to the work of government and private laboratories, physicians' diagnoses, or other procedures such as endoscopy and the various catheterisation procedures, and compliance with recognised international standards for controlling certain common diseases such as diabetes and arterial hypertension, in order to ascertain, first, the safety of such procedures and, second, the extent to which it is necessary to perform them on the patient, since health care in all its forms is a right of the human being and of the citizen, and this right must be protected by all means.
- Expediting the implementation of the recommendations issued by the committee formed by the Ministry of Health to regulate the use of laser devices in the Kingdom.
- Establishing a national health information bank in Jordan.
- Considering mental health an essential part of health care services, increasing the number of centres concerned with mental health so as to cover all regions of the Kingdom, and providing health services for children under the age of (18) years, as such services are available to them only through psychiatric clinics.
- Expediting the construction of the judicial detention centre building at the National Centre for Mental Health, working to restructure the Psychological Rehabilitation Centre (Karama), and transferring patients with intellectual disabilities from it to the Ministry of Social Development, as it is the body competent to care for this category of patients.
- Expediting the study of the issue of medical liability in all its aspects, in preparation for the enactment of a law that safeguards the rights of patients and of health and medical service providers without affecting the increase of their costs, as well as cooperation between the competent bodies and the Jordan Medical Association to ensure proper dealing with patients, whether they are citizens, Arabs or foreigners; and studying the establishment of a comprehensive insurance system to cover the financial compensation awarded by the courts, the details of which are to be agreed upon by the competent bodies in cooperation with the Jordan Medical Association.
- Continuing to focus on effective inspection and control operations by the Ministry of Health and the Jordan Food and Drug Administration, to ensure that all food establishments and factories and restaurants throughout the Kingdom comply with public health and safety requirements.

- Working to reduce medicine prices in accordance with pricing principles, so as to provide medicines to citizens at the lowest possible prices.
- Tightening control over pharmaceutical research companies, with a view to ensuring that they observe the rules and conditions of their work.
- Working to extend the umbrella of health insurance of all types to the remaining citizens who are not covered by any other health insurance.
- Curbing excessive medical fees, particularly in the specialities of surgery and obstetrics and gynaecology.
- Taking the appropriate steps to ensure that the health services provided to citizens are not affected by medical tourism from Arab States, which must continue to be encouraged and supported while at the same time being improved in quality, and maintaining this balance carefully.
- Taking the appropriate steps to focus on excellence in the provision of health services, particularly in certain branches of medicine.
- Focusing on improving the quality of education in the various faculties of medicine, continuously attending to raising their standard, and considering them faculties of excellence within the universities, enjoying all that similar faculties around the world enjoy.
- Focusing on intensifying specialisation programmes in the various branches of medicine, at home and abroad.

The Right to a Healthy Environment

Although the Jordanian Constitution contains no provision on the human right to a healthy environment, the numerous international conventions ratified by Jordan have guaranteed this right, as have the Environmental Protection Law No. (52) of 2006 and the regulations and instructions issued thereunder.

At the legislative level, in 2012 the Government approved instructions amending the Instructions on the Selection of Sites for Development Activities of 2011, issued pursuant to Paragraph (4) of Article (4) of the Environmental Protection Law No. (52) of 2006, which apply to all sites of development activities. This regulatory framework aims at obtaining the committee's approval for the establishment of such activities. It is to the credit of these Instructions that they require the site of a development activity to be located at a prescribed distance, subject to special conditions for each activity, from residential agglomerations and/or zoning boundaries.

The year 2012 witnessed the preparation by the Ministry of Environment of a number of draft laws, regulations and instructions and their submission to the Legislation and Opinion Bureau, the most important of which are: a draft law amending the Environmental Protection Law in force, in order to identify and address the gaps and shortcomings of the current law; a draft framework law on waste management; a draft Nature Protection Regulation; draft amended Environmental Audit Instructions of 2012; and draft Instructions on the Accreditation of Consultancy Bodies of 2012.

Environmental Policies and Performance

In 2012, the Ministry of Environment developed a number of environmental policies, represented by the preparation of the first updated draft of the National Agenda / Environment Sector for the years 2013–2020; the completion of the review of the executive plan of the Ministry of Environment's strategy for the years 2011–2013; the commencement of the preparation of the Ministry's strategic plan for the years 2013–2016; the Ministry of Environment's establishment of a national programme for the rehabilitation of the Zarqa River; its initiative to work on establishing an environmental information management system in cooperation with the Centre for Environment and Development for the Arab Region and Europe (CEDARE); the preparation of a draft national policy on climate change; and the commencement of the preparation of Jordan's Third National Communication report on climate change. Notwithstanding Jordan's accession to many conventions and the enactment of the Environment Law and the regulations and instructions issued thereunder, numerous practices and violations of the human right to a healthy environment can be recorded, the features of which are evident in the following areas:

Air Pollution

The Ministry of Environment monitors the concentration levels of gaseous air pollutants and fine suspended particulate matter in certain areas and industrial cities that witness a clear violation of the human right to a healthy environment, namely: Al-Muwaqqar, Al-Jiza, Al-Khalidiya, Al-Baqa'a, Al-Rusaifa, King Abdullah II Industrial City/Sahab, Al-Hassan Industrial City/Irbid, and Al-Hussein Industrial City/Karak. Any leakage of bromine and chlorine gases in the vicinity of the bromine plants in the Dead Sea area is also monitored and detected through the direct link between the Ministry of Environment and the devices that detect these gases. In addition, air quality is monitored in hot spots (gaseous air pollutants) in the Al-Hashimiya area, concentration levels of fine suspended particulate matter are monitored in the Al-Fuhais and Al-Rashadiya areas, and concentrations of emissions from stationary sources are monitored. Despite these measures, citizens living near the cement factories in Al-Fuhais still complain of pollution, particularly during the night hours. The National Centre is closely following the degree of pollution caused by this factory and its effects on human health and the environment in that area, the resulting noise, and the vibrations caused by the blasting about which citizens have complained and which have caused cracks in their homes.

Water Resources

The Ministry of Environment periodically monitors the quality of water in the Kingdom across several sectors (groundwater, surface water, flood and valley water, dam water, and effluent from wastewater treatment plants), in addition to remote monitoring of water quality through (13) field monitoring stations distributed over the most important surface water sources in the Kingdom, which include the Jordan River, the Yarmouk River and the Zarqa River, in addition to the King Abdullah Canal and the King Talal Dam.

In 2012, the Water Authority continued to discharge (550) cubic metres of sludge daily at the treatment plants scattered on the outskirts of the capital, Amman, and to convey it to the Khirbet Al-Samra plant from the Ain Ghazal pumping station after it has been brought by tankers. The

Ministry of Water also discharges part of that waste at the Ain Ghazal station so that it flows to Khirbet Al-Samra, owing to the inability of the plants in the areas adjacent to the capital to treat it. This overloads the Khirbet Al-Samra plant beyond its absorptive capacity by 10%, as it was not designed to absorb the waste of the Amman slaughterhouse. This waste has become a public health nuisance and affects the artesian wells in the Birin area, and pollutes the beds of the valley watercourses, which results in foul odours and toxic gases, an increase in the spread of flies and insects on the banks of the watercourse and in the areas adjacent to it, in addition to the flammability of some areas. It also contributes to major environmental pollution, particularly of the Zarqa River and the King Talal Dam. This has affected farmers in those areas, depriving them of the use of that water to irrigate their crops.

Infrastructure

The year 2012 witnessed certain weaknesses in the infrastructure, particularly in the proper drainage of rainwater in the capital, Amman, and in certain other cities such as Aqaba and Ma'an, which caused the loss and waste of a large quantity of water with which the Kingdom could have been supplied to help resolve the water crisis, in addition to creating a state of confusion and chaos in the flow of traffic and the normal life of citizens. At the same time, 2012 witnessed a clear decline in road maintenance operations, attributable to the lack of coordination between the competent bodies and the implementation of numerous successive infrastructure projects, which had a negative impact on the condition of these roads.

Nature Protection and Biological Diversity (Biodiversity)

The Kingdom continues to face the principal challenges in the field of the environment, namely water scarcity, desertification and urban sprawl. In an attempt to address these challenges, the Ministry of Environment obtained in 2012 a grant of (408) thousand dollars to update the National Strategy to Combat Desertification and the National Biodiversity Strategy; established a national programme for the rehabilitation of the Zarqa River; declared two environmentally important areas (the Wadi Ibn Hammad area/Karak Governorate and the Souf area/Jerash Governorate); and prepared a funding project to set national biodiversity priorities. The year 2012 also witnessed the Ministry of Environment's implementation of a study on the terms of reference for accrediting national laboratories to test genetically modified materials, and the issuance of awareness bulletins on biosafety.

Forests

Environmental policies still do not provide adequate protection for forest cover in the Kingdom, as the Kingdom's forest resources do not exceed 1% of its area, although the minimum acceptable forest cover that guarantees a healthy environment protected from pollution in any country is 6% of its total area. Despite the low level of this area, 2012 witnessed continued encroachment on these forest areas, whether by citizens seeking sources of heating, particularly in light of rising fuel prices, as a result of overgrazing, or as a result of fires. Added to this is the failure of the official bodies to play the role expected of them in working to increase this area by expanding the extent of forests. The greatest danger to the forest area lies in the implementation of certain construction projects in forest areas, such as the project of the military college intended to be

established in the Burqush forest area. Despite the calls of the national environmental movement and the National Centre, in addition to many popular actors and civil society institutions, to respect the human right to a healthy environment and to protect the Burqush forest from encroachment, the Centre notes a lack of clarity in the official position on the establishment of the military college project in this forest, as 2012 witnessed ambiguous Government positions vacillating between approval and rejection of the implementation of this project. The Centre affirms that the Burqush forest and all forests in the Kingdom constitute a national resource and a natural reserve, which must be preserved and expanded in order to increase forest cover in the Kingdom.

The Nuclear Reactor

Although the idea of establishing a nuclear reactor has not been accepted by popular circles, many civil society institutions working in the fields of environment and energy, and certain experts in these fields, it is observed that the Government has pressed ahead with the implementation of this project by signing a number of uranium mining agreements and searching for companies that will build the infrastructure and install the nuclear reactor. The completion of the project faces several problems, the most important of which are: the high cost and burdens of uranium mining; the determination of the site of the nuclear reactor; the unavailability of cooling water in light of water scarcity; and the lack of infrastructure to deal with risks and emergencies, in addition to the retreat of the developed countries from proceeding with the construction of nuclear reactors following the Fukushima nuclear disaster in Japan, the inability of the Japanese authorities to contain its effects, and their call for international assistance to confront the effects of that disaster; as well as the demand of the Jordan Environment Society and the Environmental Coordination Commission that reliance be placed on renewable energy instead of building the nuclear reactor.

Waste and Its Management

The task of managing solid waste is entrusted to the municipalities and the Greater Amman Municipality under the Public Nuisance Prevention Regulation of 1978 and its amendments, the Joint Services Council Regulation No. (17) of 1983, and the Solid Waste Management Regulation No. (27) of 2005. The year 2012 witnessed the aggravation of the problem of the spread of waste in many cities, foremost among them the capital, Amman, owing to the failure of the Greater Amman Municipality and certain municipalities to collect it and transport it to the designated landfill on a proper periodic basis. The accumulation of such waste was observed, as well as its disposal by burning on site, which constituted a serious violation of the right to a healthy environment, particularly when waste accumulates for several days, leading to the emission of odours and toxic gases therefrom, especially as this phenomenon has spread in densely populated residential areas. Moreover, hazardous and medical waste is still treated in a traditional manner by storage and burial at the Swaqa and Al-Ghabawi landfills, after being received from local institutions and companies.

Fly Control

The Jordan Valley area continues to suffer from the phenomenon of a dense spread of flies, and this phenomenon has not been adequately addressed, despite the implementation by the competent bodies in 2012 of the National Plan for Fly Control in the Jordan Valley through:

1. Manufacturing food traps for flies and distributing them to all areas of the Jordan Valley.
2. Activating the role of the Royal Department for Environmental Protection in preventing the entry of untreated fertiliser into the Jordan Valley.
3. Carrying out numerous spraying campaigns by the Ministry of Agriculture.
4. Implementing an integrated media campaign in this regard.

Control and Inspection

The control bodies, represented by the Ministry of Environment, the Royal Department for Environmental Protection, the Ministry of Health, the Ministry of Agriculture, the Jordan Food and Drug Administration, the Ministry of Municipal Affairs, the Greater Amman Municipality, the Aqaba Special Economic Zone Authority, the Natural Resources Authority, the Water Authority and the National Environmental Movement, work to monitor the environmental situation in the Kingdom through the application of the laws, regulations and instructions on environmental protection to establishments whose activities may affect the environment. The most important means of control that they exercise are the following:

a. Licences

In 2012, the Central Licensing Committee granted (1119) licences to industrial, agricultural and craft projects out of (1396) applications submitted in 2012, compared with (819) licences out of (1090) applications submitted in 2011. On the other hand, the Committee rejected (277) applications for project licences in 2012, compared with its rejection of (271) applications for project licences in 2011, owing to their violation of the environmental conditions for licensing investment projects, as shown in Table No. (18). The year 2012 also witnessed the review of (15) environmental audit studies, the approval of (7) studies thereof and the discussion of the related environmental compliance plans, and the review of (31) environmental impact assessment studies for several projects, compared with (32) environmental impact assessment studies reviewed in 2011.

Table No. (18): Environmental licences and their numbers

Outcome of licence applications	Industrial	Agricultural	Craft	Warehouses	Total
Approved	556	80	233	250	1119
Not approved	132	38	63	44	277
Total	688	118	296	294	1396

b. Closures

In 2012, the Ministry of Environment closed (6) establishments (craft, agricultural, industrial and service), compared with (25) establishments closed in 2011, distributed as shown in Table No. (19). In 2012, the Royal Department received (1538) complaints, compared with (1450) complaints received in 2011.

Table No. (19): Number of closures by type of establishment

Type of establishment	2010	2011	2012
Craft	6	15	0
Agricultural	0	3	1
Industrial	3	6	3
Service	1	1	2
Total	10	25	6

c. Violations

In 2012, the Ministry of Environment issued violations against (56,914) establishments in various parts of the Kingdom, compared with (26148) violations in 2011. The year 2012 also witnessed a marked increase in the number of environmental violations relating to public health, as (30,883) health violations and (15,509) vehicle violations were recorded, compared with (7850) violations recorded in 2011. It should be noted that certain factories, industrial workshops and commercial shops continue to pollute the air, as approximately (8,991) violations were recorded in 2012, compared with (8058) violations recorded in 2011, consisting of the dumping of waste or the burning of tyres by factories, industrial workshops and commercial shops, distributed as shown in Table No. (20).

Table No. (20): Type and number of environmental violations

Type of violation	Animal	Plant	Marine	Water	Workshops	Public health	Vehicles
Number of violations	606	181	14	630	8,991	30,883	15,509

d. Warnings

In 2012, the Royal Department for Environmental Protection issued a number of warnings to establishments, totalling (191) warnings; it closed (6) establishments and referred (4) establishments to the competent courts, as shown in Table No. (21).

Table No. (21): Number of warnings

Warnings	Industrial	Craft	Service	Agricultural	Total
Warnings	48	41	9	93	191
Closures	3	0	2	1	6
Referral to court	2	1	0	1	4

Notwithstanding the aforementioned efforts to curb environmental violations, the National Centre for Human Rights affirms that several obstacles still face the protection of the human right to a healthy environment, the most important of which are:

1. The duplication of laws concerned with the protection of a healthy environment.
2. The extensive geographical jurisdiction of certain branches and detachments of the Royal Department for Environmental Protection, which constitutes an obstacle to the prompt handling of complaints.
3. The lack of clarity of the mechanism for applying environmental laws among the bodies concerned, which leads to conflicts of jurisdiction between those bodies, particularly the

divergence of environmental policies from one body to another (the jurisdiction of the Ministry of Water, the jurisdiction of the Ministry of Agriculture, the jurisdiction of the Ministry of Environment) and the institutions concerned with environmental protection in the Kingdom.

4. The lack of environmental culture and environmental awareness among a large segment of citizens, which increases the burden on the official bodies and calls for supporting environmental civil society organisations to undertake the task of awareness-raising and education and to implement environmental training programmes.

Recommendations

In light of all the foregoing, the National Centre recommends the adoption of a set of measures capable of providing protection for the right to a healthy environment, the most prominent of which are the following:

- Forming a national committee comprising all the bodies concerned, including environmental societies and persons of expertise and specialisation, to clarify the health, environmental and economic aspects of the nuclear reactor project, while emphasising the ordering of Jordan's priorities in the search for new, alternative and sustainable sources of energy.
- The adoption by the official bodies of a clear position on proceeding with the military college project, while affirming the Centre's position rejecting encroachment on forests, in a manner that guarantees the human right to a healthy environment and the protection of the Burqush forest.
- Developing and modernising rainwater drainage channels on roads and in tunnels to enable them to absorb rainwater.
- Providing compactor vehicles for waste collection, to enable those working in waste collection and management to dispose of waste on a daily basis.
- Emphasising the development and modernisation of wastewater treatment plants in a manner responsive to population growth in cities and villages.
- Monitoring the mechanisms for the proper disposal of medical waste, to ensure that it is not recycled by certain commercial entities.

Cultural Rights

The constitutional amendments of 2011 guaranteed freedom of cultural creativity: Article (15/2) of the Constitution provides that "The State shall guarantee freedom of scientific research and of literary, artistic, cultural and sporting creativity, provided that it does not violate the provisions of the law, public order or morals", while Article (15/1) thereof provides that "The State shall guarantee freedom of opinion, and every Jordanian shall be free to express his opinion by speech, in writing, by means of photographic representation and other forms of expression, provided that such does not exceed the limits of the law". In addition, Article (128/1) of the Constitution provides that "Laws issued under this Constitution for the regulation of rights and freedoms may not affect the essence of such rights or touch upon their fundamentals". Numerous legislative texts, such as the Culture Promotion Law, the Copyright Protection Law, the Trade Names Law,

the Higher Council for Youth Law, the Urban and Architectural Heritage Protection Law and other laws, likewise provide for the protection of cultural rights and their promotion for the Jordanian citizen. Furthermore, the right to participate in cultural life is among the rights called for by numerous international human rights conventions; it is set forth in particular in Article (27) of the Universal Declaration of Human Rights and Article (15) of the International Covenant on Economic, Social and Cultural Rights (ICESCR). Other international instruments refer to the right to participate on an equal footing in the cultural activities of society,¹²³ the right to participate in all aspects of social and cultural life,¹²⁴ the right to participate fully in cultural and artistic life,¹²⁵ the right to take part in cultural life on an equal basis with others,¹²⁶ and access to and participation in cultural life,¹²⁷ as well as the rights accorded by the International Covenant on Civil and Political Rights (ICCPR) to persons belonging to minorities, namely their right to enjoy their own culture, to profess and practise their own religion, and to use their own language.¹²⁸

The year 2012 witnessed a notable increase in the number of cultural bodies and centres registered with the Ministry of Culture, with a total of (67) cultural bodies being registered, bringing the number of cultural associations, groups, forums, centres, leagues and clubs registered with the Ministry as at the date of preparation of this report to (496) cultural bodies, compared with (429) cultural bodies up to 2011.

These bodies work to encourage cultural and artistic creativity and to disseminate cultural education in various fields. In 2012, the Ministry of Culture supported these bodies with a total of JOD (461,600); however, they still suffer from the insufficiency of the funding provided to them for holding cultural events. The Ministry provided a total of JOD (320,000) as a contribution to supporting cultural projects and events in the governorates, numbering (1500) events, and in 2012 (25) cultural festivals were held in various governorates of the Kingdom. Partial support was provided to (110) book titles selected after their conformity with the support criteria and conditions had been verified, amounting to (110) thousand copies, and full support was provided to (34) book titles, amounting to (44) thousand copies. In addition, (37) titles were published, at one thousand copies of each title, within the “Madaba, City of Jordanian Culture 2012” project, and (50) titles were issued, of which (10) were children’s titles, within the Jordanian Family Library project, at (5) thousand copies of each title, and (17,755) copies of books were donated to institutions and individuals.

On the other hand, the Centre observed that, although the time frame of the Cultural Development Plan set by the Ministry for the years 2009/2012 has come to an end, a plan comprising numerous projects and programmes such as the Jordanian Family Library, the Arab Treasury Project for the Documentation of Cultural Heritage, the Mobile Children’s Library, the Programme for Supporting Jordanian Creative Artists, the Project for Surveying the Jordanian Cultural Heritage

¹²³ The International Convention on the Elimination of All Forms of Racial Discrimination, Article 5, Paragraph (e).

¹²⁴ The Convention on the Elimination of All Forms of Discrimination against Women, Article (13), Paragraph (c).

¹²⁵ The Convention on the Rights of the Child, Article 31, Paragraph 2.

¹²⁶ The Convention on the Rights of Persons with Disabilities, Article 30, Paragraph 1.

¹²⁷ The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Article (43/1/g).

¹²⁸ The International Covenant on Civil and Political Rights, Article 27.

in certain governorates of the Kingdom (Madaba, Karak, Ajloun), the Cultural Diversity Project and the Youth Creativity Competition, the Arab Heritage Library Project, the “A Writer and a Book” Programme, the Jordanian Theatre Festival, the Training Project in Fine Arts, Music and Ceramics, the State Appreciation and Incentive Awards Programme, which was postponed to 2013 owing to the economic circumstances, the Creative Full-Time Dedication Programme and the National Programme for Developing a Culture of Dialogue,¹²⁹ there are numerous challenges, identified in the previous plans, which still persist and adversely affect cultural rights. Foremost among these challenges are: (1) the weakness of the infrastructure of the culture sector in most governorates of the Kingdom; (2) the concentration of day-to-day cultural activity in the capital, Amman; (3) the limited support provided to cultural bodies, creative artists and intellectuals in light of the reduction of the Ministry of Culture’s budget for 2012, which amounted to JOD (7,635,082), a decrease of JOD (3,548,918) compared with the 2011 budget, which amounted to JOD (11,184,000); (4) the low level of the Ministry’s support for book and magazine publications in 2012, whether full or partial support; (5) the continuation of the Government’s decision to suspend the support of the Culture Fund¹³⁰ on the justification of savings in the general budget, despite the importance of this Fund for cultural activity and for the development of projects relating to theatre, music and drama; (6) the suspension, since the beginning of 2012, of the cultural forum known as the Wednesday Forum,¹³¹ organised by the Department of the National Library, owing to the insufficiency of the budget allocated to the Department; (7) the decline of the cultural role entrusted to the Greater Amman Municipality and the cessation of its cultural programmes as a result of the deficit in its budget; (8) the increase in the number of cultural bodies registered with the Ministry of Culture, which require new financial support; (9) the rise in the cost of creative cultural output owing to the rise in the costs of printing, artistic production and distribution; and (10) the weak attention paid to the cultural dimension at the official and community levels, despite the importance of this sector.

In 2012, work continued on the Jordanian Cities of Culture Project, which began in 2006, when the city of Irbid was selected as the City of Jordanian Culture for 2007, thus becoming the first Jordanian city of culture. It was followed by the city of Salt in 2008, while the city of Karak was selected as the City of Jordanian Culture for 2009, followed by Zarqa for 2010 and Ma’an for 2011, until the choice fell on the Governorate of Madaba to be the City of Jordanian Culture for 2012, while Ajloun was selected as the City of Culture for 2013. Expenditure on this project in 2012 amounted to approximately JOD (500) thousand out of JOD (750) thousand that had been allocated for this purpose; however, it was reduced owing to the weakness of the budget. This project is considered one of the important projects that respond to the needs of Jordanian cities in cultural respects, activate cultural movement and activities, and support the cultural projects, bodies and associations in those cities so that they may perform their role to the fullest. The

¹²⁹ For further information on these programmes, see the website of the Ministry of Culture at <http://www.culture.gov.jo>.

¹³⁰ This Fund was established to support the cultural and artistic movement, in the hope of restoring due regard to culture and intellectuals, bringing about comprehensive national cultural development, providing an environment conducive to creativity in the cultural and artistic fields, and revitalising bodies and institutions. The law created a number of financial sources that flow into and support this Fund. In 2010, the Fund faced difficulties owing to the abolition of the tax on media advertisements, which had constituted a principal source of its funding.

¹³¹ The Wednesday Forum: one of the cultural activities implemented by the Department of the National Library, devoted to the discussion of a specific social, cultural or political topic, in which an official is hosted to speak on one of these topics.

objective of launching the Cities of Culture Project centres on contributing to achieving justice in the distribution of the gains of cultural development, promoting the development of cultural movement in the city of culture, contributing to building cultural infrastructure in the regions and governorates, and encouraging creativity and creative artists and promoting the cultural output of the people of the governorates. Nevertheless, this project still faces sharp criticism from the literary cultural community owing to the lack of support for it from the private sector, and it also witnesses a clear reluctance on the part of the public to attend most of the events, a situation that calls for further efforts to change it.

The year 2012 also witnessed the completion of the construction works of the new National Museum in the Ras Al-Ain area in the heart of the capital (Amman); its launch ceremony was held on Thursday, 31/1/2013, and its official opening is expected in summer 2013. The “Jordan Museum” will display the Kingdom’s civilisational and historical heritage and will serve as a comprehensive national centre for knowledge and education at the same time; it will also reflect the history and civilisation of Jordan through an innovative educational approach that tells the story of Jordan in the past and the present while looking towards the future. The educational role of the Jordan Museum¹³² is one of the most important roles it will perform, as its programmes and interactive workshops will be planned and designed in line with the Museum’s objectives and its educational mission; it also aims to connect Jordan with different cultures.

In the field of the protection of intellectual property, no change occurred in the legislation governing this field. The year 2012 witnessed a decline in the number of cases of infringement of intellectual property rights referred by the Copyright Protection Office under the Copyright Protection Law of 1992, to (162) cases, compared with (356) cases in 2011 and (580) cases in 2010.¹³³

In 2012, the Jordan Artists Association staged an open-ended sit-in which began on 11/6/2012 and continued for a month, demanding equality in economic, social and cultural rights and social justice, upholding the dignity of artists, and affirming the responsibility of the State in this field. This sit-in came in the context of protest against the poor living conditions and the feeling of disappointment arising from the failure of the official authorities to fulfil the promises they had previously made, according to the protesters. The artists’ demands of a cultural nature were as follows: (a) stimulating artistic, dramatic and musical production and supporting it by encouraging investment in this field through activating the role of the Jordan Radio and Television Corporation in the field of dramatic and musical production; (b) fulfilling the promise to allocate the funds necessary to establish a production company to provide the capital required to commence the production of dramatic works on a profit-making basis and to generate an income ensuring the sustainability of this company; (c) establishing a national theatre troupe and a national music ensemble; and (d) activating the protocols and agreements signed, and to be signed, by successive governments in order to provide opportunities for scholarships, grants and specialised qualifying

¹³² For more on this subject, see the Museum’s website: http://jordanmuseum.jo/ar/about_us

¹³³ It is worth noting that the number of books that obtained an International Standard Book Number (ISBN) in 2012 amounted to (2947) books, compared with (2660) books in 2011 and (3232) books in 2010.

courses in the arts. The sit-in was suspended after the Association received promises from officials to find a solution to its demands.

In 2012, the Ministry of Culture addressed the Prime Ministry with a view to withdrawing the Culture Promotion Law from the House of Representatives before its discussion, in order to reconsider the provisions relating to the Culture Support Fund through a new mechanism so that it would constitute a principal source for supporting the Ministry's activities. The necessary proposals to that end were submitted and referred to the Council of Ministers and are still under consideration. The reinstatement of the Fund will constitute moral and financial support for the cultural community in Jordan, as such a measure is regarded as a strong message from the Government and society in support of cultural activities, which require the provision of permanent financial resources.

On another note, in 2012 Parliament (the National Assembly) passed the General Statistics Law No. (12) of 2012, while retaining the legal provisions that may be regarded as a restriction on the right of citizens to scientific research, in particular the provisions of Articles (4 and 8) thereof,¹³⁴ which had appeared in the Temporary General Statistics Law No. 8 of 2003 and which do not permit any public or private institution to conduct any field study except with the approval of the Department of Statistics. The Prime Ministry had previously issued a circular for the implementation of these provisions on 24/2/2011.¹³⁵ The National Centre had addressed the Prime Minister on 30/6/2011, within the framework of its endeavours to harmonise national legislation with the international obligations under the treaties ratified by the Kingdom, explaining that the General Statistics Law and the aforementioned circular contained restrictions on the rights guaranteed in the international instruments ratified by the Kingdom and published in the Official Gazette, which form part of the national legal system;¹³⁶ that they also contravene the recent constitutional amendments of 2011, which guaranteed freedom of scientific research and of creative, cultural and sporting activity; in addition to their contravention of the comments issued by the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, which constitute an interpretation of the obligations contained in the international instruments.¹³⁷

¹³⁴ Article (4) provides that: "The Department shall be linked to the Minister and shall be considered the sole governmental body authorised to collect statistical information and data from respondents" Article (8) provides that: "a/ Any non-official body may conduct a statistical survey relating to the marketing of its products or services. b/ Any non-official body may collect statistical information on behalf of another body and publish it, provided that it obtains the prior written permission of the Director General."

¹³⁵ The Prime Ministry issued a circular bearing No. 32/11/3723 dated 24/2/2011, setting out numerous conditions that must be observed before embarking on any field study, including the necessity of obtaining the Department's prior approval of the methodology and the questionnaire items or of the persons of the researchers, and that the Ministry of Interior shall not grant private-sector centres a permit before coordinating with the Department of Statistics.

¹³⁶ See Article 19 of the International Covenant on Civil and Political Rights, which guarantees to everyone freedom of opinion and expression and to seek information of all kinds and to hold and express opinions; Article 13 of the International Covenant on Economic, Social and Cultural Rights, which affirmed the right of individuals, whether individually or collectively, to learn and to transmit knowledge and ideas through research, education, study, discussion, documentation, production, creation or writing; and likewise the provisions of Article 15, which affirmed the right of individuals to take part in cultural life, to enjoy the benefits of scientific progress and its applications, and to benefit from the moral and material interests resulting from any scientific, artistic or literary production of which they are the author.

¹³⁷ See General Comment No. 17 of the Committee on Economic, Social and Cultural Rights, interpreting Article 15 of the International Covenant on Economic, Social and Cultural Rights, under which the State is obliged to ensure (participation

Expenditure on scientific research remains very low according to the latest statistics, having reached 0.45% of gross domestic product. The statistics indicate that Jordan's position in respect of business expenditure on research and development, according to the global competitiveness indicators, is (116) out of (139) countries; in respect of the quality of scientific research, it ranks (98); in respect of the registration of patents per million persons, Jordan ranks (76); it also ranks (38) in respect of the protection of intellectual property; as regards foreign investment and technology transfer, it ranks (36); and in respect of the availability of engineers and scientists, it ranks (26).¹³⁸ This reveals numerous problems from which scientific research still suffers, namely: the absence of a clear and serious database of the human and material research capacities within research institutions; the weak contribution of the private sector to financing the research process; the migration of minds and competencies outside Jordan; and the failure to link scientific research with the development of local industries, which affects the quality of scientific research, lowers its standard, and deprives it of any impact on the reality of life in Jordanian society. The Centre reaffirms what was stated in its previous reports regarding the need to work towards utilising the financial allocations available to the administration of the Scientific Research Support Fund, developing programmes linking researchers with institutions of the various industrial, agricultural and productive sectors, and promoting the principle of partnership in conducting applied research among the various sectors.

The National Centre for Human Rights contributes to the field of disseminating a culture of human rights with the aim of raising awareness of economic, social and cultural rights and civil and political rights. The number of activities implemented by the Centre in 2012 amounted to (84) activities in all governorates of the Kingdom, benefiting more than (3000) citizens of various age groups. Table No. (22) shows the areas of dissemination of a culture of human rights implemented by the Centre in 2012.

Table No. (22): Areas of dissemination of a culture of human rights implemented by the Centre in 2012

Area	Number
Training courses	20
Lectures	26
Symposia	4
Conferences	2
Meetings	20
Plays	1
Consultative meeting	10
Total	84

in cultural life; the enjoyment of the benefits of scientific progress and its applications; the protection of the moral and material interests resulting from any scientific, artistic or literary production; respect for the freedom of scientific research and creative activity; and the conservation and dissemination of science and culture).

¹³⁸ Special statement by the Director General of the Scientific Research Support Fund, Dr. Abdullah Al-Zoubi, to Ad-Dustour newspaper on 26/4/2012.

Recommendations

In this context, the National Centre for Human Rights reaffirms the recommendations made in its previous reports and calls for:

- Reconsidering the legislation governing cultural work, in particular the Culture Promotion Law and the regulations issued thereunder, in order to meet the basic needs for supporting and revitalising cultural work.
- Working to increase the financial allocations of the Ministry of Culture in order to assist it in achieving its objectives and in continuing to support cultural bodies, creative artists and artists, to support the rehabilitation of the infrastructure of the culture sector in the various governorates of the Kingdom, and to activate the Culture Support Fund.
- Enhancing coordination between the Ministry of Culture and civil society institutions for the development and advancement of culture, in view of the importance of cultural activity in shaping identity, affirming the national character, and broadening the horizons of interaction with other cultures.
- Calling upon able citizens, as well as private and non-governmental institutions, to assume the responsibility incumbent upon them towards society and the homeland in supporting the cultural and artistic movement, which cannot grow without the support of society as a whole and in various forms.
- Expediting the adoption of the Cultural Development Plan for the years 2013/2016 and building a clear national cultural strategy by adopting a participatory approach in drafting the new plan between the Ministry of Culture and the relevant civil society institutions.
- Working to establish a national cultural database according to the type of cultural output and the entity producing it.
- Working to organise and coordinate the scheduling of national festivals and conferences so that they are not all concentrated in certain months of the year while the remaining months are devoid of cultural seasons, and working to coordinate the topics of those festivals and conferences so that they do not duplicate one another.
- Completing the establishment of infrastructure for cultural activity, “cultural centres”, in the various governorates of the Kingdom in order to accommodate events and activities and to activate cultural movement.
- Attending to and fostering the Arabic language and issuing a law on the “Protection of the Arabic Language”, in view of the role of such a law in preserving our national identity in the face of the encroachment of other cultures.
- Attending to children’s culture and youth culture, as they are the pillar of society and the emblem of its future, and directing the media to attend to the various areas of social life and to disseminate ideas and knowledge that elevate individual conduct and combat all tendencies towards deviance and behaviours alien to the values of society.

4. Rights of the Most Vulnerable Groups and Their Need for Protection

Preliminary Remarks

The groups most vulnerable and most in need of protection are among the categories of human rights that have recently received attention and on whose situation light has been shed. The basic idea underlying the protection of vulnerable or disadvantaged groups in society is that the rights generally recognised for individuals are not sufficient and do not, on their own, respond to the needs of these groups, which calls for granting them additional protection with a view to achieving their actual equality with others. Such preferential treatment does not constitute prohibited discrimination; rather, it is positive discrimination that is legally permissible.

These population groups are characterised by certain attributes that render them more vulnerable than the rest of the State's population to marginalisation, exclusion, exploitation and persecution. These groups frequently suffer deprivation of the most basic human rights and fundamental freedoms, and individuals living in certain geographical areas of the State may suffer a form of discrimination and deprivation of basic social services compared with other geographical areas.

There is no agreed definition, domestically or internationally, of the groups concerned, which differ from one State to another. There is no doubt, however, that these groups include millions of human beings threatened by poverty and marginalisation. Women remain the most vulnerable to marginalisation, poverty, violence and discrimination in a large number of States. Domestic workers are undoubtedly among the groups most vulnerable to marginalisation, exploitation and violation of their rights. A large proportion of persons with limited income live below the poverty line, on the margins of society, in miserable economic and social conditions and in housing lacking the most basic health conditions. Migrant workers, refugees, asylum seekers and stateless persons are frequently deprived of fundamental rights, including the right to work, education and health care, and they are in need of special care. Refugee women are more exposed than others to the risk of harassment and sexual exploitation. National, ethnic, religious and linguistic minorities are likewise exposed to marginalisation and exclusion in many States. Women and young people constitute the vast majority of society, yet they are, regrettably, the most exposed to marginalisation and exclusion in political and economic life.

Older persons and persons with disabilities also suffer from discrimination and from not being treated equally with others, and older persons do not yet enjoy an international convention for the protection of their rights. As for the United Nations Convention on the Rights of Persons with Disabilities, which it recently proved possible to adopt, it still requires further efforts and resources for its implementation. It is to be observed that all of these groups are deprived of participation on an equal basis with others in decision-making processes in general, and in the decisions that concern them in particular.

This report addresses the reality of the protection of some of these groups in the Kingdom and the programmes and social services directed to them, in particular those relating to women, children, persons with disabilities and older persons.

Women's Rights

The Constitution guarantees the principle of equality among Jordanians in general in Article 6 thereof. The constitutional amendments of 2011 are, however, criticised for failing to provide expressly for equality on the basis of sex.¹³⁹ These amendments included an affirmation that the family is the foundation of society, based on religion, morals and love of the homeland, and that the law shall preserve its legitimate entity and strengthen its bonds and values. The amendments further provided that the law shall protect motherhood, childhood and old age, shall care for young people and persons with disabilities, and shall protect them from abuse and exploitation. On another level, the Government published the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in the Official Gazette on 1/8/2007, whereby it became part of the national legislative system; however, Jordan has maintained its reservations to Articles (9/2, 16/c, d, g) of the Convention.

The Fifth Periodic Report under the Convention on the Elimination of All Forms of Discrimination against Women

During the period from 13 February to 2 March 2012, the fifth periodic report under the Convention on the Elimination of All Forms of Discrimination against Women was discussed, on the basis of the official report prepared by the Jordanian National Commission for Women and numerous governmental and non-governmental entities in the Kingdom, which was submitted to the Secretary-General of the United Nations on 6/6/2010. The report covered the period between July 2005 and November 2009 and set out the developments relating to the extent and nature of the progress achieved for Jordanian women in implementing the provisions of the Convention in all fields, including education, health and economic and social development. The report concluded that Jordan had made notable progress in a number of the areas addressed by the Convention, whether at the level of legislation or at the level of the measures taken to achieve gender equality and to advance the status of women in accordance with the Constitution and the laws and public policies of the State. The report also referred to the efforts made to mainstream gender in public plans and strategies, and to the measurement of the extent of response to certain indicators and recommendations contained in the concluding observations of the Committee on the Elimination of Discrimination against Women.

On another front, the Jordanian Women's Union led a coalition comprising (21) civil society institutions concerned with women's rights, which prepared the national shadow report to the fifth national report, focusing on issues and laws discriminating against women, and put forward a set of recommendations, the most important of which were: amending Article 6 of the Constitution to include the prohibition of discrimination on the basis of sex; enacting an equality law criminalising all forms of discrimination; enacting a special law on violence against women

¹³⁹ It should be noted that the Jordanian National Commission for Women and its partners from civil society organisations, together with women members of the House of Representatives and the Senate, submitted proposals in 2011 to the Chairman and members of the Royal Committee for amending the Constitution. Some of these proposals were adopted, such as the provision on the protection of the family and the protection of the rights of persons with disabilities, while others were not adopted, such as a provision on the legislative status of the international human rights conventions ratified by the Kingdom and a provision on the equality of Jordanians before the law without discrimination on the basis of sex.

criminalising all forms of violence, whether in private or public life; increasing women's participation in decision-making by increasing employment opportunities in the public sector and abolishing the gap in retirement age; withdrawing the reservation to Article (9/2) concerning women's granting of their nationality to their children; and ratifying the Optional Protocol to the Convention.

The Committee on the Elimination of Discrimination against Women made a set of recommendations to the Government, the most important of which were: adopting comprehensive laws to achieve gender equality; reconsidering the reservations and ratifying the Optional Protocol to the Convention; encouraging and promoting equality between women and men; encouraging measures aimed at changing cultural stereotypes of women; taking measures aimed at addressing all forms of violence against women and girls, including crimes of rape; preparing awareness-raising and training programmes for government officials on violence against women; establishing shelters for women in urban and rural areas; developing counselling services; strengthening measures aimed at increasing women's representation in public life, particularly in leadership positions; amending the Labour Law to prohibit sexual harassment and discrimination; and reducing cases of early marriage.

The National Strategy for Jordanian Women

On 20/1/2013, the Council of Ministers approved the National Strategy for Jordanian Women for the years (2013/2017), prepared by the Jordanian National Commission for Women in cooperation with all entities concerned with women's rights. This strategy aims to enhance the role of women in policy-making and decision-making in the various areas and sectors, thereby qualifying them for public participation in building the family and society and the nation, and to achieve sustainable development in a society in which justice, equality and equal opportunities prevail. The Strategy focused on the political and economic empowerment of women and on their protection from violence.

Civil and Political Rights of Women

The year 2012 witnessed several positive developments with regard to supporting women's rights and their participation in public life, as follows:

- a. The promulgation of the Law on the Election to the House of Representatives and its amendments No. (25) of 2012, under which the quota allocated to women was raised from twelve seats to fifteen seats. Article (8/b) of the Law provides that "fifteen parliamentary seats shall be allocated to women, and the names of the women winning such seats shall be determined in accordance with the provisions of Article (51) of this Law, in addition to the seats that women win competitively pursuant to the provisions of Paragraphs (a) and (c) of this Article". Jordanian women won 12% of the seats of the Seventeenth House of Representatives: three seats competitively and (15) seats through the quota, i.e. (18) seats out of (150) seats, which is the highest proportion in the history of women's political participation in Jordan; the proportion of women's representation in the Sixteenth House of Representatives had been 10.83%.

On the other hand, the proportion of women voters registered for the parliamentary elections reached 48.12% of the total number of voters, while male voters constituted 51.88% of those voters.

b. The promulgation of the Political Parties Law No. (16) of 2012, Article (6) of which provides that: “The number of founding members of any party shall not be less than five hundred persons from seven governorates, provided that the number of women among them is not less than 10% and the proportion of founders from each governorate is not less than 5%”.

c. Women’s participation in the judiciary witnessed notable progress, as the number of female judges rose in 2012 to (142) female judges, whereas the number of female judges in 2011 had been (107).

d. The year 2011 witnessed the formation of the National Coalition for Enhancing Women’s Participation in the 2013 Parliamentary Elections, and the launch of the Coalition’s National Strategy for the years 2012–2017, so that the Coalition’s activities cover women’s participation in the forthcoming municipal elections.

Conversely, the Centre records a number of shortcomings affecting women’s rights and their participation in public life, the most important of which are:

1. The continued reservation to Article (9/2) concerning granting women equal rights with men with respect to conferring their nationality on their children, contrary to both the first paragraph of Article Six of the Jordanian Constitution, which provides that Jordanians are equal before the law with no discrimination between them as regards their rights and duties even if they differ in race, language or religion, and Article Nine of the Nationality Law and its amendments No. (6) of 1954, which affirms that “the children of a Jordanian man are Jordanians wherever they may be”. The word “Jordanians” in the Constitution and the word “Jordanian” in the Election Law include both male and female, which means that the children of a Jordanian mother are, in this regard, like the children of a Jordanian father, Jordanians who may not be deprived of nationality. It is worth noting that the Centre has recommended in its previous reports that the reservation to Article (9/2) be withdrawn.

2. The Government’s failure to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, despite the Centre’s recommendation to that effect in its previous reports and its letter to the Prime Ministry dated 14/11/2012 calling for ratification of the Protocol.¹⁴⁰

3. No female Sharia judge has been appointed in the Sharia judiciary, despite the existence of qualified women holding advanced academic degrees in the field of Sharia and law; Sharia courts are also devoid of female employees working in the courts. It is also noted that no female judge has been appointed to the Constitutional Court, no woman has been appointed to the Board of

¹⁴⁰ Adopted and opened for signature and ratification by United Nations General Assembly resolution dated 9/10/1999, and entered into force on 22/12/2000. The Protocol permits the receipt of individual complaints from individuals claiming to be victims of violations before the Committee on the Elimination of All Forms of Discrimination against Women.

Commissioners of the Independent Election Commission, and only one woman has been appointed to the Royal Committee for Enhancing the National Integrity System.

4. Failure to activate the articles concerning the Alimony Advance Fund contained in the Temporary Personal Status Law No. (36) of 2010. Nor has the regulation necessary to activate the provisions of this article been issued, despite the passage of approximately (3) years since the promulgation of the Law.

5. Failure to amend Article (308)¹⁴¹ of the Penal Code No. (16) of 1960, which provides for the staying of prosecution, or the suspension of execution of the penalty imposed on a convicted person who has committed one of the crimes set out in the chapter on (crimes of assault against honour), in the event of his marriage to his victim. Women's organisations have called for this, since such marriage in practice exempts the offender from punishment on the pretext of averting social disgrace from the victim and her family, constitutes an additional crime against the victim and inflicts further psychological and physical harm on her throughout her life. This requires the prompt intervention of the legislature to provide that prosecution shall not be stayed nor execution of the penalty suspended, while taking into account the best interests of the child as regards parentage if a pregnancy results from the assault.

6. Failure to amend the Civil Service Regulation and its amendments No. (30) of 2007 by introducing legal provisions that guarantee the right of the female employee to a nursing hour, that provide for the mandatory provision of nurseries for the children of female employees, and that grant the family allowance to the female employee on the same terms as the allowance paid to the male employee.

7. Failure to amend the Civil Retirement Law and its amendments No. (34) of 1959 and the Military Retirement Law and its amendments No. (33) of 1959 with respect to the situation of a female employee subject to civil or military retirement who receives an inherited pension: if a retirement pension is allocated to her for her own service, she is granted the higher pension and the other is stopped on the ground that more than one retirement pension may not be combined, even though each of the two pensions was earned as a result of different effort, work and deductions. Moreover, the retirement pension is cut off from wives, daughters and mothers upon their marriage, and their entitlement is restored if they become widowed or divorced, and if they remarry it is cut off permanently.

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

Rural Women

The National Centre for Human Rights prepared a study on the situation of rural women and their right to adequate food. The study aimed to clarify the reality of the rights of rural women and their right to food by showing the extent to which national legislation guaranteeing this right is harmonised with, and its position towards, the governing international instruments, and the extent to which the rights of rural women to health, education, work, social security and social protection are guaranteed. The study also aimed to identify the reasons that impede the realisation of this right and the role of the relevant bodies in addressing the phenomenon of poverty suffered by rural women. The study concluded that rural women are responsible for producing food to support their children through work in home gardens and the raising of livestock, without having acquired adequate skills to carry out such work productively, as they rely on inherited experience and personal judgement that do not rise to the necessary level of technique. The study also showed the existence of social and economic obstacles that limit their ability to work and produce effectively and efficiently so as to meet food security needs. There are several factors that hinder the participation of rural women in development activities, including the many family burdens that weigh heavily upon them and do not allow them to go out and participate in educational activities. Childbearing and child rearing together affect the division of labour between women and men, and encourage confining women's work to limited agricultural activities in the home garden or the raising of small livestock. Furthermore, women's participation in planning and implementation bodies in public administrations and local councils remains very limited, which restricts their ability to make their voices heard and to express their aspirations regarding matters connected with their own lives and the lives of their families. The study made several recommendations, including: the adoption of the 2009 draft Food Law, and intensifying efforts to develop the capacities of rural women and raise their productive efficiency, and seeking to increase women's empowerment in obtaining loans.

The Situation of Women in the Tourism and Information Technology Sectors

In another respect, the Ministry of Labour prepared a study entitled “The Situation of Women in the Tourism and Information Technology Sectors” as a model of women's contribution to the services sector. The study reviewed the conditions of women working in these two sectors and identified the most important obstacles they face. It found that the proportion of women's participation in the tourism sector is 21%, while in the information technology sector it is 23%. The study affirmed that employers in both sectors do not object to employing women, but that the uptake of work in them is weak despite the relatively high wages and the availability of job opportunities in them, owing to the lack of a suitable working environment in terms of working hours, the difficulty of transportation and the lack of nurseries. In addition, the negative perception of women's work in the tourism sector has had a major impact on the low proportion of women's participation in that sector.

On another level, the Ministry of Labour, together with the Jordanian National Commission for Women, through the Pay Equity Project, is preparing a study on pay equity in the private education sector, and the study is expected to be launched in 2013.

Violence against Women

The Special Rapporteur on violence against women prepared a report on her visit to Jordan, in which she commended the amendments made by the Government to the national legislative framework. However, she expressed some observations on the failure of the constitutional amendments to include an explicit provision on equality irrespective of sex, and called for the enactment of legislation prohibiting discrimination against women pursuant to Jordan's international obligations under the Convention on the Elimination of All Forms of Discrimination against Women. She also criticised the Law on Protection from Domestic Violence in that it gives priority to reconciliation and the interests of the family, thereby placing the rights of the family first as against the individual human rights of the woman as a victim of domestic violence. She further stressed that the Penal Code should explicitly provide that the provisions of Article (98) of the Code shall not apply to cases of the killing of women, and that prior criminal records of committing violence be taken into account before any mitigating circumstances are considered. The report was discussed at the twentieth session of the Human Rights Council on 25/6/2012 by Jordan's Permanent Representative to the United Nations.

It is worth noting that the National Centre for Human Rights prepared a memorandum of understanding with the Ministry of Social Development, the Ministry of Interior, the Public Security Directorate and the Jordanian National Commission for Women. The memorandum aims to strengthen joint work in the field of complaints of women subjected to violence, to enhance mutual cooperation and the exchange of information and data on violence against women, in addition to joint coordination with regard to confronting such violence through the implementation of joint activities and programmes to stop it by various legal, social, cultural and educational means and methods. The statistics of the Family Protection Department of the Public Security Directorate indicate that crimes of violence against women in 2012 were as shown in Table No. (23).

Table No. (23): Crimes of violence against women in 2012

Crime	Number of cases involving women	Number of female victims
Grievous bodily harm	39	45
Attempted murder	27	37
Abduction	37	40
Indecent assault	32	32
Rape	7	7
Murder	28	28
Threats	780	844
Incitement to debauchery	4	6
Prostitution	2	2
Resisting and assaulting public officers	10	10

Recommendations

In order to strengthen and protect women's rights, the Centre recommends the adoption of a number of legal and practical measures, including:

- Ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women concerning individual complaints.
- Withdrawing the reservation to Article (9/2) of the Convention on the Elimination of All Forms of Discrimination against Women, which concerns women conferring their nationality on their children.
- Strengthening women's political participation and enabling them to reach decision-making positions.
- Appointing women judges in the Sharia judiciary, and appointing female employees in the Sharia courts.
- Adhering to the general rule set out in the Personal Status Law regarding the age of marriage, namely (18) years, and resorting to the exception only within the narrowest limits, particularly in light of the social and psychological problems that accompany early marriage.
- Cooperation among all relevant bodies to confront violence against women by various legal, social, cultural and educational tools and means.
- Integrating women into the development process in a manner that enables them to serve society and improve the conditions of their own lives and the lives of their families, and that reflects their academic excellence at all stages of education.

The Rights of the Child

Jordan has committed itself to protecting the rights of the child by providing, in the fourth paragraph of Article Six of the Constitution, for the State's care and protection of childhood, and likewise by ratifying the Convention on the Rights of the Child. However, it entered reservations to Article (14) concerning the right to freedom of thought, conscience and religion, and to Articles (20) and (21) concerning the system of adoption and alternative care for a child permanently or temporarily deprived of his or her family environment. It is worth noting that the Jordanian National Committee which prepared the parallel report to Jordan's third report called for the withdrawal of the reservation to the latter two articles, particularly since the Convention expressly permits the adoption of the kafala system, which is a system known in Islam.

The year 2012 did not witness the adoption of any legislation specifically aimed at strengthening and protecting the rights of the child. It should be noted that the Ministry of Social Development referred the Child Rights Law to the Legislation and Opinion Bureau, and that it was put forward for discussion with the competent bodies and with civil society organisations with a view to arriving at a consensual formulation of the draft. At the same time, there remains a set of legislation relating to the rights of the child that requires adoption and amendment, including: the draft Child Rights Law, the Juveniles Law, the Labour Law, and the Law on Protection from Domestic Violence, which needs to include a definition of domestic violence, to expand its scope so as to cover family members residing outside the home, and to reconsider the provisions concerning compulsory attendance at family counselling sessions, so that this is by virtue of a court decision and not subject to the wishes of individuals.

Within the framework of Jordan's implementation of the obligations arising from its ratification of the Convention on the Rights of the Child, "Jordan's Fourth and Fifth Official Report on the Convention on the Rights of the Child" for the years 2005/2011 was launched.¹⁴² In the same context, the National Centre for Human Rights prepared¹⁴³ the United Nations report on the rights of the child (the shadow report), which shed light on the changes made to national legislation and on the policies, programmes and strategies introduced in implementation of the Convention; violations of the rights of the child were also monitored, as were the complaints received by the Centre from children or their families. The year 2012 also witnessed the establishment by the Ministry of Social Development, for the first time in Jordan, of a home for the education and rehabilitation of delinquent girls, which aims to provide care and rehabilitation services and programmes and to reintegrate delinquent girls into society.

Violence against Children

According to the figures issued by the Ministry of Social Development for 2012, the average number of cases of abuse of children registered with the social service offices in the Family Protection Department and its sections reached (1850) cases. However, "this figure does not reflect the actual situation, especially as the majority of cases of violence against children are not reported, since they take place behind closed doors". A report by Save the Children published in 2011 attributed the failure to report cases of abuse to social "taboos" and fear of society. The report explained that, despite the criminalisation of violence against "children" in the Penal Code and the many steps taken in this regard, children "are still victims of violence". According to the figures of the Ministry of Social Development, the number of reported cases of abuse of children from 1998 until 2012 reached approximately (28) thousand cases. The figures issued by the Family Protection Department also indicate that the total number of children who were victims of crimes dealt with by the Family Protection Department in 2012 was (711) children, as shown in Table No. (24).

Table No. (24): Number of cases involving children dealt with by the Family Protection Department during the years 2010–2012

Type of assault	Total child victims 2010	Total child victims 2011	Total child victims 2012
Rape	58	62	78
Attempted rape	10	12	11
Indecent assault	480	364	346
Act contrary to modesty	48	43	29
Abduction	18	16	5
Incitement to debauchery	3	2	1
Miscellaneous sexual offences	14	13	12
Other miscellaneous offences	24	40	30

¹⁴² Prepared in partnership between the National Council for Family Affairs and the Ministry of Foreign Affairs, in cooperation with UNICEF, and with broad participation of government sectors.

¹⁴³ The Centre prepared it in cooperation with the "Your Hand in Mine" (Aydak Ma'i) Network, which was formed from a number of non-governmental organisations and civil society organisations concerned with the rights of the child.

Type of assault	Total child victims 2010	Total child victims 2011	Total child victims 2012
Physical abuse of children	186	154	148
Abuse of wives under 18 years of age	—	20	31
Abuse of adult females and children together	41	9	20
Total	882	735	711

Social Care Institutions

The year 2012 witnessed the uncovering of cases of violence and neglect in social care institutions, as revealed by an investigative film broadcast on a satellite channel entitled “Behind the Walls of Silence”. The film showed the extent of the deficiencies and failures in protecting children with disabilities in social care institutions.

In the wake of this, the Minister of Social Development formed a committee to investigate the conditions of social care homes and to evaluate their conditions, including centres for persons with disabilities and homes for children deprived of family care. The committee issued its report on 5/9/2012, which contained a number of findings, the most important of which was the existence of multiple shortcomings in the management of the social care portfolio in terms of planning, implementation and evaluation. The principal responsibility lies with the Ministry of Social Development, in addition to the Ministries of Education and of Health each bearing part of this responsibility, as well as the boards of directors of the homes for children deprived of family care in particular bearing part of the responsibility too. The report also revealed problems relating to the physical environment, human resources, the oversight and supervision mechanism, and the legislative framework governing these homes and centres. Among the matters confirmed by the report was the absence of a national reference body bearing long-term strategic responsibility for awareness programmes concerning the primary prevention of violence against the child before it occurs, as was clearly evident in the conflict and overlap between the mandates of the higher councils (the Higher Council for the Affairs of Persons with Disabilities and the National Council for Family Affairs) and the ministries concerned with providing services directly to children. These councils include the Higher Council for Youth, which had previously prepared a national youth strategy for the years 2005 to 2009, approved by the Council of Ministers in 2005, comprising three pillars, among them the pillar of youth, civil rights and citizenship.

The National Centre for Human Rights considers that the violations committed against a number of persons with disabilities are a national responsibility, and not a governmental responsibility alone. Work to end violence against children must go beyond responses specific to each sector individually, so as to become a comprehensive approach, beginning with the development of legislation guaranteeing the protection of the child from all forms of violence, neglect and the risks to which the child is exposed. This must include the prompt repeal of the provisions of the Penal Code that permit disciplinary beating (Article 62 of the Penal Code), and working to prohibit and criminalise all forms of violence in all settings in which the child is present, whether in the home, the school or social institutions; making the reporting of violence against and neglect of children mandatory; and explicitly providing for the punishment of anyone who fails to do so. There must also be provision for the mandatory independent investigation of all cases of child

deaths, in addition to the laws guaranteeing the rights of victims and taking into account their needs at all stages of disclosure, investigation and litigation, as well as in the provision of health and social services to them. All procedures and administrative rules that prevent the prosecution of those who assault children must also be abolished, especially assaults occurring in schools and social institutions, so as to ensure that the perpetrators of such acts do not escape punishment. The issue of the primary prevention of violence against the child must also be accorded great importance in the plans and programmes of the Higher Council for the Affairs of Persons with Disabilities and of the Higher Council for Family Affairs.

Children of Unknown Parentage

In 2012, the issue of children of unknown parentage came to the fore, as they organised a number of sit-ins through which they sought to draw attention to their cause and to claim their rights, which consisted in changing the national number that distinguishes them from other citizens because it begins with a specific digit; providing job opportunities that afford them a decent life; and providing suitable housing to protect them from homelessness. The Centre followed up this issue with attention with the relevant bodies, and called for their employment and for the removal of anything that may be understood as, or appear to be, a discriminatory act against them.

With a view to finding solutions to the problems of these children, the Civil Status and Passports Department began in 2012 to change the national numbers of persons of unknown parentage; the total number of applications submitted reached (11) applications, all of which were granted. These children continue to complain that the official authorities do not provide them with health insurance and that they have been unable to obtain suitable housing, which leaves their cause open and liable to erupt again, calling for the prompt finding of radical solutions to their problems.

Child Labour

While the Labour Law prohibits the employment of children and provides for the imposition of penalties and fines on establishments that employ children,¹⁴⁴ the statistics of the Ministry of Labour indicate the presence of (32) thousand children in the labour market, some of whom work in hazardous places and occupations. These figures reflect the laxity of government bodies and their failure to discharge their oversight responsibility to curb this phenomenon. In 2012, the absence of effective regulation of the conditions of children engaged in the labour market who are over the age of (16) years also continued, as an absence is noted of effective oversight of the availability of the working conditions stipulated in the Labour Law, including the provision of public safety and security and occupational health conditions in the places where they work, which may result in their exposure to neglect, violence and occupational accidents.

¹⁴⁴ The Labour Law provides in Article (73) that: "Subject to the provisions relating to vocational training, a juvenile who has not completed sixteen years of age may not be employed in any manner whatsoever", and Article (74) of the Law provides that: "A juvenile who has not completed eighteen years of age may not be employed in hazardous or arduous work or work harmful to health, and such work shall be determined by decisions issued by the Minister after consulting the competent official bodies."

Juvenile Justice

The year 2012 witnessed the Government's referral of the draft Juveniles Law in its amended form to the House of Representatives. The draft raised the age of criminal responsibility to (12) years instead of (7) years, made the provision of legal aid to the juvenile mandatory throughout all stages of trial, and broadened the scope of the restorative justice approach represented by the shift towards non-custodial penalties, or what are known as alternative penalties, to which the bodies dealing with juvenile cases may resort, whether they are judicial police, public prosecutors or judges. The draft law also considered social specialists to be part of the composition of the court hearing the case of the accused juvenile. The National Centre hopes that the Juveniles Law will be adopted promptly, so as to overcome the many problems and violations in this field, the most important of which are: a. the recording of criminal records against juveniles without reliance on a decision issued by the competent courts, rather than being limited to police entries and records; b. the administrative detention of juveniles, as the police frequently request the juvenile judge to return the juvenile (the accused) to the security centre after the juvenile court has concluded his case, and impose house arrest on him, particularly in theft cases, which constitutes a violation of international standards.

The year 2012 witnessed an increase in the number of crimes committed by juveniles compared with 2011, as the number of crimes committed by juveniles in 2012 reached (2451) crimes, compared with (2130) crimes committed in 2011, as shown in Table No. (25). Among the worrying matters revealed by the statistics on crimes committed by juveniles is the increase in the number of felonies and misdemeanours against persons committed in 2012, which reached (263) felonies and misdemeanours, compared with (236) felonies and misdemeanours in 2011, as well as the increase in the number of crimes against property committed in 2012, which reached (1685) crimes, compared with (1473) crimes in 2011.

Table No. (25): Number of crimes committed by juveniles in 2011–2012¹⁴⁵

Type of crime	2011	2012
Felonies and misdemeanours against persons	236	263
Crimes against public trust	8	11
Crimes against property	1473	1685
Crimes affecting religion and the family	2	3
Crimes against the public administration	96	143
Crimes endangering public safety	76	71
Crimes against public morals	162	210
Other crimes	77	65
Total	2130	2451

In the field of strengthening and protecting the rights of children at the international level, the United Nations General Assembly adopted the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, and opened it for signature or ratification on 28 February 2012. The National Centre had previously contributed its recommendations on this

¹⁴⁵ This table was prepared by the National Centre for Human Rights on the basis of the Criminal Statistical Report for 2012.

Protocol in cooperation with the International Coordinating Committee. Since the Protocol provides an additional means of protecting the rights of children by enabling individuals, groups or their representatives to submit complaints and communications to the Committee on the Rights of the Child, the National Centre recommends that the Government sign and ratify it.

Recommendations

The National Centre for Human Rights recommends the following:

- Adopting the draft Child Rights Law in a manner consistent with the Convention on the Rights of the Child.
- Adopting the draft Juveniles Law, including expediting the development of a comprehensive system of alternative penalties for children, and retaining detention as a measure of last resort.
- Activating the Law on Protection from Domestic Violence, while emphasising the pressing need to amend the Law.
- Taking the measures necessary to activate the provision of Article (74) of the Labour Law concerning the prohibition of employing children in hazardous work and work harmful to health.
- Reconsidering the reservations to Articles (20, 21) of the Convention on the Rights of the Child, and acceding to the Optional Protocol to the Convention on the Rights of the Child on individual complaints.
- Developing a national strategy to protect children from all forms of exploitation, trafficking, illegal labour and violence; activating the national plans of action for childhood; and developing a national system for monitoring cases of violence and abuse against children, in order to ascertain the scale of the phenomenon of child abuse in its various forms.

Rights of Persons with Disabilities

The Jordanian Constitution, in Article (7) thereof, guarantees the rights of persons with disabilities and the protection of their dignity from abuse and exploitation,¹⁴⁶ and likewise guarantees the principle of respect for the inherent dignity of persons, and their individual autonomy, including the freedom to make their own choices, and their independence. This principle was translated into the vision of the National Strategy for Persons with Disabilities, which provides for: “Building a society in which persons with disabilities enjoy a dignified and sustainable life that achieves for them effective participation based on equity and equality”, and which resulted in the repeal of the Law on the Welfare of Disabled Persons No. (12) of 1993 and the enactment of the Law on the Rights of Disabled Persons No. (31) of 2007, which includes provisions guaranteeing the participation of persons with disabilities and their full and effective involvement in society. The Law defines integration in Article (2) thereof as: “The adoption of measures, programmes, plans

¹⁴⁶ Article (5/7) of the Jordanian Constitution provides that: “The law shall protect motherhood, childhood and old age, shall care for young people and persons with disabilities, and shall protect them from abuse and exploitation”.

and policies aimed at achieving the full participation of the disabled person in all aspects of life, without any form of discrimination and on an equal basis with others". The Law also contains provisions requiring the inclusion of persons with disabilities in the programmes of educational, health, labour, social, political, cultural and public life institutions, as well as sports and recreational programmes. The policy and obligations of the Kingdom towards persons with disabilities derive from Arab and Islamic values, the Jordanian Constitution, the Universal Declaration of Human Rights, and the principles and provisions set forth in the international conventions relating to the rights of disabled persons. The Kingdom was among the first States to ratify¹⁴⁷ the International Convention on the Rights of Persons with Disabilities, thereby declaring its commitment to implementing its provisions in fulfilment of its purpose and objective of protecting the rights of persons with disabilities and ensuring their full enjoyment of human rights and fundamental freedoms.

The available data on the extent of disability in Jordan indicate that such data remain relatively limited,¹⁴⁸ owing to various cultural and technical factors. The available data are based on the results of partial surveys and the reports of diagnostic centres and service institutions. This situation points to the urgent need to conduct an accurate and comprehensive survey in order to identify the extent and types of disability and the nature and scope of its prevalence, and to provide information on the level of services and facilities provided to persons with disabilities and the obstacles and impediments they face, which limit the extent of their enjoyment of their rights.

The World Report on Disability of 2010 (World Health Organization and the World Bank) indicated that the disability rate worldwide stands at 15.6% of the total population, and that this rate varies from one State to another, as it is affected by social and economic factors (wars, poverty, hunger), in addition to differences in the classifications and definitions of disability in those States. The Ministry of Social Development conducted a national survey which showed that the proportion of persons with disabilities in most of the Kingdom's governorates stands at 1.2% of their population, noting that no survey of persons with disabilities was conducted in the Capital

¹⁴⁷ Jordan ratified the International Convention on the Rights of Persons with Disabilities on 31/3/2008 and signed the Optional Protocol, which it will ratify after studying the obligations arising therefrom.

¹⁴⁸ The data of the 2004 Population and Housing Census indicate that the disability rate in the Kingdom stands at 1.23%. - The Disability Diagnosis Centre of the Ministry of Health diagnoses cases from birth up to the age of (18) years, and has diagnosed (40,259) cases of disability from 1990 until the end of 2009. - The data of the Directorate of Disabled Persons' Affairs at the Ministry of Social Development indicate that the number of cases diagnosed at the Early Detection of Disabilities Centre, the Community-Based Rehabilitation Centre in the Tal Al-Manteh area and the Early Detection of Disabilities Centre in the Hittin area reached (2,941) cases during the years 2007–2009. - The district medical committees of the Ministry of Health, which are the body responsible for diagnosing cases of persons over the age of (18) years, have not issued any reports showing the numbers of persons diagnosed. - The Community-Based Rehabilitation Programme of the Higher Council for the Affairs of Persons with Disabilities, in cooperation with Handicap International and the Dulail Ladies Society, conducted a (house-to-house) survey in the Dulail area in 2009, which found that the proportion of persons with disabilities in the area stood at 4.8%. - The Higher Council for the Affairs of Persons with Disabilities has begun establishing the foundations of a national data bank containing complete data on persons with disabilities and the type of services provided to them, and conducting comprehensive (door-to-door) field surveys in cooperation with local societies through community-based rehabilitation programmes. - The Higher Council for the Affairs of Persons with Disabilities, together with the Department of Statistics, has contributed to the inclusion of disability issues in a number of surveys periodically conducted by the Department, including: the Job Creation Survey, the Employment and Compensation of Employees Survey, and the Economic Survey Series; the section on the survey of persons with disabilities in the Population and Housing Census to be conducted in 2014 has also been reviewed and amended.

Governorate. Table No. (26) shows the numbers and percentages of persons with disabilities according to the results of the 2004 Population Census.

Table No. (26): Distribution of Persons with Disabilities in Jordan¹⁴⁹

Gender	Number	Percentage
Females	27,620	62%
Males	16,746	38%
Total	44,366	100%

The Higher Council for the Affairs of Persons with Disabilities has worked to establish a national database containing integrated data on persons with disabilities, who number more than (13,000) and are provided with services by the Council and its civil society partners. It should be noted here that in 2012 the Higher Council for the Affairs of Persons with Disabilities began, in coordination with the Economic and Social Commission for Western Asia (ESCWA), using scientific methodologies with a view to producing approved indicators for disability statistics, in order to determine the extent of its prevalence, the type and level of services provided to disabled persons, and the multiple challenges they face.

In cooperation and coordination with the Department of Statistics, the Council will apply the Washington Group question sets to the disability statistics of the 2014 General Population and Housing Census, with a view to producing realistic indicators on the situation of disability in Jordan.¹⁵⁰

The Main Obstacles Faced by Persons with Disabilities

a. **Mobility:** The local environment in Jordanian society is still marked by a serious lack of mobility facilities for persons with disabilities and the absence of public transport adapted for their use, in addition to the lack of sufficient parking spaces reserved for them, which compels them to incur violations.

b. **The right to education:** The Centre observed that some students with disabilities suffer difficulties in reaching schools or in regular attendance in some classes, owing to the lack of modifications to sanitary facilities in schools. The schools that have been modified to receive students with disabilities remain few, numbering (10) schools for receiving deaf students, (820) classrooms for receiving students with learning difficulties, and one school for receiving students

¹⁴⁹ This table and the tables following it were obtained from the 2004 Population Census, in which some of the questions relating to disability were answered, owing to the lack of comprehensive, detailed and accurate data on the extent, characteristics and distribution of disability in the Kingdom.

¹⁵⁰ The differences between global estimates and the results of local surveys are attributable to the following: First: the lack of agreement on specific classifications and definitions of the categories of disability. Second: the use of traditional approaches in surveys (methods, techniques and methodologies), whereas modern global surveys adopt the Washington Group question sets on disability statistics. Third: the high cost of conducting national surveys in accordance with modern methods. Fourth: the stereotypical societal view that drives families not to disclose the existence of disabilities. Fifth: the differing methods of diagnosing and assessing persons with disabilities. Sixth: the need of personnel for specialised training in the field of disability.

with visual disabilities, namely the “Academy for the Blind”.¹⁵¹ The Centre also observed that a large proportion of teachers are not qualified to deal with persons with disabilities, particularly in public schools, owing to the small number of teachers specialised in special education in these schools, in addition to the scarcity of financial allocations earmarked for schools for students with disabilities, the shortage of means of transport, the attrition of staff working with disabled persons owing to the meagre incentives granted to them, and the small number of buildings owned by the Ministry of Education for deaf students, as there are two schools belonging to the Ministry while the rest are rented. It is worth mentioning that there is a programme implemented by the Ministry of Education for the education of persons with physical disabilities, from which (556) students integrated into public schools benefit, and all environmental facilities have been made accessible for them. Table No. (27) shows the distribution of persons with disabilities by educational level, according to the results of the 2004 Population Census.

Table No. (27): Distribution of Persons with Disabilities by Educational Level

Educational level / Gender	Males	Females
Illiterate	9,301	8,592
Literate	1,873	847
Elementary	4,095	1,811
Preparatory	3,944	1,541
Basic	2,660	1,316
Vocational apprenticeship	304	43
Secondary	2,636	1,283
Intermediate diploma	738	411
Bachelor's degree	737	285
Higher diploma	33	7
Master's degree	100	28
Doctorate	32	2
Not stated	44	20
Total	26,497	16,186

c. **Employment:** Statistics have shown that the unemployment rate among disabled persons reaches 2%.¹⁵² The proportion of employed persons with disabilities aged (15) years and over stands at 16.1%, the proportion of unemployed persons at 1.7%, and the proportion of economically inactive persons (not seeking work and not available to seek it) at 82%.¹⁵³ It is worth mentioning that a Unit for the Employment of Persons with Disabilities has been established at the Ministry of Labour, which follows up on the employment applications submitted by them. Article No. (28) of the Instructions on the Selection and Appointment of Employees to Government Posts was amended so that the quota allocated to persons with disabilities became 4% of the total vacancies in government departments, and 6% for humanitarian cases. (519) persons with disabilities have been employed in the public and private sectors in coordination

¹⁵¹ Ministry of Education: the Academy for the Blind has (310) students, of whom (23) students are from the governorates of the Kingdom and are provided with boarding accommodation.

¹⁵² The Higher Council for the Affairs of Persons with Disabilities: The Reality of Disability in Jordan, 2010.

¹⁵³ The Annual Report of the Higher Council for the Affairs of Persons with Disabilities for 2012.

with the Civil Service Bureau and the Ministry of Labour. Table No. (28) shows the distribution of disabled persons in the Kingdom by economic activity, according to the results of the 2004 Population Census.

Table No. (28): Distribution of Persons with Disabilities by Economic Activity

Economic activity	Males	Females
Employed	4,725	566
Unemployed	2,737	721
Student	1,482	977
Homemaker	399	4,259
Has an income	1,243	238
Illness / incapacity / old age	13,399	9,983
Other	615	0
Not stated	20	2

d. Awareness-raising and education: There is a need to raise the level of awareness among members of society and to increase their knowledge of the capacities of persons with disabilities of all categories, and to promote awareness of their rights and respect for their privacy. Efforts are being made to raise awareness in the Kingdom regarding the criminalisation of hysterectomy and its prohibition for women with intellectual disabilities, and to work towards enacting legislative amendments that protect their rights. The Higher Council for the Affairs of Persons with Disabilities, the Islamic and Christian religious councils, institutions of persons with disabilities and committees of women with disabilities have made efforts to prevent the continuation of this phenomenon. The statistics for 2012 indicate that there were no cases of hysterectomy, compared with (64) cases in 2011.

The Main Developments Monitored by the Centre Regarding This Right in 2012

a. Health: All persons with disabilities have been covered by government health insurance.¹⁵⁴ The Higher Council for the Affairs of Persons with Disabilities provided support to the Ministry of Health in the amount of JD (22,800) thousand to establish a (PKU) laboratory at Karak Government Hospital, and an early intervention room at the Early Disability Diagnosis Centre of the Ministry of Health in order to implement the Portage programme.¹⁵⁵

b. Political participation: A specialised committee was formed within the Higher Council for the Affairs of Persons with Disabilities to coordinate with the Independent Election Commission in 2012 in order to facilitate the electoral process for persons with disabilities, whereby 226 polling centres were equipped with appropriate facilities for their participation, including the following:

¹⁵⁴ Al-Rai, 22/6/2012, at the link: <http://www.alrai.com/article/522101.html>.

¹⁵⁵ Portage: an educational training programme for early intervention applied to children with disabilities from birth until the age of nine years. (88) female volunteers from community-based rehabilitation programmes and kindergarten teachers were trained in the application and use of the programme through the holding of (6) training courses conducted in a number of the Kingdom's governorates, in order to build the capacities of those working in this field.

- Procedures were adopted to facilitate the task of the personal companion of voters with visual disabilities.
- Television display screens using sign language were provided at the entrances of all polling centres.
- Awareness brochures on these facilities were distributed.
-

(13) candidates with disabilities took part in the elections, either in their personal capacity or within national lists.

c. The system of complaints and monitoring of violations: A special form for documenting injuries resulting from violence against and abuse of children with disabilities has been adopted; it is implemented through follow-up visits to societies and centres concerned with persons with disabilities, in order to notify the Family Protection Department where cases of violence and abuse are discovered in the centres.

d. Sports and recreation: The second phase of the “Challenge” project was implemented. It is a programme that integrates persons with disabilities through Paralympic sport, and covers (58) schools in the Kingdom, with the support of the British Council under the “Sport and Our Lives 2012” programme.

e. Environmental facilities:

-
- (12) awareness sessions were organised (in the twelve governorates of the Kingdom) on the Building Requirements Code for Persons with Disabilities, targeting governors, mayors, engineers and representatives of the local community.
- The Higher Council for the Affairs of Persons with Disabilities designed brochures on environmental facilities in order to facilitate access and communication in tourist facilities, in cooperation with those in charge of the Jordan Tourism Development Project No. (2) and the Restaurants Association, with the participation of (800) restaurants and with the support of the United States Agency for International Development (USAID).

The Centre commends the Higher Council for the Affairs of Persons with Disabilities for purchasing the educational services provided by societies that provide services to persons with disabilities, at a rate of 60% of the cost per student; in the South, the value of this support reached 100% of the cost per student, in view of the difficult economic situation of the societies providing services to persons with disabilities.

The Centre also commends the Higher Council for the Affairs of Persons with Disabilities for supporting (516) students in inclusive schools for the second semester of the 2011/2012 academic year in all regions of the Kingdom (transport support), and for disbursing the “His Highness Prince Ra’ad bin Zeid Grant for Students with Disabilities” in the three regions of the Kingdom to (817) male and female university students for the 2010/2011 academic year, and a grant to (846) male and female students at public universities for the 2011/2012 academic year, in addition to the Council’s follow-up on the provision of environmental facilities in schools of the Ministry of

Education, its provision of financial support in the amount of JD (45,500) for the programmes of clubs and sports activities for persons with disabilities in 2012, and its support to the Jordan Paralympic Committee in the amount of JD (133,375).

Recommendations

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

- Working to activate the Law on the Rights of Disabled Persons No. (31) of 2007, and to adopt regulations and instructions for this purpose.
- Taking into account the programme adopted by the Higher Council for the Affairs of Persons with Disabilities, which provides for reporting children with disabilities from birth, in order to link them to early detection and early intervention programmes.
- Disseminating a societal culture based on human diversity, and promoting a rights-based rather than a welfare-based approach to the issues of persons with disabilities.
- Establishing specialised media that are grounded in fact-finding and that disseminate facts on the basis of a rights-based rather than a welfare-based approach.
- The necessity of ascertaining the actual numbers of persons with disabilities in all governorates according to type of disability, age and qualifications.
- Developing an educational curriculum commensurate with the capacities of persons with disabilities, in a manner that allows for the promotion of educational inclusion programmes for the various categories of disability, and supplying educational institutions with staff and administrations qualified to deal with students with disabilities, in addition to providing them with appropriate environmental facilities.
- Attracting assessment programmes for persons with disabilities aged (13) years and over, and developing a well-studied plan to prepare and rehabilitate them vocationally in a manner that allows for their integration into the labour market.
- Urging those in charge of higher education at Jordanian universities to increase (in quantity and quality) the practical training halls in special education centres for students enrolled in the field of human sciences.
- Reviewing the National Strategy for Persons with Disabilities with a view to reducing traffic accidents, such that it includes tougher penalties for serious violations that may result in accidents causing disabilities of all forms and types, and activating the provision of Article (39/12) of the Traffic Law No. (49) of 2008 concerning the violation that prohibits the use and misuse of parking spaces reserved for persons with disabilities, among the violations set out in the body of the Law.
- Raising community awareness among the families of girls with intellectual disabilities not to have their uteri removed, in accordance with religious values and the provision of Article (16) of the Convention on the Rights of Persons with Disabilities.

- Ratifying the Optional Protocol to the International Convention on the Rights of Persons with Disabilities.
- Including programmes and services for persons with disabilities in all development programmes and plans to be adopted by the State, and ensuring that the plans of every ministry and institution include the rights and services that it provides to all citizens, including persons with disabilities.

Rights of Older Persons

The terms used to describe older persons vary, even in international instruments. There are many designations, such as: “elderly persons”, “the aged”, “older persons”, “the third age” and “the elderly”, in addition to the term “the fourth age” to denote persons over (80) years of age. However, the Committee on Economic, Social and Cultural Rights has chosen the term “older persons”¹⁵⁶ to denote the age group of persons aged (60) years and over.

The constitutional amendments of 2011 guaranteed the protection of this age group of members of Jordanian society, as Article (5/6) thereof provides that: “The law shall protect motherhood, childhood and old age, shall care for young people and persons with disabilities, and shall protect them from abuse and exploitation”. The substance of this provision is expected to be reflected in future legislation on older persons. However, the Jordanian legislator has defined the older person in terms of age, without addressing the biological factors and attendant health conditions, in the body of laws, regulations and instructions¹⁵⁷ enacted for the purposes of regulating work and retirement, social, financial and health assistance, and the regulation and licensing of homes for older persons, merely providing in its definition of the older person that he or she is: “a person over (60) years of age for males and (55) years of age for females”. The Ministry of Social Development is the principal umbrella for the care of older persons in Jordan.

Until recently, attention to the issues of older persons remained absent at the international level, as reflected in the absence of a comprehensive international convention concerned with them. However, in light of the steady increase in their numbers worldwide, many international conferences were held, during which numerous recommendations, guiding principles and commitments relating to programmes for their care were adopted, which led to the creation of a favourable climate for attention to the issues of older persons in the various countries of the world. Nevertheless, these efforts remain scattered and inconsistent, which calls for the adoption of an international convention concerned with the rights of older persons, since it is no longer possible to ignore the reality of addressing the challenges imposed by the circumstances of this age group and associated with its human rights. The new report issued by the United Nations Population Fund and HelpAge International on the occasion of the International Day of Older Persons, entitled “Ageing in the Twenty-First Century: A Celebration and a Challenge”, showed that “the generation of older persons is expected by 2050 to outnumber the population under the age of

¹⁵⁶ This is the expression used in General Assembly Resolutions 47/5 and 48/198. In accordance with the practice followed in the statistical departments of the United Nations, these terms cover persons aged 60 years and over (the Statistical Office of the European Union considers “older persons” to be those who have reached the age of 65 years or over).

¹⁵⁷ Article No. (12) of the Civil and Military Retirement Law No. (34) of 1959 provides that “upon an employee’s completion of sixty years of age, or upon his completion of forty years of service, he must be referred to retirement”.

fifteen; in only ten years, the number of older persons will exceed one billion, an increase of nearly 200 million people over the decade; of every three persons aged sixty or over, two live in developing countries and countries with emerging economies, and by 2050 this figure will rise to nearly four out of every five”, and thus the question of ageing becomes a cause for concern in developed and developing countries alike.¹⁵⁸

The Jordanian scene in this field is not far removed from what is taking place internationally. In light of this demographic leap, the expected increase in the numbers of older persons, and the accompanying change in the population structure, this issue has emerged as one of the pressing issues that pose a challenge to policy-makers and national development programmes. It is no longer possible to ignore this matter, which has become a cause for attention owing to its direct long-term impact on social and economic structures and national development programmes. According to the data of the Department of Statistics, the proportion of older persons in the age group (65 years and over) stood at 2.3% of the total population in 2012, and this proportion is expected to reach 7.4% by 2030 and 5.10% by 2050.¹⁵⁹ Attention has recently been directed to developing national plans and programmes capable of addressing these issues, which has placed the question of older persons on the ladder of policy-makers’ priorities, although these still need updating and development in order to conform with international standards on the rights of older persons.

In 2012, the National Centre for Human Rights conducted numerous visits to care homes for older persons located in the Capital Governorate ((6) homes), the Balqa Governorate, the Zarqa Governorate (one home) and another in the Irbid Governorate. The visiting team observed that these homes still suffer from the problems that the Centre had previously observed and set out in its previous reports, which are as follows: 1. The unsuitability of most care homes for older persons to the needs of older persons in terms of the area of the rooms allocated to residents and their number, and the disproportion between the number of sanitary facilities (toilets) and the number of rooms and the capacity of beneficiaries of the services of these homes. 2. The lack in most homes for older persons of specialised health care, in addition to their lack of psychologists, social workers and nutrition specialists. 3. The lack in most care homes of recreational spaces, sports halls and reading libraries. 4. The absence of records of beneficiaries in care homes for older persons; in 2012, the death of an elderly woman of unknown name and identity was discovered in one of the care homes for older persons, after she had spent nearly (13) years in that home. According to the Ministry, the elderly woman, Samia (“a pseudonym”), had spent a period in a home for beggars, after which she was placed in a home for older persons. In the wake of this, the Ministry of Social Development conducted a comprehensive survey of the beneficiaries of care homes, who numbered (358) beneficiaries. The survey revealed cases of older persons about whom their relatives had not enquired for a long time, in addition to (6) persons of unknown identity, some of whom had been in the care home for more than (35) years. 5. The lack of sun-exposure yards in most care homes, and where available their use is very limited. 6. The failure in some homes to separate the clothing of residents from one another. 7. The unpreparedness of the homes in a manner commensurate with the health condition of older persons in terms of

¹⁵⁸ UNFPA press release, HQ/2012/15.

¹⁵⁹ Statistics issued by the Department of Statistics, 2012.

corridors, and their lack of side handrails to avoid the risk of slipping. 8. The absence of recreational programmes and activities directed at older persons, which are at times limited to watching television. 9. Some older persons in homes for older persons are subjected to psychological violence and neglect, whether as a result of the lack of communication between them and their families or with the psychiatrist, which undermines their self-esteem. Older persons are also subjected to physical violence: the report of the inspection committee formed by the Ministry of Social Development, dated 26/7/2012, stated that, during an inspection tour carried out by the committee, four solitary confinement cells were found by chance in an annex building attached to one of the care homes, each containing a bed and a toilet open onto the room, with a thick wall capable of isolating loud sounds. The committee considered that they had been built to inflict punishment on older persons, and the centre was immediately sealed with red wax and its management referred to the Public Prosecutor to complete the investigation procedures. 10. In addition, there are no controls on the admission of beneficiaries of the services of these homes, many of whom are younger than they ought to be and are classified as humanitarian cases, such as disabled persons and the poor. 11. Some homes lack internal by-laws, in violation of the licensing instructions.

The National Centre also observed a number of problems and issues suffered by the category of older persons, including: 1. The marked shortage of medical specialisations concerned with older persons, such as geriatric medicine and geriatric nursing, in addition to the absence of free home care.¹⁶⁰ 2. The absence of comprehensive health policies, including prevention, rehabilitation and patient care. 3. The lack of specialised health centres supervised by doctors specialised in dealing with older persons. 4. The lack of financial independence of older persons, such that they are often subjected to financial and economic exploitation by their relatives and children, and forced to make changes to their wills or other legal documents, or deprived of access to and enjoyment of their financial property. 5. The inadequacy of the national assistance allowance provided by the Ministry of Social Development, as the individual's share amounts to JD 45, and the maximum for a family of four or more members is JD (180), which is insufficient to support an older person or meet his or her needs for food, water, shelter, clothing and health care. In 2012, the number of families receiving monthly national assistance and supported by an older person reached (29,242) families, noting that older persons are among the categories most in receipt of national assistance, at a rate of 33%. 6. The failure of the Ministry of Social Development to grant, or to renew, exemptions from the fees for domestic workers for older persons. 7. The lack of a national database on the category of older persons showing their numbers, social status, source of income and classifications.

In 2012, a study conducted by the Ministry of Social Development on the situation of older persons and its impact on strategic planning for their sector revealed the priority issues requiring

¹⁶⁰ The report of the Committee of the Economic and Social Commission for Western Asia, in its contribution to the report of the Secretary-General of the United Nations pursuant to General Assembly Resolution No. 65/182, which was presented during the second review and appraisal of the Madrid International Plan of Action on Ageing (MIPAA) in 2012, indicated that among the obstacles facing older persons in the Western Asia region is the shortage of persons qualified to provide services to this category. For further information, see: Contribution of the Economic and Social Commission for Western Asia (UN/ESCWA) to the Secretary-General Report pursuant General Assembly Resolution 65/182., <http://www.ohchr.org/Documents/Issues/OlderPersons/Submissions/ESCWA.pdf>; <http://www.un.org/arabic/esa/ageing/employment.html>

intervention and the concerted efforts of governmental and non-governmental organisations to address them, in light of the steady increase in their numbers, which may reach approximately one million or one and a half million older persons by around 2030. These issues are: a. The concept of the older person, its operational definition, and its relationship to legislation, national statistics, international standards, scientific studies and practical experience. b. The status of the older person and his or her social role, in light of the oscillation of societal culture between tradition and modernity. c. The level of quality of the various services provided to older persons, and their satisfaction with them as recipients thereof. d. The level of excellence and transparency of the institutions concerned with serving older persons. e. The competence and effectiveness of those in charge of the care and development of older persons. f. The logical frameworks of programmes for the care and development of older persons, as reflected in the quality of their objectives, their evaluation indicators and the bodies competent to implement them. g. The problems of older persons and their relationship to gender and societal transformations.

In 2012, the Ministry of Social Development issued the Regulation on the Licensing of Homes for Older Persons and the day-care regulations relating to them, renewed the agreements with the societies that provide care services to older persons for 2013, and raised the value of the support provided to them from JD (220) per month for each older person referred by the Ministry to JD (260) per month. The approval of the Council of Ministers was also issued for the establishment of a home for older persons in the Zarqa Governorate.

Recommendations

- Working to enact national legislation that guarantees protection and care for the category of older persons.
- Working to improve the conditions of older persons through their full and effective integration into national development programmes, and adopting policies and programmes aimed at advancing the rights of this category.
- Implementing educational programmes and initiatives in cooperation with the visual, audio and print media and with educational institutions, aimed at promoting the rights of older persons and respect for them in society.
- Expanding the umbrella of health insurance and providing health care for the category of older persons.
- Ensuring that educational institutions give due attention to gerontology, geriatric medicine and geriatric psychiatry, and include them in the various educational courses.
- Supporting studies and research relating to older persons.
- Criminalising the ill-treatment of older persons, increasing the penalties for certain crimes committed against them, and establishing appropriate mechanisms for detecting cases of ill-treatment, whether in social care centres or within their families.
- Building mechanisms to frame and improve cooperation between the official institutions concerned with the rights of older persons, on the one hand, and civil society institutions, on the other, so as to achieve integration in the interest and welfare of older persons.

- Supplying homes for older persons with qualified staff, including social workers, psychologists and nutrition specialists.

5. Annexes

Complaints Received by the Centre during 2012

Total number of complaints received by the National Centre for Human Rights, by the rights allegedly violated, for 2012

Right subject of the complaint	Number of complaints	Closed with a satisfactory outcome	Closed without a satisfactory outcome	Outside the Centre's mandate	Under follow-up	Non-cooperation of the complainant	Violation not established
The right to nationality	63	18	1	1	39	1	3
The right to freedom of residence and movement	41	8	0	2	28	0	3
The right to life	2	0	0	0	2	0	0
The right to asylum	2	2	0	0	0	0	0
The right to personal liberty	22	14	1	1	4	0	2
The right not to be subjected to torture and to humane treatment	72	20	0	5	38	2	7
The right to work	96	14	0	13	66	1	2
The right to social security	3	0	0	0	3	0	0
Rights of inmates of Correction and Rehabilitation Centres	16	9	0	0	4	0	3
The right to health	10	4	0	1	5	0	0
The right to education	16	5	0	1	9	1	0
The right to equality and non-discrimination	10	3	0	0	7	0	0
The right to a fair trial	38	11	0	8	17	0	2
Rights of the child	5	0	0	1	4	0	0
Family rights	2	1	0	1	0	0	0
The right to an adequate standard of living	6	2	0	1	0	2	1
The right to housing	5	1	0	0	3	0	1
The right to freedom of opinion and expression	8	2	0	2	2	1	1
The right to property	2	0	0	0	0	0	2
The right to a healthy environment	4	2	0	0	1	0	1
The right of assembly and association	2	0	0	0	1	0	1

Right subject of the complaint	Number of complaints	Closed with a satisfactory outcome	Closed without a satisfactory outcome	Outside the Centre's mandate	Under follow-up	Non-cooperation of the complainant	Violation not established
The right to vote and stand for election	2	0	0	0	2	0	0
The right to religious belief	1	0	0	0	1	0	0
Grand total	428	116	2	37	236	8	29
Percentage %	100%	27%	0.4%	8.6%	55.1%	2.2%	6.7%

The number of complaints received by the Centre this year totalled (428) complaints, compared with (596) complaints in 2011. The number of complaints relating to civil and political rights reached (276) complaints, while the number of complaints relating to economic, social and cultural rights reached (145) complaints, and the number of complaints relating to the rights of vulnerable groups was only (7) complaints. A total of (116) complaints, i.e. 27%, were closed successfully, while (2) complaints, i.e. 0.4%, were closed without a satisfactory outcome being reached, and (37) complaints were closed as falling outside the Centre's mandate, i.e. 8.6% of the total number of complaints. Furthermore, (29) complaints were closed because no violation of human rights was established, at a rate of 6.7%, while the number of complaints still under follow-up reached (236) complaints, i.e. 55.1%. The reasons for the decline in the number of cases closed with a satisfactory outcome are attributable to the non-cooperation of the body complained against, or to its failure to respond positively to the Centre's recommendations and requests. At the same time, the Centre affirms that the increase in the number of complaints still under follow-up is due to a number of reasons, the most important of which is the absence of a provision in the Centre's Law obliging bodies to respond to the Centre's requests within a specified period.

Requests for Assistance Received by the Centre during 2012

Total number of requests for assistance received by the National Centre for Human Rights, by the rights allegedly violated, for 2012

Right subject of the request	Number of requests	Closed with a satisfactory outcome	Closed without a satisfactory outcome	Outside the Centre's mandate	Under follow-up	Non-cooperation of the applicant for assistance	Violation not established
The right to nationality	14	3	2	2	5	1	1
The right to freedom of residence and movement	26	4	2	2	17	0	1
The right to asylum	2	0	1	0	1	0	
The right to equality and non-discrimination	4	2	0	0	2	0	0
The right to lodge grievances and address the authorities	1	0	0	0	1	0	0
The right not to be subjected to torture	5	2	0	1	2	0	0

Right subject of the request	Number of requests	Closed with a satisfactory outcome	Closed without a satisfactory outcome	Outside the Centre's mandate	Under follow-up	Non-cooperation of the applicant for assistance	Violation not established
and to humane treatment							
The right to health	12	2	0	3	4	0	3
The right to work	10	3	0	1	3	0	3
The right to an adequate standard of living	9	2	0	5	2	0	0
Rights of women	1	1	0	0	0	0	0
Rights of the child	3	0	0	0	2	0	1
Rights of persons with disabilities	6	2	0	0	3	0	1
The right to education	4	0	1	1	2	0	0
Rights of inmates of Correction and Rehabilitation Centres	12	6	1	3	1	0	1
Family rights	2	1	0	0	0	1	0
The right to hold public office	1	0	0		1	0	0
The right to a fair trial	6	1	0	3	1	1	0
Grand total	118	29	7	21	47	3	11
Percentages	100%	25%	6%	18%	39%	2.5%	9.5%

The total number of requests for assistance received by the Centre this year reached (118) requests, compared with (156) requests in 2011. The number of requests for assistance relating to civil and political rights was (68) requests, while the number of requests relating to economic, social and cultural rights was (40) requests, and the number of requests for assistance relating to the rights of vulnerable groups reached (10) requests. A total of (29) requests, i.e. 25%, were closed successfully, while the number of requests closed without a satisfactory outcome reached (7) requests, i.e. 6%. The number of requests still under follow-up reached (47) requests, i.e. 39%, and the Centre received (21) requests falling outside its mandate, i.e. 18%. The reasons for the closure of a number of cases with an unsatisfactory outcome are attributable to the failure of the body from which assistance was sought 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.

It is noted that the number of complaints and requests for assistance received by the Centre in 2012 declined compared with previous years, as shown in the following chart. This decline is attributed to the multiplicity of national institutions, such as the Ombudsman Bureau, and of civil society institutions that receive complaints, in addition to the decline in certain types of violations that used to occur in previous years, such as those relating to the withdrawal of national numbers, and complaints of female domestic workers.

Chart: Numbers of Complaints and Requests for Assistance for the Years 2007–2013

Year	Complaints	Requests for assistance
2007	422	288
2008	373	244
2009	573	301
2010	770	222
2011	596	156
2012	428	118

The oral submission of complaints, through personal attendance at the Centre, ranked first among the means of receiving complaints, as 79.4% of the total complaints were submitted orally through personal attendance at the Centre and the explanation of the complaints before the staff. The receipt of complaints by fax ranked second, at 14% of the total complaints, and the receipt of complaints by e-mail ranked third, at 7.2%. Press monitoring and monitoring missions ranked fourth, at 4%, while the proportion of complaints received through the liaison officers in the governorates reached 1.5%, which indicates the need to focus on activating the role of the liaison officers by introducing them and their role in receiving complaints and following them up, using the various media.

The oral and in-person submission of requests for assistance ranked first among the means of receipt, at 75% of the total requests. The submission of requests for assistance through the hotline and by e-mail ranked second, at 3.3% each, while receipt through the liaison officers and by ordinary mail ranked third, at 2% each of the total requests.

Chart: Percentages of Complaints and Requests for Assistance by Means of Submission for 2012

Means of submission	Complaints	Requests for assistance
In person	79%	75%
Fax	14.00%	8.40%
Ordinary mail	0.00%	2.00%
E-mail	7%	3%
Liaison officers	1.50%	2.00%
Monitoring	4.00%	9%

Number of Complaints and Requests for Assistance Submitted to the Centre by Governorate

As regards the distribution of complaints across the governorates of the Kingdom, the following chart shows that the Capital Governorate continues to lead in the number of complaints received by the Centre, at 68% of the complaints. The reason for this is the high population of the governorate, the proximity of the Centre to the citizens residing in it, and the absence of branches of the Centre in the other governorates of the Kingdom. Zarqa Governorate ranked second, with complaints submitted by its residents accounting for 12%; Irbid Governorate ranked third, with complaints accounting for 5.3%; and Madaba Governorate ranked fourth, at 4%.

Chart: Number of Complaints by Governorate of the Kingdom

Governorate	Number of complaints
Amman	293
Irbid	23
Madaba	16
Tafileh	3
Mafrq	4
Ajloun	8
Zarqa	50
Karak	7
Aqaba	4
Ma'an	2
Jerash	8
Balqa	7
Outside Jordan	3

As regards requests for legal assistance, the Capital Governorate ranked first, at 58%; Zarqa Governorate ranked second, at 12%; the third rank was held by Jerash and Ajloun Governorates, at 4% each; and Irbid and Karak Governorates came fourth, at 3.3% each.

Chart: Number of Requests for Assistance by Governorate of the Kingdom

Governorate	Number of requests for assistance
Amman	68
Irbid	4
Madaba	3
Tafileh	2
Mafrq	5
Ajloun	2
Zarqa	14
Karak	4
Ma'an	2
Jerash	5
Balqa	7
Outside Jordan	6

As regards the body complained against, the following chart shows the proportion of complaints by the governmental body against which the complaints were submitted. It is noted that the security bodies continue to account for the largest share of the complaints received by the Centre, at 45% of the total complaints, distributed as follows: 25% against the Public Security Directorate, followed by the General Intelligence Directorate at 10.5%, and then the Ministry of Interior at 9%. A rise is also noted in the proportion of complaints relating to labour and recruitment offices, which reached 25%, compared with 21% in 2011 and 6.23% in 2010.

Chart: Number of Complaints by Body Complained Against

Body complained against	Number of complaints
Ministry of Interior	39

Body complained against	Number of complaints
Ministry of Justice	7
Ministry of Education	18
Ministry of Higher Education	10
Ministry of Labour	6
Ministry of Foreign Affairs	8
Ministry of Social Development	11
Ministry of Health	5
Ministry of Municipal Affairs	4
Ministry of Public Works and Housing	1
Ministry of Environment	1
Ministry of Awqaf, Islamic Affairs and Holy Places	1
Chief Justice Department	1
General Intelligence Directorate	45
Public Security Directorate	107
Recruitment offices for female domestic workers	107
Prime Ministry	4
Civil Service Bureau	1
Military Judiciary and State Security Court	5
Greater Amman Municipality	4
Trade unions	5
Judicial Council	8
Social Security Corporation	1
Embassies	2
UN High Commissioner for Refugees	2
General Command of the Armed Forces	3
Higher Council for the Affairs of Persons with Disabilities	2
Other bodies	20

A decline is noted in the proportion of complaints submitted against certain ministries, such as the Ministries of Education, Health and Social Development, compared with 2011. Notwithstanding the decline in the proportion of these complaints compared with 2011, complaints against the security bodies and the principal government ministries still account for the largest share of the number of complaints, which indicates that they have not taken the expected measures to halt violations, a matter which requires them to take the necessary measures to halt these violations.

As regards the body from which assistance was requested, the following chart shows that the largest share of the requests for assistance was directed to the security bodies, reaching 36%, while requests for assistance relating to labour and recruitment offices accounted for 5%, and requests for assistance directed to the Ministry of Foreign Affairs accounted for 3.3%. Requests for assistance received concerning the Ministry of Social Development were limited to a single request, compared with (15) requests in 2011, and requests for assistance directed to the Prime Ministry decreased to (6) requests, compared with (13) requests in 2011.

Chart: Number of Requests for Assistance by Body to Which They Were Directed

Body to which the request was directed	Number of requests for assistance
Ministry of Interior	22
Ministry of Education	4
Ministry of Higher Education	1
Ministry of Labour	1
Ministry of Foreign Affairs	4
Ministry of Social Development	1
Ministry of Health	8
General Intelligence Directorate	9
Public Security Directorate	12
Employer	5
Prime Ministry	6
Royal Hashemite Court	4
Civil Service Bureau	1
Customs Department	1
Universities	
State Security Court	
Greater Amman Municipality	1
Judicial Council	3
Embassies	6
UN High Commissioner for Refugees	3
General Command of the Armed Forces	1
Higher Council for the Affairs of Persons with Disabilities	1
Other bodies	22

[Two further value labels of 1 are printed below the axis of the chart, beneath the bars for the Customs Department and Greater Amman Municipality; the bars for Universities and the State Security Court carry no printed value.]

The following chart shows the numbers of complainants by nationality: complainants holding Jordanian nationality accounted for 77%, while Filipino nationality ranked second, at 17%, and Palestinian nationality ranked third, at 1.1%.

Chart: Number of Complaints by Nationality

Nationality	Number of complaints
Jordanian	330
Palestinian	5
Filipino	73
Sri Lankan	4
Syrian	4
Iraqi	3
Egyptian	4
Ethiopian	1
Malaysian	2
Libyan	1

Nationality	Number of complaints
Tunisian	1

As regards the nationality of applicants for assistance, the following chart shows that Jordanian nationality accounted for the largest share, at 60% of the total number of applicants for assistance; Palestinian nationality ranked second, at 12%; and Egyptian and Syrian nationalities ranked third, at 7% each.

Chart: Number of Requests for Assistance by Nationality

Nationality	Number of requests for assistance
Jordanian	71
Palestinian	14
Filipino	5
Saudi	2
Syrian	8
Iraqi	7
Egyptian	8
Indonesian	1
Libyan	1
Stateless	1

Breakdown of Complaints and Requests for Assistance by Sex

The following chart shows the higher proportion of complaints and requests for assistance submitted by males, which reached 72% of complaints and 71% of requests for assistance, while the proportion of complaints submitted by females reached 28%, and of requests for assistance 29%.

Chart: Numbers of Complaints and Requests for Assistance by Sex during 2012

Sex	Complaints	Requests for assistance
Males	310	84
Females	118	34