



Seventh Annual Report on the State of Human Rights in the Hashemite Kingdom of Jordan 2010

The Seventh Annual Report of the National Centre for Human Rights

The State of Human Rights in the Hashemite Kingdom of Jordan for the Year 2010

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

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1. Foreword

The Seventh Annual Report diagnoses the state of human rights in the Hashemite Kingdom of Jordan for 2010 and the positive or negative changes that occurred therein, and proposes the legislation, policies and measures that the Centre believes would contribute to changing the current human rights reality for the better, particularly in light of the rapid developments witnessed in the Arab region and the demands of its peoples for building a civil state, the separation of powers, the adoption of democracy, its values and its practice as a method of governance and of the transfer of political power, the rule of law, and the promotion of human rights, especially as the climate of tyranny and corruption that prevailed for many years threw the door wide open to human rights violations, with all that they entail in terms of restrictions on public freedoms and the exclusion of citizens from participation in public life and in the process of making the political, economic, social and cultural decisions that affect their lives.

This year's report contains the outcome of the accumulated experience of the Centre's work in the field of protecting civil, political, economic, social and cultural rights. It also contains a qualitative addition, consisting of the allocation of a section to assessing the seriousness of the Government in taking the legislative, judicial and executive measures necessary to implement the recommendations issued by the treaty bodies, such as the Committee against Torture in 2010 and the Human Rights Committee concerned with civil and political rights in 2010, the recommendations of the Universal Periodic Review (UPR) mechanism of 2009, in addition to the recommendations contained in the reports of the National Centre for Human Rights. These recommendations have been classified, according to priority and importance, into three groups based on the number of times they were repeated and the bodies from which they were issued. The second qualitative addition consists of compiling the recommendations in a single chapter comprising eleven themes according to their conceptual and logical interrelation, instead of presenting them scattered throughout the report, in order to facilitate reference to them by government bodies, human rights activists, civil society institutions, researchers and all other interested parties.

During 2010, important developments and events took place that affected, in one way or another, Jordanians' enjoyment of their various rights, foremost among them public rights and freedoms. (48) temporary laws were issued, which can only be described as an encroachment by the executive authority on the role of the legislative authority, in clear and explicit violation of the provisions of the Constitution, which stipulate that the issuance of such laws requires the fulfilment of the two conditions of necessity and urgency, particularly given that many of these laws relate to human rights and freedoms, which settled constitutional jurisprudence holds may not be regulated by temporary laws. Moreover, the International Covenant on Civil and Political Rights (ICCPR) affirms that public rights and freedoms may not be restricted except by a law issued by a competent legislative authority representing the will of the people, and not by a temporary law that contravenes the conditions established by the Constitution. Furthermore, the temporary laws issued by the executive authority confirm what the Centre has pointed out in its previous reports regarding the urgent need to establish a constitutional court to review the constitutionality of laws.

The edifice of a state governed by the rule of law cannot stand unless the public authorities and individuals alike are bound to respect the Constitution and the separation of powers, to adhere to the principle of the rule of law, and to achieve legislative stability. The year 2010 witnessed the issuance of temporary laws that infringed upon the independence of the judicial authority, such as the Law on the Independence of the Judiciary and the Public Prosecution Law, both of which were rejected by Parliament, in addition to the amendment of the legislation regulating higher education and scientific research a few months after it had been enacted by Parliament, which led to legislative confusion and instability in the legislative frameworks regulating the lives of citizens. This is in addition to the emergence of manifestations of infringement of the principle of the rule of law, whether by the public authorities or by individuals, represented by the spread of the values of *wasta* (favouritism), nepotism and tribalism, the proliferation of corruption, and individuals' recourse to unlawful means to obtain their rights – particularly given the protracted duration of trials and the high costs of litigation – and the use of violence in its various forms as a tool to meet social, economic and political demands.

The year 2010 also witnessed the Government's issuance of a temporary Election Law, on the basis of which the elections for the Sixteenth Parliament were held. That law disappointed the hopes of citizens and the demands of political, partisan, trade-union and civil forces and actors, as it failed to lift political and party life in the Kingdom out of its slump, to launch the process of political reform and to advance the democratic process, while its provisions departed from the constitutional and international standards governing the right to free and fair elections. This led to limiting the representation of political and popular forces and currents in the Sixteenth House of Representatives.

Furthermore, the year 2010 did not witness any serious initiative to unleash and promote public freedoms, particularly freedom of opinion and expression, freedom of the press and the media, freedom of assembly, and the freedom to form trade unions and associations, in addition to the absence of genuine popular participation by citizens in formulating and adopting the policies relating to their political aspirations and economic interests, and in achieving social justice, equality among individuals and equal opportunities in accordance with the Constitution, particularly with regard to the right to nationality, admission to universities and scholarships, and appointment to public office. This compels the Centre to renew its demand for the reaffirmation of the recommendations contained in its annual reports aimed at strengthening the democratic approach and unleashing and promoting freedoms, by calling for the amendment of the legislation regulating them and the lifting of the restrictions imposed by the executive authority on these rights and freedoms.

The year 2010 was marked by organised and continuous sit-ins by teachers in all governorates of the Kingdom with a view to establishing a professional association of their own in order to guarantee their rights, improve their living conditions, restore the standing of the teaching profession and raise the social status of teachers. This demand was met with rejection by the executive authority and its attempt to find alternatives that detract from the essence of this right by proposing the formula of a teachers' union on the pretext that teachers are public servants. The Centre affirms that the right of teachers to form a professional association is a legitimate right guaranteed by the Constitution and by international human rights standards, and calls upon the

legislative and executive authorities to promptly remove all obstacles and create all the conditions for the enactment of a law guaranteeing this right.

With regard to economic, social and cultural rights, the year 2010 witnessed the continued deterioration of citizens' economic conditions, the widening of pockets of poverty, persistently high unemployment rates and the rising cost of living due to increases in the prices of basic foodstuffs, and the resulting significant impact on the lives of a large segment of the middle class and the poor, who generally spend more than half of their income on food at the expense of meeting other needs in education, health and housing, in addition to their being deprived of enjoyment of cultural life and the benefits of scientific progress. This has led to a shrinking of the middle class, a disintegration of the social fabric and an increase in societal violence and crime in its various forms, particularly among young people, who constitute the largest group in Jordanian society, in addition to the emergence of the phenomena of child labour, delayed age of marriage, and rising rates of divorce and family breakdown.

Moreover, public debt and the budget deficit have reached red lines that must be confronted with full resolve in order to curb them by taking swift and effective economic and financial steps; otherwise, they will adversely affect citizens' livelihoods and the stability of the nation.

The Centre notes the continued negative treatment of the rights of Jordanian and foreign workers, as workers still suffer from numerous problems, particularly those relating to wages, a decent living, adequate housing, health insurance and social security, despite the Centre's repeated recommendations on the need to find radical solutions to these problems. It suffices to point to the number of labour sit-ins, the number of participants therein and their spread across the various parts of the Kingdom and in all sectors as evidence of the lack of equal opportunities, the marginalisation of the rights of vulnerable groups, the infringement of their dignity, and their desire to obtain the rights guaranteed to them constitutionally and internationally.

With regard to the Centre's work, this report comes after the Centre accomplished three main tasks: first, monitoring the electoral process for the Sixteenth Parliament with the participation of more than (50) civil society institutions from the various governorates of the Kingdom; second, the re-accreditation of the Centre with "A" status by the Sub-Committee on Accreditation of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights for the next five years; and third, the establishment, among the Centre's units, of the Women's Rights Unit, which is also concerned with protecting the rights of the groups most vulnerable to violations.

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

May God grant success.

Adnan Badran

Chairman of the Board of Trustees

2. Civil and Political Rights

The Right to Life and Physical Integrity

1. The human right to life and physical integrity is one of the fundamental rights guaranteed by international instruments¹ and national laws.² However, a number of factors continue to affect this right and to impact it adversely, the most prominent of which is the death penalty, which remains prescribed in criminal legislation despite the partial reduction of the legal provisions that impose this penalty. The penalty is not applied to persons under the age of (18) years, nor to pregnant women or persons suffering from insanity. Furthermore, its application is confined to serious criminal felonies (such as murder, terrorism and the rape of a minor), and the possibility of general and special amnesty is available and provided for in the Constitution (Article 38) and the Penal Code (Articles 50-51). The death penalty is executed only after a series of procedures³ consistent with the safeguards established by international covenants and instruments. Table No. (1) shows statistics on the judgments handed down by the Grand Criminal Court and the State Security Court imposing the death penalty during 2010 compared with previous years. Among the positive developments witnessed in this regard in 2010 was Jordan's abstention, for the second time, from voting on the General Assembly resolution recommending the abolition of the penalty, having previously voted against that resolution, as well as the suspension of executions since mid-2006. However, the Government has not announced a decision to suspend or abolish the penalty in a manner consistent with its abstention from voting on the aforementioned General Assembly resolution. The Centre therefore calls upon the Government to officially announce a moratorium on the execution of the death penalty, in keeping with its vote in the United Nations General Assembly. The number of legal provisions imposing the death penalty in the Penal Code was also reduced following the amendment of two articles in which the death penalty was replaced with 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. The Centre stresses the need to restrict the application of the death penalty to the most serious or gravest felonies, within legislative, administrative and judicial safeguards that ensure its limitation and proper application, and to strengthen preventive means of reducing the crime rate, in line with the criminal reform process pursued by the Kingdom, particularly in the field of human rights, since the death penalty does not achieve

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

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

³ The Criminal Procedure Code requires the presiding judge, in crimes punishable by death, to ask the accused whether he has chosen a lawyer to defend him; if he has not, the court shall appoint a lawyer for him whose fees are paid from the State Treasury. Under the law, a death sentence is subject to review by the Court of Cassation by operation of law, 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 death sentence and remand the case to the court that issued the judgment for reconsideration.

specific deterrence, being a cruel penalty that ends the life of the offender and conflicts with the purpose of punishment, namely the offender's reform.

Table No. (1): Number of judgments imposing the death penalty during the years 2008-2010

Year	Grand Criminal Court	State Security Court	Total judgments
2008	5	1	6
2009	7	—	7
2010	9	—	9

2. Among the gravest violations of the right to life and physical integrity is exposure to torture and cruel, inhuman or degrading treatment, which requires the adoption of a set of legislative, administrative and judicial procedures and measures on the basis of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, so as to achieve harmonisation between the articles of the Convention and the measures taken at the level of legislation, the judiciary and the administration. Foremost among these measures is the amendment of Article 208 of the Penal Code. It should be noted that the Centre has previously indicated, in its annual reports and its periodic reports on the conditions of Correction and Rehabilitation Centres in the Kingdom, the need for the Government to undertake a set of legal reforms aimed at incorporating human rights standards into national laws, in order to remedy the evident shortcomings in the national remedies available as a whole in cases of torture, together with the need to review the grievance mechanisms and the investigation of torture complaints and to examine their effectiveness in ensuring that the perpetrators of this crime are held accountable and do not escape punishment. Although a number of national mechanisms concerned with receiving and following up on complaints have been established, whether by the Centre, by the Ministry of Justice in cooperation with the Public Prosecution, or by the Grievances and Human Rights Office of the Public Security Directorate, none of these mechanisms has proved effective in preventing the perpetrators of torture crimes from escaping punishment or in providing redress to and rehabilitating the victims, which calls for a review of the national remedies.

Table No. (2): Manner of settlement of complaints concerning torture and ill-treatment received by the Centre during the years 2008-2010

Category	Settlement of complaints	2010	2009	2008
Number of complaints against the various security centres and departments	Number of complaints filed (closed) at the complainant's request	15	5	7
Number of complaints against the various security centres and departments	Number of complaints closed because the violation was not established	10	8	13
Number of complaints against the various security centres and departments	Number of complaints referred to the Police Court	3	6	5
Number of complaints against the various security centres and departments	Number of complaints still under follow-up	57	32	16
Number of complaints concerning beating and torture in Correction and Rehabilitation Centres	Number of complaints filed (closed) at the complainant's request	-	1	9

Category	Settlement of complaints	2010	2009	2008
Number of complaints concerning beating and torture in Correction and Rehabilitation Centres	Number of complaints closed because the violation was not established	2	2	1
Number of complaints concerning beating and torture in Correction and Rehabilitation Centres	Number of complaints referred to the Police Court	-	0	1
Number of complaints concerning beating and torture in Correction and Rehabilitation Centres	Number of complaints under follow-up	2	3	4

3. In 2010, the Centre received (85) complaints against security centres and departments,⁴ compared with (51) complaints during 2009. The Centre also received (4) complaints concerning beating and torture in Correction and Rehabilitation Centres, compared with (6) complaints during 2009. According to the statistics available at the Centre, 2010 witnessed an increase in the number of complaints concerning beating in places of temporary detention affiliated with security centres and police directorates, whereas complaints of beating and torture in prisons decreased compared with 2009, as shown in Table No. (2). It should be noted that no person was tried during 2010 under Article (208), as amended, of the Penal Code. Given that Article (208) of the Penal Code has not been amended in a manner consistent with the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Centre was compelled to address the Speaker of the House of Representatives on 16/1/2011 and to provide him with a proposed text for amending Article 208 of the Penal Code while the Legal Committee of the House of Representatives was considering Provisional Penal Code No. 10 of 2010; however, the contents of that letter were not taken into account.

4. In 2010, the Jordanian Government submitted its combined (second, third and fourth) report to the Committee against Torture. In its concluding observations, the Committee affirmed the existence of the following violations: (a) the absence of a specific provision prohibiting torture and other forms of ill-treatment in the Jordanian Constitution, the definition of torture being contained instead in Article (208) of the Penal Code; (b) the ambiguity of Article (208), which refers to (“any type of torture not permitted by law”), thereby implying that there are forms or cases of torture permitted by law; (c) the fact that the crime of torture is regarded not as a felony but as a misdemeanour, and is not subject to penalties commensurate with its gravity, the law punishing it with imprisonment of 6 months to three years; (e) the absence from the Penal Code of a provision exempting the crime of torture from the statute of limitations, since the limitation rules applied under the provisions of the Penal Code may prevent the investigation, prosecution and punishment of these serious crimes; (f) the fact that investigations and trials of perpetrators of acts of torture remain before special police courts does not achieve the justice sought from the legal and international standpoint, since such trials and investigations do not meet fair trial standards in terms of the composition of the court and the prosecution and in terms of the means of appeal against such judgments, given that the director of the security apparatus⁵ is the

⁴ The information and complaints received by the Centre indicate that personnel working in the Criminal Investigation Department and the Anti-Narcotics Department of the Public Security Directorate resort noticeably to beating in order to obtain statements and information from the persons complained against.

⁵ Under the Provisional Law Amending the Public Security Law of 2010, which provided for the participation of regular (civil) judges in the composition of the Police Court to hear crimes committed by members of the Public Security, the Police

competent authority with power to appoint and dismiss judges and public prosecutors and also ratifies most of these judgments; in addition, victims are fearful and hesitant to file complaints owing to their lack of confidence in the fairness of the investigation and trial proceedings, since these are conducted by colleagues of the perpetrators, or out of fear that the perpetrators will lie in wait for them if they file a complaint; (g) the absence of a provision for the right of victims of torture to direct compensation from the State when this crime is committed by a public official; moreover, reliance on the provisions of Article 256 of the Civil Code, which provides that “every harm caused to another shall oblige the perpetrator to pay compensation, even if he is not of the age of discernment”, does not serve the purpose and does not entail the State’s service-based (administrative) liability for the acts of its employees, particularly as the jurisprudence of the High Court of Justice has not awarded compensation in respect of administrative decisions but has confined itself to annulment; (h) the failure of Article 208 of the Penal Code to provide expressly that torture crimes are not subject to the statute of limitations and are excluded from general or special amnesty.

5. Furthermore, the Committee against Torture expressed its concern at the rarity of investigations and prosecutions in respect of allegations of torture, which apparently indicates the existence of a climate of impunity resulting from the weakness of disciplinary or criminal prosecution procedures against persons or authorities accused of acts specified in the Convention. The Committee also expressed its concern that, while no official has been prosecuted for committing torture under Article (208) of the Criminal Law, prosecutions have been brought under Article (37) of the Public Security Law of 1965 entailing disciplinary measures only. The Committee is also concerned at the provision of Article (61) of the Penal Code relieving any person of criminal responsibility for any acts carried out pursuant to orders given by another person of higher rank (Articles 2, 4, 12 and 16). The Committee affirmed that Jordan must, promptly and urgently, take immediate and effective measures to prevent acts of torture and ill-treatment throughout the Kingdom, including by announcing a policy that would produce measurable results in eliminating torture and ill-treatment by State officials. The Committee made the following recommendations to the Jordanian Government, the most prominent of which are: (a) incorporating the prohibition of torture into the Constitution in order to demonstrate genuine acceptance, and the need to state that torture is a serious crime and a violation of human rights and to affirm the principle of non-impunity;⁶ (b) defining the crime of torture as set out in Articles 1 and 4 of the Convention, separately from other crimes; (c) prosecuting and convicting perpetrators of the crime of torture in accordance with the gravity of these acts, as required by Article 4 of the Convention; and (d) amending the Penal Code to increase penalties, as appropriate, so as to prevent the commission of the crime of torture, and reviewing the rules and provisions relating to the statute of limitations and bringing them into line with its obligations under the Convention; (e) entrusting the investigation of acts of torture and the issuance of judgments to an independent and impartial judicial body; (f) ensuring that all allegations of torture and ill-treatment are investigated

Court is composed of a president whose rank is not lower than colonel and at least two members, one of whom shall be a regular judge nominated by the President of the Judicial Council.

⁶ The Centre does not believe that incorporating torture into the Constitution is a necessary step, considering that the constitutions of many States do not provide for the criminalisation of torture; rather, the Centre considers it sufficient to amend Article 208 of the Penal Code in a manner consistent with the Convention against Torture.

promptly, effectively and impartially, and that the perpetrators are prosecuted and convicted in accordance with the gravity of the acts, as provided for in Article 4 of the Convention; (g) amending legislation to provide expressly that an order from a superior officer or a public authority may not be invoked as a justification of torture.”

6. Through its visits to Correction and Rehabilitation Centres and temporary detention centres during 2010, the Centre observed a decrease in individual complaints concerning the ill-treatment of inmates and detainees. Through its visits to temporary detention centres and its meetings with detainees or members of their families, and through the complaints it received during 2010, it also observed that abuses are committed by law enforcement officials in some security departments, and that various forms of torture are practised against persons complained against or detainees on behalf of those departments, including defamation and humiliation, beating on the soles of the feet (*falaqa*), suspension (*shabeh*) and others, for the purpose of obtaining a statement or confession. The Centre also observed that many perpetrators of the crime of torture escape punishment because proving that certain detainees have been subjected to torture or cruel, inhuman or degrading treatment is extremely difficult, for many reasons, the most important of which are:⁷ the length of detention under administrative detention orders; the disappearance of the traces of physical violence over time; the difficulty of securing witnesses or forensic medical reports;⁸ and the difficulty for victims of identifying the judicial police officers who practised the torture. Moreover, the absence of effective judicial oversight of places of administrative detention in lock-ups contributes to a large extent to exposing detainees to ill-treatment and to physical and psychological coercion, in addition to depriving them of the right to seek redress before the competent authorities and to file complaints during the period of preliminary investigation by the police, owing to the secrecy surrounding the investigation, as well as their fear of renewed reprisals by police personnel should they file a complaint against them, and the conviction of some of them that filing complaints with the security agencies is futile, since these agencies are the ones competent to conduct the investigation and to examine the complaints. All of this calls for review by the competent authorities, particularly as the period of preliminary detention by the police is often beyond effective judicial oversight and without contact between detainees and the outside world, whether with their families or even with a doctor. The legal detention period of (24) hours is often not observed, as this period is extended to a week or more under administrative detention orders issued by administrative governors on the recommendation of the security department concerned, and without adherence to the legal procedures required under the Crime Prevention Law of 1954. The Centre affirms that the violations to which inmates and detainees are subjected, as referred to in the paragraph above, are still continuing despite having been pointed out in the Centre’s previous reports, which was confirmed by the Committee against Torture when it considered the combined (second, third and fourth) report and issued its concluding observations.⁹

⁷ The Centre has been compelled to reiterate what is stated in this paragraph, despite its having been included in the 2008 report, since no noticeable progress has been made.

⁸ The National Centre for Forensic Medicine does not conduct medical examinations of torture victims except at the request of the judiciary or the Public Security Directorate, which constitutes an obstacle for victims in proving the torture inflicted upon them. The National Centre for Human Rights also faces difficulty in verifying the veracity of the complaints it receives concerning torture.

⁹ The Committee expressed its concern at the high number of complaints of torture and ill-treatment by law enforcement, security, intelligence and prison officials, the limited number of investigations undertaken by the State in such cases, and

The Centre calls upon the Government to give its recommendations and the recommendations of the Committee against Torture the utmost attention and to put them into effect.

7. The spread and abuse of drugs, particularly among young people, continue to constitute another factor affecting the right to life and physical integrity, and no noticeable development occurred during 2010 in the mechanisms for countering their spread in society. This is confirmed by the data issued by the Public Security Directorate – Anti-Narcotics and Counterfeiting Department, which dealt with (3420) cases during 2010 compared with (3641) cases during 2009. The chart shows the number of cases seized by the Anti-Narcotics and Counterfeiting Department during 2010 compared with previous years.

[Chart]

Category	2010	2009	2008
Number of cases	3420	3641	2752
Trafficking	445	661	959
Possession and use	2861	2980	3200

8. Suicide incidents also constitute another factor affecting the right to life and physical integrity. In 2010, (46) persons committed suicide, compared with (65) persons in 2009 and (60) persons in 2008, according to the statistics of the Jordanian National Centre for Forensic Medicine. The chart illustrates the suicide statistics for 2010 compared with previous years.¹⁰ The statistics also revealed that the majority of those who committed suicide were males, as three males commit suicide for every female. The phenomenon of threatening to commit suicide in public places has also emerged in society: some have attempted to set themselves on fire, while others have threatened to throw themselves from the roofs of high-rise buildings if their demands are not met. The Centre considers that the continuation of suicides and suicide attempts in Jordanian society during the past two years may be an expression of the economic, political and social frustrations felt by those who resort to them and of their inability to meet the demands of life. As regards suicides in Correction and Rehabilitation Centres, the Centre observed during 2010 two suicides, in the Balqa and Muwaqqar 2 Correction and Rehabilitation Centres, and recorded (42) suicide attempts in the various Correction and Rehabilitation Centres, whereas 2009 witnessed one suicide in Muwaqqar 2 Prison and (117) suicide attempts in the various centres.

[Chart]

the very limited number of convictions in the cases that are investigated. In addition, the Committee expressed its concern that the bodies responsible for investigations lack the independence necessary to examine individual complaints concerning the misconduct of State officials. The Committee regretted the lack of detailed information, including statistics on the number of complaints of torture and ill-treatment and the results of proceedings at both the criminal and disciplinary levels and their outcomes. The Committee recommended that the State should strengthen its measures to ensure prompt, thorough and impartial investigations into all allegations of torture and ill-treatment of convicted prisoners and detainees, and that law enforcement, security, intelligence and prison officials who carried out, ordered or acquiesced in such practices be brought to justice. Such investigations should be undertaken by an independent body, and in cases where there is a prima facie case of torture or ill-treatment, the suspect (“the accused”) should be suspended from duty during the investigation, to avoid any risk of obstructing the investigation or of continuing to commit any acts in breach of the Convention. The State should prosecute the perpetrators and impose appropriate penalties on those convicted in order to ensure the accountability of State officials responsible for violations prohibited by the Convention.

¹⁰ These figures are considered approximate owing to the lack of a national database.

Category	2010	2009	2008
Suicide cases	46	65	60
Suicide attempts	232	450	400

9. With regard to cases of intentional and unintentional harm, which are considered manifestations of the violation of the right to life and physical integrity, the statistics of the National Centre for Forensic Medicine recorded more than (20) thousand cases annually subjected to some form of intentional or unintentional harm, of which no fewer than (10) thousand cases annually involve the use of sharp instruments (scalpels, razors, etc.). To confront this phenomenon, the legislator amended the text of Article (334) of the Penal Code to provide that anyone who strikes a person on the face or neck using blades, scalpels, razors or similar instruments, or by throwing burning or disfiguring substances on the face or neck, leaving a visible mark on the victim, commits a felony punishable by temporary hard labour, that is, for a period of not less than seven years.

The Right to Liberty and Security of Person

10. International conventions guarantee the human right to liberty and security of person,¹¹ and the Constitution affirms this right in Article (8) thereof.¹² The Criminal Procedure Code No. (9) of 1961 also specifies the cases in which judicial police officers may arrest the person complained against and deprive him of his liberty (in felonies, and in cases of flagrante delicto in misdemeanours), and lays down a set of formal safeguards and restrictions that must be observed during the arrest. Notwithstanding the Centre's repeated demands regarding the need to repeal the Crime Prevention Law, 2010 witnessed continued recourse to this law and the detention of many citizens on the basis of its provisions: (12345) persons were detained in 2010, despite the noticeable decrease in the numbers of administrative detainees compared with 2009 and 2008. The chart shows the total number of persons administratively detained during the past three years.

[Chart] Number of persons detained during the years 2008-2010

Year	Number of persons detained
2008	14046
2009	16050
2010	12345

11. Aware of the gravity of the psychological, social and legal problems resulting from administrative detention, the Centre issued during 2010 a special report on administrative detention entitled (Judicial Powers in Executive Hands),¹³ which set out a number of the violations and irregularities accompanying the application of the provisions of this law and referred to the problems of furnishing bail, the periods of administrative detention¹⁴ and the grounds for

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

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

¹³ See the report "Judicial Powers in Executive Hands".

¹⁴ The average period of administrative detention ranges between one week and four months.

administrative detention.¹⁵ The report also gave special attention to women administratively detained in so-called honour cases, as some of them have remained in detention for ten years or more, and civil society organisations are making efforts to secure their release or their placement in a special shelter. This was criticised by the Committee against Torture, which expressed its concern that the Crime Prevention Law permits the imposition of protective custody on women at risk of violence, and urged the State to replace protective custody with other measures that ensure the protection of women without jeopardising their liberty.

12. In the area of deprivation of liberty, the Centre continues to record the encroachment of administrative detention decisions on judicial decisions issued by the competent courts acquitting persons or declaring them not liable, as persons in respect of whom judicial judgments have been issued are frequently returned to prison on the basis of administrative detention orders issued by administrative governors. The Centre notes that the Committee against Torture, when considering the combined (second, third and fourth) report, expressed to the Government its concern at the continued practice of administrative detention under the Crime Prevention Law of 1954.

13. The Centre received a number of complaints and reports concerning administrative detention and the subjection of persons to compulsory residence during the years (2007-2010), as can be inferred from the chart, noting that most detainees were administratively detained after serving their sentences.¹⁶ In 2010 there was a tangible decrease in the number of complaints received by the Centre. It must be emphasised that, if the purpose of this measure is crime prevention, practical reality does not show that it has contributed to reducing the crime rate in Jordan: according to the statistics of the Technical Office at the Ministry of Justice, the Grand Criminal Court witnessed an increase in the number of cases registered before it, the number of registered cases reaching (1482) in 2010, compared with (708) cases during 2009 and (629) cases during 2008.

[Chart] Number of administrative detention complaints received by the National Centre

Year	Number of complaints
2005	35
2006	72
2007	100
2008	97
2009	110
2010	41

14. As regards judicial detention, the Centre notes the continuing increase in the numbers of judicially detained persons:¹⁷ in 2010, (30274) persons were detained, and the number of persons detained on behalf of the State Security Court was (5004) persons. This prompted the authorities

¹⁵ Namely, the inability of these persons to furnish the required bail owing to its amount, which ranges between five thousand and twenty thousand dinars.

¹⁶ It should be noted that no study containing statistics on this issue specifically has previously been prepared; however, most of the complaints received by the Centre were confirmed by the complainants.

¹⁷ The direct and principal reason for the increase in the numbers of judicially detained persons is the expansive resort to detention by public prosecutors, as the detention decision is issued at the beginning of the investigation stages, or other reasons, including the considerable slowness of trial proceedings and of the notification of witnesses, or of the appearance of the accused, or the deliberate prolongation of trials by some lawyers.

concerned to take a number of measures to curb this phenomenon, namely the increase in the numbers of judicially detained persons, whose number has exceeded the number of convicted persons¹⁸ for the years 2008-2010. It should be noted that the amendments to the Criminal Procedure Code, as amended by Law No. (19) of 2009, regarding the crimes for which detention is mandatory and the conditions of detention, have led to a reduction in the number of judicially detained persons. The Centre calls upon the judicial authorities to study the reasons for the lack of expedition in deciding cases brought before the judiciary in light of international standards and national laws, since the practice has become widespread of continuing detention for long periods that sometimes exceed the length of the sentence, or of using and renewing detention as a means of pressuring persons to seek reconciliation with their adversaries. Cases have been observed of persons detained for periods exceeding three years, following which the court issued decisions acquitting them or declaring them not liable. Detention may not constitute a punishment, as this is regarded as a clear breach of fair trial guarantees, since one of the minimum standards of the rights of the accused is the right of the individual to be tried without undue delay, as required by Article 14 of the International Covenant on Civil and Political Rights and as clarified by General Comment No. 13 of the Human Rights Committee on Article (14) of the International Covenant on Civil and Political Rights.¹⁹

15. With regard to places of temporary detention of the Public Security Directorate,²⁰ the Centre carried out (20) visits to these places during 2010 in cooperation and coordination with the Grievances and Human Rights Office of the Public Security Directorate. Although the Public Security Directorate established during 2010 numerous security centres containing model temporary places of detention in accordance with international and national standards, and took care to provide places allocated for juvenile and female detainees and special waiting rooms for

¹⁸ Given that the number of convicted persons in 2008 amounted to (24176) convicted persons, and (24129) convicted persons in 2009.

¹⁹ The Committee's comment on Article (14) states as follows: "This guarantee relates not only to the time by which a trial should commence, but also the time by which it should end and judgement be rendered; all stages must take place 'without undue delay'. To make this right effective, a procedure must be available in order to ensure that the trial will proceed 'without undue delay', both in first instance and on appeal." 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, as required by Article (14) of the International Covenant on Civil and Political Rights and by the comment of the Human Rights Committee concerning Paragraph 6 of Article 14 of the Civil and Political Covenant on compensation "in certain cases of a miscarriage of justice as described in the said Article. It seems from many State reports that this right is often not observed or insufficiently guaranteed by domestic legislation. States should, where necessary, supplement their legislation in this area in order to bring it into line with the provisions of the Covenant." The Human Rights Committee's comment of 1982 also states: "Also if so-called preventive detention is used, for reasons of public security, it must be controlled by these same provisions, i.e. it must not be arbitrary, and must be based on grounds and procedures established by law (para. 1), information of the reasons must be given (para. 2) and court control of the detention must be available (para. 4) as well as compensation in the case of a breach (para. 5)." It may consequently be concluded that pre-trial detention has its justifications and exceptional circumstances for its application, as it constitutes an exception to the general rule which may not be applied or interpreted expansively, and judicial and exceptional detention must be surrounded by fair trial guarantees that ensure that the detainee's rights are not violated. Article (10) of the International Covenant on Civil and Political Rights provides: "All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person."

²⁰ These include the lock-ups of police directorates and security centres, and the places of detention in the Criminal Investigation Department, the Preventive Security Department, the Anti-Narcotics and Counterfeiting Department, and the Family Protection Department.

visitors to the security centre, the Centre records the continuation of the same irregularities and violations it pointed out in its previous reports, which indicates the need to find effective solutions to put an end to these violations and irregularities, beginning with political will and the tightening of oversight and accountability and the punishment of offenders. The Committee against Torture, when considering the combined (second, third and fourth) report, also referred to the same irregularities and violations cited by the Centre, including that an arrested person “does not have the right to the assistance of a lawyer from the moment of arrest, particularly during the initial stage between arrest and being brought before the public prosecutor, and that Articles (63, Paragraph 2, and 64) of the Criminal Procedure Code allow public prosecutors, exceptionally, to question detainees without lawyers in urgent cases. Moreover, meetings between lawyers and their clients do not enjoy the necessary privacy. The Committee recommended that the Government immediately implement effective measures to ensure that detainees are afforded, in practice, all legal safeguards from the moment of their arrest, including, in particular, the right to immediate access to a lawyer, an independent medical examination, notification of a relative, and being informed of their rights at the time of detention, including the charges against them, as well as being brought promptly before a judge. It also recommended that effective measures be taken to ensure that confidential lawyers’ rooms are available for consultations between lawyer and client.” During 2010, the Centre observed the occurrence of (3) deaths in temporary detention centres, whereas there was one death in 2009 and (5) deaths during 2008.

16. As regards places of temporary detention in the General Intelligence Directorate, the Centre carried out during 2010 two announced visits to its places of detention.²¹ The Centre noted that the detention periods of detainees in those places varied between one week and a full year, under detention orders issued by the Public Prosecutor of the State Security Court. The complaints of detainees held by the General Intelligence Directorate were the same complaints cited in the Centre’s previous reports, namely the isolation in which they live in solitary rooms inside the detention centre, the lengthy judicial detention of some of them, the denial to inmates of private meetings with their visitors during visits, and the occasional prohibition of visits for some detainees by decision of the Public Prosecutor of the State Security Court, which isolates them from their families and lawyers. The Centre calls upon the Directorate to comply with the requirement to inform the detainee’s family of his whereabouts. Table No. (3) presents a summary of the complaints received by the Centre against the General Intelligence Directorate during 2010 compared with 2009. On the other hand, the Intelligence Directorate took several measures to improve the conditions and circumstances of inmates in its detention centre, including the opening of a medical clinic, a dental clinic, a pharmacy and a library, and records showing the health condition of each inmate, among other things. It also allows the National Centre to visit its centre and to interview detainees in private. The Committee against Torture, when considering the combined (second, third and fourth) report, and in its concluding observations concerning places of detention of the General Intelligence Directorate, called for the need to subject all of the State’s security departments, foremost among them the General Intelligence Directorate, to civilian authority and oversight, to establish an independent review of these agencies, to limit the powers

²¹ The Centre’s team examined the conditions of the places of detention and the legal situation of the detainees, whom it met in private, and heard their demands and complaints. It also examined the forms of care, the specifications of the prison environment, the quality of food, and the level of health care and mental health services.

of the Intelligence Directorate, and to ensure the separation, in law and in practice, of the authorities responsible for the detention of suspects from those responsible for preliminary investigations.²²

Table No. (3): Number of complaints received by the Centre against the General Intelligence Directorate during the years 2009-2010

Type of complaint	2009	2010
Complaints in which a satisfactory outcome was reached	11	22
Complaints under follow-up	2	7
Complaints outside the Centre's mandate	2	6
Complaints filed (closed) owing to the absence of a violation	0	5
Complaints in which no satisfactory outcome was reached	0	0

17. With regard to Correction and Rehabilitation Centres, the Centre carried out (35) visits in 2010 covering all Correction and Rehabilitation Centres in the Kingdom, in cooperation and coordination with the Grievances and Human Rights Office of the Public Security Directorate. The number of inmates in Correction and Rehabilitation Centres in 2010 ranged between (7500-8500) inmates. This year witnessed a number of measures taken within the policy of developing Correction and Rehabilitation Centres, the most prominent of which were: the opening of gardens and special visiting yards in the Umm Al-Lulu, Muwaqqar 1 and Balqa Correction and Rehabilitation Centres; the preparation and launch of comprehensive plans in the cultural, artistic, social and sports fields, and the opening of Knowledge Stations in some centres in cooperation with the National Information Technology Centre; the continued launch of cultural seasons, in cooperation with the Public Security departments, civil society organisations and the National Centre for Human Rights, to raise inmates' awareness of social, religious, cultural and legal issues; the staging of eight theatrical performances by Jordanian artists in the Muwaqqar 1, Umm Al-Lulu, Swaqa and Women's/Juweideh Correction and Rehabilitation Centres; the holding of drawing courses in cooperation with the Ministry of Culture, and the organisation of bazaars to display inmates' work; the completion of the construction of new Correction and Rehabilitation Centres (the Salhoub, Umm Al-Lulu, Rmeimeen and New Ma'an Correction and Rehabilitation Centres); the recruitment by the Public Security Directorate of (29) university-graduate nurses to work in the clinics of Correction and Rehabilitation Centres with the aim of improving health care in these centres; the holding of five literacy courses in five Correction and Rehabilitation Centres, the number of inmates benefiting from these courses reaching (205) inmates, and the holding of (95) courses in the field of academic education for (2388) male and female inmates; the training of (682) officers and other ranks to work in Correction and Rehabilitation Centres and their enrolment in specialised courses covering social and psychological subjects and the field of human rights; and the allocation of centres for convicted persons and others for detainees, and the commencement of the development of a plan for the classification of inmates. This year also witnessed one of the inmates obtaining a doctorate.

18. Conversely, in 2010 the Centre observed the persistence of a number of problems that adversely affect the protection of inmates' rights and the right to liberty and security of person,

²² Report of the Committee against Torture, Fourth Session, Geneva, 26/4-14/5/2010.

which the Centre had pointed out in its previous reports and in its report on the conditions of Correction and Rehabilitation Centres issued in mid-2010, which reflects negatively on the seriousness of the competent authorities in addressing these problems and in improving the conditions of inmates of Correction and Rehabilitation Centres in conformity with the relevant international standards. The most prominent of these problems are: (a) the failure to close the Juweideh/Men Correction and Rehabilitation Centre, despite the Centre having called in its previous annual reports for its closure owing to the harsh humanitarian conditions therein resulting from the age of its buildings and the deterioration of its infrastructure;²³ (b) the weakness and limited scope of the legal aid services provided to prisoners, with the exception of the Juweideh/Women's Prison, which is attributable to the failure of civil society organisations and the Bar Association to provide such a service inside Correction and Rehabilitation Centres, and to the absence of a national body providing legal aid; (c) the weakness and ineffectiveness of the social care services provided to inmates and their families; (d) the limited health care services in their custodial, preventive and curative forms, including psychological care and psychological counselling services, owing to the shortage of psychiatric medical staff working in the centres, the unavailability of certain medical specialities in Correction and Rehabilitation Centres (orthopaedics and gynaecology, for example), and the ill-treatment by physicians working in the hospitals to which inmates are referred when the necessary medical service is provided to them; (e) the continued suffering of inmates when they are transferred to hospitals in cases of illness as a result of the administrative procedures followed, the most important of which is transferring them in restraints in a manner that involves cruelty and humiliation and causes pain to persons suffering from chest diseases or spinal problems; moreover, the method of restraint (according to the degree of dangerousness) exposes them to bruising as a result of the movement of the vehicle (the "cell"), its sudden stops or its passing over speed bumps; (f) the continued suffering of inmates from not being provided with potable water, such that they are compelled to purchase it at their own expense, the inadequacy of the breakfast and dinner meals provided to them, the acute shortage of blankets and heating in winter in some prisons, and the unavailability of hot water for bathing in winter; (g) the continued suffering of prisoners from the problem of transfer to hospitals and courts, as well as missed trial hearings, either because of the late arrival of notification memoranda or because they are not sent at the time those hearings are held owing to the large number of inmates in the prison vehicle who are distributed to different courts and various hospitals; (h) continued overcrowding in some centres, such as the Juweideh/Men Correction and Rehabilitation Centre and the Birein Correction and Rehabilitation Centre, notwithstanding the construction of new centres, and the failure to adopt a considered criterion for determining the capacity of Correction and Rehabilitation Centres that takes into account the total area of the prison and the area allocated to service facilities and to the sleeping quarters of each inmate, which has led to the spread of the phenomena of "selling the right to use equipment", "selling services" and "bribery among prisoners", and to the spread of narcotic pills and violence among prisoners; (i) limited judicial oversight of prisons, which was confined to only (63) visits; (j) the rise in the rate of recidivism to (33%) among men and women, and the unavailability of accurate statistics showing the types of crimes, age group, geographical region and the causes of recidivism; (k) the

²³ The poor infrastructure of this centre, the overcrowding of inmates and the low level of services constitute a flagrant violation of international human rights law, which requires urgent measures to be taken to remedy the situation of this centre.

failure to actually apply the system of classification of Correction and Rehabilitation Centres and of inmates so as to guarantee the achievement of the objective of correction and rehabilitation and the inmates' enjoyment of their guaranteed rights; (1) the lengthy periods of judicial detention, and the decrease in the number of persons judicially detained during 2010 to (23,502) as compared with (29,547) persons judicially detained during 2009, noting that among the detainees there are persons who have been detained for a period exceeding seven months without being served with an indictment or brought to trial. The Centre also recorded the occurrence of (422) strikes during 2010, as compared with (606) strikes in 2009, distributed among Correction and Rehabilitation Centres as shown in Table No. (5). Although the frequency of these strikes declined from the previous year, the continued occurrence of such cases is an indicator of the problems from which inmates still suffer. As regards deaths inside Correction and Rehabilitation Centres, the Centre recorded (17) deaths in 2010, including two suicides, as compared with (18) deaths in 2009 and (24) deaths in 2008. Although (15) deaths were considered natural in the light of the forensic medical reports and the decisions of the investigation committees formed, the death of one inmate remains under investigation by the civil Public Prosecutor. The Centre stresses 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, and the necessity of dealing seriously with the inmate's health condition in terms of providing him with emergency care in the required manner and in a timely fashion, and of dealing with greater attention with inmates suffering from serious illnesses, elderly inmates, and those with a medical history.

Table No. (4): Number of Strikes in Correction and Rehabilitation Centres during the Years 2009–2010

Prison	2009	2010
Swaqa Prison	51	74
Juweideh Men's Prison	114	82
Qafqafa Prison	80	24
Birein Prison	51	47
Muwaqqar 1 Prison	73	23
Karak Prison	19	2
Ma'an Prison	82	21
Aqaba Prison	20	3
Balqa Prison	67	49
Umm Al-Lulu	2	12
Juweideh Women's Prison	30	6
Muwaqqar 2 Prison	17	49
Rmeimin Prison	-	30

19. In the area of excessive use of force and exaggeration in raids and arrests, during 2010 the Centre received (10) reports relating to the forcible storming of homes and the terrorising of children and residents in a number of areas of the Kingdom when arresting persons wanted in security cases and, specifically, narcotics cases, as well as in some cases of major theft, embezzlement and fraud, in addition to the cases that occurred during the arrest of a number of suspects in the course of security campaigns in the governorates of the Capital, Jerash, Irbid and Zarqa. Disproportionate force was also used by the Gendarmerie forces, particularly in dispersing

tribal protests in the governorates of Balqa, Jerash, Karak, Irbid, Ma'an and the Capital, the Centre having received (23) reports and complaints relating to this matter, which centred on the Gendarmerie forces' use of batons and tear gas, in addition to insulting individuals and kicking them with boots, resulting in injuries to a number of citizens, as occurred inside Al-Hussein Government Hospital during the events in the city of Salt, and in breaking up clashes arising from sports matches and dispersing the tribal protests that followed the announcement of the results of the legislative elections.

20. The Centre also observed the spread of the phenomenon of societal violence, which has come to threaten the right to liberty and security of person. The media were filled daily with documented reports of murder, robbery and physical assault, in addition to university brawls and assaults on medical staff, teachers, media professionals and other social groups while performing their work. Among the most prominent regrettable incidents observed by the Centre during 2010 was the killing by a university student of a fellow student inside the campus of one of the public universities, which resulted in a tribal brawl that spread to affect the entire governorate. A tribal brawl also took place in the villages of Imra' and Faqu' in Karak Governorate on election day, resulting in one citizen being injured by gunfire and the death of a female citizen. The Centre affirms that this phenomenon has spread remarkably during the past three years, and considers that its causes are attributable to the spread of poverty and unemployment, the deterioration of the economic situation, the lack of equal opportunities, family breakdown, the absence of a regulating value system in society, the weakness of religious restraint, and the absence among individuals of the concept of a culture of the rule of law and of the role of institutions in obtaining rights and resolving problems.

The Right to the Administration of Justice

21. The judiciary is the first and last line of defence of people's rights and freedoms, and it has the greatest role in spreading and instilling a sense of reassurance and security among individuals and groups and in protecting public and private property. The independence and integrity of the judicial authority have become among the most important criteria by which the degree of development and progress of States and societies is measured. Accordingly, attention to the judiciary is an indispensable necessity at all times and in all circumstances, in order to protect human rights and freedoms and to prevent encroachment upon them by any party whatsoever. Article (27) of the Jordanian Constitution provides that the judicial authority shall be exercised by the courts of law in their varying types and degrees, and that all judgments shall be rendered in accordance with the law in the name of the King, and Article (97) provides that judges are independent and that, in the exercise of their judicial functions, they are subject to no authority other than that of the law.

22. Among the positive developments relating to the judiciary during 2010 were: the increase in the number of judges, which reached (798) judges by the end of 2010; the establishment of a social solidarity fund for judges and employees of the Ministry of Justice; and the adoption of the Jordanian Judiciary Development Strategy for the years 2010 to 2012, the most prominent pillars of which are strengthening the independence and integrity of the judiciary, enhancing institutional efficiency, attracting distinguished human resources, and developing court services and infrastructure with the aim of increasing the effectiveness of court services and shortening the

duration of litigation procedures through the computerisation of courts and linkage with the bodies concerned with judicial work and court services, and developing civil and criminal enforcement, notary public work procedures and support operations.

23. Notwithstanding these positive developments, the Centre observed certain obstacles, the most prominent of which are: (a) civilians continue to be tried before the special court, the “State Security Court”, whose judges are predominantly military in character, which undermines the principle of the independence of the judiciary and detracts from the guarantees of a fair trial. Moreover, the continued application of the State Security Court Law constitutes an encroachment upon the jurisdiction of the regular judiciary, which holds general jurisdiction, particularly in the light of the expansion of that Court’s jurisdiction through the inclusion of numerous crimes that were originally subject to the jurisdiction of the regular courts and their transfer to the State Security Court. (b) Litigation before the High Court of Justice remains of a single degree, which detracts from the guarantees of a fair trial. (c) The issuance of 48 temporary laws during 2010, a number of which concerned the laws regulating the right to litigation and the judicial authority. A number of judges considered that certain provisions of these laws infringe upon the independence of the judicial authority and raised numerous questions as to their constitutionality, which led to strong objections on their part to the powers granted to the Minister of Justice in this regard, not to mention that these laws did not satisfy the two conditions of necessity and urgency stipulated in Article 94 of the Constitution as a justification for the issuance of temporary laws.

24. The Temporary Public Prosecution Law No. 11 of 2010 also detracted from the independence of the Public Prosecution when it reaffirmed the provision of the Judicial Independence Law that members of the Public Prosecution are to be appointed upon the recommendation of the Minister of Justice. The Law also granted the Minister of Justice absolute power to appoint assistant public prosecutors without reference to the Judicial Council, pursuant to Article (19/a) thereof. Going further in encroaching upon the independence of the judicial authority,²⁴ the Law expanded the Minister’s powers by granting him authority to interfere in the judicial work of the Public Prosecution, when it provided that all members of the Public Prosecution and persons performing its functions before the regular courts are bound, in their written transactions and requests, to follow the written orders issued to them by their superiors or by the Minister in their administrative affairs and in the institution and pursuit of proceedings (Article 5/c).²⁵

25. Likewise, the Temporary Judicial Independence Law No. (21) of 2010 retained the provisions that infringe upon the independence of the Judicial Council, specifically with regard to: (a) the mechanism for appointing judges, in that the Law made the appointment of judges conditional upon the recommendation of the Minister of Justice, such that the Minister’s refraining from making a recommendation prevents the Judicial Council from supplying the judiciary with new judges who would contribute to relieving the pressure on the courts and filling the shortage in the number of judges, not to mention the personal factors and external influences that may interfere in the Minister’s recommendations. (b) Furthermore, the provisions of this Law permit the Judicial

²⁴ Article 38/a/3 of the Temporary Public Prosecution Law.

²⁵ Noting that the Judicial Independence Law had provided for the repeal of Article (11) of the Criminal Procedure Code, which had confined the Minister’s powers to the administrative work of the Public Prosecution, to the exclusion of its judicial work.

Council to place any judge on leave of absence or to terminate his service without stating reasons, which constitutes a clear violation of human rights and a threat to the independence of the judge and to his sense of job security; this requires the establishment of controls and convincing justifications for terminating a judge's service or placing him on leave of absence, such as inspection reports, the giving of reasons for the decision, or adherence to the principle of graduated sanctions. (c) In addition, the Temporary Law included among its amendments provisions attaching the Judicial Inspection Department to the Minister of Justice, after it had been subordinate to the Judicial Council, and subjected a judge who is to be promoted from the fourth grade to the third grade to a personal interview to determine his eligibility for promotion, which may open the door wide to subjective judgements, noting that a judge is subject in advance to a competitive examination and his academic competence is verified upon appointment, quite apart from the fact that a judge is not confirmed in judicial service until three years have elapsed, on the basis of judicial inspection reports and by a decision of the Judicial Council, and that a judge is subject throughout his period of service to the oversight of the judicial inspection and is not promoted unless he obtains reports confirming his competence. (d) The Law lowered the age of a judge upon appointment from 27 years to 25 years, which is inconsistent with the appointment of judges who are expected to possess intellectual and academic maturity and accumulated experience qualifying them to adjudicate disputes that may often be of considerable gravity and affect the rights of the litigating parties, noting that best practices in many States in this field require a much higher age than this.

26. As for the Temporary State Cases Administration Law No. 14 of 2010, one of the most important justifying reasons for its enactment is the impermissibility of a judge combining two functions, namely judicial work and the defence of the Public Treasury, since in that case he becomes a representative of the adversary. However, the Law gave the Minister of Justice the power to recommend to the Judicial Council the secondment of judges to work as attorneys for the administration of State cases, pursuant to Article 17/b of the Law. It also granted the President of the Public Prosecution the power to designate any member of the Public Prosecution to represent the State's cases within their places of work, in addition to the functions entrusted to them, pursuant to Article (4/b), which brings us back to the principle of the impermissibility of combining the judiciary with the representation of litigants. It should be noted that, since the issuance of this Law, all the work of State cases administration has been performed by seconded judges, which constitutes a flagrant contravention of the justifying reasons that prompted the enactment of this Law.

27. Notwithstanding the Centre's repeated recommendations to reduce the costs of litigation, in line with the established principle that one of the most important duties of the State is the attainment of justice and that the basic rule is that the State provides justice free of charge, 2010 witnessed an increase in the fees for lawyers' powers of attorney pursuant to Article 9 of the Amending Regulation of the Fees, Stamps and Pleadings Regulation of 2010, which may constitute an additional burden on litigants and limit citizens' recourse to the courts, these amendments having raised the value of the fees more than threefold. This came as a continuation of the same approach adopted in 2008, represented by the imposition of exorbitant fees on citizens pursuant to the Amending Regulation of the Court Fees Regulation No. 108 of 2008. There was also a failure to introduce amendments to the legal system that would ensure the speedy disposal of cases through the introduction of rules setting the time frame for trial procedures. This problem

emerged during 2010 in what are known as the “foreign stock exchange cases”, in which citizens complained of the lengthy duration of litigation and the ill-treatment they encountered when they reported to the Prosecution of the State Security Court, which is examining this case, according to the complaints received by the Centre. It is worth noting that during 2010 the Centre received (119) complaints and (12) requests for assistance in the area of the administration of justice.

28. Among the matters that adversely affect the right to the administration of justice is the continued application of certain legislation containing provisions that detract from human rights and conflict with the provisions of the Constitution and the general principles of the administration of justice,²⁶ such as the Economic Crimes Law No. 11 of 1993, which granted the Prime Minister the power to refer any of the crimes stipulated therein to the State Security Court. The possibility of using the provisions of this Law to infringe upon human rights was confirmed in what became known as the “Refinery Case”: after the regular judiciary had assumed the examination of the merits of this case, the Prime Minister intervened and referred the case to the State Security Court, which is considered a weakening and marginalisation of the civil judiciary, which holds general jurisdiction.

29. The Centre regrets that no new development took place in the field of juvenile justice during 2010, despite the Centre’s repeated calls and numerous recommendations in this field; the challenges have remained unchanged, particularly at the legislative level. The Centre reiterates the necessity of adopting its previous recommendations contained in its annual reports in past years. It is worth mentioning that the Government is working on preparing a draft new Juveniles Law, the most important features of which are the following: (a) raising the age of criminal responsibility to (12) years; (b) implementing non-custodial measures focusing on the rehabilitation of the juvenile within the community rather than his exclusion; (c) moving towards specialisation in dealing with juvenile delinquents through the creation of a specialised juvenile police and the activation of juvenile courts and their establishment in all governorates of the Kingdom; (d) the Law’s adoption of a sentence enforcement judge; (e) activating the role of civil society organisations in participating in the implementation of the policy of community measures; (f) providing for the right to mandatory legal aid for delinquent children, whereas this right had previously been optional.

30. As for the religious courts, the challenges mentioned by the Centre in its previous reports have, most regrettably, remained unchanged, and nothing new arose in their regard during 2010, with the exception of the adoption of the Temporary Personal Status Law No. (36) of 2010. Although the Centre has reservations about this Law in principle, being a temporary law, it has kept pace with contemporary developments and with the social developments that have taken place in Jordanian society after 34 years of applying the previous law. The Law enjoyed national consensus on its final wording following numerous dialogues that enriched its provisions by religious, human rights, party and professional association bodies and institutions and by specialists in jurisprudence and law. Nevertheless, the Centre records a number of observations on this Law, the most prominent of which are: the failure to require, for capacity to marry, that

²⁶ There are many laws containing provisions that conflict with the human rights conventions ratified by Jordan, including, in addition to the Economic Crimes Law mentioned above, the Protection of State Funds Law No. 20 of 1966, the Crime Prevention Law, the Prevention of Terrorism Law and the Customs Law No. 32 of 1998.

each of the fiancé and the fiancée shall have completed eighteen years of age; the provisions relating to the marriage of a previously married woman (thayyib) with respect to the dower and its equation with the customary dower (mahr al-mithl), in order to preserve her rights and so that the previously married woman is not exposed to exploitation; the matter of the dwelling owned jointly by the spouses; raising the age of custody for both males and females to eighteen years in conformity with the Convention on the Rights of the Child; and the failure to treat the children of a daughter equally with the children of a son with respect to the obligatory bequest, in conformity with the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, both of which Jordan has ratified. Accordingly, the Centre recommends that Parliament adopt its recommendations when examining this Law.

The Right to Nationality, Residence and Asylum

31. Nationality is one of the most important elements of the legal personality that every human being must enjoy. In affirmation of the importance of this right, more than one international instrument has addressed it: Article (15) of the Universal Declaration of Human Rights provides that “Everyone has the right to a nationality. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.” Article 16 of the International Covenant on Civil and Political Rights likewise provides that everyone shall have the right to recognition everywhere as a person before the law. The Constitution affirmed the right to nationality in Article (5) thereof, which is the first Article dealing with the rights and duties of Jordanians, embodying the fact that this right constitutes the essence of human rights. In implementation of the text of the Constitution, the Nationality Law No. (6) of 1954 was issued, which set out the conditions for the acquisition of original nationality, nationality by dependency and naturalisation, and other matters relating to nationality. The Centre once again affirms that the Nationality Law has come to require amendment in order to be consistent with the relevant international standards, particularly since Jordan has accepted many of them and more than five decades have elapsed since its enactment, and in order to keep pace with the changes imposed by the developments that Jordanian society has undergone.

32. The practical and applied reality of the exercise of the right to nationality during 2010 also indicates that it underwent no change or positive progress, and this right continues to face numerous challenges that infringe upon it, which were emphasised in the Centre’s report for 2009. In view of their importance and their serious impact on human rights, the Centre reiterates them, namely: (a) the continued adoption by official bodies of a reading that runs counter to the text and essence of the Nationality Law of 1954, as these bodies discriminate between Jordanian men and women with regard to the right to transmit nationality to their children, on the basis of Article (3/3) of the Law, notwithstanding that Article (9) of the same Law affirms that “the children of a Jordanian are Jordanians wherever they are born”, and notwithstanding that the interpretation of the latter text in accordance with the recognised rules of interpretation indicates that “Jordanian” includes both male and female, and consequently the children of a Jordanian mother are entitled to enjoy Jordanian nationality. (b) Although the Constitution provides that Jordanian nationality shall be defined by law and may not be withdrawn except by virtue of law, nationality and identity documents (passports, civil status identity cards, national numbers, residence documents and driving licences) continue to be withdrawn by the competent authorities on the basis of vague

interpretations of the Instructions on the 1988 Decision on Administrative and Legal Disengagement from the West Bank and on the basis of new, unwritten conditions lacking a clear legal basis, which constitutes a contravention of the constitutional text,²⁷ specifically Article (5) of the Constitution, which provides that “Jordanian nationality shall be defined by law”. As is known, the Nationality Law No. (6) of 1954 contains no provision permitting the withdrawal or loss of nationality other than what is provided for in Article (18) thereof,²⁸ in addition to the international human rights standards as set out in the covenants and charters ratified by Jordan.

33. The Centre points out that cases of withdrawal of nationality from citizens of Palestinian origin on the basis of the Disengagement Instructions take place at the crossing points to the West Bank, or when they report to the Civil Status and Passports Department or the Follow-up and Inspection Department, on the basis of personal discretion and vague and ambiguous interpretations involving an expansive interpretation of Article (2) of the Disengagement Instructions, which provides that “every person residing in the West Bank before 31/7/1988 shall be considered a Palestinian citizen and not a Jordanian”, so as to include, in addition, the following categories: every person who has obtained a passport issued by the Palestinian Authority, persons working in its institutions, persons who have obtained family reunification pursuant to the procedures of the Israeli occupation authorities, and persons who were not residing in the East Bank before the issuance of the Disengagement Decision. Since this matter constitutes a clear violation of the right to nationality, not to mention the considerable hardships in daily life it entails for those whose nationality or identity documents have been withdrawn, the Centre considers it necessary to form a high-level, neutral fact-finding committee and to restore Jordanian nationality to all those who have been unjustly deprived of it.

34. Table No. (5) shows the number of complaints relating to nationality received by the Centre during 2010 as compared with previous years, the complainants of which stated that the Civil Status and Passports Department had withdrawn their documents proving Jordanian nationality or replaced them with temporary ones. The Centre addressed the Ministry of Interior in respect of (148) of the complaints it received; however, the Ministry of Interior replied to (35) of the Centre’s letters relating to those complaints, stating that these measures had been taken on the basis of the Instructions for the Implementation of the Decision on Disengagement from the West Bank, without clarifying the grounds for its decision. On the other hand, it restored nationality to the complainant in one complaint.

²⁷ The Disengagement Decision provides that “every person residing in the West Bank before 31/7/1988 shall be considered a Palestinian citizen and not a Jordanian”; Item (3) provides that “the people of the occupied West Bank shall be given temporary passports valid for two years”; and Item (6) provides that “passports issued before 31/7/1988 shall remain valid until their expiry, and their validity shall be amended to two years when their holders apply to the Passports Department to carry out any transaction on the passport, of whatever kind”.

²⁸ Article 18 provides: “1. If a person enlists in the military service of a foreign State without obtaining a licence or permission from the Jordanian Council of Ministers and refuses to leave that service when so required by the Government of the Hashemite Kingdom of Jordan, he shall lose his nationality. 2. The Council of Ministers may, with the approval of the King, declare the loss by any Jordanian of his Jordanian nationality if he: a. enlists in the civil service of another State and refuses to leave that service when so required by the Government of the Hashemite Kingdom of Jordan; b. enlists in the service of an enemy State; c. commits or attempts to commit an act deemed to endanger the security and safety of the State.”

Table No. (5): Number of Nationality Complaints Submitted to the Centre

Year	Number of Complaints
2010	148
2009	38
2008	64
2007	30

35. As regards **the right to freedom of movement and residence**, the Centre likewise did not record any new development in this field during 2010, and the challenges mentioned by the Centre in its previous reports remained unchanged, particularly at the legislative and practical levels. The Centre reiterates its previous recommendations contained in its annual reports in past years. It is worth mentioning that in 2010 the Centre received (67) complaints relating to movement and residence, as compared with (101) complaints in 2009, (89) complaints in 2008 and (166) in 2007, as shown in Table No. (6). Most of these complaints relate to the withholding of foreigners' passports by employers, which impedes their freedom of movement, in addition to the issuance of deportation decisions against foreigners married to Jordanian women without regard to their social and family circumstances.

Table No. (6): Number of Complaints Relating to the Right to Residence and Movement

Year	Number of Complaints
2007	166
2008	89
2009	101
2010	67

36. With regard to **the right to asylum**, there was likewise no change in Jordan's position on ratifying the 1951 United Nations Convention relating to the Status of Refugees and its Protocol issued in 1966, and no national asylum law has been adopted as the Centre recommended. Nor did the practical reality of Iraqi refugees witness any change during 2010, except for the relative improvement in their sense of not fearing deportation from Jordanian territory or imprisonment, the Government having issued on 16/12/2009 a decision permitting Iraqis to work in the professions open to non-Jordanians, which is considered an important step towards guaranteeing refugees' right to work, in addition to the issuance of a decision permitting Iraqis residing in Jordan to obtain a visa before leaving Jordan should they wish to visit Iraq and return to Jordan. A decision was also issued on 20/12/2009 providing that the Sharia judge shall not refer the papers of a divorced foreign woman to the Ministry of Interior for the cancellation of her residence.

37. It is worth noting that during 2010 the Centre continued, with the support of the United Nations High Commissioner for Refugees (UNHCR), to carry out its role in building the capacities of personnel in official institutions in the field of refugee issues and human rights, which constitutes a model of national cooperation among all the parties concerned. Table No. (7) shows the number of applications for resettlement in a third country submitted by refugees, which indicates a relative decline in the numbers of applicants and of those resettled. This may be attributable to the lengthy period required for refugee status determination, which in many cases exceeds the six-month period specified in the Memorandum of Understanding signed between UNHCR and the

Jordanian Government,²⁹ which makes registration with UNHCR an unattractive option for some Iraqis.

Table No. (7): Comparison of Resettlement Applications Submitted by Iraqi Refugees

Year	2009	2010
Resettlement applications	8529	5057
Actual resettlement	4852	3350
Percentage	56.9%	66.2%

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

38. Both the Constitution³⁰ and international instruments³¹ have affirmed the right to vote as the fundamental democratic tool for political participation and the management of public affairs. Since the founding of the State, numerous laws regulating the electoral process in the Kingdom have been issued, the most recent of which is the Temporary Election Law for the House of Representatives No. (9) of 2010. From its outset, 2010 witnessed great interest in amending the Election Law and in preparing for the holding of elections, in implementation of His Majesty the King's directives to the Government to hold elections characterised by integrity, impartiality and transparency. Proceeding from the Royal Letter of Designation, the Centre devoted most of its time to working towards the production of an advanced law characterised by credibility and fairness, and to monitoring the parliamentary elections in order to ensure integrity and transparency.

39. The Centre followed with great interest the atmosphere that preceded the issuance of the Temporary Election Law of 2010, the dialogues conducted by civil society institutions and political parties, and the efforts made by the Government, up to the issuance of the Royal Decree approving it. It is observed that the Government did not conduct any dialogue with civil society institutions, researchers and academics, including the National Coalition led by the Centre and composed of some 200 civil society institutions, nor did it adopt the proposals and

²⁹ See Item Five of the 1997 Memorandum of Understanding between the Jordanian Government and the United Nations High Commissioner for Refugees, published in the book *Training Programme on Refugee Issues and Human Rights*, the National Centre for Human Rights, 2007, p. 90.

³⁰ As provided for in Article (67) of the Jordanian Constitution, which states: "The House of Representatives shall consist of members elected by a general, secret and direct ballot in accordance with an Election Law which shall ensure the following principles: 1. The integrity of the elections. 2. The right of candidates to monitor the electoral proceedings. 3. The punishment of those who tamper with the will of the voters."

³¹ As provided for in Article (21) of the Universal Declaration of Human Rights, which states: "1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. 2. Everyone has the right of equal access to public service in his country. 3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures." Article (25) of the International Covenant on Civil and Political Rights provides that: "Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; (c) To have access, on general terms of equality, to public service in his country."

recommendations put forward by the Coalition, which would have developed political life, broadened the base of popular participation in elections and improved the procedures of the electoral process.

40. Notwithstanding the importance of the Election Law in regulating political life in the Kingdom, for the sixth consecutive time since the resumption of parliamentary life in Jordan in 1989, parliamentary elections have been held under a temporary law, which is inconsistent with the spirit of the Jordanian Constitution, which made the “permanent” law issued by the legislative authority the rule, whereas temporary laws are the exception. The Centre also recorded a number of observations on the Temporary Election Law, the most important of which were: (a) the failure to achieve fairness and equality in the weight of the vote through the division of electoral districts into electoral, sub- and virtual districts that did not take into account the guarantee of relative equality among them in terms of population, geographical area or developmental dimension; (b) the division of districts, including sub-districts, by virtue of a regulation issued by the executive authority, whereas the basic rule is that districts should be divided by the law itself, as was previously the case; (c) the failure to achieve equality among female candidates in the various districts electoral districts, since the ranking among them to determine the winners was calculated on the basis of the number of votes obtained by the candidate divided by the number of voters in the sub-district, and not by the number of voters in the governorate, in order to achieve justice and equality among them, particularly as the allocation of seats to women was made on the basis of the number of governorates and not the number of sub-districts; this was done to ensure the consistency of this provision with Paragraph (e) of Article 42 of the Law, which provides that, should a seat allocated to women in the House of Representatives become vacant, it shall be filled by holding a by-election at the level of the electoral district and not of the sub-district. In addition, Item 1 of Paragraph (b) of Article 42 is ambiguous, as it provides that “... the number of women winning the seats allocated to women under the provisions of this Article shall not exceed one winner in each governorate and in any of the closed Badia electoral districts”, which implies that the number of seats allocated to women amounts to (15) seats and not the number of governorates, which is twelve. (d) The Law did not provide for the preparation of voter lists for each sub-district, which made it difficult for voters and candidates to examine those lists and is inconsistent with their right to verify their accuracy and to object to them, particularly since the period granted for objections is (7) days, which is insufficient in view of the size of the voter lists and the names they contain. (e) No independent and permanent national supreme commission enjoying neutrality and competence was established to supervise the stages of the electoral process, headed by an eminent public figure or a judicial figure known for independence and impartiality. (f) The new mechanism adopted by the Law for voting by illiterate persons does not achieve its intended purpose, namely the realisation of the principle of the secrecy of the ballot, and is moreover not free of complexity. (g) The Law did not address the cessation of electoral campaigning and publicity a sufficient time before polling day, nor did it include provisions on equality among candidates in the use of the media for sufficient and equal periods; nor did the Law set a ceiling on expenditure on electoral publicity. (h) The Law granted the Minister of the Interior broad discretionary powers over substantive aspects relating to the integrity and transparency of the elections, particularly with regard to the shape and specifications of the ballot box, the mechanisms and procedures adopted to prevent multiple voting, and the form and content of the ballot paper, whereas the principle is that these matters should be provided for in the Law itself.

41. The parliamentary elections were held on 9/11/2010 under the provisions of Provisional Law No. (9) of 2010. The Centre formed a national election monitoring team, in which representatives of civil society institutions and Jordanian human rights organisations participated, numbering (1260) monitors. On 26/12/2010, the Centre issued its report on monitoring the conduct of the electoral process and the findings of the monitoring exercise. The most prominent observations reached by the report were the following:³² (a) The widespread phenomenon of the use of money to buy votes and of citizens voting openly, whether literate or illiterate, in a number of electoral districts, which had a clear negative impact on the will of the voters and on the integrity and credibility of the electoral process, and breached the principle of the secrecy of the ballot enshrined in the Constitution, without the Government taking the measures necessary to put an end to these abuses, which aggravated the problem of widespread vote-buying. (b) The failure of the electoral administration to review and clean up the voter lists of its own motion in accordance with Article (5/a/1) of the Provisional Election Law of 2010. (c) The delay of the electoral administration in publishing the preliminary and final voter lists electronically, and the failure to include in the final voter lists all the names of those entitled to vote, as persons who had been transferred to new electoral districts by virtue of decisions issued by the Civil Status and Passports Department and the competent courts were excluded; most of these persons had not visited the Civil Status Department to obtain a personal status card showing the new electoral district. (d) The failure of the electoral administration to disclose the names of the candidates of the sub-districts on an ongoing basis. (e) The failure of the electoral administration to stop and prevent the candidates' electoral publicity campaigns outside the periods specified by the Law for such publicity. (f) The unpreparedness of the majority of voter registration centres and polling and counting centres to receive persons with disabilities, older persons and the sick. (g) The failure of the polling and counting committees to adhere to all the instructions issued by the Ministry of the Interior, and the clear disparity in their application, in addition to the fact that certain technical aspects of the electoral process were not covered by the instructions, which opened the door to discretionary interpretations by the electoral committees and gave rise to public doubt about the integrity of the electoral process. (h) The conspicuous presence of security personnel alongside a large number of electoral committees throughout all the procedures followed on polling day, which is inconsistent with the presumed neutrality of the executive authority supervising the elections. (i) The delay in the arrival of the results of a number of ballot boxes in sensitive and tense areas at the tabulation centres, and the weak transparency in calculating turnout rates and in the tallying of votes resulting from the vote-tabulation process, in a manner that made them difficult to verify.

42. On the other hand, the Centre noted that the Ministry of the Interior organised and facilitated the electoral process, particularly with regard to procedural aspects, such as: (a) the electronic publication of voter lists; (b) the use of modern technology and electronic networking in organising and conducting the electoral process; (c) allowing local and international observers to monitor the electoral process; and (d) providing an appropriate security environment for voters to reach the polling centres.

³² For further details, see the Centre's report on monitoring the conduct of the 2010 electoral process, available on the Centre's website: www.nchr.org.jo

43. Consequently, the Centre reaffirms what it stated in its report on the parliamentary elections, namely that most of the procedures governing the 2010 electoral process generally met the legal requirements set out in the Election Law, which lent the technical aspects of the management of the electoral process an acceptable degree of credibility and transparency. However, the Centre considers that the electoral administration committed certain violations that undermined this credibility and transparency, in addition to the contribution of the provisions of the Law to weakening the representation of political and popular forces and spectrums in Parliament and to limiting the fairness and transparency of the elections. The Centre affirms that democratic elections are deemed free if they are based on the rule of a just law, fair competition, respect for the rights and fundamental freedoms of citizens, and the guarantee of effective judicial remedies at all their stages. Elections are deemed fair if they are conducted under a just and effective electoral law, if the committees supervising them adhere to credibility and complete impartiality in their management and to transparency in voter registration, vote counting and the announcement of results, and if their results gain the acceptance of the majority of voters. The Centre also reiterates all the recommendations set out in its report on the parliamentary elections issued on 26/12/2010, and recommends that the Government and Parliament reconsider the Election Law, study the shortcomings identified in the Centre's report and elsewhere, and work to close the loopholes therein.

44. With regard to the **legislative performance of Parliament**, the House of Representatives held (6) sessions during 2010 after the issuance of the Royal Decree convening Parliament in its ordinary session as of Sunday, 28/11/2010, pursuant to Article 78 of the Jordanian Constitution.³³ At the first session, the Speaker of the House and the members of the Permanent Office were elected. The Centre considers that the election of the Speaker by acclamation detracts from the principle of competition, which constitutes the cornerstone of democracy, particularly as many deputies had repeatedly announced their wish to run for the post. Subsequently, the members of the standing committees were selected and elected: the members of six committees were selected by consensus, while the members of eight committees were elected. It was noted in this regard that one of the partisan parliamentary blocs was excluded from membership of these committees, from which it may be inferred that there was a determination to prevent the deputies of that party from being active or influential among their fellow deputies. Furthermore, the Government submitted its plan and programme of work to implement and give effect to the contents of the Speech from the Throne. The House discussed this plan over five days (19-23/12/2010), after which a vote of confidence was held in which the Government obtained the confidence of (111) deputies, as against 8 deputies who withheld their confidence. This unprecedented vote of confidence subsequently gave rise to a state of popular dissatisfaction, particularly as the deputies' speeches during the debate on the Government's programme contained criticism of the Government's policies and programme. The Government also referred to Parliament (48)

³³ Article 78/1 of the Constitution provides: "The King shall convene Parliament to meet in its ordinary session on the first day of October of each year; if that day is an official holiday, then on the first following day that is not an official holiday. However, the King may, by a Royal Decree published in the Official Gazette, postpone the meeting of Parliament to a date specified in the Royal Decree, provided that the period of postponement does not exceed two months."

provisional laws issued during the period of Parliament's absence, and the House approved their referral to its various committees.³⁴

45. During 2010, Parliament adopted the Owners and Tenants Law submitted by the Government as a matter of urgency, under which the expiry of lease contracts that had entered into force on or before 31/12/1974 was postponed from 31/12/2010 to 31/12/2011. This may well amount to no more than a deferral of the problem without any attempt to find a radical solution to it.

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

46. The Constitution, in Article (15) thereof, guarantees freedom of opinion and expression and freedom of the press and the media, and obliges the State, through its various authorities, to take positive action and to refrain from negative acts that would detract from these freedoms. International instruments likewise guarantee freedom of the media as a fundamental human right and the touchstone of all the freedoms to which the United Nations is consecrated.³⁵ The International Covenant on Civil and Political Rights (ICCPR) contains an explicit provision on the right to freedom of opinion and expression, freedom of the press and the media, and the circulation of information.³⁶ On this basis, the Centre followed up on the developments affecting the right to freedom of opinion, expression and the media, and the extent to which this right is respected in accordance with the Constitution and international standards.

47. At the legislative level, 2010 witnessed an important amendment to the Press and Publications Law,³⁷ consisting of the establishment of a specialised judicial chamber for press and publications cases at each Court of First Instance and at the Court of Appeal, and the designation of the Amman Court of First Instance as the court competent to hear offences against the internal and external security of the State provided for in the Penal Code where committed by means of a publication or a licensed audiovisual media outlet. In addition, press and publications cases were accorded urgent status, requiring that they be decided within one month of their receipt by the registry of the court, whether the Court of First Instance or the Court of Appeal, and that the Public Prosecutor complete the investigation therein within a period of fifteen days. The amendment also expressly provided that detention³⁸ shall not be permitted for such offences, whether committed by a

³⁴ The House referred (10) laws to the Legal Committee, (15) laws to the Financial and Economic Committee, (5) laws to the Education, Culture and Youth Committee, (5) laws to the Energy and Mineral Resources Committee, (5) laws to the Public Services and Tourism Committee, (3) to the Administrative Committee, one law to the National Guidance Committee, two laws to the Financial Committee and the Labour Committee, and one law to the Financial Committee and the Legal Committee.

³⁵ United Nations General Assembly resolution of 1946 states that "freedom of information is a fundamental human right and is the touchstone of all the freedoms to which the United Nations is consecrated". The Universal Declaration of Human Rights of 1948, in Article (19), and the International Covenant on Civil and Political Rights addressed this freedom in detail in terms of its concept and limitations. The Johannesburg Principles also set out the exceptions to freedom of information.

³⁶ Article 19 of the International Covenant on Civil and Political Rights.

³⁷ Published in Official Gazette issue No. 5022 dated 1/4/2010, page 184.

³⁸ Paragraph (h), Items 1-2 of the Law Amending the Press and Publications Law No. 5 of 2010 provides: "No detention shall be permitted as a result of expressing an opinion by speech, writing or other means of expression." Paragraph 2 of the same Article further provides: "Nor shall detention be permitted for the offences referred to in Paragraphs (a) and (b) of this Article."

journalist or by a citizen.³⁹ While these amendments meet some of the requirements for raising the ceiling of media freedom, certain provisions of the Press and Publications Law still contain vague and ambiguous wording in defining criminalised acts through the use of general and broad terms, in addition to the Law's imposition of high fines, some of which reach twenty thousand dinars. There also remain several laws related to media work that require fundamental amendments in line with the constitutional rights guaranteeing freedom of opinion and expression and also in line with international human rights standards, foremost among them the Penal Code, which contains custodial penalties (imprisonment) for certain press and publications cases. In 2010, two amendments were made to Article (191) concerning an increase in the fine for defamation of a public official while retaining the penalty of imprisonment, despite its abolition for insult of private individuals under Article (359), although the global trend is to abolish custodial penalties in cases of defamation of public officials, since it is impermissible to enact legal provisions prohibiting the defamation or criticism of institutions and imposing severe criminal penalties therefor, as this would tend to restrict the right to debate public policies. This is also contrary to international standards, which regard criminal defamation laws as unjustified restrictions on freedom of expression. It is further noted that the fines in libel cases have been increased and are paid to the Treasury rather than to the injured party. There are also certain other laws that need to be reviewed, including those laws⁴⁰ that oblige journalists against whom lawsuits are brought to pay the amount of civil compensation to the complainant ("the injured party") without instalments, failing which the debtor is exposed to imprisonment orders.

48. At the beginning of August 2010, the Government also issued a draft Information Systems Crimes Law, which met with objections from media professionals, electronic news websites and civil society institutions. On 11/8/2010, the Centre issued a statement announcing its position on the said Law,⁴¹ in which it explained that the Law infringes personal freedoms in Article Seven thereof, in that it authorises judicial police officers to enter and search any place on mere suspicion, and to examine private correspondence and communications and violate their confidentiality, despite the Constitution's guarantee of this right in Article (18) thereof, in addition to granting the judicial police broad and vague powers on mere suspicion. The draft also infringed freedom of opinion and expression guaranteed by the Constitution in Article 15, in that Article 8 provided that "anyone who intentionally sends or publishes data or information via the information network or any information system involving defamation, libel or contempt of any person shall be punished by a fine of not less than (100) one hundred dinars and not more than (2000) two thousand dinars", which entails restricting public freedoms in general and the freedoms of Internet users in Jordan in particular. Furthermore, the draft Law used vague, broad and elastic expressions that have no specific control or precise criterion, such as "contrary to modesty" and "public order", leaving wide scope for generalisation, discretionary interpretation and arbitrariness. The Centre conducted a dialogue with the Minister of Communications and

³⁹ Notwithstanding the positive nature of this amendment, the Centre considers that the State Security Court Law should also be amended in order to complete the legal framework on this matter in all its aspects.

⁴⁰ See the Execution Law No. 25 of 2007, specifically Article 22/b, which provides that "the creditor may request the imprisonment of his debtor without the need to prove the debtor's solvency in the following cases: 1. Compensation for damages arising from a criminal offence ...".

⁴¹ It should be noted that this Law attracted considerable national and international criticism.

Information Technology and the Official Government Spokesperson on the content of this Law and the provisions that contravene international human rights standards, and freedom of opinion and expression in particular. These dialogues resulted in the amendment of the draft law and its explanatory memorandum and the issuance of Provisional Law No. (30) of 2010.⁴² The Centre appreciates the Government's response to some of the Centre's recommendations and their incorporation into the provisions of the Law; however, the Centre maintains its reservations about this Law as a provisional law, some of whose provisions contain many broad expressions and provisions that leave the door open to interpretations and constructions, such as the expressions "national security", "national economy" and "promoting the following of the ideas of terrorist groups".

49. With regard to the Law on Guaranteeing the Right of Access to Information,⁴³ which requires ministries, departments and public institutions to disclose the information in their possession in accordance with a mechanism specified by the Law, the Centre noted that citizens and journalists continued to complain of the reluctance of ministries and government institutions to provide them with the requested information except to a very limited extent, despite the fact that the Information Council reported that the number of government institutions that had completed the classification of information and archived their files had reached 89 ministries and institutions out of 111. The Centre stresses that the failure to provide information transparently to media professionals and citizens in general creates a state of "mistrust" between government institutions and citizens. The Centre urges anyone whose request for information is not met in accordance with the Law on Guaranteeing the Right of Access to Information to use the means provided to them by this Law to obtain information, including appeal before the High Court of Justice. In this connection, it should be noted that the Law on Guaranteeing the Right of Access to Information was enacted to provide information to citizens in general; however, it may be utilised by journalists who prepare investigative press reports by obtaining documents and information relevant to their investigations. It must be emphasised here that the Press and Publications Law contains specific provisions to assist journalists in performing their duties, by providing for their right to obtain information through obliging all official bodies and public institutions to provide journalists with such information and news with the necessary speed according to the nature of the news and information requested, if it is of an urgent news character, or within a period not exceeding two weeks if it is not of such a character.

50. The Centre calls upon the Government to amend the Law on the Protection of State Secrets and Documents No. (50) of 1971, which classifies information as top secret, secret and restricted and includes various forms of information under each category. This requires review and the adoption of objective, clear and transparent criteria for the classification of documents, taking into account the provisions of the Law on Guaranteeing the Right of Access to Information and the Press and Publications Law, in a manner that ensures facilitated access to information, since the

⁴² Published in Official Gazette No. 5056 dated 16/9/2010.

⁴³ It should be noted that the Centre has recorded a number of shortcomings in the Law since its issuance, the most important of which are: the lack of independence of the Information Council, as most of its members belong to the executive authority, with the exception of the Commissioner of the National Centre for Human Rights; and the absence of a clear mechanism for classifying government documents that may be exempted from disclosure. However, no move to amend this Law was recorded during 2010.

aforementioned Law on the Protection of State Secrets and Documents constitutes one of the obstacles to the implementation of the provisions of the Law on Guaranteeing the Right of Access to Information, in that it makes the secrecy of information the rule and permission to publish it the exception.

51. It should be noted that the Council of the Jordan Press Association approved amendments to the Jordan Press Association Law No. (15) of 1998 designed to keep pace with the developments witnessed in the Jordanian media sector, the most important of which are the expansion of the scope of membership of the Press Association, the direct election of the Deputy Head of the Association by the General Assembly, and the raising of the Association fund's share of the value of advertisements in press institutions to 2%.

52. Furthermore, the Centre distributed 110 questionnaires to media professionals working in daily and weekly newspapers and on news websites with the aim of monitoring the extent to which they were subjected to abuses affecting media freedoms during 2010. A total of (64) questionnaires were completed, representing 4.57% of the total number of journalists working in the Kingdom.⁴⁴ In addition, (10) questionnaires designed for editors-in-chief of daily and weekly newspapers and news websites were distributed with the aim of recording the incidents to which their press institutions were exposed. The results are as shown in Tables No. (8) and (9).⁴⁵ The results of the questionnaires showed the following: (a) No case of killing or abduction of media professionals was recorded, noting that Jordan has never in its history recorded any case of killing of journalists, this being the most important indicator in measuring press freedoms; nor was any violation recorded relating to the total or temporary closure of any newspaper, nor any case of expulsion of foreign correspondents from the Kingdom. (b) Repeated cases were recorded, at varying rates, for certain heavy-weight indicators of abuses affecting press freedoms,⁴⁶ namely: physical harm, administrative detention, outright dismissal from work, temporary suspension from work, trial, prior censorship and subsequent censorship. (c) Repeated cases were recorded for certain medium-weight indicators, namely: threats from an official party, threats from an unofficial party, summons by the security services, and administrative obstacles. (d) Repeated cases in high numbers were recorded for the light-weight indicators, namely: difficulty of access to information, the high cost of continuing work, pressure to promote a particular opinion and lack of openness to other opinions, interference in journalistic work, and bias on the part of the Government in providing news and placing advertisements.

53. It is apparent from the two tables that the greatest obstacle facing the work of media professionals is the difficulty of access to information, as (29) media professionals out of the sample, i.e. (29%), reported that they had experienced difficulty in obtaining information. In addition, (5) media professionals reported that they had been prevented from attending public

⁴⁴ It should be noted that a large number of media professionals in electronic journalism work at the same time for daily and weekly newspapers and completed the questionnaire in their capacity as media professionals of those newspapers; moreover, a number of the newspapers to which the questionnaire was distributed own their own news websites.

⁴⁵ The media professional to whom the questionnaire was distributed was asked whether he or she had personally been subjected to these restrictions during the period from 1/1/2010 to 31/12/2010.

⁴⁶ The classification of indicator weights was adopted as set out in the Press Freedom Index issued by the Higher Media Council for the years 2004-2007, whereby the weight of a light indicator ranges between 2-4, a medium weight between 5-7 and a heavy weight between 8-20. For further details, see www.nchr.org.jo.

meetings and gatherings, which compounds the problem of difficulty of access to information. Furthermore, (3) editors-in-chief, i.e. (30%) of the sample, indicated that their institutions faced difficulties in obtaining information. It may also be noted that the rate of threats from an unofficial party was high compared with threats from an official party and the other indicators, as five media professionals reported having been threatened by an unofficial party, as against (4) who reported having been threatened by an official party; this phenomenon merits study and attention. It is also noted that the principal problem facing press institutions, in the view of the editors-in-chief, is the rising cost of continuing their work due to the rising cost of the raw materials and equipment used in this industry.

Table No. (8): Percentage of violations affecting the freedom of journalists, out of the sample size (100 journalists)

Violations	Frequency	Percentage of sample size
Physical harm	2	3.45
Administrative detention	4	6.90
Threats from an official party	4	6.90
Threats from an unofficial party	5	8.62
Summons by the security services	5	8.62
Prevention from attending public meetings and events	5	8.62
Trial	0	0.00
Suspension from work	2	3.45
Dismissal from work	0	0.00
Arbitrary transfer from one workplace to another	2	3.45
Difficulty of access to information	29	50.00

54. The Centre monitored a number of violations affecting press and media freedom in the Kingdom in 2010 that were published by various newspapers and websites, the most prominent of which were the offensive remarks made by the Minister of Environment against journalists during a workshop held for media professionals in Amman, which led to his resignation. The Council of the Jordan Press Association issued a statement condemning the remarks made by the Minister of Environment against the press and media community, considering what he said to be an affront to the Fourth Estate.⁴⁷ Furthermore, the printing of Al-Majd newspaper at Al-Rai printing presses was stopped as a result of the prior censorship that is still exercised over press publications, and the newspaper was not printed until one of the news items it contained had been deleted.⁴⁸

55. In the area of detention, the Centre received a complaint from a journalist working for Al-Sabeel newspaper concerning his detention on 21/2/2010 for one day at the headquarters of Zarqa Governorate for having photographed scenes of overcrowding in the licensing section of Zarqa Governorate, on the pretext that photography required official authorisation. It also received a

⁴⁷ To view the statement, please visit: <http://www.jpa.jo/arabic>

⁴⁸ A statement was issued by the Editor-in-Chief of Al-Majd newspaper on 11/10/2010, and a copy thereof was provided to the National Centre for Human Rights.

complaint concerning the detention of two journalists and their referral to the Public Prosecutor of the State Security Court on charges of disturbing relations with a foreign State, inciting racial strife, encouraging, by means of speeches, a change of government, and committing acts that would undermine the prestige of the State, on account of statements they had made on satellite channels;⁴⁹ they were released following the Centre's intervention. The Centre also recorded the detention of the Egyptian writer and journalist Abdel Halim Qandil at Amman airport for seven hours by the General Intelligence Directorate (GID) on 15/5/2010 and his being denied entry into the Kingdom, after he had travelled to Jordan to deliver a lecture on the 62nd anniversary of the occupation of Palestine at the invitation of the Jordanian Writers Association.

Table No. (9): Percentage of violations affecting media institutions, out of the sample size (10 editors-in-chief)

Violations	Frequency	Percentage of sample size
Physical harm	1	3.03
Administrative detention	0	0.00
Threats from an official party	1	3.03
Threats from an unofficial party	3	9.09
Summons by the security services	2	6.06
Prevention from attending public meetings and events	1	3.03
Trial	3	9.09
Suspension from work	0	0.00
Prior censorship	1	3.03
Subsequent censorship	2	6.06
Obstruction of distribution	0	0.00
Confiscation of equipment and documents	0	0.00
Pressure by official parties to disclose sources	3	9.09
Administrative obstacles by official parties	2	6.06
Costs of continuing journalistic work	4	12.12
Interference in appointments	0	0.00
Pressure by official parties to suppress other opinions	3	9.09
Difficulty of access to information	3	9.09
Withholding or reduction of advertising by official bodies	3	9.09
Owner's interference in editing media content	1	3.03

56. In the area of interference in journalistic work, the Centre monitored the dismissal of the Editor-in-Chief of the daily newspaper "Al-Ghad" on 17/7/2010 by the newspaper's publisher, which constitutes interference in journalistic work and an infringement of the right to work and freedom of expression. Previously, the newspaper "Al-Arab Al-Yawm" had suspended the writer Muwaffaq Mahadin from writing in the newspaper as a result of pressure exerted on it by security bodies, following the interview conducted with him by Nourmina channel on the Khost bombing,

⁴⁹ See: http://arabia.reporters-sans-frontieres.org/article.php3?id_article=31671

before the newspaper allowed him to write again. The Centre also monitored the discontent of a number of Jordanian journalists during July 2010 at what they described as “overt and covert government pressure that has created new restrictions on the work of the press” in several press articles published by daily newspapers and news websites.

57. In the area of withholding information, the Centre monitored the issuance of a decision by the Attorney General of the State Security Court on 10/3/2010 prohibiting all media outlets from publishing any news or comments relating to the case of the expansion of the oil refinery without prior approval, noting that prohibiting the media from publishing the proceedings of a trial constitutes a clear violation of the provisions of Article 13 of the Law on Guaranteeing the Right of Access to Information and of Article 39 of the Press and Publications Law. In addition, the Government issued a circular blocking websites for public officials during official working hours. The Government justified this, through the Minister of State for Media Affairs and Communication in a press statement on 10/8/2010, by saying that its decision did not target websites but rather reflected its wish that officials devote their time to serving citizens. Following this decision, the owners of more than 30 news websites held a press conference at the headquarters of the Jordan Press Association, in which they announced their absolute rejection of the measures taken by the Government and called for a gradual blackout in protest against the Government’s decision to block the websites for public officials during working hours.⁵⁰ It is worth mentioning that the Centre issued a statement on 12/8/2010 in which it explained that the aforementioned circular constitutes a violation of the constitutional and international standards guaranteeing freedom of opinion and expression and clearly shows that there is a governmental tendency to revert to a policy of withholding information and restricting media freedoms. The Centre also received a complaint from the Community Media Network against an administrative governor for rejecting a request by Radio Al-Balad to hold radio debates between the candidates of a governorate. The Centre wrote to the Minister of the Interior regarding this complaint and has not received a reply to date.

58. In the area of the trial of journalists, the Centre recorded, according to the statistics of the Amman Court of First Instance for 2010, the existence of 86 press and publications cases in addition to 100 cases pending from previous years, and recorded that 59 of the pending cases had been decided. The Centre also monitored referrals to trial in the following cases: (a) The referral of a journalist and a publisher to the court following the institution of proceedings against them on account of the publication of media material that the competent authorities considered to be in violation of the provisions of Article Five of the Press and Publications Law and inconsistent with the principles of freedom and national responsibility.⁵¹ (b) The issuance of a judicial decision by the Court of Cassation on 13/1/2010 subjecting websites to the Press and Publications Law, on the basis that “a website is considered one of the means of publication in which ideas, meanings and words are recorded in any manner whatsoever”. According to the decision, a website is one of the means by which such ideas and articles are recorded and published, which classified websites as publications according to the definition of a publication set out in Article Two of the

⁵⁰ See: <http://www.anhri.net/>

⁵¹ Kindly see: http://www.sahafi.jo/sart_info.php?id=c3cbcf0fdc25e18e404db8bc48c4d3fe4d769e43

Press and Publications Law. This requires the Government to seek legal means to ensure that the right of websites to exercise freedom of opinion and expression is not restricted.

59. The Centre notes the decline in Jordan's international ranking in the field of media freedoms in international reports. Reporters Without Borders, in its 2010 Press Freedom Index report, indicated that Jordan had fallen to (120th) place, having been in (112th) place worldwide in the previous year, and Freedom House considered in its report that Jordan is a "not free" country, ranking it (140th) worldwide and (5th) regionally.⁵² This calls for an inquiry into the reasons for this decline and for addressing such violations of the right to freedom of opinion and expression as are confirmed to have occurred.

The Right to Establish and Join Political Parties

60. The Jordanian Constitution⁵³ and the Arab⁵⁴ and international⁵⁵ human rights instruments guarantee the right to establish and join political parties. This right has been regulated by numerous laws, the most recent of which is the Political Parties Law No. (19) of 2007, which was issued at the time, as officially stated, to activate party life and enable parties to operate with greater effectiveness and efficiency. The Centre addressed this Law in its annual reports, set out its observations thereon and submitted numerous recommendations for its amendment; however, regrettably, the official bodies in the executive and legislative authorities did not take these observations into account. It is worth noting that the Centre's previous reports indicated that political parties cannot grow or perform the tasks required of them unless they exist in a political, economic and social climate that guarantees the right of access to information, which is the first prerequisite for freedom of opinion and expression and freedom of assembly, in addition to the enactment of an election law that activates party life and encourages citizens to join these parties.

61. Following the application of the Political Parties Law No. (19) of 2007, there are nineteen Jordanian parties on the Jordanian scene, consisting of (11) centrist parties, two parties with Islamic orientations, three parties with nationalist orientations and three parties with leftist orientations. The parliamentary elections held on 9/11/2010 revealed the extent of the legal and political obstacles facing them in achieving their intended objectives. In 2010, the Islamic Action Front Party and the Popular Unity Party, both opposition parties, boycotted the parliamentary elections on the grounds of the absence of sufficient guarantees for participation therein. Nine centrist parties had agreed to coordinate among themselves to contest these elections on a unified list, which included (28) candidates, of whom only two won: one from the Islamic Centre Party and the other from the Freedom and Equality Party; most likely, the reason for their success is attributable primarily to regional and tribal factors rather than to their party affiliation. As for the

⁵² http://www.sahafi.jo/nsart_info.php?id=c77d0fc2ae057370fef94d4bd7fe34504abec3c

⁵³ Article (16/2) of the Constitution provides: "Jordanians shall have the right to form associations and political parties, provided that their objectives are lawful, their means peaceful, and their by-laws not in contravention of the provisions of the Constitution."

⁵⁴ Article (24/5) of the Arab Charter on Human Rights provides: "Every citizen shall have the right to freely form and join associations with others."

⁵⁵ See Article (20) of the Universal Declaration of Human Rights and Article (22) of the International Covenant on Civil and Political Rights.

nationalist and leftist parties participating in the elections, they fielded (7) candidates, of whom only the candidate of the Jordanian Democratic People's Party won, obtaining the quota seat allocated to women for Amman Governorate. Two members of the Popular Unity Party stood as candidates, contrary to the party's position of boycotting the elections, and one of them won; it is believed that tribal and regional factors played a greater role in his success than party affiliation. One candidate of the Islamic Action Front Party also won, out of the eight candidates who defied their party's decision and stood in the parliamentary elections. The Jordanian United Front Party presented a declared list of (9) candidates, none of whom won. The largest party, which fielded the greatest number of candidates in these elections, was the "National Current" Party, which fielded (33) declared candidates to contest these elections, in addition to an unknown number whose party affiliation the party preferred not to disclose so as not to affect their chances of winning the elections, which, in the party's view (it not being an opposition party), reflects a general climate that is hostile to, or at least unwelcoming of, party candidates, and reflects a public opinion that the laws on political parties, elections and public freedoms, and government practices, have not succeeded towards amending or changing it in favour of accepting political parties and regarding them as a gateway to engagement in Jordanian political life. Eight (8) candidates from this declared list won, and on the day the election results were announced the Party declared that (26) of its candidates had won: (8) from the declared list and (18) from among the candidates who had preferred not to run under the Party's banner. By this declaration, the Party would supposedly hold the largest party-based parliamentary bloc in the Sixteenth House of Representatives and would play a leading role in the House's performance. The Minister of the Interior, upon announcing the election results, had referred to the victory of (17) party candidates in the Sixteenth House of Representatives.

62. The Centre notes that governmental practices towards political parties remained unchanged in terms of restricting parties and denying them the space to express their positions and performance through the media and public meetings. Examples include the refusal of the Governor of the Capital, on 22/3/2010, to approve a public march by the Islamic Action Front Party after Friday prayers on 26/3/2010. The Governor of the Capital also banned the protest activity that the youth offices of the opposition parties intended to hold in the square of the Al-Husseini Mosque in protest against the Government's economic policies and the taxes imposed on Jordanian citizens. Furthermore, the security agencies continue to withhold approval for the appointment of certain members of opposition parties to certain posts, in violation of Article (20/a) of the Political Parties Law and Article (34/1) of the Arab Charter on Human Rights, which provides that work is a natural right of every citizen... without any discrimination whatsoever on grounds of race, colour, religion, language, political opinion or trade union membership. The Centre considers that the governmental approach towards political parties must change in order to change the prevailing culture among citizens and to enable party and political life to develop as required.

63. The Centre further notes that the amount of funding allocated to political parties under Article (89) of the Regulation on the Funding of Political Parties of 2008 is modest and does not enable a party to issue its publications in accordance with Article (16) of the Political Parties Law, which provides for the right of a party to issue one or more periodical publications and to use means of communication to express its views. The amount, set at fifty thousand Jordanian Dinars per year for a party having a minimum of five offices and branches, means that the share of each office is ten thousand Dinars per year, i.e. approximately eight hundred Dinars per month, allocated to

office rent and the employment of staff. How, then, can such a party issue one or more periodical publications and bear their costs?

64. The Centre also observed the continued inability of political parties to use the official media to present their views and explain their principles and programmes in accordance with Article (20/b) of the Political Parties Law, and the Government's continued control over the amount of space made available to these parties in such media. The best example of this is what occurred in the (2010) elections, when a candidate for the House of Representatives was given one minute to present his or her programme and a party (5) minutes to present its programme. How can a party present its programmes to the public in five minutes, once every four years? The Centre further observed the continued interference of the governmental administration in the freedom of expression of political parties, when the printing of an issue of the weekly newspaper "Al-Majd" was prevented on 11/10/2010 unless a local news item published on its second page was deleted, as well as the harassment to which the newspaper "Al-Sabeel", the mouthpiece of the Islamic Action Front Party, was subjected.

The Right to Form and Join Trade Unions

65. National legislation, foremost among which in rank is the Constitution, guarantees the right to form and join trade unions. Article (16/2) and Article (23) provide for this right for Jordanians,⁵⁶ and, in implementation of Item (f) of Paragraph (2) of Article (23) of the Constitution, several labour laws have been enacted in Jordan, the most recent of which is the Provisional Labour Law No. (26) of 2010. International legislation likewise guarantees this right in Article (23) of the Universal Declaration of Human Rights and Articles (21) and (22) of the ICCPR,⁵⁷ while the International Covenant on Economic, Social and Cultural Rights (ICESCR) reinforces this international orientation in a number of its provisions.⁵⁸

66. The year 2010 witnessed the issuance of the Provisional Labour Law No. 26 of 2010, which included an amendment to the text of Article 116 that contradicts Article (22/3) of the ICCPR, which prohibits the dissolution of trade unions without obtaining a judicial decision. Article 36

⁵⁶ Article (16/2) provides that "Jordanians shall have the right to form societies and political parties, provided that their objects are lawful, their means peaceful and their by-laws not contrary to the provisions of the Constitution". Article (23) provides that "1. Work is a right of all citizens, and the State shall provide it to Jordanians by directing and developing the national economy. 2. The State shall protect labour and shall enact legislation therefor based on the following principles: a. Granting the worker a wage commensurate with the quantity and quality of his work. b. Defining weekly working hours and granting workers weekly and annual days of rest with pay. c. Prescribing special compensation for workers supporting families, and in cases of dismissal, disability and emergencies arising from work. d. Determining the special conditions governing the employment of women and juveniles. e. Subjecting factories to health rules. f. Free trade union organisation within the limits of the law".

⁵⁷ Article (23) [of the Universal Declaration of Human Rights] provides that "1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment... 4. Everyone has the right to form and to join trade unions for the protection of his interests". Article (21) of the ICCPR provides that "The right of peaceful assembly shall be recognised", and Article (22) thereof provides that "1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests. 2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others".

⁵⁸ See Articles (4), (5) and (6) of the ICESCR.

thereof⁵⁹ granted the Minister the power to dissolve a trade union, whereas under the previous law dissolution was effected upon an application submitted by the Minister to the Court of First Instance where the trade union had committed certain violations, and the trade union was entitled to appeal the dissolution decision. The Minister's decision to dissolve is now subject to challenge before the High Court of Justice. Accordingly, the power to dissolve trade unions has been transferred from the judicial authority to the executive authority, which constitutes a regression in the exercise of this right and a violation of international standards.

67. The year 2010 witnessed the convening of the Seventh Ordinary Conference of the General Federation of Jordanian Trade Unions on 12/10/2010, attended by (139) members out of (153). The Conference adopted a number of resolutions unanimously, the most prominent of which were the renewed election of the current President of the Federation for a new four-year term, and the exertion of all efforts to exempt workers' savings funds from income tax. Meanwhile, the resolution of the previous conference not to permit members of professional associations to stand for the presidency or membership of the executive boards of labour unions continues to cast its shadow over labour unions and their members. Both the Air Transport Union and the Construction Union refused to accept the membership of workers who are members of professional associations, and the nomination application of the former President of the Air Transport Union was rejected for violating the Unified By-laws, which require that a candidate for the presidency of a union not be a member of a professional association. Furthermore, the court decided to annul the results of the executive board elections of the Union of Workers in Construction, Building and Wood three hours after the results were announced, pending the determination of the challenges filed by candidates for executive board membership, owing to the amendments to the Unified By-laws of Labour Unions, which prevented them from standing for executive board membership by reason of their membership of professional associations.

68. The year 2010 also witnessed elections in labour unions for the union term. The Centre notes the persistence of the phenomenon of uncontested election (acclamation) of candidates, as elections were held in only 6 out of 17 labour unions, which signifies the absence of democratic practice within these unions and within the Federation itself. Moreover, during this year elections for the post of union president were held only in the Mining and Quarrying Union and the Electricity Workers Union, while executive boards were contested, in addition to these two unions, in the Textile and Garment Union, the Construction Union, the Air Transport Union and the Railways Union. The Higher Committee for Labour Union Elections received two challenges concerning the elections of the Air Transport Union and the Construction Union, and the challenge submitted in the Construction Union elections was dismissed for contravening the Unified By-laws of Labour Unions relating to the prohibition on members of professional associations standing for the presidency or membership of the executive boards of labour unions.

⁵⁹ Article 36 of Labour Law No. 26 of 2010: The text of Article 116 of the original law shall be repealed and replaced by the following text: "a. If a trade union, an employers' association or the executive board of either commits a violation of the provisions of this Law or the regulations issued pursuant thereto, or if the by-laws of either contain a violation of the legislation in force, the Minister shall address a written warning thereto to remedy the violation within a period not exceeding thirty days from the date of its notification. Should the violation persist, the Minister may issue a decision dissolving the trade union, the employers' association or the executive board of either, and such decision shall be subject to challenge before the High Court of Justice within thirty days from the date of its notification".

69. Notwithstanding the increase of the minimum wage from 110 to 150 Dinars during 2009, workers demanded during 2010 that the minimum wage be raised to 300 Dinars per month. The Centre considers that these demands must be seriously considered, particularly in light of the rising cost of living and the poverty line having reached 680 Dinars per person per year in 2008.⁶⁰ The Centre further faults this decision for continuing to exclude workers in the garment industry,⁶¹ who number approximately (27) thousand workers, as well as domestic workers, cooks and those in a similar position, from the minimum wage of 150 Dinars, and considers this to be discrimination between workers in contravention of the international conventions to which Jordan has committed itself.

70. The Centre received a complaint concerning the President of the Committee of Daily-Wage Workers having been subjected to ill-treatment, beating and arrest by members of the Public Security Directorate for staging a sit-in in front of the Ministry of Agriculture following the issuance of a decision by the Ministry of Agriculture on 16/7/2010 to dismiss 256 daily-wage workers. The Centre's team visited him, and the Director of Public Security was addressed regarding the substance of his complaint, whereupon he was released on the day following the visit. The Centre also observed that the media spokesperson of the Aqaba port workers submitted his resignation to the Council of Ministers in protest against the arbitrary decision of the Government by which he was seconded to the Vocational Training Centre in Ma'an Governorate on 25/10/2010, which resulted in his salary being reduced by more than half, as a disciplinary measure against him in connection with the sit-in staged by Aqaba port workers in August 2009. This constitutes punishment of him for exercising his right to freedom of opinion and expression, to engage in trade union activity and to assembly, which are guaranteed by the Constitution and affirmed by international human rights instruments.

71. The Centre also observed labour demands put forward by labour unions, the most important of which was the demand of the Union of Workers in Construction, Building and Wood that the management of the Northern Cement Company and the Arab Cement Company permit their workers to form trade union committees at work and production sites to protect their rights and defend their gains. Labour unions also continued their criticism of the adoption of provisional laws on social security, labour and tax, calling upon the Government to refer the Social Security Law and the Labour Law to the House of Representatives as a matter of urgency in order to amend them, to restore the provisions protecting workers and to repeal the articles that diminish workers' insurance entitlements.⁶²

72. The right to trade union organisation also remains prohibited for teachers, on the basis of Decision No. (1) of 1994 of the High Council for the Interpretation of the Constitution, which held that the constitutional provisions do not permit the establishment of a trade union for public servants. During this year, teachers continued their strikes and sit-ins in most governorates,

⁶⁰ See the Second National Millennium Development Goals Report 2010, Ministry of Planning and International Cooperation, page 17.

⁶¹ The Centre observed the continued exclusion of textile and garment workers from the decision to raise the minimum wage approved by the Committee at the end of 2008, which is considered a discriminatory decision between workers in the various productive sectors.

⁶² The two laws are before Parliament (the National Assembly) as a matter of urgency for the ordinary parliamentary session.

demanding the revival and establishment of a union for them, the improvement of their living conditions and the establishment of an educational tribunal to consider disputes between teachers and students. The Government met the teachers' campaign for the establishment of a union with rejection, by obstructing their movement to the sit-in locations on more than one occasion, arresting and detaining a number of them, and referring more than (38) teachers to early retirement (*istida*'), most of whom were members of the National Committee for the Revival of the Teachers' Union or activists in this field, a measure from which the Ministry subsequently retreated. The Ministry of Education also arbitrarily transferred a number of teachers to places and governorates far from their places of residence. As a result of the teachers' repeated sit-ins and strikes, the Council of Ministers decided, at its session held on 30/5/2010, to improve teachers' living conditions and grant them an increase of 15% of the teacher's additional allowance as of 1/6/2010, and to pay the allowances due in instalments such that the full allowance would have been paid by 1/1/2012. The Committee for the Revival of the Teachers' Union considered this step to be an insufficient measure. The Centre calls for reconsideration of the decision of the High Council for the Interpretation of the Constitution on the unconstitutionality of establishing a teachers' union, through the competent authority.

73. Furthermore, the profession of certified public accountancy, in both its branches of accounting and auditing, is still regulated through the Association of Certified Public Accountants, which is subject to the direct supervision of the High Council for the Accountancy Profession. Although that association is treated as a professional association, it lacks an essential part of the standards of trade union work. Likewise, Sharia lawyers have not yet been granted their right to establish an association on an equal footing with their colleagues, the regular (civil) lawyers, and pharmaceutical industry workers have not been permitted to establish a labour union of their own, independent of the General Union of Petrochemical Workers, notwithstanding the dissimilarity of the occupations. The Centre calls for reconsideration of the occupational classification for the formation of labour unions, so as to allow any group of workers to organise itself with ease and facility in accordance with a permanent law enacted by Parliament, rather than under a regulation that may be amended at any time.

74. The Centre commends the Jordan Press Association for the amendments adopted by the Association's Council to the Association's law, expanding the admission of new members to the Association by permitting the admission to membership of journalists working in satellite channels, private radio stations and electronic websites, which enables the widest segment of media professionals to join the Association. In addition, the Association called for an open dialogue on the Press and Publications Law. The Council of the Press Association also expressed its displeasure at the referral of four journalists who are members of the Association to the State Security Court in press and publications cases, the latter being a special court, considering this to be arbitrary treatment of journalists by the competent authorities. The Public Freedoms Committee of the Jordan Bar Association also called for the release of a member of the Association who had been detained following a statement he issued during his campaign as a candidate for membership of the House of Representatives, considering that what the unionist did falls within the scope of freedom of opinion and expression.

75. The year 2010 witnessed elections to the Jordan Pharmacists Association, following which the Reform and Change trend filed a formal challenge against the Association's election results

before the High Court of Justice. The challenge focused on irregularities in the electoral process which, according to the challenge, affected the final results of the elections. The elections of the Jordanian Contractors Association also witnessed an unprecedented turnout in the elections held to elect the Association's Council, which were won by the Change bloc. Meanwhile, on 17/3/2010 the High Court of Justice decided to annul the results of the elections of the Jordan Artists Association and to dissolve its Council, owing to the elections not having been held on their scheduled date in March and having instead been held in October of the year preceding the date on which the elections were due, which required new elections to be held in April 2010.

76. Assaults on unionists, whether physicians or nurses working in the Ministry of Health, also recurred in 2010 while they were performing their duties inside the Ministry's hospitals. The Ministry of Health remains unable to provide any measures that would contribute to the protection of physicians and nurses by resolving the problem of the shortage of medical staff. Nor has it shown cooperation with the Jordan Medical Association in registering these assaults as complaints and following them up with the competent authorities as assaults on an official in the course of performing his or her official duties. The Penal Code has been amended so as to increase the penalty for the offence of assaulting a public servant.

77. During 2010, the National Centre received two complaints. The first concerned the harassment to which a member of the National Committee for the Revival of the Teachers' Union was subjected by the security authorities in order to dissuade him from continuing to work with this Committee. The second was a collective complaint submitted by a group of teachers as a result of the Ministry taking an administrative decision against them referring some of them to early retirement (*istida'*) and transferring others from their workplaces on account of their participation in the work of the National Committee for the Revival of the Teachers' Union.

78. During 2010, professional associations continued their criticism and sit-ins in protest against the adoption of two provisional laws amending the Social Security Law within less than one year, affirming that the two conditions of necessity and urgency required for the issuance of such laws were not met, and regarding this as a negative indicator that makes insured persons feel that the legal situation is unstable. They also affirmed their rejection of any infringement of the acquired rights under the Social Security Law, particularly early retirement and the pension calculation. In statements, the associations further denounced the Government's issuance of the Provisional Information Systems Crimes Law, which they regarded as an encroachment on freedom of opinion and expression and on personal freedoms, as well as the Provisional Elections Law of 2010, considering that the Government had acted unilaterally in drafting and issuing the law without consulting any civil society institutions, and they called upon the Government to postpone the parliamentary elections.

The Right to Form and Join Associations

79. The Jordanian Constitution,⁶³ and the Arab⁶⁴ and international⁶⁵ 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 monitored, while preserving the essence of this right and guaranteeing its exercise. International human rights instruments have also affirmed that the law, in regulating this right, may not impose restrictions upon it that would empty this right of its content.⁶⁶

80. Following efforts that continued throughout 2007 and 2008, the Associations Law No. (51) of 2008 was issued. The Centre participated actively in all the efforts and activities undertaken by the Government and civil society organisations to arrive at a law that would reflect the objectives, preserve the essence of the constitutional right and guarantee its exercise with ease and facility and without any restrictions. However, the law as issued did not respond to many of the recommendations submitted by the Centre jointly with civil society organisations. In its Annual Report for 2007, the Centre set out the general principles that any law on associations should contain; in its Annual Report for 2008 it recorded its observations on this law following its issuance; and in its Annual Report for 2009 it reaffirmed the principles included in its 2007 report in light of which the new law should be amended. However, the minor amendments introduced to the law in 2009 did not rise to the level of fulfilling the requirements of a law that adheres to the text of the Constitution, which affirmed this right and conferred upon the law no function other than regulating the manner in which associations are formed and their financial resources monitored, without prejudice to the essence of this right.

81. The year 2010 witnessed the issuance of a final decision by the Court of Cassation on 28/4/2010 finding the members of the Union of Charitable Societies of the Capital Governorate not liable for the charges brought against them. When these members attempted to return to assume their responsibilities in managing the Union, the Ministry of Social Development refused, notwithstanding that the Amman Public Prosecutor had notified the Ministry on 22/6/2010 that the decision to suspend them from exercising their responsibilities, which he had issued on 12/9/2006, had become null and void. These members complained to the Centre, affirming that

⁶³ Article (16) of the Jordanian Constitution provides that “2. Jordanians shall have the right to form societies and political parties, provided that their objects are lawful, their means peaceful and their by-laws not contrary to the provisions of the Constitution. 3. The law shall regulate the manner of forming societies and political parties and the monitoring of their resources”.

⁶⁴ Article (24) of the Arab Charter on Human Rights provides as follows: “Every citizen has the right: ... 5. To freedom of association with others and to join associations”.

⁶⁵ Article (20/1) of the Universal Declaration of Human Rights provides that “Everyone has the right to freedom of peaceful assembly and association”, and Article (22) of the ICCPR provides that “1. Everyone shall have the right to freedom of association with others”.

⁶⁶ Article (30) of the Universal Declaration of Human Rights provides as follows: “Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein”. Article (22/2) of the ICCPR provides that “No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right”.

this position of the Ministry constituted an infringement of their right to return to exercising their responsibilities. The Centre addressed the Ministry accordingly; however, the Ministry refused to respond to the Centre's request, and it took several months for the Ministry to acknowledge the right of these members to return to exercising their responsibilities in accordance with the law. The Centre further records against the Ministry its failure to abide by the application of the Societies Law No. (33) of 1966, which was in force when this dispute arose between the Union's management and the Ministry, Article (18) of which provides that any interim executive board appointed by the Ministry shall convene the general assembly within (60) days of the date of its formation to elect a new executive board for the society or union concerned. The Ministry had appointed an interim executive board for the Union which continued to exercise its functions for three years, and when the Court of Cassation issued its decision finding the members of the General Union of Charitable Societies of the Capital Governorate not liable for the charges brought against them and they demanded to return to managing their Union, the Ministry appointed a new executive board in May 2010 to manage the Union, contrary to the law, on the pretext that the term of the elected members of the Union had expired.

82. The same situation recurred in the management of the General Union of Voluntary Societies, as it did in the management of the Islamic Centre Charity Society. This prompts the Centre to reaffirm the necessity of the Ministry's adherence to the text of the law, which does not permit an interim executive board to exercise its functions for longer than the period prescribed for it by law, and requires it to convene the general assembly of the society or union to elect a new executive board within that period without any delay.

83. The Centre noted that, according to the report of the Secretary General of the Registry of Associations, (467) associations were threatened with dissolution at the end of 2010 for failing to regularise their status in accordance with Article (28) of the Associations Law of 2008. It is not known whether the reason for this lies in the failure of these associations to regularise their status or in the lack of diligent follow-up by the competent governmental body. Accordingly, the Centre, in its annual report for this year, can only reiterate the necessity of concerted efforts by the Government and civil society organisations to introduce the necessary amendments to this law so as to bring it into line with the constitutional and international standards guaranteeing the exercise of this right, in light of the following principles: (a) Freedom to form associations by notification to the administration, which shall have the right to object thereto before the judiciary, and the formation of an association shall not be conditional upon the approval of the governmental administration. (b) Associations shall enjoy the right to establish and amend their own charters and by-laws, without any restrictions other than those necessary in a democratic society in the interests of national security, public safety, public order, public health or public morals, without broad interpretation of the concept of "public order". (c) Supervision of associations shall be vested in an independent body composed of representatives of the governmental administration and representatives of civil society organisations. (d) Associations shall enjoy full freedom in managing their affairs under the supervision of the independent body referred to in Item (c), which shall have the right to resort to the judiciary to hold accountable any association that violates the law. (e) Associations shall enjoy the right to elect their executive boards in full freedom without interference by the administration. (f) The law shall, as provided for in the Constitution, regulate all the affairs of associations, and many organisational matters shall not be referred to regulations and instructions, as was repeatedly done in the Associations Law of 2008. (g) The Government

shall cease abusing the right to appoint interim executive boards to manage associations and unions, as occurred in the Islamic Centre Charity Society, the Union of Societies of the Capital and the General Union of Voluntary Societies. (h) The penalties set out in the law shall be repealed and the handling of any violations committed by associations shall be referred to the Penal Code, which provides for the same. (i) No governmental body may be granted the right to dissolve associations; this matter shall be entrusted either to their general assemblies by a large qualified majority or to the competent judiciary. (j) Affirmation of the right of associations to receive assistance and donations from Jordanian and foreign sources, provided that this is disclosed to the independent body supervising associations and shown in their annual budgets.

84. The Centre observed a number of internal challenges and obstacles that continue to limit the right to join associations and to participate in their management, including the domination by an elite of most of an association's activities and work, the absence of the principle of election and rotation of authority within associations, and the absence from their by-laws of any time limit on holding a leadership position. Transparency and the provision of information are also absent from the work of associations, which deprives beneficiaries and the public of access to such information.

85. Finally, the Centre considers that arriving at a law based on the aforementioned principles requires a strong will for reform at the highest levels, as well as coordination with the legislative authority in both its chambers, particularly with the existence of a new House of Representatives, one of whose first tasks should be to introduce the necessary amendments to the laws on public freedoms, including the Associations Law.

3. Economic, Social and Cultural Rights

The Right to Development

86. The right to development is one of the human rights guaranteed by international human rights instruments, which prompted the United Nations General Assembly to adopt the Declaration on the Right to Development in 1986. It also adopted the Millennium Declaration in 2000, from which the eight Millennium Development Goals, to be achieved by 2015, were derived. The Millennium Development Goals reflect people's basic aspirations for a better life through a series of goals defined by figures and clear time frames, whereby States agreed to halve the rates of poverty and hunger, achieve universal primary education, promote equality between the sexes/gender, reduce the under-five child mortality rate by two thirds, reduce the maternal mortality rate by three quarters, combat HIV/AIDS, malaria and tuberculosis, ensure environmental sustainability and build a global partnership for development.⁶⁷ In this context, Jordan participated in the international conference held by the United Nations in New York from 20 to 22 September 2010 to review the progress achieved towards the aforementioned eight goals and to identify what is required to that end before the expected deadline at the beginning of 2015. Furthermore, under the ICESCR, Jordan has undertaken to work to ensure the welfare of its citizens and to promote their active and free participation in the equitable sharing of basic resources. In addition, the Constitution contains provisions that may be regarded as referring to the principles of participation and equity, despite its not referring directly to the right to development.

Table No. (10): Jordan's Position in the Human Development Index (Sub-indicators)

Year	Life Expectancy at Birth	Education Index	GDP per Capita (USD)
2006	71.6	0.86	4,688
2007/2008	71.9	0.86	5,530
2009	72.4	91.1	4,901
2010	73.1	92.2	5965

87. Over the past decade, the Jordanian State has made notable progress towards many of the Millennium Development Goals. According to the Human Development Report 2010 issued by the United Nations Development Programme (UNDP), Jordan ranked (82) among the (169) countries covered by the report, compared with its ranking of (96) in 2009, thus advancing by (14) places. The report also showed that Jordan ranked eighth among Arab States, and that the value

⁶⁷ In September 2000, the Member States of the United Nations, including Jordan, met at the Millennium Summit and adopted the United Nations Millennium Declaration, which set out a number of commitments embodied in eight goals supported by (21) targets and (60) measurable and implementable indicators within a specified time frame. On 20–22 September 2010, world leaders held the Millennium Development Goals Summit in New York to review the progress achieved and to agree on how best to accelerate achievement. The Summit concluded with the adoption of a global action plan to achieve the eight anti-poverty goals by the 2015 deadline and the announcement of major new commitments on women's and children's health, in addition to other initiatives to combat poverty, hunger and disease. The goals agreed upon in 2000 launched national and international efforts on a scale of great significance in this field. For further information, see the United Nations website at: <http://www.un.org/arabic/millenniumgoals/index.shtml>

of the Human Development Index rose from 0.677 in 2009 to 0.681 in 2010, which moved the Kingdom from the category of countries with medium human development to that of countries with high human development. This came as a result of a number of achievements that were reflected in the following principal indicators, according to Table No. (10), among them: (a) the education index rose from 91.1 in 2009 to 92.2 in 2010; (b) life expectancy rose from 72.4 in 2009 to 73.1 in 2010; and (c) per capita income rose from USD 4,901 in 2009 to USD 5,965 in 2010, calculated on the basis of the purchasing power parity adopted at the time the report was prepared. These results came as the outcome of the totality of measures taken by the Government during the past period.⁶⁸

88. Since Jordan participated in the New York Summit in September 2010 to review the progress achieved in realising the Millennium Development Goals, and obtained international testimony from the United Nations documenting the progress achieved in this regard on the one hand, and secured an international pledge to support its programmes for achieving the first and seventh goals on the other,⁶⁹ the Centre devotes this year's report to pointing out the factors of progress and challenge in achieving these goals.⁷⁰ In the field of eradicating extreme poverty and hunger, Jordan has achieved notable progress despite developmental challenges, the global financial crisis, regional conflicts and other factors. The proportion of the population living in extreme poverty was reduced from 6.6% to less than 1% over the years 1992 to 2008, and the poverty rate was reduced from 14.2% in 2002 to 13.3% in 2009. However, the economic participation rate of the poor, estimated at 39.5%, and the economic participation rate of women, estimated at 14.9%, still constitute a serious challenge to achieving this goal, particularly in light of high unemployment rates among young people and women. Moreover, poverty is not evenly distributed across the various parts of the Kingdom, as there were 32 poverty pockets in 2010 as a result of the poor distribution of income. The Centre affirms that poverty causes harm to all human rights and leads to higher rates of social and political marginalisation; it suffices, by way of evidence, to point to the impact of poverty on the conduct of the most recent parliamentary elections and the emergence of the phenomenon of vote buying and selling therein.

⁶⁸ For more information, see the Human Development Report 2010 published on the website <http://hdr.undp.org/en/reports/global/hdr2010/chapters/ar/>, and see the report of the Ministry of Planning and International Cooperation on the website http://www.mop.gov.jo/arabic/pages.php?menu_id=120&local_type=1&local_id=682&local_details=1&local_details1=

⁶⁹ Jordan was selected among ten pioneering countries around the world to work on supporting the acceleration of progress towards achieving the Millennium Development Goals over the next five years through the development of the “MDG Acceleration Framework”. Accordingly, a special action plan was developed for Jordan to accelerate progress by providing a systematic approach to identifying the bottlenecks standing in the way of key initiatives in the area of the Millennium Development Goals. For more information, see the article by Luc Stevens, the United Nations Resident Coordinator in Jordan, on the implementation of the Millennium Goals and the diagnosis of economic challenges in Jordan, dated 13/11/2010, at the link <http://www.muslims.net/news/newsfull.php?newid=438775>

⁷⁰ The Ministry of Planning and International Cooperation, with the support of the United Nations, prepared the “Second National Millennium Development Goals Report”, issued in 2010, which sets out the achievements and challenges facing Jordan in realising these goals so as to attain a better standard of living and livelihood for citizens, in addition to putting in place a mechanism to measure the extent of progress achieved through the adoption of the Economic and Social Development Plan for 2004–2006, the Executive Programme for 2007–2009, and the Executive Development Programme for 2011–2013. For further details, see the website of the Ministry of Planning: <http://www.mop.gov.jo/uploads/Joradn%20MDGs%20Arabic%201420%11-low.pdf> and http://www.mop.gov.jo/arabic/pages.php?menu_id=314

89. With regard to the right of all to basic education and ensuring that children remain in school, as the second Millennium Development Goal, Jordan has achieved this goal, with the proportion of pupils outside basic education, whether due to non-enrolment or dropout, falling from 13.5% in 1990 to 2.4% in 2009. Net enrolment rates have reached approximately 98%, there is equality of educational opportunity between the two sexes, and the proportion of pupils who successfully complete the fifth grade of basic education has increased from 92% in 1990 to 99% in 2008. In addition, 99% of Jordanians in the 15–24 age group can read and write. Furthermore, there is currently an expansion in pre-school education programmes, with a focus on remote and poor areas, through the establishment of more kindergartens in these areas, given their proven positive impact on these children's continuation in education, the prevention of their dropping out and the improvement of their learning. There has also been an expansion in programmes directed at pupils with disabilities in order to integrate them into mainstream education. Notwithstanding these achievements, the Centre considers that there are a number of challenges that weaken the gains achieved, namely: the disparity in net enrolment rates in basic education from one governorate to another; the renting of 13% of school buildings; the continued attendance of approximately 4% of pupils at schools operating on the two-shift system; high classroom density, particularly in the main cities; and the weak alignment of educational outputs with the needs of the labour market, as well as their poor quality.

90. In the field of promoting gender equality and empowering women, Jordan has achieved the highest rates of women's education in the region,⁷¹ and has opened up various fields of employment to women and amended many pieces of legislation relating to women and the family, which has contributed to translating into concrete reality the efforts to eliminate discrimination against women and has enhanced women's confidence in their abilities and potential.⁷² However, the Centre considers that the expected effects of the increase in the proportion of educated women remain below the hoped-for level, particularly since the gender gap still exists in the field of economic and political participation and in decision-making positions,⁷³ in a manner that is not commensurate with the rates of women's education and does not achieve the objectives of the national strategies specific to women or the development plans or the National Agenda. There is also a pressing need to review and develop many pieces of legislation that affect the principle of equality between women and men, such as those relating to salaries and wages and the provisions of nationality and civil and personal status, among others.⁷⁴

⁷¹ Zuhair Mohammad Abdullah, *Female Education in the Islamic World*, publications of the Islamic Educational, Scientific and Cultural Organization (ISESCO), 2002.

⁷² Despite the many legal reforms introduced to a number of laws in force, such as the Labour Law, the Social Security Law, the Penal Code, the Personal Status Law, the Law on Protection from Domestic Violence and the Law on the Prevention of Trafficking in Persons, many discriminatory practices against women are based on social customs and continue to stereotype violence and discrimination against women. Some of these practices are considered criminal acts punishable by law, yet there are those who justify and tolerate them on pretexts that have no religious or legal basis.

⁷³ Women's participation in the formal labour market does not exceed 14.9%, and their representation in the elected House of Representatives has not exceeded 11%. Women's presence in the judiciary also remains weak, despite the increase in their number in recent years and the appointment of a female civil public prosecutor in 2010. There is, moreover, a complete absence of women from the Sharia judiciary.

⁷⁴ For further details in this area, see the section on women's rights in the body of this report.

91. In the field of reducing the mortality of children under five years of age to 14 deaths per 1,000 live births, and reducing the mortality of infants under one year of age to 12 deaths per 1,000 live births by 2015, Jordan has achieved tangible progress at this level, as the under-five child mortality rate decreased from 42 deaths in 1990 to 28 deaths per 1,000 live births in 2009, and the infant mortality rate decreased from 37 deaths in 1990 to 23 deaths per 1,000 live births in 2009. The Centre considers that this goal is achievable by 2015 if the measures necessary are taken to expand the coverage of the national child immunisation programme and to introduce new vaccines protecting children against emerging diseases that can be prevented, and to protect the reproductive health of mothers and children in the areas and among the groups in which mortality rates are still high.

92. As for the fifth Millennium Goal, relating to reducing the maternal mortality rate by three quarters, Jordan succeeded in achieving this goal seven years ahead of the set time, according to the national study prepared by the Higher Population Council on maternal mortality for 2007–2008, in which the mortality rate fell to 19.1 per 100,000 live births. This indicates the development of awareness and of health services and the existence of high-level postnatal care throughout the Kingdom, in addition to the rise in the educational and economic level of women and their legal empowerment with respect to their reproductive rights. The Centre considers it necessary to maintain this downward trend in the maternal mortality rate and to ensure the progress achieved in reproductive health.

93. With regard to combating AIDS, the number of Jordanians infected with this disease rose in 2010 to 214 cases, compared with 211 cases registered up to the end of 2009. The total number of infections rose in 2010 to 723, compared with 712 in 2009, of which 509 were infections among foreigners. The number of deaths among Jordanians reached 90 cases since the first infection was recorded in 1986.⁷⁵ The Ministry of Health provides free treatment to all registered infected persons at the clinic of the National AIDS Control Programme. The Centre considers that a number of the primary indicators relating to the measurement of this goal are not available in the Second National Report on the Millennium Development Goals for 2010 owing to the nature of the cultural environment, which may not necessarily reflect the true extent of the spread of the disease in Jordan. This calls for intensifying official and civil efforts, particularly the efforts of civil society organisations, to raise awareness of the disease, the ways in which it is transmitted and its prevention, especially among the groups most exposed to risk.

94. In the field of achieving environmental sustainability, Jordan has achieved tangible progress in a number of indicators, most importantly: the increase in the proportion of land covered by forests from 0.44% in 1990 to 0.90% in 2008; and the decline in the consumption of ozone-depleting substances from 100% in 1990 to 0% in 2008, which represents a major success for Jordan. Progress has also been made in the share of renewable energy in total energy consumption, from 0% in 1990 to 0.6% in 2009, with programmes in place to raise this share to 5% in 2015. Likewise, considerable progress has been made in the proportion of wastewater used for agriculture, which reached 91% in 2008. In addition, the proportion of the population not

⁷⁵ Dr. Bassam Hijjawi, Director of the National AIDS Control Programme at the Ministry of Health, lecture delivered at the First National Forum entitled “Population and Reproductive Health”, 8/2/2010, quoted from *Al-Arab Al-Yawm* at the link http://www.alarabalyawm.net/print.php?news_id=210270

connected to improved water services has been halved, and the proportion of those connected to sanitation services has risen to 70%. Furthermore, the proportion of protected areas rose from 0.14% in 2000 to 1.4% in 2008, and this proportion is expected to reach 4% if an integrated network of protected areas is implemented by 2015.⁷⁶ Despite the notable improvement in environmental sustainability indicators, the Centre considers that environmental challenges in Jordan remain present and require effective and rapid measures to address their root causes, in particular the emerging challenges of the problem of global warming, the global financial crisis and rising energy prices, which add to the chronic challenges of scarce natural resources, forced migration and natural and calculated population growth. The Centre considers that the Government must continue to develop and implement the policies, legislation and innovative technical projects required to address the priority challenges.

95. As for the eighth development goal, relating to developing a global partnership for development, Jordan has worked to create an attractive environment for the international financing instruments available to the national economy. It acceded to the World Trade Organization and concluded partnership and free trade agreements with major economic blocs such as the European Union, the United States of America, Canada and Turkey, in addition to the Qualifying Industrial Zones (QIZs) agreement, with the aim of expanding export horizons and providing employment opportunities for Jordanians. The Kingdom has also been able to establish financial and monetary stability, which was reflected in an increase in per capita income and in exports and local production, and in the achievement of relatively high growth rates over the past few years, which in turn was reflected in combating poverty and providing health, educational and environmental services. Nevertheless, the Centre considers that external challenges, such as the global financial crisis, rising oil and food prices, declining exports and others, constitute obstacles to the attainment of the Millennium Development Goals. Jordan also remains in need of technical and financial assistance in the fields of energy and water⁷⁷ and infrastructure in order to achieve these goals by 2015.

96. Notwithstanding these positive assessments, which confirm that Jordan is on its way to achieving many of the Millennium Goals, the Centre points out that there are still many major challenges impeding progress towards them by 2015. Unemployment rates among young people and women remain high, the quality of education still needs improvement, and infant mortality and maternal mortality rates still need improvement. The rates of prevalence of heart and vascular diseases, cancer, tuberculosis, diabetes and others are steadily rising, while water scarcity remains one of the main sources of concern for the Kingdom. The Centre affirms that the global financial crisis, the increase in the cost of fuel and food, water scarcity and the effects of climate change constitute risks that may undermine the achievements of the past ten years, increase the likelihood of social tensions and limit the opportunities for achieving the Millennium Development Goals by the set date. This means that efforts must be intensified to preserve the achievements made,

⁷⁶ Eng. Fares Al-Junaidi, Secretary General of the Ministry of Environment, "The Millennium Development Goals: Environmental Sustainability in Jordan... An Achievable Goal", *Al-Ghad* newspaper, 20/10/2010, quoted from the link <http://www.alghad.com/?news=537371>

⁷⁷ Jordan obtained a grant of USD 265 million from the Millennium Challenge programme for the development of the water sector.

enhance opportunities for progress and overcome obstacles, alongside the adoption of measures and interventions aimed at accelerating the attainment of those goals.

97. Although the Centre stressed in its 2009 report the importance of the decentralisation project in strengthening the developmental dimension, particularly in rural areas, as well as in the management of natural resources in a manner more closely connected to the needs of local communities and in a way that enhances broad popular participation in development programmes, the year 2010 did not witness any tangible developments in this field. Regrettably, the efforts made by successive governments in this field have not achieved any tangible results on the ground, and their results have remained confined to government drawers. Moreover, the change in official positions on this matter with each change of government indicates a degree of confusion and the absence of a clearly defined strategy in this regard.

The Right to an Adequate Standard of Living

98. The Constitution does not refer clearly and explicitly to the right to an adequate standard of living; however, the Jordanian National Charter indicated in Article (8) of its Third Chapter 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 who are able and seeking work, giving priority to Jordanians, and pursuing justice in the distribution of services and development projects, geographically and socially, in a manner that meets the basic needs of the citizen and limits poverty and the aggravation of its negative effects that may afflict the individual and society”. Jordan has also ratified the International Covenant on Economic, Social and Cultural Rights of 1976, which includes provision for the right to an adequate standard of living.⁷⁸

99. The repercussions of the global economic and financial crisis continue to cast their shadow over the Jordanian economy, albeit to a lesser degree than in 2009. With the aggravation of the overall budget deficit,⁷⁹ the Government reduced public expenditure, both current and capital, in order to maintain financial and monetary stability in the Kingdom, and resorted to improving the efficiency of collecting domestic revenues, of which tax revenues constitute 83%, a proportion that reflects the extent of the tax burden borne by citizens. In addition, appointments were restricted to meeting urgent needs in the education and health sectors only, and capital expenditure was limited to necessary projects of economic and social feasibility.⁸⁰ The Centre draws attention to the fact that the reduction in the allocations of the social safety net and in the subsidisation of

⁷⁸ The Universal Declaration of Human Rights recognised the right to an adequate standard of living in Article (25/1) thereof, which provides that “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control”. Article (11) of the International Covenant on Economic, Social and Cultural Rights subsequently reaffirmed this right, and the said Article, in its second paragraph, linked this right with freedom from hunger.

⁷⁹ Figures reported in the daily newspapers indicate that the overall budget deficit after grants for 2010 is estimated at approximately JOD 657 million, compared with the deficit estimated for 2009 at approximately JOD 890 million.

⁸⁰ News item entitled “Abu Hammour: Future Directions of Fiscal and Economic Policies Are a Translation of the Speech from the Throne”, dated 06/12/2010, Ministry of Finance, quoted from the link <http://www.mof.gov.jo/ar/pages.php?page=newsdetails&id=24961&num=3>

foodstuffs in 2010 may have led to depriving broad social segments of those with limited income of certain services and to expanding the circle of poverty. Petroleum derivatives and certain foodstuffs were also made subject to the general sales tax after having been exempt from it.⁸¹ The Centre also monitored increasing complaints by citizens with limited income, broadcast by the media, regarding the rise in public transport fares as a result of fuel price adjustments. Suffice it to note, as an indication of the rising cost of living, the increase in the inflation rate of 5% in 2010 compared with the previous year. Among the most prominent commodity groups that contributed to this increase were the “Transport” group, whose prices rose by 12.9%; the “Rents” group, whose prices rose by 3.7%; the “Meat and Poultry” group, whose prices rose by 5.9%; and the “Education” group, whose prices rose by 6%.⁸²

100. The survey issued by the Department of Statistics⁸³ in 2010 showed that the average annual household income and expenditure at the level of the Kingdom are estimated at approximately JOD 6,220 and approximately JOD 8,516.5 respectively, thus creating a gap between average annual household income and expenditure amounting to JOD 2,296.5, which means that Jordanian households in general are either depleting their savings or sinking into debt. Average annual household expenditure also varies at the governorate level: it reached its highest in the Capital Governorate at JOD 8,966, while its lowest was in Tafileh Governorate at JOD 5,766, which signifies an uneven distribution of poverty levels across the Kingdom. The data of the Household Income and Expenditure Survey also showed that approximately 80% of Jordanian household expenditure goes towards foodstuffs, housing, transport and communications, which is considered one of the highest proportions in the world. Total household expenditure on these needs averaged JOD 6,761.9 out of total annual expenditure of JOD 8,516.5. The expenditure of Jordanian households on foodstuffs constitutes more than one third of total household expenditure, as this proportion reached 37.6% in 2010 compared with 33% for the period 2006/2007. Jordanian household expenditure on housing and its appurtenances constitutes 24.7%, slightly lower than in the same comparison period, and this figure is set to rise considerably if the new Owners and Tenants Law is applied. The proportion of expenditure on transport and communications also rose to 17%, after it had been 15.8% in the same comparison period, owing to the effect of rising fuel prices. By contrast, total household expenditure on education fell to 5.1% for the period 2008/2009, after it had been 7% in the same comparison period.

101. The Centre notes that the contribution of the private sector to poverty-alleviation programmes remains weak. One study revealed that (65.5%) of Jordanian companies do not include allocations for social responsibility in their budgets,⁸⁴ which requires activating the role of the private sector in this field. The Centre also points to a number of obstacles faced by the Ministry of Social

⁸¹ The tax on Octane (90) and (95) gasoline was increased, the special tax on mobile telephones was amended to 8%, and the exemption granted to milk was abolished.

⁸² The Department of Statistics issued its report on inflation in Jordan, which indicates an increase in average consumer prices during 2010. For further details, see the news item entitled “Inflation Rate in Jordan at 4.9% for the First 11 Months”, *Al-Rai* newspaper, 12/12/2010, quoted from the link http://www.alrai.com/pages.php?news_id=373305&select=معدل التضخم شهرأ الأولي 11 في الاردن.

⁸³ Department of Statistics, 29/12/2010.

⁸⁴ News item entitled “New Jordan Center Study Reveals That 65.5% of Jordanian Companies Do Not Include Allocations for Social Responsibility in Their Budgets”, *Al-Arab Al-Yawm*, 26/8/2010, quoted from the link http://alarabalyawm.net/pages.php?news_id=249188&select=

Development, as the official body concerned, in addressing the problem of poverty, the most prominent of which are: (a) the lack of funding for most of its strategic plan programmes, especially as the budget of the National Aid Fund for 2010 amounted to JOD (86) million, a decrease of JOD one million from 2009; (b) poverty programmes focus on aid and humanitarian assistance to families instead of linking them to the productive process, which reinforces a culture of dependency;⁸⁵ and (c) the lack of sustainability of the fixed assets of most productive projects, owing to their owners disposing of them. The Centre notes that the cash assistance⁸⁶ provided by the National Aid Fund, despite its increase from JOD (33) to JOD (36), does not meet the basic needs of the individual in light of the high cost of living.

102. As for unemployment, its rate reached (12.5%) during 2010, compared with (12.9%) in 2009; however, the unemployment rate among holders of university degrees stands at approximately (16.2%),⁸⁷ which means that unemployment is one of the most prominent challenges facing young people, calling for rapid and effective remedies. The Centre also monitored many cases in which Jordanian workers were laid off from industrial cities in the wake of the global economic crisis during 2010, which calls for intensifying the Government's efforts to protect workers' rights and to urge the business sector to respect these rights and provide them with appropriate compensation, in addition to taking measures to provide alternative employment opportunities in view of fears of an aggravation of the phenomenon of unemployment, in conformity with the principles relating to human rights in the field of business endorsed by the United Nations. The Centre also draws attention to the fact that Jordanian workers continue to face the challenges in the labour market that it mentioned in its previous annual reports,⁸⁸ the most important of which is the intense competition from migrant workers. In addition, broad sectors of workers, particularly in small enterprises of the private sector and in the informal sectors, are still not covered by the social security umbrella, despite the amendments to the Social Security Law in this regard. Moreover, the majority of workers in the private sector do not enjoy any form of health insurance, which makes it necessary to expand the umbrella of social insurances provided for in the Social Security Law to include health insurance for subscribers, and to bring additional sectors of workers under its umbrella.

103. With regard to the cost of living, the Centre notes that the Government remains unable to control the prices of basic foodstuffs such as meat, sugar and pulses in local markets in an effective manner, which inflicts the gravest harm on the poor and middle classes and opens the way to many strikes and social tensions. The Centre also observed the Government's failure to follow a transparent mechanism for pricing petroleum derivatives and the imposition of widely varying taxes on citizens, such as the taxes imposed on gasoline derivatives, which constitutes discrimination among Jordanians contrary to the Constitution, as well as its reliance on a policy

⁸⁵ For example, the value of loans for productive family projects amounted to JOD 3,443.800 for approximately 238 projects during 2009, while the value of emergency cash and in-kind assistance amounted to JOD 409,887 during the same year; statistics of the Ministry of Social Development in its Letter No. 631/Kh T dated 17/1/2010 received by the National Centre for Human Rights.

⁸⁶ A family of two persons is granted JOD 90, a family of three JOD 130 and a family of four JOD 160.

⁸⁷ Interview at the Department of Statistics dated 29/12/2010.

⁸⁸ For more information, see: Study on the Situation of the Labour Market in Jordan for 2010, Ministry of Labour, quoted from the link <http://www.mol.gov.jo/Portals/0/Studies/العمل%20سوق.pdf>

of raising the prices of these derivatives to address the financial imbalances in the general budget, which entailed a rise in the prices of a long list of other basic goods and services. The Centre monitored complaints by citizens reported in the daily newspapers regarding the erosion of their purchasing power. The year 2010 also witnessed a government decision raising the prices of clothing for citizens.⁸⁹ All of this has led to an increase in the tax burden on citizens at a time when no significant increase in their income has occurred, which may lead in sum to a decline in the standard of living and to the State's failure to guarantee this right, as was clearly shown in the previously referenced survey.

104. The Centre observed that many price offers on staple goods in low-income areas, particularly tinned goods and ready-to-prepare foodstuffs and various frozen goods, involve goods whose shelf life has expired or is close to expiry, which means exposing citizens' health and safety to risk. This calls for the Ministry of Industry and Trade to tighten oversight of these markets. The Centre also monitored complaints by inhabitants of many villages, towns and small cities, reported by the local press, regarding poverty, pollution, poor health services and their lack of projects that could contribute to improving their economic and social situation.

105. It should be noted that poverty and the rising cost of living adversely affect a number of health indicators. The Department of Statistics indicated that 34% of children in Jordan suffer from anaemia, that is, one in every three children suffers from this disease. Rural children are also more exposed to malnutrition than urban children, as the rate for rural children reached 12%, while the rate for urban children was (0.7%). This rate reached 13% among children in the South, compared with 9% in the North Region and 7% in the Central Region. It should be noted that pupils from kindergarten age up to 18 years of age constitute approximately 35% of the Kingdom's population,⁹⁰ which points to a high total number of children affected by this disease.

106. As for **the right to housing**, despite the absence of statistics showing the housing poverty line for 2010, on the basis of the poverty figures issued in 2008 it can be said that more than 53% of Jordanian households fall below this line and are unable to finance the purchase of a housing unit meeting minimum specifications, with an area of not less than 108 square metres.⁹¹ This problem is aggravated among young people, whose social obligations increase, which affects their other rights, most importantly the right to marry and found a family. Moreover, the rise in rents for rented dwellings, given that more than 70% of dwellings had their contracts concluded before the entry into force of the Owners and Tenants Law of 2000, means that rents for dwellings are set to rise by large proportions, which will inevitably affect the standard of living of individuals, including young people in particular, especially with the expected increases in electricity and water prices. This creates a housing crisis in which many families find themselves unable to enjoy the right to decent housing. On another level related to housing, the clear shortfall in sewerage services for approximately 35% of dwellings is considered unjustifiable at both the health and

⁸⁹ The decision provides for calculating the customs tariff on the basis of weight, at a rate of one dinar per kilogram of clothing, or the imposition of 5% of the value of the goods, whichever is higher, whereas the Government had previously collected, under the former system, 20% of the value of the goods regardless of their weight.

⁹⁰ Mahmoud Al-Tarawneh, "Population Survey: 34% of Jordan's Children Suffer from Anaemia", *Al-Ghad* newspaper, quoted from the link <http://www.alghad.com/?news=493523AQ>

⁹¹ According to price levels and lending terms in the market, as per the figures of the Housing Information System at the Housing and Urban Development Corporation.

environmental levels. The Centre monitored complaints broadcast in the local media by citizens in cities and villages that suffer from a weak infrastructure, particularly the breakdown of the drinking water network, the sewerage network and the electricity network, whereby they called upon the various government bodies to give more care and attention.⁹²

107. Notwithstanding the approval by the Sixteenth House of Representatives of the draft amended Owners and Tenants Law as received from the Government, under which the eviction of tenants under contracts dating from before 1974 was postponed until the end of 2011 in order to avoid the negative social and economic effects arising therefrom, and pending a more thorough study of this Law, the Centre affirms that the Owners and Tenants Law No. (17) of 2009 raises social and economic problems in society, particularly as it set the end of 2014 as the date for the termination of lease contracts concluded before 2000, which constitute 30% of rented dwellings, as previously mentioned. This would lead to the eviction of many dwellings and the conclusion of contracts anew, with the additional costs this entails for citizens and the infringement of their rights.⁹³ This calls for distinguishing between residential contracts and commercial contracts in order to avert the potential social crisis. The Centre also notes that the amended Law does not grant the tenant priority to remain if he agrees to pay the market rent, particularly in commercial premises in which tenants have carried on their commercial activity for long periods and in which they have acquired a reputation,⁹⁴ which means the eviction of many persons with limited income from their dwellings and of most craftsmen, traders and other professionals from their places of work, particularly small and medium-sized companies and enterprises, which constitute (98%) of the commercial sector.

108. The Centre monitored a number of collapses of roofs and retaining walls, the most prominent of which was the collapse of a seven-storey building in the Bayader Wadi Al-Seer area in the Capital Governorate⁹⁵ on 10/3/2010, which resulted in five deaths and seven injuries. This may

⁹² The Centre also monitored a complaint by citizens, reported by the media, regarding the overflow of sewage manholes and their flooding of their homes in Ramtha and Wadi Al-Ghafr, west of Irbid, which caused damage to the contents of their homes, in addition to the risks to which they are exposed owing to unpleasant odours and the spread of mosquitoes and flies. The flow of wastewater from the Abu Nseir treatment plant also threatens the springs and drinking water in Birin; see, for example, the news item published in *Al-Dustour* newspaper at the link http://www.addustour.com/PrintTopic.aspx?ac=%5CLocalAndGover%5C20105%C065%CLocalAndGover_issue976_da_y13_id243825.htm

⁹³ The amended law to the Owners and Tenants Law of 2009 was enacted so as to terminate all lease contracts concluded before 31/8/2000 by the end of 2015 for residential premises and by the end of 2014 for commercial and industrial premises, over varying periods depending on the effective date of the contracts, in addition to the adoption of a new litigation mechanism for the eviction of leased premises resulting from the expiry of the contract. All lease contracts signed before 1/1/1970 shall terminate on 31/12/2010; residential lease contracts concluded before 1/1/1975 shall cease to have effect on 31/12/2011; and residential lease contracts concluded during the period from 1/1/1975 to 31/12/1984 shall cease to have effect on 31/12/2012. Residential lease contracts concluded during the period from 1/1/1985 to 31/12/1989 shall cease to have effect on 31/12/2013, while contracts in force from 1/1/1995 to 30/8/2000 shall terminate on 31/12/2015. As regards non-residential lease contracts, contracts in force before 1/1/1980 shall cease to have effect on 31/12/2011, and contracts concluded from 1/1/1980 to 31/12/1989 shall cease to have effect on 31/12/2012. Non-residential lease contracts in force from 1/1/1990 to 31/12/1994 shall cease to have effect on 31/12/2013, and contracts concluded during the period from 1/1/1995 to 30/8/2000 shall cease to have effect on 31/12/2014. See the link <http://www.pm.gov.jo/>

⁹⁴ Symposium entitled “The Right to Housing and the Owners and Tenants Law”, National Centre for Human Rights, dated 18/06/2009.

⁹⁵ *Al-Arab Al-Yawm* newspaper, http://www.alarabalyawm.net/pages.php?news_id=216184

indicate laxity in licensing processes and construction supervision on the part of the official bodies responsible for building safety and for ensuring that buildings are constructed in accordance with the approved Jordanian building codes, and that these are not circumvented for commercial considerations, with citizens falling victim to them for the sake of illegitimate profits. This calls for activating the oversight of all the bodies concerned, at the forefront of which is the Greater Amman Municipality.

109. In the field of public transport, the Centre refers to the Comprehensive Public Transport Master Plan study, which assessed the general situation of departure and arrival centres (bus terminals) in all governorates and found that they require radical improvement in terms of the public facilities available therein, passenger information, the level of service and the suitability of the location. The Centre calls upon the Government to adopt and implement the recommendations of the study calling for the development of the infrastructure and the requirements of public transport services at departure and arrival centres, loading and unloading stops, and stopping points along public transport network routes. The Centre also monitored citizens' complaints regarding the absence of a clear mechanism for adjusting public transport fares. The Centre calls upon the Public Transport Regulatory Commission to expedite the adoption of an annual mechanism for adjusting public transport fares linked to changes in fuel prices and inflation rates, to achieve justice between operators and users of public transport, and to set specifications that raise the level of public safety and road safety.

110. As for **the right to water**, the Centre recorded during 2010 interruptions of water supplies to citizens' homes in all governorates of the Kingdom⁹⁶ for long periods exceeding two weeks, as a result of the contamination of some wells and power cuts that halted pumping operations, in addition to certain administrative obstacles relating to some distributors working in the Ministry of Water failing to adhere to the rotation programme, which forced them to bring in water by tankers at high prices at a time when some of them were suffering from difficult living conditions. Citizens' complaints in the media also increased regarding water not reaching the supply networks in all governorates and their need for modernisation in order to stop the waste of lost water and to protect the safety of water conveyed through them to citizens. The Centre also monitored the cutting off of water supplies to many residential dwellings⁹⁷ on the pretext of accumulated water arrears, even though their inhabitants stated that they were unable to pay the water charges. The media also published multiple complaints regarding some water-tanker drivers filling their tankers from a source of water unfit for drinking and then labelling it "fit for drinking", taking advantage of the increased demand for water during the summer season and the heat wave,⁹⁸ as well as from some wells whose operators collect the water flowing from them in plastic ponds and resell it to citizens. The Centre further points out that the water tariff in the Capital Governorate is higher than in the other governorates on the justification of higher incomes there, which contradicts the

⁹⁶ Such as the residents of the Aqaba Railway in Ma'an, and Ma'an, Jerash, Irbid, Zarqa, Ajloun, Amman and elsewhere.

⁹⁷ For example, in the Azraq and Jordan Valley areas.

⁹⁸ The Al-Bahhath area stream in Marj Al-Hamam.

text of the Constitution and conflicts with the universal principle established in human rights conventions prohibiting discrimination among citizens.⁹⁹

The Right to Work

111. The Constitution, in Articles (6/2) and (23), guarantees the right to work to all citizens, and obliges the State to provide work for them by directing and promoting the national economy. Accordingly, Labour Law No. (8) of 1996 was enacted to regulate the foundations of the contractual relationship between workers and employers, thereby enabling workers to enjoy the rights, benefits and legal measures guaranteed under this Law. Likewise, the International Covenant on Economic, Social and Cultural Rights addresses, in Articles (6, 7 and 8), the right of individuals to enjoy just and favourable conditions of work ensuring equal employment opportunities for all workers, fair wages and equal remuneration for all without discrimination, a decent living, safe and healthy working conditions, and reasonable limitation of working hours with pay, including rest and leisure. Furthermore, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990, which entered into force on 1 July 2003, established a full, comprehensive and all-encompassing codification of all the guarantees and rights of migrant workers that must be observed.¹⁰⁰ The International Labour Organisation has also issued more than (189) international conventions, of which Jordan has ratified (24), in particular the fundamental conventions; however, Jordan has not ratified Convention No. (87) concerning Freedom of Association.¹⁰¹

112. With regard to national legislation, the Labour Law was amended on 8/6/2010, the amendments covering (39) of its articles. The most important amendments are the following: (a) Article 15/A-2 of the Law requires that a language understood by a non-Arab worker be used in the contract alongside Arabic, in order to ensure that the worker is aware of his rights and obligations under the employment contract; (b) the abolition of the maximum compensation cap provided for in Article 25, and the adoption of the worker's length of service as the basis for

⁹⁹ The price per cubic metre in Amman, from zero to twenty cubic metres, amounts to a total value of up to JOD 5 and 121 fils, inclusive of meter charges and the additional surcharge, in addition to the sewerage usage charge and water charges. The bill then becomes progressive after the consumption of 21 cubic metres in a single cycle (3 months), and for consumption exceeding 130 cubic metres of water, the total bill is the quantity consumed multiplied by the price per cubic metre of 124 piasters, added to the additional surcharge of JOD 5 and 51 piasters and the meter fee. In the governorates, the price per cubic metre remains progressive up to the consumption of 185 cubic metres, after which the price per cubic metre is fixed. The additional surcharge imposed on the water bill some years ago amounts in the Capital to JOD 5 and 150 fils after the consumption of 40 cubic metres, whereas in the governorates it amounts to JOD 4 and 650 fils. For further details, see the website of the Ministry of Water and Irrigation: <http://www.mwi.gov.jo/Arabic/WAJ/CitizenServices/Pages/tariff.aspx>

¹⁰⁰ Among the most important protections afforded by this Convention to migrant workers and their families are the following: the right to work and to receive fair and adequate wages; 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 reasonable working 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.

¹⁰¹ Namely: 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.

calculating compensation for arbitrary dismissal, equivalent to half a month's wage for each year of service; (c) provision for the right of holders of fixed-term contracts to receive an end-of-service gratuity on the same terms as indefinite-term contracts; (d) the restriction of overtime work to cases of necessity, not exceeding 10 days per year, under Article 31; (e) an increase in paid sick leave to 28 days per year instead of 14 days, pursuant to Article 65; (f) Articles 98 and 116–119 grant trade unions broad powers to regulate their internal affairs and administration, carry out their activities and issue their bylaws and regulations with complete freedom, and abolish the power of the Registrar of Trade Unions to refuse the registration of trade unions. However, the Centre's reservation regarding this amendment is that it does not keep pace with international standards, particularly those contained in Convention No. (87) concerning Freedom of Association, since Article 116 empowers the Minister of Labour to dissolve a trade union, rather than the judiciary, which held this power under the former Law.

113. In the area of the occupational health and safety of workers, the Centre observed that further oversight is still needed, particularly in the construction, auxiliary medical services and agriculture sectors, as well as in the electricity sector. In this regard, it should be noted that electricity workers went on strike during 2010 demanding the improvement of occupational health and safety conditions following an increase in work-related injuries among their ranks.

114. As for workers in auxiliary health services, whether employed in the catering industry or in cleaning services in hospitals by service companies, the conditions and circumstances of this category remain unchanged. According to the figures of the General Trade Union, more than 80 thousand male and female workers suffer from a harsh working environment manifested in extended working hours over long periods, low wages below the minimum wage, delays in the receipt of wages, and substantial wage deductions. The Centre considers it necessary for the Ministry of Health, the Ministry of Labour and the General Trade Union of Health Service Workers to intervene and to work towards the implementation of the provisions of the Labour Law and the activation of oversight of companies, in order to curb the violations affecting this segment of workers.

115. With regard to agricultural workers, the violations suffered by them, particularly women and children working in this sector, persist despite the Centre having drawn attention to them in its previous reports. These workers lack legal protection owing to the failure to issue a special regulation governing the rights of this category for the purposes of applying the provisions of Article (3/C) of the Labour Law, notwithstanding the amendment of the Labour Law in 2008 to extend its provisions to workers in the agricultural sector. That Article provides for the subjection of 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. The Centre considers that the failure of agricultural workers to enjoy any legal protection is a matter that contravenes the text of Article (6/2) of the Jordanian Constitution, as well as the international conventions on labour ratified by the Jordanian Government. It should be noted that this segment suffers from lack of coverage by health insurance and social security, long working hours, low wages, employers' failure to abide by the provisions of the employment contract, and deprivation of official holidays, including the weekly day off.

116. As for daily-wage workers, their sit-ins and strikes increased during 2010, the most important of which was the sit-in of daily-wage workers employed by the Ministry of Agriculture and their demand to be included in the third category under the Civil Service Regulation, bearing in mind that a large number of them have more than ten years of service and are deprived of the benefits of the Civil Service Regulation with regard to wages, annual increments and various allowances.

117. In the area of domestic workers, the Centre received (54) complaints and (13) requests for assistance during 2010 relating to the employment of domestic workers. The Centre also monitored the phenomenon of violation of the contracts concluded between domestic workers and recruitment agency owners with respect to the conditions of employment and the nature of the work agreed upon before their travel and departure from their countries, and the working conditions and wages upon their arrival in Jordan. Notwithstanding the issues raised in the Centre's 2009 report concerning the problems faced by domestic workers, no notable progress has been made in this area, which necessitates reaffirming the proposals and recommendations submitted by the Centre in this field.

118. In the area of workers in the Qualifying Industrial Zones, the Centre continued its visits to these zones during 2010, and found that the violations and problems suffered by these workers persist, the most prominent of which are: the absence of night-time inspection; the failure of companies to comply with occupational health and safety in factories and to provide health insurance for workers; and the absconding of migrant workers from the companies in which they are employed and their working for other parties illegally in protest against their conditions in these zones, in addition to the absconding of some investors who own factories and their failure to pay workers' wages after the closure of the factories. As regards labour strikes in the industrial zones, (32) strikes were carried out in protest against the conditions suffered by workers in these cities. Among the most prominent problems raised by the General Trade Union of Workers in Textiles, Garments and Clothing during 2010 in these cities is that there are (2000) Jordanian workers in the Qualifying Industrial Zones receiving wages below the minimum wage of (150) dinars, as these workers were exempted from the minimum wage approved in 2009 on the grounds that this sector exports its products to global markets suffering from economic recession.

119. In the area of child labour, Jordan has ratified Convention No. (182) of 1999 concerning the Worst Forms of Child Labour, which defined the types of work in which children may not be employed, as well as the Convention on the Rights of the Child, Article (32) of which prohibits the exploitation of children in work. Labour Law No. (8) of 1996, as amended, also sets out legal provisions specifying the mechanism and conditions of child labour. The Centre has prepared a report addressing child labour from a human rights perspective, which found the following: (a) all working children work in jobs that seriously harm their health as a result of inhaling gases and fumes and/or exposure to occupational hazards such as falling from ladders and exposure to traffic accidents; (b) the children stated that they are subjected to beating and verbal abuse in the work environment; (c) a number of working children are exposed to sexual and immoral practices committed against them during work; (d) the Centre monitored two cases of child trafficking that led to the death of two girls who had been brought from a neighbouring country to work on remote farms under harsh conditions; (e) long working hours and low wages that do not reach the minimum wage; (f) these children remain outside the legal and legislative protection framework of the Labour Law and Social Security. It is worth mentioning that these violations affect the

child's rights to life, education, family care and protection from economic exploitation, and from performing any work that is likely to be hazardous to, or harmful to, the child's health or physical, mental, spiritual, moral or social development, in addition to the violation of the child's right to rest and to engage in activities and play appropriate to his age, and his right to an adequate standard of living necessary for his development. It is also worth mentioning that the Centre observed during 2010 that the role of the Ministry of Labour in the area of inspection with a view to curbing the phenomenon of child labour remains weak and fragile; the Ministry did not activate the work of the specialised unit for curbing child labour and supply it with inspectors for the purposes of inspecting places of child labour and taking action against violating employers. The Centre draws attention to the study prepared by the Department of Statistics and the International Labour Organisation, which concluded that the number of working children in the Kingdom is approximately 32 thousand children in the age group 15–17 years only, which means that the number of working children under the age of 15 clearly exceeds these figures.

120. As for combating trafficking in persons, despite the enactment of the Anti-Trafficking in Persons Law and the National Strategy for the Prevention of Trafficking in Persons, a shelter for victims has not yet been established to date, in addition to the absence of a specialised unit for combating trafficking in persons and of coordination among the competent authorities. The Centre also records the absence of programmes for training the persons concerned with the implementation of the provisions of the Law.

The Right to Education

121. The Committee on Economic, Social and Cultural Rights, established under the International Covenant on Economic, Social and Cultural Rights, has affirmed that the right to education is of vital importance and has been classified in various ways as an economic, social and cultural right; it is also a civil and political right, since it is central to the full and effective realisation of all these rights.¹⁰² The right to education is enshrined in Article (26) of the Universal Declaration of Human Rights. The International Covenant on Economic, Social and Cultural Rights also provides, in Articles (13 and 14) thereof, that education is a right guaranteed to everyone and shall be directed to the full development of the human personality and the strengthening of respect for human rights. These Articles also oblige States to make primary education compulsory, free and available to all; to make secondary education in its different forms generally available and accessible; and to make higher education equally accessible on the basis of capacity, with the progressive introduction of free secondary and higher education. The Constitution likewise guarantees the

¹⁰² General Comment No. 11 of the Committee on Article 14 of the Covenant, which states: "The right to education, recognised in articles 13 and 14 of the Covenant, is of vital importance. It has been variously classified as an economic right, a social right and a cultural right. It is all of these. It is also, in many ways, a civil right and a political right, since it is central to the full and effective realisation of those rights as well. In this respect, the right to education epitomises the indivisibility and interdependence of all human rights." Likewise, General Comment No. 13 of the same Committee states: "Education is both a human right in itself and an indispensable means of realising other human rights. As an empowerment right, education is the primary vehicle by which economically and socially marginalised adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities. Education has a vital role in empowering women, safeguarding children from exploitative and hazardous labour and sexual exploitation, promoting human rights and democracy, protecting the environment, and controlling population growth. Increasingly, education is recognised as one of the best financial investments States can make."

right to education within the limits of the State's capabilities, and provides for the right to establish private schools and for compulsory education in Articles (6/2 and 19),¹⁰³ while the Education Law provides for free compulsory education.

122. With regard to the infrastructure of school education, the statistical indicators of the Ministry of Education concerning the number of schools and the number of students continue to show that the increase in student numbers is not commensurate with the increase in the number of schools, which leads to overcrowding of classrooms. The Centre continues to stress that the figures still reveal that the ratio of students per class section and per teacher is higher than international standards.¹⁰⁴ The reason behind the notable rise in class density is the enrolment of Iraqi students in public schools during the past two years and the notable transfer of students from private schools and UNRWA schools in the last three years.¹⁰⁵ The proportion of students attending schools operating a double-shift system is (4%), while the proportion of rented public schools is (13%); these schools are concentrated in the cities of Amman, Irbid and Zarqa. The Ministry attributes the underlying reasons for its continued renting of schools to the unavailability of plots of land on which to build, particularly in densely populated areas, in addition to the scarcity of financial resources at other times. Newly built schools in some rural areas are distinguished by better specifications and services than older schools, as these schools are built on large plots of land and to well-studied specifications. The Centre affirms that there are schools in the Kingdom in which students suffer from severe cold in winter owing to the lack of heating or its inadequacy. The Centre has indeed monitored an increase in complaints from parents about classrooms lacking heaters and the difficulty of their children coping with the bitter cold, in addition to the existence of broken windows which students share the cost of repairing in order to protect themselves from the cold.¹⁰⁶ Where heating is available, gas heaters are used, which emit harmful gases, particularly in narrow classrooms suffering from overcrowding of students, in addition to students tampering with these heaters during the break between lessons, which poses a serious danger to them. Students in a number of schools also suffer from poor cleanliness, particularly in sanitary facilities, which may pose a danger to their health, which calls for improving the physical learning environment and the maintenance of schools requiring maintenance and their supply with the appropriate heating requirements, the distribution of coats to students in winter, and attention to school cleanliness and continuous sterilisation. In addition, the Centre has monitored schools in the southern governorates located on main roads without iron barriers at their gates or speed bumps near them, as well as water tanks in them that are uncovered and exposed to pollution,

¹⁰³ As follows: "The State shall ensure work and education within the limits of its possibilities, and shall ensure a state of tranquillity and equal opportunities to all Jordanians" and "Congregations shall have the right to establish and administer their own schools for the education of their own members, provided that they comply with the general provisions of the law and are subject to the control of the Government in matters relating to their curricula and orientation". Article 20 thereof provides: "Elementary education shall be compulsory for Jordanians and free of charge in Government schools."

¹⁰⁴ The international standard for the number of students per class section is 25, while the average number of students per teacher is 14 in developed countries, 28 in developing countries, and 22 in Arab countries. In Jordan, the general average is approximately 35 male and female students per class, reaching approximately 45 students in the main cities such as the capital, Amman, Zarqa and Irbid.

¹⁰⁵ The Second National Millennium Development Goals Report – Jordan 2010.

¹⁰⁶ See the link <http://www.ammonnews.net/article.aspx?articleNo=55452>.

alongside some cracked walls surrounding certain schools and large iron gates lacking maintenance, which pose a latent danger to students' lives.

123. Although Jordan has achieved tangible progress in quantitative education indicators, there is a pressing need to attend to qualitative aspects, particularly teaching methods, which are based mainly on rote learning. A proportion of students (approximately one third of students) still complete the fourth grade without mastering the basic learning competencies in reading, writing and arithmetic, which requires the development of curricula and textbooks to match students' educational needs, the improvement of teaching methods, and the provision of specialised qualitative training for teachers.¹⁰⁷ The Centre affirms that there is still a notable disparity between the levels of students in private and public schools; the majority of private school graduates are distinguished by their acquisition of foreign languages, particularly English, which enhances their prospects of obtaining better employment in the future than public school students. Some private schools also focus on extracurricular activities that contribute to shaping the student's personality. In this regard, the Centre considers that the existence of a large disparity between some private schools and the majority of public schools in programmes, curricula and resources leads to a clear cultural disparity within the same society, particularly in light of the opportunities available in the Kingdom in some leadership positions which require skills that public education may not provide, which will increase discrimination among Jordanians. In the area of human rights education, the Centre affirms the need to complete the integration of human rights into school curricula. At the same time, it notes that although the Centre and the Ministry of Education signed a memorandum of understanding on 8/4/2009 and developed work plans for integrating human rights concepts and principles into the school system, the provisions of the memorandum of understanding have not been implemented owing to the lack of the necessary funding and the rapid turnover of ministers and officials.

124. With regard to vocational education, art and physical education in schools, these subjects remain inactive in a large number of schools and are characterised by weakness and deficiencies in their curricular, organisational and executive structure; these lessons are frequently used to make up for scientific subjects such as mathematics, science and others, or are converted into a voluntary work lesson during which students clean the school yards and facilities. Moreover, they are mostly scheduled at the end of the school day, when students have reached advanced stages of fatigue and exhaustion. This constantly raises questions among students and parents about the usefulness of including such lessons in the school timetable as long as the end result is their neglect. The Centre attributes the reasons leading to the marginalisation of these lessons to the weakness of the budgets allocated to these activities in schools,¹⁰⁸ the shortage of material resources such as playgrounds, equipped sports halls and the absence of gardens, the shortage of

¹⁰⁷ The Second National Millennium Development Goals Report – Jordan 2010. The report also indicates that “it is clear from the analysis of the results of Jordanian students in national and international tests and the results of the General Secondary Examination that the general challenge to the quality of education is the most prominent challenge, which requires continuing the efforts made to develop education by adopting non-traditional developmental strategies that do not focus solely on improving and developing educational inputs (buildings, facilities, curricula, teacher training and others) but on more effective strategies that move development into the classroom and to the school level and focus on monitoring performance.”

¹⁰⁸ A study on the vocational problems facing physical education teachers in public schools, by researchers Ma'in Awdat and Abdul Hakim Khasawneh.

tools used in the arts, the lack among teachers of these subjects of basic skills, the failure to hold specialised courses for them, and the limited time allocated to these activities. In this context, the Centre affirms that the Ministry must accord these lessons special importance, as they help students discover themselves and their talents, increase their self-confidence and equip them with various life skills, and also enable them to express themselves and release their energies in a positive manner away from aggressive and violent behaviour. These lessons are also closely linked to the right to play and to cultural rights and the right to health.

125. With regard to the rising cost of school education, the Centre notes the continued imposition of sales tax on the stationery needed by students, ranging between (4–16%), notwithstanding that education should be free in public schools.¹⁰⁹ It is worth noting that, by a Royal Grant, students were exempted from voluntary school contributions for the second consecutive year, in recognition of the economic hardships suffered by Jordanian families. In this context, the Centre affirms the need to abolish these contributions and not merely to suspend them, in conformity with the principle of free education. The Centre also notes that students carry school bags containing a large number of books, particularly given the distance of some schools from their places of residence, which renders children increasingly susceptible to back injuries and muscular strain.¹¹⁰

126. The Centre has also monitored recurring instances of shortages in teaching staff, particularly among male teachers specialised in science, mathematics, physics, earth sciences and English. This problem is concentrated specifically in schools in the southern and central regions of the Kingdom, and is attributed to a number of reasons, most prominently the reluctance of teachers to work at the Ministry owing to the availability of better-paid employment opportunities inside or outside the Kingdom, in addition to the small numbers of students admitted to these specialisations at universities in the first place. The Ministry seeks to resolve this problem through direct appointment by the Ministry. The Ministry also resorts to assigning the teaching of these subjects to educational supervisors or to teachers holding academic qualifications close to the specialisation in short supply, and in other cases the Ministry assigns teaching duties to a teacher in more than one school. Practical reality indicates that some teachers teach subjects far removed from their specialisations where there is a shortage in a given subject, which affects the proper functioning of the educational process and the failure to teach these subjects in the required manner. The Centre affirms the need for the Ministry, in coordination with the other concerned authorities, to take the necessary measures to resolve this problem radically.

127. With regard to private schools, the figures received from the Ministry of Education indicate the transfer of approximately (18) thousand students from private schools to public schools. The

¹⁰⁹ It is worth noting that the Committee on Economic, Social and Cultural Rights, in its General Comment No. (11), stressed that “fees imposed by the Government, the local authorities or the school, and other direct costs, constitute disincentives to the enjoyment of the right and may jeopardise its realisation. They are also often highly regressive in effect.” It added that “indirect costs, such as compulsory levies on parents, may fall into the same category.”

¹¹⁰ An American medical study addressed the effect of carrying school bags on the health condition of children aged between 11 and 13 years, and the study observed a curvature of the spine in some students, and their conclusion that this resulted in muscular inflammation of the shoulder on which the student carries the school bag.

Centre has recorded a number of violations committed by private school administrations,¹¹¹ the most important of which are: (a) the continued low wages of teachers in many private schools, and some of these schools paying teachers a wage below the minimum wage in accordance with the Jordanian Labour Law, thereby violating the contracts concluded between them and the teachers; (b) many schools terminating the contracts of male and female teachers at the end of the second semester and renewing their contracts at the beginning of the first semester, in order to avoid paying their salaries during the summer holiday; (c) some private schools resorting to paying salaries for no more than (10) months a year only, which constitutes a clear violation of the Unified Private Sector Employment Contract for male and female teachers in private schools, signed by the parties to the relationship, 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 a full year as of the second year of service; (d) the deduction of the full social security contributions from the salary of the female or male teacher by some private schools, and some of them postponing the enrolment of male and female teachers working therein in social security after they commence work; (e) the majority of private schools do not provide health insurance to female and male teachers, and the wages of those who have exhausted their entitlement to sick leave are reduced in cases of illness; (f) female teachers in a large number of private schools are not granted maternity leave amounting to (10) weeks before and after childbirth; the majority of private school administrations suspend the salary of a female worker during her leave, while some private school administrations dismiss the teacher from her work when she becomes pregnant, others fix maternity leave at two weeks, and some fix it at twenty days, while 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 the official working hours, contrary to the text of Article (59) of the Jordanian Labour Law; (g) the continued increase in school fees in a number of these schools, and the failure of the Government to take any measure to control this matter, which increases the financial burden on parents. In this regard, the Centre regrets that the Government has not taken any measure to classify private schools and issue a special regulation in this respect, despite the Centre's repeated recommendations to this effect, bearing in mind that this regulation is issued in response to the Education Law, Article Six, Item (c) of which provides that the Ministry shall undertake the supervision of all educational institutions in a manner that ensures their compliance with the provisions of the Education Law.¹¹² The Centre also calls upon the Association of Private School Owners to assume their national responsibilities and to take effective measures to curb these abuses, so as to guarantee teachers' enjoyment of their basic rights and their sense of security, which will increase their motivation to provide distinguished education, which is the right of all pupils.

¹¹¹ The Labour Observatory of the Phenix Centre referred to these violations in a labour report it prepared on the conditions of male and female teachers in private schools.

¹¹² The regulation on the classification of private schools includes setting the maximum and minimum fees charged by these schools from parents, and also contains provisions specifying the conditions of their establishment and the conditions that must be available in their administrators, in addition to specifying the wages of teachers and the prices of books in private educational institutions.

128. With regard to kindergartens, it should be noted that, notwithstanding the provision of free kindergarten education in public schools and the Ministry of Education's implementation of a number of projects relating to this age stage in which the child's personality is formed, such as the "Khutwat" (Steps) project and the "Early Childhood Development" project, these kindergartens remain non-compulsory and most of them lack the equipment required in accordance with the quality standards for kindergartens. Moreover, the projects implemented do not cover all schools in the Kingdom, in addition to the fact that the majority of kindergartens, whether private or public, do not apply the system of learning through play but instead follow traditional methods in teaching children. The Centre affirms the need to expand pre-school education programmes through the establishment of kindergartens, which studies have proven reduce dropout rates and increase the chances of success in later school education, not to mention their impact in bridging the educational gap between less fortunate areas and those enjoying better resources. Among the areas on which the Centre considers it necessary to focus are: (Mafraq, Southern Mazar, Jerash, Busayra, the Southern Jordan Valley, the Eastern and Western Northern Badia, Dhiban, the Southern Badia, the Southern Shuneh, Al-Muwaqqar, the Northern Jordan Valley, and Karak).

129. With regard to illiteracy, the Centre refers to the Second National Millennium Development Goals Report, which affirmed that the reduction of illiteracy rates in the age group (15–24) years has been achieved in Jordan, such that 99% of this group possess the minimum reading skills; it can therefore be said that illiterate persons constitute only (0.9%) of this group. Illiteracy is concentrated among females at a higher rate compared with males, and illiteracy rates are higher in the governorates of Mafraq, Ma'an and Karak.

130. As for the problem of dropout, its rate reached (0.4%) for the 2009/2010 academic year. An increase in the number of dropouts has been observed over the past years, and the dropout problem is concentrated in villages and the Badia in the south of the Kingdom and in the Central Jordan Valley. Dropout is attributed to social and economic causes, foremost among them family disintegration and the low level of income of some families, which drives them to push their children to work for the purpose of economic assistance. The dropout problem is exacerbated in some tourist areas such as Aqaba and Wadi Musa (Petra), as these areas are attractive economic areas in which job opportunities increase.¹¹³ The Centre affirms the need for the Government to take measures to return the children present in these areas during school hours to their schools and to activate the Education Law in this area. The Centre also affirms the need to link the database of the age group (6–15) years available at the Civil Status Department with the student database for this group at the Ministry of Education, in order to identify the children who are outside education, whether those who never enrolled or those who dropped out of education, and then to enrol them in education or return them to it, or to integrate them into non-formal education programmes.¹¹⁴ In this area, the Centre does not fail to recall that it is the direct responsibility of the State to ensure the enrolment of students in basic education and to pursue parents who do not send their children to school. This matter is considered of the utmost urgency in light of the increasing numbers of working children of school age, whose engagement in work deprives them

¹¹³ Children work in these areas as tourist guides, in hotels and restaurants, on sea boats, in the port and elsewhere.

¹¹⁴ The Second National Millennium Development Goals Report – Jordan 2010.

not only of the right to education but of many other rights, not least the right to health, play, rest and the right to development.¹¹⁵

131. With regard to special education, there is a range of programmes targeting the category of students with special needs, as shown in Table No. (11). The Centre affirms a number of challenges relating to special education, the most important of which are: (a) the lack of preparedness of the majority of schools to receive persons with disabilities, particularly persons with motor disabilities, and the impossibility of carrying out maintenance and modifications to rented schools to make them suitable for receiving them, since the Ministry does not own them; (b) the need for awareness programmes directed at teachers, principals and families concerning the concept of the comprehensive inclusion of persons with disabilities in schools, given that some parents, teachers and administrators hold a negative attitude towards children with disabilities;¹¹⁶ (c) the lack of awareness among families, teachers and principals of the programmes relating to 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 special needs; (e) the lack of physical facilities, specifically transportation, for persons with motor disabilities, deaf and mute persons and others, and for gifted students, to reach the venues where their special programmes are held, particularly in the Badia and rural areas.

Table No. (11): Numbers of Students and Staff in Special Education Programmes at the Ministry of Education for the Academic Year 2010–2011

Category	Number of Schools / Rooms	Number of Students	Number of Teachers	Remarks
Persons with motor disabilities	-	673	-	Integrated in regular schools
Blind and visually impaired persons	3 schools	272	57	-
Deaf and hard-of-hearing persons	13 schools	768	177	-
Persons with albinism	-	103	-	Integrated in regular schools
Intellectual disability	7 rooms	76	29	-
Learning difficulties	686	10503	688	More than one teacher in some rooms
Acceleration	-	43	-	Integrated in regular schools
Pioneer centres	18 centres	1712	170	-
Resource rooms for gifted students	13 rooms	823	66	-

¹¹⁵ For further details, reference may be made to the Centre's report on child labour for 2010.

¹¹⁶ Some parents hold a negative attitude towards children with disabilities and hasten to transfer their child from the class or school if they learn of the presence of a child with a disability in the class.

Category	Number of Schools / Rooms	Number of Students	Number of Teachers	Remarks
King Abdullah II Schools for Excellence	6 schools	1935	239	-

132. Among the regrettable matters is the persistence of the phenomenon of school violence in all its physical, verbal and psychological forms in 2010, and the increase in cases of violence among students themselves on the one hand and between students and teachers on the other,¹¹⁷ and the inability of the Ministry of Education to curb this serious phenomenon, particularly as this phenomenon has crossed into the bounds of sexual assault. The Centre monitored a case of a female teacher committing sexual assault against a number of kindergarten pupils in a private school.¹¹⁸ In addition, the Centre observed through the media an increase in parents' complaints concerning the existence of the phenomenon of sexual assault among students in some boys' schools, particularly by secondary-stage students against younger students, and the existence of sexual practices among some female students in girls' schools, which indicates the importance of separating secondary schools from primary schools. In this context, the Centre affirms the need for the Ministry of Education to intervene to confront this problem and put an end to it, as it has come to worry parents and threaten the future of students, by increasing students' awareness of the consequences of these practices through focusing on sex education subjects that would protect students from falling victim to some of these practices, activating educational and psychological counselling in schools, and urging students not to remain silent if they are subjected to any sexual assault. In this context, the Centre particularly notes the increase in complaints from the residents of Aqaba Governorate regarding the spread of immoral practices, particularly in public boys' schools, which in many cases forces them to transfer their children to private schools and consequently to bear considerable financial burdens.¹¹⁹

133. The number of complaints submitted to the Ministry of Education through the hotline concerning cases of violence against students reached (14) complaints during 2010, while (12) complaints were submitted through the Family Support Line and (5) written complaints directly to the Ministry. The Centre affirms that some students and their parents do not submit complaints for fear of a change in the treatment of the complaining student by teachers and the school administration.¹²⁰ The number of complaints submitted against public schools reached (29)

¹¹⁷ The Centre monitored the beating of a ninth-grade student at Al-Ma'mouniyya Basic School in Madaba by a teacher at the school. For further details, see Al-Ghad newspaper <http://www.addustour.com/ViewTopic.aspx>

¹¹⁸ The Family Protection Department referred a private school teacher to the Public Prosecutor of the Grand Criminal Court on charges of "indecent assault" against her child pupils studying in pre-school classes (kindergarten). For further details, see <http://www.alghad.com/?news=507898>

¹¹⁹ The Ministry of Education denied the existence of this phenomenon in schools during the visit made by the Centre's team to the Ministry, bearing in mind that the Centre received a complaint in this regard.

¹²⁰ The Centre monitored, during the visit to the Child Protection Section of the Ministry of Education for the purpose of preparing this report, two students submitting a complaint stating that they had been subjected to physical and psychological violence by a teacher in a boys' school in Luweibdeh/Amman, where the teacher beats the students, also enlists the other students to restrain the unruly student, and, if the student resists, tells him that this is resisting the authorities. The teacher also requires the student to squat for an hour in the school yard as a form of punishment, and flogs the offending student three lashes. The students initially refused to disclose their names or to write a written complaint for fear of the teacher and the school administration.

complaints, while the number of complaints submitted against private schools reached (3) complaints, which suggests that the scale of this problem is greater than it appears on the surface. As for the subjects of these complaints, they centred on physical, verbal and moral abuse directed at students. It should be noted that about half of children are subjected to physical abuse by parents, teachers, school administrators and siblings sharing the child's place of residence, and more than (70%) of children are subjected to verbal abuse by teachers and administrators in Jordanian schools,¹²¹ which deprives these children of the feeling of safety at school, drives them to absenteeism, and generates in them depression, sadness, shyness, confusion, violence and a desire for revenge, all of which are negative effects that contradict the educational and pedagogical mission of the teacher. In this context, the Centre commends the amendment of the Civil Service Regulation towards tightening the penalty on teachers and principals who resort to the use of violence and physical assault against students;¹²² however, it notes that the Regulation does not expressly provide for the imposition of penalties on teachers and principals who practise psychological and verbal violence against students. The Centre stresses the need for the penalties to encompass the violence inflicted upon students in all its forms. The Centre notes that the Ministry of Education implemented the project "Towards a Safe School Environment" in cooperation with UNICEF, which focuses on preventing violence in schools in a scientifically studied educational manner, on the basis of maintaining a balance between protecting students from violence and, in return, preserving the standing of the school and the teacher against any transgressions by students, through the application of slogans such as ("Let us stop to discuss, so that we take the decision collectively and peacefully"). However, according to the statistics of UNICEF, the body supervising the implementation of the campaign, only (10) directorates out of (40) directorates adhered to applying the campaign literally, and the campaign succeeded in raising awareness among students, teachers and school administrations alike of the importance of renouncing violence and replacing it with modern educational methods, while at the same time undertaking oversight measures and diligent follow-up in order to ensure the commitment of all parties to this campaign so that it bears fruit. The Centre received a complaint concerning the infliction of psychological and verbal violence¹²³ on a group of students of one of the private schools, and the Centre addressed the Ministry of Education, which in turn formed a committee of inquiry to look into the details of this complaint; the case remains under follow-up.

134. The Centre followed with great concern the withdrawal by the Ministry of Education of the compact disc containing the results of the General Secondary Education Certificate Examination for the 2009/2010 winter session from the electronic websites on which those results had been

¹²¹ See the study conducted by UNICEF in cooperation with the National Council for Family Affairs on violence against children in Jordan in 2007, and the investigation by Reham Al-Fakhouri entitled "A Press Tour Reveals the Practice of Corporal Punishment against School Students", Al-Rai newspaper, cited from the link http://www.alrai.com/pages.php?news_id=372665

¹²² Article 68 of the Civil Service Regulation provides as follows: (An employee shall be prohibited, on pain of disciplinary liability, from committing any of the following acts: (1) inflicting corporal punishment in any form whatsoever on any of the children present in the departments, including educational, rehabilitation or training institutions or care or protection homes, or causing harm to any of them).

¹²³ The student is confined in a room as a form of punishment for a period of 70 minutes; students are also deprived of food, particularly if the confinement coincides with the break period; the punished student is also made to squat within a specified area which he may not leave, and if the student leaves this area the punishment is repeated afresh.

published, one hour after their publication, owing to errors in some of the students' mark sheets. The Ministry formed a committee of inquiry to look into the causes of this error and the officials responsible for it. The report did not conclude that any legal, administrative or technical responsibility lay with any of the Ministry's senior officials; rather, the report reached several findings, the most prominent of which was that "the error that occurred, and which led to this problem, was an unintentional human error, and could only have been avoided through the existence of a fixed methodology providing for subsequent auditing of compact discs after their issuance, and the programmer does not bear responsibility for the absence of a methodology for conducting subsequent auditing of the contents of those discs". The Centre calls for expediting the implementation of the recommendations issued by the Council of Ministers¹²⁴ in this regard, in order to prevent the recurrence of such errors, which affect the credibility of the General Secondary Examination results issued by the Ministry of Education among students, parents and society as a whole, and create a state of social and psychological tension among students.

135. With regard to improving the living conditions of teachers in the public sector,¹²⁵ teachers staged several sit-ins called by committees of teachers from all the governorates of the Kingdom,¹²⁶ demanding the fulfilment of their demands, represented by the establishment of a union, and the improvement of their financial conditions through amending the salary scale for teachers, supporting the Teachers' Housing Fund and forming committees of teachers to supervise its funds, raising the level of health insurance, educating their children in public universities at the Government's expense, involving them in the drafting of educational legislation, and granting them customs exemptions and a number of allowances. These sit-ins caused a disruption of the educational process in a number of the Kingdom's schools. Following these sit-ins, (38) male and female teachers from among the members and activists of the National Committee for the Revival of the Teachers' Union were referred to early retirement.¹²⁷ However, after a series of protests by

¹²⁴ Having studied the report of the committee of inquiry, the Council of Ministers decided to take a set of measures to remedy the shortcomings revealed by the inquiry, including: (a) reviewing the organisational structure of the Ministry of Education so as to ensure greater coordination among the various departments; (b) unifying the line of authority of the departments concerned with technological affairs, in order to remedy the multiplicity of lines of authority that emerged and the lack of awareness of these departments of one another's work; (c) reviewing the procedures relating to the auditing and re-auditing of information and verifying the accuracy of all technical work and procedures prior to publication, which applies to all information issued by the bodies and departments of the Ministry of Education; (d) adopting a single technological centre for publishing the results, and not distributing compact discs before the results have been finally announced and duly audited; (e) assigning the Minister of Education, in cooperation with the Ministry of Public Sector Development and the Ministry of Information and Communications Technology, to work to remedy these structural and procedural shortcomings as swiftly as possible.

¹²⁵ The Committee on Economic, Social and Cultural Rights indicated in its General Comment No. 13 that "while the Covenant requires that the material conditions of teaching staff shall be continuously improved, in practice the general working conditions of teachers have deteriorated, and reached unacceptably low levels, in many States parties in recent years. Not only is this inconsistent with article 13 (2) (e), but it is also a major obstacle to the full realisation of students' right to education"; it draws the attention of States parties to the joint UNESCO–ILO Recommendation concerning the Status of Teachers (1966) and the UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel (1997), and urges States parties to report on the measures they are taking to ensure that all teaching staff enjoy the conditions and status commensurate with their role".

¹²⁶ These sit-ins came against the background of statements by the Minister of Education which teachers described as offensive, in which the Minister called upon teachers to concern themselves with their personal appearance and attire before demanding the establishment of a union.

¹²⁷ This was pursuant to Council of Ministers Decision No. 1954 issued on 11/7/2010.

teachers against these measures, which they regarded as arbitrary and as decisions aimed at taking revenge on members of the committee, the Ministry of Education reversed its decisions and reinstated them to work. The Government also decided to resume the payment of an allowance of (5%) to teachers, educational supervisors and counsellors on their basic salaries, with this allowance applying retroactively from the beginning of 2010. It is worth noting that this allowance had existed previously, but its application had been suspended at the beginning of 2006. The Instructions of the Royal Makruma (Royal Grant) for the children of serving and retired military personnel were also applied to the seats allocated to the children of teachers, which amount to five per cent of the total number of seats available annually for admission to public universities as of the 2010–2011 academic year, such that students admitted under these seats receive study grants covering all the costs of university study. The Centre stresses that these measures and incentives are insufficient, as teachers suffer from difficult material and living conditions which consequently affect their capacity to give and to be creative, and thereby affect the quality of education in Jordan. The Centre further points to the increasing phenomenon of teachers refraining from accepting appointments and the increase in applications for unpaid leave submitted by teachers to work abroad, particularly male teachers, which reflects the difficult economic conditions from which teachers in Jordan suffer and the paucity of the material and moral incentives granted to them. The Centre at the same time stresses that the absence of a union for teachers constitutes a violation of the right to trade union organisation guaranteed by the International Covenant on Economic, Social and Cultural Rights and by the Jordanian Constitution, which provides in Article (23/2) thereof that “the State shall protect labour and enact legislation therefor based on a number of principles, the most important of which is the existence of free trade union organisation within the limits of the law”, which calls for a reconsideration of this matter by the Government.

136. As for the field of higher education, the Centre observes the large number of pieces of legislation governing higher education institutions in Jordan and the rapidity of their amendment, which leads to instability of the legal frameworks governing the educational process and consequently affects the functioning of those institutions.¹²⁸ The Higher Education Law was amended twice in less than a year, and this legislation was issued by way of temporary laws without the fulfilment of the constitutional conditions that warrant the issuance of such laws, specifically the two conditions of urgency and necessity. The Centre also notes the issuance of numerous instructions, standards and decisions by the Council of Higher Education and the Higher Education Accreditation Commission, which have come to repeal and amend, and to create, legal positions, thereby creating legal confusion in the legislative process, since the implementation of laws relating to higher education must be by the issuance of regulations, not by the issuance of instructions, in accordance with the provisions of Article (13) of the current Higher Education and Scientific Research Law,¹²⁹ which raises questions as to the legitimacy of the dozens of instructions issued by the Council of Higher Education and the Higher Education Accreditation Commission.

¹²⁸ Dr. Nawaf Nu'man Al-Khatib, working paper on the legislation governing higher education in Jordan.

¹²⁹ Article 13 provides: “The Council of Ministers shall issue the regulations necessary for the implementation of the provisions of this Law”.

137. The Centre also stresses the need to exert further efforts in the field of enhancing the independence of universities and academic freedoms, as these are among the most important guarantees of distinguished quality education and the cornerstone of creativity, and the need to support distinction by giving outstanding students the required attention, whether by supporting their education or by providing scholarship opportunities for them so that they may form a nucleus of distinguished teaching staff. The Centre likewise stresses that student representation is one of the most important indicators for measuring the extent of academic freedoms in universities. In this regard, it observes the absence of a legal provision in the Temporary Universities Law and the Higher Education Law obliging universities to form fully elected student councils; moreover, most student council elections are based on the single-vote system, which reinforces regional, sectarian and tribal tendencies and contributes to the increase in the phenomenon of violence. The Centre also notes that the administrations of some universities refused to hold elections, while others cancelled them,¹³⁰ and some universities still appoint half of the members of the student council. Most private and public community colleges and a number of branches of Al-Balqa Applied University, in addition to a number of private and public universities, still lack any body representing students.¹³¹ The Centre further notes that some university administrations have resorted to various methods to impose a particular composition on the student council; one university added a condition to the conditions for candidacy for the student council, which consequently led to the exclusion of some student forces from the electoral scene.¹³² Student council election instructions in many universities also still prohibit the distribution of candidates' electoral programmes and statements, the inclusion of any slogans in their electoral campaigns, the formation of electoral lists, or the conduct of any coordination among candidates, whether within the same faculty or between different faculties.¹³³ The Centre received two complaints: the first concerned the refusal of the administration of a private university to permit the formation of a permanent student union after it had been dissolved eight years earlier, and its refusal to hold any elections; the complaint remains under follow-up. The second complaint concerned the dismissal of a student from the university and the issuance of a final warning to another student, together with depriving him of two academic semesters, following their distribution of leaflets bearing patriotic slogans.

138. In the field of university admission, the Centre commends the decision of the Council of Higher Education to reduce the number of students admitted to the parallel programme by (55%). The Centre hopes that this reduction will be a step towards adopting the recommendations issued by the Centre in previous years regarding the abolition of the parallel programme on the basis that it is a discriminatory measure. The Centre also commends the increase in the allocations of the Students' Support and Loans Fund in 2010. However, it notes that public and private universities

¹³⁰ The administration of Amman Al-Ahliyya University refused to hold the elections; Zarqa University cancelled the elections, as did Jerash University, the latter citing the occurrence of a fight at Al-Balqa Applied University as a pretext.

¹³¹ Such as the German Jordanian University, the Middle East University, Amman Al-Ahliyya University, Zarqa Private University and Jadara University.

¹³² The administration of one university issued new instructions which included the addition of a condition to the conditions of candidacy for the student council, providing that the candidate must be "an active participant within the university in religious, national and pan-Arab occasions and in cultural, scientific, social, artistic and voluntary activities". This condition makes approval of candidacy subject to review by the Deanship of Student Affairs.

¹³³ See the report of the National Campaign for Students' Rights, 2010.

continued to raise fees in a manner that constitutes a burden on students and their parents, particularly in light of difficult living conditions, which contradicts what international standards provide regarding the gradual progression towards free higher education. The Centre is aware of the financial problems facing universities, but considers that the solution does not lie in raising university fees and discriminatory admission; rather, it may lie in allocating all of the allocations collected by the Government for the benefit of higher education to the universities, instead of reallocating them to other items of the budget.

139. Perhaps the most prominent feature in Jordanian universities during 2010 was the spread of university violence, in a manner that is at once alarming and worrying. The Centre monitored (22) student fights inside universities, most of which were of a tribal character,¹³⁴ in which sharp instruments, cold weapons, stones and sticks were used. These fights resulted in the killing of a young man at one of the universities¹³⁵ and the infliction of injuries on a large number of students and university security personnel. The Centre also monitored the injury of a university vice-president and of one of the university professors during one of the fights,¹³⁶ in addition to the material damage caused to public property and the smashing of university furniture and of vehicles present within the university campus. This matter led to the suspension of university attendance at some universities for two days,¹³⁷ which constitutes a serious indicator of the extent of this phenomenon, affects the image of higher education in Jordan, and creates social tensions among members of society owing to the spread of acts of violence outside university walls in some cases. It also reflects the meagreness of the effort that universities make to fill students' time with constructive activities and to build the university's national character among students. Some universities formed committees of inquiry to look into the course of these events and imposed penalties on the perpetrators, instigators and participants in these events. However, the Centre stresses that some universities did not deal with the phenomenon transparently, and some of them resorted to denying the occurrence of such fights, while some failed to form committees of inquiry to hold the perpetrators of these events accountable. It further stresses that leniency in applying the law and imposing penalties on them, the persistence of the phenomenon of intervention by notables to resolve fights occurring within the university campus, and mediation on behalf of some of the perpetrating students to stop the imposition of penalties on them, in addition to the participation of persons from outside the university campus in these fights, students' lack of

¹³⁴ A study conducted by the Al-Rai Centre for Studies at the Jordan Press Foundation on university violence showed that the most important causes of the increase in the phenomenon of university violence are favouritism (*wasta*) and nepotism, leniency in applying penalties to those responsible for it, the presence of outsiders in the university environment, laxity in university security measures, the absence of a genuine and effective role for student unions and councils, tribal differences, and the misunderstanding of the concepts of chivalry (*nakhwa*) and courage.

¹³⁵ A young man was stabbed at Al-Balqa Applied University by a fellow student and died as a result of this incident, which led to a fight between the clan of the victim and that of the perpetrator; this fight extended outside the walls of the university campus. Consequently, classes were suspended at the colleges affiliated to Al-Balqa Applied University, namely Amman College, the Faculty of Engineering Technology (Polytechnic) and Princess Rahma College, and security measures were imposed on other universities, particularly the University of Jordan in Amman, at which members of both clans study.

¹³⁶ A vice-president and one of the university professors at the University of Jordan were injured in the fight that took place at the end of the previous year; a group of university guards also sustained several injuries, in addition to the injury of a pregnant woman in the same fight.

¹³⁷ Attendance was suspended at Al-Hussein Bin Talal University in Ma'an, Al-Balqa Applied University and the University of Jordan against the background of incidents of violence that took place among students.

awareness of their duties and rights, the weak spread of the values of tolerance among them and the absence of a genuine sense of belonging among students to their universities, all lead to the inflaming of university violence and prevent a radical solution to this problem. In this context, the Centre stresses the need for student councils and movements that carry social and intellectual objectives and express the genuine will of students, which work to attract students and activate extracurricular activities to fill their free time. It also stresses that restricting student freedoms results in a state of intellectual vacuum and the waste of youthful energies which find no means of self-expression other than through reinforcing tribal, regional and racist tendencies.¹³⁸ The Centre further stresses the need to integrate human rights concepts into university courses and to direct education towards the integrated development of the human personality and the sense of its dignity, towards consolidating respect for human rights and freedoms, and towards strengthening the bonds of understanding, tolerance and the promotion of the language of dialogue and respect for opinion and the other opinion among the various segments of society, as provided for in the international human rights instruments, which contributes to [curbing] the increase in university violence.

140. Among the regrettable matters is the extension of the phenomenon of violence to include members of teaching staff in universities: the Centre monitored a member of the teaching staff at one of the private universities opening fire on the dean of one of the faculties after being surprised by a decision to dismiss him, as the said university terminated the contracts of (62) members of the teaching staff on the pretext of its poor economic situation therein. This matter indicates the economic and psychological situation from which many members of teaching staff suffer, who work under contracts that do not ensure job stability and do not provide an environment conducive to creativity and work. Nor is the matter confined to physical violence; it extends to the verbal and moral violence practised by some members of teaching staff against students, according to some governmental reports.

The Right to Health

141. The Jordanian Constitution makes no reference to the right to health; however, international instruments have accorded the right to health special attention owing to the importance this right represents for human life. Article (25) of the Universal Declaration of Human Rights of 1948¹³⁹ and Article (12) of the International Covenant on Economic, Social and Cultural Rights,¹⁴⁰ which Jordan ratified on 28/5/1975 and published in the Official Gazette on 15/6/2006, provided for this right. At the level of national legislation, we find that it did not lack provisions on the responsibility of the State to secure the objective conditions for the exercise of this right; the amended Public Health Law No. (47) of 2008 contained articles affirming the responsibility of

¹³⁸ The report of the National Campaign for Students' Rights was issued and also addressed the subject of university violence.

¹³⁹ Article (25) of the Universal Declaration of Human Rights provides that: "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services".

¹⁴⁰ Article (12) of the International Covenant on Economic, Social and Cultural Rights provides that "The States Parties to the present Covenant recognise the right of everyone to the enjoyment of the highest attainable standard of physical and mental health".

the State to provide health care in its various forms. The right to health did not witness, in 2010, any improvement other than an increase in the number of health centres, as well as an increase in the percentage of persons covered under the umbrella of free civil health insurance.

142. The Ministry of Health provides its primary, secondary and tertiary health services through a connected network of public and private health centres and hospitals distributed throughout all parts of the Kingdom. Primary health care services are based on the concept of comprehensive care, which includes the basic services provided through comprehensive primary health centres,¹⁴¹ in addition to promoting healthy lifestyles and avoiding risk factors to health with a view to its advancement. Primary health care services are administered through a wide network of primary health care centres affiliated to the Government, the Royal Medical Services and the United Nations Relief and Works Agency for Palestine Refugees, in addition to the contribution of the private and charitable sectors in this field. The year 2010 witnessed an increase in the number of health centres spread throughout the Kingdom, of all types, which reached (349) centres compared with (313) centres in 2009.¹⁴² As for secondary and tertiary health care, it is based on the provision of specialised services in which all health sectors participate, despite the disparity among the care providers in the type and quantity of this service. The number of hospitals in the Kingdom in 2010 reached (104) hospitals, after having been (103) hospitals in 2009, as a result of the opening of Prince Hussein bin Abdullah II Hospital in the Ain Al-Basha area. The number of beds in Jordanian hospitals in 2010 reached (11355) beds, i.e. a rate of (19) beds per 10000 inhabitants; this ratio is considered acceptable when compared with the relevant international standards.¹⁴³ The number of physicians practising in the Kingdom reached (10623) physicians, i.e. a rate of (18) physicians per 10000 inhabitants, and this rate is likewise considered acceptable according to international standards.¹⁴⁴

143. Despite the efforts exerted 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 problems that hinder the achievement of their objectives, the most prominent of which are: the shortage of medical personnel and equipment needed in some hospitals and health centres, the shortage of some essential medicines, particularly medicines for chronic diseases such as blood pressure, diabetes and heart disease, in some of the Kingdom's hospitals, which compels patients to purchase them at their own private expense from pharmacies, and the long waiting period for citizens' appointments for their medical reviews in public hospitals. The Centre monitored in 2010 the closure by the Ministry of Health of two hospitals which were proven to have exploited Arab patients arriving [for treatment], after their violations in this regard had recurred. The Joint Complaints Committee between the Ministry of Health and the Private Hospitals Association also received (32) complaints from Arab patients complaining of an increase in the prescribed fees.¹⁴⁵

¹⁴¹ Such as health education, reproductive health, water safety, food control, environmental sanitation, early detection of diseases, school health, occupational health, control of communicable diseases, oral health, the health of older persons and persons with special needs, the prevention of accidents and addiction, anti-smoking, and others.

¹⁴² [No note text is printed in the source.]

¹⁴³ Ministry of Health – Directorate of Information and Studies.

¹⁴⁴ Jordan Medical Association.

¹⁴⁵ Al-Dustour newspaper, dated 01/02/2010.

144. The Centre observed that no new development occurred on the subject of mental health care during 2010, despite the amendment introduced to the Public Health Law during 2008 and the formation of a national committee in 2008 for the purpose of setting policies and national strategies aimed at integrating mental health services within primary health care services, and providing health services to psychiatric patients outside the framework of hospitals; moreover, this committee has not issued any practical measures in this context.

145. The Centre also observed, in the field of combating communicable diseases, that diarrhoea, respiratory diseases and hepatitis remain major diseases that are reported periodically by health centres. With regard to diseases that can be prevented by vaccination, Jordan has witnessed a marked decline in these diseases, as no new cases of diphtheria or poliomyelitis were registered during 2010, while a limited number of cases of whooping cough and tetanus were registered, owing to high rates of vaccination coverage against these diseases.¹⁴⁶ Reference may be made to the section on the right to development to review the progress achieved in the field of maternal and child health, and in particular paragraphs 86 and 87 of this report.

146. In 2010 the Centre received (41) complaints and requests for assistance concerning the right to health, compared with (44) complaints and requests in 2009, of which 24 complaints remain under follow-up, i.e. a percentage of 59%. Most of them concern demands for exemption from the costs of treatment or obtaining it in public hospitals affiliated to the Ministry of Health and in hospitals affiliated to the Royal Medical Services.

147. The Centre notes a set of efforts exerted by the Ministry of Health in 2010 to limit the spread of communicable and non-communicable diseases of all types, the most prominent of which are: training all health and medical personnel, including physicians, nurses and technicians, in the processes of monitoring communicable diseases; issuing awareness-raising and educational bulletins on communicable and non-communicable diseases for medical personnel and the public, such as the guide on epidemiological surveillance of communicable diseases and the guide on breast self-examination for the detection of breast cancer; and adding vitamin (D) to flour, since this vitamin protects against osteoporosis.

148. The Centre also notes the rise in the percentage of persons with health insurance in 2010, which reached (87.77%), compared with (86.24%) in 2009,¹⁴⁷ as a result of the inclusion of many citizens in the poorest areas of the Kingdom under the umbrella of free civil health insurance, in order to guarantee the realisation of individuals' right to obtain insurance and social security, as provided for in Article (9) of the International Covenant on Economic, Social and Cultural Rights.¹⁴⁸

149. The phenomenon of medical errors, despite their small number, continues in public and private hospitals, threatening the lives of patients owing to negligence and failure to follow the steps recognised in medical circles and therapeutic protocols, in addition to the absence of a specific definition of the term "medical errors". In 2010, agreement was reached on the draft

¹⁴⁶ The National Health Strategy for the years 2008–2012.

¹⁴⁷ Ministry of Health / Health Insurance Administration.

¹⁴⁸ Article (9) of the International Covenant on Economic, Social and Cultural Rights provides that "The States Parties to the present Covenant recognise the right of everyone to social security, including social insurance".

Medical Liability Law by the national team formed for this purpose, comprising representatives of the Legislation and Opinion Bureau, the judiciary, lawyers, physicians, experts and the medical associations concerned with the draft law; however, it has not yet been submitted to the Legislation and Opinion Bureau. In 2010 the Centre also received one complaint whose subject was medical errors and dereliction in follow-up on the part of medical personnel. The Centre also monitored reports circulated by the media concerning the death of seven citizens in incidents ranging between “misdiagnosis or negligence and dereliction” in follow-up by medical personnel in a number of hospitals. The Ministry of Health formed special committees of inquiry to examine the complaints submitted by the families of those harmed and of the victims against the medical and nursing staff in the emergency departments of those hospitals, before referring them to the judiciary.¹⁴⁹

150. The phenomenon of assaults on medical personnel continues to increase steadily, and has taken various forms, ranging from beating to insults, abuse and humiliation by patients and their companions. The number of cases of assault reached (38) cases, and cases of assault on medical personnel most often occur in accident and emergency departments in hospitals. The occurrence of most cases of assault is attributed to the presence of a large number of patients attending the accident and emergency departments, in which there is only one general practitioner charged with the task of providing first aid to cases and referring them to the competent departments. In 2010 the Penal Code was amended so as to increase the penalty for those who assault medical personnel by raising the term of imprisonment to between one and three years, with no permissibility of a judgment suspending the execution of the penalty; and if the act constitutes a felony, the Law provides that it is not permissible to apply discretionary mitigating circumstances by the court pursuant to Article (187) of the Law, in order to curb this phenomenon.

151. In 2010, many food establishments and factories were also closed, and warnings and violations were issued to them by the Jordan Food and Drug Administration, according to Table No. (12), as a result of seizing quantities of spoiled and expired food items, in addition to the failure of those establishments and food factories to comply with the conditions of health and public safety. The number of cases of food poisoning in 2010 reached (96) cases in the governorates of Karak and Ajloun as a result of consuming hummus and falafel. This year also recorded the return of swine influenza, with the number of persons infected up to the date of preparing the report reaching (44) cases, of which (4) were deaths.

Table No. (12): The number of visits and measures relating to the control activities over food carried out by the Jordan Food and Drug Administration across the various regions of the Kingdom during 2010, compared with 2008 and 2009

Office/Directorate	Number of visits	Warnings	Violations	Closures
Total for 2010	242311	28558	2713	721
Total for 2009	222256	27892	2228	795
Total for 2008	274804	23408	2720	1039

¹⁴⁹ Al-Rai newspaper, dated 3/8/2010.

152. On the other hand, during 2010 the Jordan Food and Drug Administration reduced the prices of (149) medicines, the reduction covering antibiotics and medicines for chronic diseases such as heart disease, blood pressure, diabetes and cholesterol. The Centre also monitored the closure by the Jordan Food and Drug Administration during 2010 of (35) pharmacies out of (1900) pharmacies operating in the Kingdom, (34) of which were closed because they were in possession of smuggled medicines and one pharmacy in whose possession counterfeit medicines were seized, in addition to the closure of one factory.¹⁵⁰

The Right to a Healthy Environment

153. This right is guaranteed by many of the international conventions ratified by Jordan,¹⁵¹ and the Jordanian Environmental Protection Law No. (52) of 2006 affirmed this right. Among the positive legislative developments in 2010 was the Ministry of Environment's preparation of draft legislation for a number of laws, the most important of which is the Environmental Legal Liability Regulation, which was submitted to the Legislation and Opinion Bureau, a draft special law on the framework for waste [management], the draft Nature Protection Regulation and the special Instructions on environmental auditing,¹⁵² and the issuance of the Instructions on classifying the various establishments according to their danger to the environment.¹⁵³ The Ministry also reviewed (40) environmental impact assessment studies for a number of projects, including studies for cement factories, environmental, mining and tourism projects, oil refining, power generation and others. Despite the approval of the establishment of a number of projects, a number of projects were rejected for various reasons, ranging from their proximity to population concentrations and organisation boundaries, to violation of the Ministry of Environment's instructions pertaining to investment projects and of the Land Use Regulation issued by the Ministry of Municipal Affairs, and their proximity to various water sources. In addition, 2010 witnessed the registration of (16) environmental societies under the umbrella of the Ministry of Environment pursuant to the Societies Law No. 51 of 2008 and its amendments. In 2010, the Ministry of Environment also issued the first report on the state of the environment in Jordan, covering the period from 2006 to 2009, based on the methodology adopted by the United Nations

¹⁵⁰ The Jordan Food and Drug Administration.

¹⁵¹ The most important of these conventions are the following: the Convention on Biological Diversity, the United Nations Convention to Combat Desertification, the United Nations Framework Convention on Climate Change, the Kyoto Protocol, the Cartagena Protocol on Biosafety, the Vienna Convention, the Montreal Protocol on Substances that Deplete the Ozone Layer, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, and the Stockholm Convention on Persistent Organic Pollutants.

¹⁵² These Instructions included the setting of standards for the accreditation of environmental audit studies and standards for accrediting the consultancy body which will prepare the environmental audit study, as a neutral body to ensure transparency and impartiality in dealing with development establishments with all their facilities, with the aim of identifying their environmental reality, in terms of determining the points of deficiency and the environmental transgressions in those establishments and devising appropriate solutions.

¹⁵³ These Instructions classified the various establishments into three categories, as follows: First: Category One establishments, with a high probability of pollution, which pose serious risks to the environment and human health and require special preventive measures. Second: Category Two establishments, with a medium probability of pollution, which pose medium risks to human health and the environment and require ordinary preventive measures. Third: Category Three establishments, with a low probability of pollution, which are not expected to be sources of pollution when operated and pose low risks to the environment and human health; these include establishments of a non-productive nature.

Environment Programme. The report included important environmental information on the reality of the environment in Jordan and the state of sustainable development, and addressed the negative effects of industry on the environment, including air pollution and noise, the generation of solid waste and wastewater, exhaust odours and their effects on the right to health and safety, and the disfigurement of the beauty of the environment.

154. In the field of strengthening oversight and inspection, 2010 witnessed the Central Licensing Committee granting (681) licences, compared with (670) licences in 2009. In return, the Committee rejected (274) applications for licensing industrial, agricultural and craft projects out of (955) applications, compared with (285) applications for licensing industrial, agricultural and craft projects in 2009, owing to their violation of the environmental conditions for licensing investment projects. The Ministry of Environment also closed (10) establishments during 2010, compared with (12) establishments closed during 2009, distributed as shown in Table No. (13). Likewise, the Royal Department received (348) complaints during 2010, compared with (1554) complaints during 2009. The violations were concentrated on emissions from factories, craft establishments and vehicles, and the dumping of solid and liquid waste in places not designated for that purpose, public health, and water sources. In 2010, the Ministry of Health also referred (7) citizens to the judiciary on the charge of “violating” the Public Health Law by smoking in ministries, government institutions and public places, bringing the number of persons referred to the judiciary to 42 citizens since the decision entered into force on 25 May 2009. Such persons face a penalty of imprisonment for not less than one week and not more than one month, or a fine of not less than 15 dinars and not more than 25 dinars. The Centre emphasises that the small number of persons referred to the judiciary, despite the high proportion of smokers in public places, indicates weak enforcement of the law by the competent authorities against violators. This requires the activation of their role and their adherence to the provisions of the law, particularly in light of the prevalence of smoking in public places and in government department buildings, in addition to designating a place for smokers so that the decisions are not breached by some smokers.

Table No. (13): Number of Closures by Type of Establishment

Type of Establishment	Number of Closures in 2009	Number of Closures in 2010
Craft	6	6
Agricultural	0	0
Industrial	5	3
Service	1	1

155. In the field of air pollution, the Ministry of Environment commenced implementation of the national project, funded by the French Development Agency, to monitor concentration levels of air pollutants in the major cities of the Kingdom (Amman, Irbid and Zarqa). The Centre commends the existence of monitoring of air quality and concentration levels of air pollutants in industrial areas and cities, in addition to air monitoring in hot spots such as the Hashemiyya area and the Fuhais and Rashadiyya areas. The first report of the Ministry of Environment referred to the stationary sources of air pollution in Jordan, such as the group of heavy and medium industries (the oil refinery, phosphate, cement and others), which produce gases such as carbon oxides and sulphur oxides because they still rely on fuel oil to generate energy, and to the group of mobile

sources of air pollution, such as means of transport, the number of which has multiplied several times over the past decades.

156. The Centre notes the inability of the Greater Amman Municipality to follow up on the environmental health situation in Amman and to hold accountable those who commit environmental offences. The environmental and health departments of the Greater Amman Municipality carry out environmental monitoring and protection under the Nuisance Prevention Regulation, the Waste Collection Fees Regulation, and the Regulation on the Monitoring and Organisation of Public Markets, Crafts and Industries, and the penalties provided for in these regulations are limited to preliminary violation notices and a fine with a maximum of ten dinars. The Centre considers these legal measures insufficient against violators. To resolve this problem, the Centre proposes that the Ministry of Environment, which does not have a sufficient number of inspectors to follow up on the environmental situation in the capital, delegate part of its functions and powers to the health and environmental monitoring staff of the Greater Amman Municipality, given that the Municipality has a large staff capable of following up on these tasks, particularly as Article 23 of the Environmental Protection Law No. 52 of 2006 provides that “The Ministry may, with the approval of the Council of Ministers, delegate any of its functions or powers to any of the relevant ministries, institutions and voluntary societies in the field of environmental protection, provided that the delegation is specified in writing.”

157. The Centre also monitored complaints by farmers and livestock breeders that the spread of large quantities of plastic materials left over from agricultural operations exposes livestock to slow death and causes their breeders heavy losses as a result of continually losing numbers of them, in addition to causing deterioration of the environmental situation in the Kingdom.

158. With regard to the nuclear reactor planned to be constructed in Jordan for the purpose of generating energy, and notwithstanding the vital importance of this strategic project, not only in the field of energy but also in the use of energy for water desalination, which will contribute to the future of coming generations, the Government is nevertheless called upon to exercise greater transparency and to raise citizens’ awareness of the health, safety and nuclear waste issues associated with this project. The Centre also points to the absence of a monitoring role for the Ministry of Environment in the mining agreement concluded between the Government, the Atomic Energy Commission, and the French company “Areva” and the Nabatean Energy Company, as the agreement did not include provisions granting the Ministry judicial police (law enforcement) status for environmental supervision and monitoring of all works relating to the exploration and exploitation of uranium in the Kingdom.

Cultural Rights

159. The Constitution contains no explicit provision relating to cultural rights; however, under Article (15/1) thereof, “The State shall guarantee freedom of opinion, and every Jordanian may freely express his opinion by speech, writing, photography and all other means of expression, provided that he does not exceed the limits of the law.” Paragraph (4) of Chapter Six of the Jordanian National Charter also sets out clear determinants of cultural rights, the most important of which are: “Attention to raising the cultural level of Jordanian citizens in all regions of the Kingdom, and working to develop and advance their national culture by all possible means, so as

to achieve their participation in comprehensive cultural development”; and Paragraph (6), which recognises cultural pluralism: “Care for the various forms of Jordanian folk heritage, as creative tributaries enriching the national culture, and working to develop them in a manner consonant with the spirit of the age and that strengthens the unity of the cultural fabric of the nation.” International human rights instruments contain provisions that clearly address cultural rights, most notably the Universal Declaration of Human Rights (Article 27) and the International Covenant on Economic, Social and Cultural Rights (Article 15).¹⁵⁴

160. No change occurred in 2010 to the legislative framework governing cultural rights in the Kingdom, with the exception of the amendment introduced to the Cultural Creative Sabbatical Regulation No. (22) of 2007, which reduced the duration of the Ministry’s publication rights from three years to one year or until the print run is exhausted, which means granting the writer greater freedom and not restricting him should he wish to reprint or republish his work.¹⁵⁵

161. In 2010, the number of publications fully and partially supported by the Ministry of Culture increased in comparison with 2009; Table No. (14) shows the number of publications supported during 2010 compared with the previous year. The number of books printed under the Family Library project also fell by half, with (49) books printed in 2010 compared with (100) books in 2009.¹⁵⁶ The Ministry of Culture attributes this decrease to insufficient time to print the titles because the Ministry received them late.¹⁵⁷ The Centre considers that the decline in the number of supported publications is due to the reduction of the Ministry’s budget and the cutting of its expenditure in 2010 by an amount of (5,778,100) dinars compared with 2009, i.e. by (43.91%), as shown in Table No. (15), which has affected support for citizens’ cultural rights. In addition, the Ministry continued to implement the Cities of Culture project,¹⁵⁸ with the city of Zarqa selected as the City of Culture for 2010. The Centre observed a decrease in the number of works

¹⁵⁴ Article 15 provides that: “1. The States Parties to the present Covenant recognize the right of everyone: (a) To take part in cultural life; (b) To enjoy the benefits of scientific progress and its applications; (c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author. 2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture. 3. The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity. 4. The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields.”

¹⁵⁵ Interview with the Ministry of Culture on 25/11/2010: The amendment was made after it became apparent that there were works requiring additional expenditure not covered by the amount allocated to the sabbatical recipient, and that the quantity printed of the sabbatical recipients’ works did not serve the basic purpose of supporting and disseminating creativity, since this quantity (“1,000 copies”) runs out in less than a year and the author is not entitled to reprint until three years have elapsed.

¹⁵⁶ The Jordanian Family Library project aims to establish “a library in every Jordanian home”; the Ministry has worked to provide books of the highest technical specifications at a price affordable to all (25 piastres for children’s books and 35 piastres for other books), which contributes to making more knowledge available to all citizens,

¹⁵⁷ Interview with the Ministry of Culture on 28/11/2010.

¹⁵⁸ The Jordanian Cities of Culture project, launched in 2007, aims at the equitable distribution of the gains of cultural development across the regions and cities of the Kingdom, reducing the centralisation of cultural and artistic activity in the capital, Amman, and laying the foundations for sustainable cultural development in the governorates and cities of the Kingdom. It has been implemented in 4 cities during the previous years and the current year (Irbid, Salt, Karak and Zarqa), and next year (Ma’an Governorate).

produced through the Zarqa City events¹⁵⁹ and a decline in the financial allocations for this project from one million dinars to 750 thousand dinars. Notwithstanding the Ministry of Culture's continued assertion that "this reduction has not affected the quality of the work accomplished",¹⁶⁰ the Centre considers that the reduction of the financial share allocated to supporting culture in the Government's Executive Plan limits the Ministry's ability to support publishing and encourage creativity, in addition to the obstacles facing the activation of the Culture Fund owing to the abolition of the tax on media advertisements, which had constituted a principal source of revenue for the Fund.¹⁶¹

Table No. (14): Number of Publications Supported by the Ministry of Culture

Year	2009	2010
Fully supported publications	68 titles	90 titles
Partially supported publications	184 titles	96 titles

Table No. (15): Size of the Ministry of Culture Budget

Year	Budget Amount
2009	13158100
2010	7380000

162. In 2010, criticism was also directed by the cultural, literary and artistic community, in particular the Jordan Artists Association and the Jordanian Writers Association, at the management of the Jordan Festival, in protest at its "elitist character" and the exclusion of literary, cultural and artistic bodies from organising and participating in its events.¹⁶² This year also witnessed a protest by the artists of the "Daily Theatre" against their exclusion from Ministry of Culture support on the ground that the daily comedy theatre was of no value in terms of its social impact.¹⁶³ The Centre also monitored a protest by the intellectuals of Tafileh Governorate against the centralisation of activities in the capital; they emphasised that cultural activity in Tafileh Governorate requires linkage and communication among cultural bodies in order to achieve collective cultural action.¹⁶⁴

163. In the field of intellectual property protection, there was nothing new in the legislation governing this field. (581) cases of infringement of intellectual property rights were referred to the judiciary by the Copyright Protection Office in 2010, compared with (586) cases of infringement in 2009. The Centre observed an increase in the number of deposits with the National Library, which reached (4,875) works in 2010, while in 2009 they reached (2,367) publications,

¹⁵⁹

(30) works were printed and published within the events of Zarqa City of Culture, compared with (40) works within the events of Karak City of Culture for 2009.

¹⁶⁰ See the link: <http://www.alghad.com/?news=514958>

¹⁶¹ Interview with the Ministry of Culture on 28/11/2010.

¹⁶² A joint statement by the Association and the League indicated that "Jordanian and Arab participation is symbolic, and most of the events are foreign or derivative, imitating the Western model and detached from the Arab and Jordanian cultural character, which demonstrates the elitist model that the festival organisers wish to promote."

¹⁶³ See the link: http://www.alrai.com/print.php?news_id=323103

¹⁶⁴ See the link: http://www.alrai.com/pages.php?news_id=357181

which contributes to the process of prior protection.¹⁶⁵ The Centre again notes the continued weakness of the material and human resources of the National Library Department in enforcing the law, as there are only (8) persons responsible for pursuing infringements of property rights throughout the Kingdom. The Centre also notes the failure to enact the draft National Documents Preservation Bill, which leads to the destruction of many documents without their being deposited with the National Library; although no national document may be destroyed except in the presence of a representative of the National Library, the assessment of the importance of documents rests with the government department itself.¹⁶⁶

164. In the field of censorship of books, the Press and Publications Law still grants the Press and Publications Department the right to bring lawsuits before the judiciary against writers and local publishing houses,¹⁶⁷ in addition to its right to ban the entry of books into the Kingdom on the basis of protecting “morals, values, principles and religion”.¹⁶⁸ It is worth noting that 2010 did not witness any cases of objection to the entry of any books into the Kingdom for political, religious or legal reasons, compared with (58) books in 2009. Nor was any lawsuit brought before the courts against works issued by local printing presses in the Kingdom, compared with two lawsuits brought in 2009.¹⁶⁹ The Centre monitored the issuance of a judicial ruling against one Sudanese writer and the Jordanian publishing house that published his book.¹⁷⁰ The Centre affirms that the censorship of books should be left to readers themselves, so that they accept what accords with their views and tastes and reject what they consider to be contrary thereto.

165. Although expenditure on scientific research and development has risen markedly over the last two years, reaching 0.5% of gross domestic product following the activation of the Scientific Research Support Fund affiliated with the Ministry of Higher Education¹⁷¹ and of the system of laws regulating private-sector expenditure on research and development, the problems of scientific research continue to manifest themselves in numerous ways, the most important of

¹⁶⁵ It is worth noting that the materials that obtained deposit numbers in 2010 numbered (4,875), whereas the materials that obtained deposit numbers in 2009 numbered 4,400; as for the number of books that obtained an International Standard Book Number (ISBN), it was (3,268) in 2010 compared with 2,593 in 2009.

¹⁶⁶ Interview with the National Library on 29/11/2010.

¹⁶⁷ In 2010, the Press and Publications Department banned the book “The Testaments of the Slaughtered... the Pious and the Devil in the Letters of Saddam Hussein” by the writer Walid Husni from entry into Jordan and distribution in the Kingdom, on the pretext that it harmed “Jordan’s relations with certain sister Arab states”.

¹⁶⁸ See Article 38 and Article 46 of the Press and Publications Law.

¹⁶⁹ These figures represent official statistics of the Press and Publications Department according to its letter addressed to the National Centre for Human Rights dated 2/2/2011.

¹⁷⁰ A judge of the Amman Court of First Instance issued a decision on 21/2/2010 fining the Sudanese writer and author Al-Nil Abdul Qader Abu Qurun and Dar Ward Publishing the sum of ten thousand dinars each for violating Article 38 of the Press and Publications Law, and convicting them of slander and defamation, inciting sectarian strife and insulting religions. http://www.ifex.org/jordan/201026/02//kader_fined/ar/

¹⁷¹ The Fund finances scientific research up to a maximum of half a million dinars per research project, covering current expenditure on devices and equipment and the requirements of the researcher or research team. The Fund has provided more than 13 million dinars over the past two years for research projects, including 9 million dinars for national research in the fields of energy and water, and other research relating to health and health care. The Fund also supports 19 scientific research journals in Jordan, in order to encourage researchers to conduct and publish research. For further details, see the investigative report by Hanan Al-Kiswani, “Scientific Research Wavers between Barren Support and Dwindling Financial Aid”, Al-Ghad newspaper, 29/10/2010, page 8.

which are: the absence of a clear and serious database of the human and material research capacities within research institutions; the lack of genuine cooperation among the various research institutions; researchers' preoccupation with the various administrative problems relating to their work; the weak contribution of the private sector to funding research; the emigration of minds and talent outside Jordan; and the failure to link scientific research to the development of local industries. This 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 calls for making use of the financial allocations available in the administration of the Scientific Research Support Fund; developing programmes linking researchers with institutions of the various industrial, agricultural and productive sectors; strengthening the principle of partnership in applied research and conveying research results to the recipient in a smooth, easy and reliable manner; highlighting cases of research success, in addition to ensuring that research results are compatible with the social, economic and scientific level of the beneficiary; emphasising the importance of the contribution of various institutions to supporting scientific research and benefiting from the results of research conducted in universities and research institutions; and raising the allocations for scientific research as a share of gross national product.

4. Rights of the Groups Most Vulnerable to Violations

Women's Rights

166. In response to the international obligation contained in Article (18) of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which the Government ratified and which was published in the Official Gazette on 1/8/2007, the Fifth Report on the situation of women was submitted to the Secretary-General of the United Nations on 6/6/2010 as a national report prepared by the Jordanian National Commission for Women in cooperation with the National Centre for Human Rights and numerous governmental and non-governmental bodies concerned with women's affairs. The report covered the period from July 2005 to November 2009 and set out developments relating to the quantity and quality of progress achieved for women in implementing the provisions of the Convention in all fields, including education, health, employment, and economic and social development. The report concluded that Jordan had achieved notable progress in a number of the areas addressed by the Convention, both at the level of legislation and at the level of the measures taken to achieve gender equality and to improve the status of women in accordance with the Constitution, the laws and the public policies of the State. The report also referred to the efforts made towards gender mainstreaming in plans, strategies and public policies, and to measuring the extent of the response to certain indicators and recommendations contained in the concluding observations of the Committee on the Elimination of Discrimination against Women upon its consideration of Jordan's third and fourth reports on 2/8/2007. It is worth noting that Jordan still maintains its reservation to Article (9/2) relating to granting women equal rights with men with respect to conferring their nationality on their children, and still maintains its reservation to Paragraphs (c, d, g) of Article (16) relating to marriage and family relations.

167. The study conducted by the National Commission for Women indicates that the political and economic participation of Jordanian women is very low and that the wage disparity between the sexes remains very high; the study¹⁷² indicates a gap of 24% in the wages of the sexes in the public sector and 44% in the private sector. It also indicated that the proportion of women in the employment hierarchy decreases in senior positions and increases at the base of the career ladder, reaching 10% in senior positions, 18% in middle administrative positions and 46% in executive administrative positions. A study conducted by the Women's Committees Coalition, Irbid Branch, for the "Eye on Rights" project revealed that 76% of women in Irbid Governorate did not obtain their full inheritance rights, of whom only 15% had voluntarily waived their right, in equal proportions across the various district centres and rural areas of the Governorate. The study also indicated that 76% of women in Irbid Governorate did not obtain their inheritance rights, despite their entitlement thereto, because the estate was not divided or because they were forced to waive it.

168. With regard to national legislation relating to women's rights, the Temporary Elections Law for the House of Representatives No. (9) of 2010 was issued, which achieved some progress in comparison with the Temporary Elections Law No. (34) of 2001 and its amendments with respect

¹⁷² The title of the study is "Gender Mainstreaming Audit of the Public Sector in Jordan", issued in 2010.

to increasing the number of seats allocated to women's representation to twelve seats. However, the Centre faults this law for failing to achieve equality among women candidates in the various electoral districts, since the ranking among them to determine the winners was calculated on the basis of the number of votes obtained by the candidate divided by the number of voters in the sub-district rather than at the governorate level, whereas achieving justice and equality among them would have required dividing the number of votes obtained by the candidate by the number of voters in the governorate, given that the allocation of women's seats was made on the basis of the number of governorates and not on the basis of the number of sub-districts. The number of women members of the House of Representatives rose to thirteen Jordanian women, one of whom won competitively.

169. As regards the Temporary Personal Status Law No. (36) of 2010, it adhered to the provisions of Islamic Sharia without being restricted to a particular school of jurisprudence, adopting the principle of selecting among the juristic opinions that serve the public interest. This necessitated the addition of certain parts and chapters that did not exist in the previous law, including legal capacity and its impediments, guardianship over the person and property, custodianship, wills, inheritance, takharuj (renunciation of inheritance shares by agreement), and the detailed provisions relating thereto. The Law also contained a number of substantive matters that constitute a qualitative development compared with what was applicable under the previous law, in particular matters relating to the rights of women and children such as custody, visitation, overnight visitation (istizara), and travel with the child in custody, among other matters that had caused great hardship to families in general and to children and mothers in particular. The Law also established the Alimony Advance Fund with the aim of alleviating the hardship of those entitled to maintenance, namely wives, divorcees, widows, parents and children. The Fund guarantees the enforcement of maintenance judgments that cannot be executed owing to the absence of the judgment debtor, the fact that his place of residence is unknown, or the absence of property available for executing the maintenance judgment, and the Fund is subrogated to the judgment creditor or the judgment debtor in their financial rights in order to recover the sums it has advanced together with expenses. The Centre had contributed, together with the Jordanian National Commission for Women and women's organisations, to the preparation of a draft Alimony Advance Law; however, the legislator enacted the provisions on alimony advances within the Temporary Personal Status Law of 2010. It is worth noting that this Law was prepared by specialised committees of the Sharia judiciary, jurisprudence and law, and that its preliminary draft was presented and published through various media outlets to enrich national debate thereon. The Centre commends the responsiveness of the Chief Justice Department in taking into account the observations submitted by the Centre on 9/5/2010. Nevertheless, the Centre has certain reservations regarding the Law, including: (a) Article (10/b) empowered the judge, with the approval of the Chief Justice, to permit the marriage of a girl who has completed fifteen years of age in accordance with special Instructions issued by the Chief Justice Department. The Instructions specify the conditions that must be met when permitting the marriage of a girl who has completed fifteen years of age, including that the suitor be a suitable match for the fiancée, that the judge verify consent and the necessity required by an interest, whether economic, social, security-related or otherwise, and that the interest be evident, such as the age difference being appropriate, and that the marriage not be a repeated marriage or a cause of discontinuing school education. The court draws up an official record setting out the court's verification of the matters

it relied upon for granting permission to marry and its recommendation in that regard, and the transaction is then submitted together with the record to the Chief Justice Department for review and the taking of the appropriate decision thereon. The Centre considers it necessary to adhere to the general rule set out in the Law that the age of marriage is 18 years, and that recourse to the exception be had only in the narrowest of cases, particularly in light of the social and psychological problems accompanying early marriage. At the same time, the Centre considers it necessary to raise the age of early marriage to sixteen solar years so as to be consistent with the international labour conventions and the Jordanian Labour Law, which do not permit the employment of persons under the age of 16 years, since this affects the wife's right to maintenance and the husband's ability to provide maintenance. (b) Article (61/b) retained the provision that the husband may not withdraw his consent to his wife's employment except for a legitimate reason and without causing her harm. The Centre considers it necessary to repeal this Article in order to safeguard women's rights and increase women's participation in the labour market.

170. As for the Law Amending the Penal Code No. (12) of 2010, it raised the age of criminal protection with respect to sexual assaults and offences against morals and public decency, raising the protection afforded to girls up to the age of (18) years in line with the international conventions on the rights of the child, and it also increased the penalties imposed on perpetrators. The most important of these amendments are: (a) the amendment to Article (279), which provides for the punishment of anyone who conducts marriage ceremonies, or is a party to conducting such ceremonies, in a manner inconsistent with the provisions of the Personal Status Law or any other legislation in force, whereas the former law punished such offences only if they took place without the consent of the guardian. (b) The amendment to Article (304) of the Penal Code relating to the offence of seduction, so that criminal protection now extends to a woman who has exceeded 18 years of age, whereas under the previous law it was 15 years; it also increased the penalty for this offence to imprisonment from six months to three years, and expanded the evidence admissible and constituting proof in respect of this offence. (c) The amendment to Article (345) so that perpetrators of the offences set out in Book Eight, Chapter One of the Penal Code, such as premeditated murder, murder with premeditation and the offence of harming persons committed against a female of any age or against anyone who has not completed fifteen years of age, do not benefit from the mitigating excuse and the legitimate defence provided for in Articles (340), (341) and (342) of the Penal Code.

171. As for the Temporary Social Security Law No. (7) of 2010, it contained provisions in Articles 44 and 45 that encourage employers to employ women in the private sector. However, the Centre considers that the limitation on the number of births set out in Article 44 is incompatible with the culture of society and contradicts Article (19) of the Jordanian Labour Law No. (8) of 1996, which grants working women the right to maternity leave without any limitation on the number of births. It also conflicts with the Convention on the Elimination of All Forms of Discrimination against Women, which in Article 11/2 emphasises the need to prevent discrimination against women on the grounds of marriage or maternity, and calls upon States to take appropriate measures to ensure non-discrimination, including introducing maternity leave with pay or with comparable social benefits, without restricting it to a number of births.

172. With regard to practice on the ground, 2010 witnessed the strengthening of women's participation in political and civil life, as a woman was appointed Attorney General and another

woman was appointed Public Prosecutor. The number of women judges also rose in 2010 to (60) women judges, whereas the number of women judges was (48) in 2009 and (42) in 2008. Conversely, there are no women in the Major Felonies Court or in the Sharia judiciary, despite the existence of qualified women holding advanced academic degrees in the field of Sharia and law, nor are there any women employees in the Sharia courts.

173. The Centre also points out that women face major obstacles in the labour market despite the legal developments in this field. The study prepared by the International Labour Organization and the Jordanian National Commission for Women on “Pay Equity in Jordan” showed that there are existing obstacles to the implementation of the measures necessary to ensure pay equity for working women, particularly in the private sector, where the wage gap reaches 44% compared with 24% in the public sector, despite the Kingdom’s signature of international conventions affirming its commitment to the principle of pay equity, in particular the Equal Remuneration Convention of 1966, as well as the Discrimination (Employment and Occupation) Convention of 1958. The Convention on the Elimination of All Forms of Discrimination against Women also stresses the right of women to equal pay for the same work. The Centre emphasises the importance of amending legislation to affirm the principle of equal pay for work of equal value, while taking into account the gender disparities in education and training, in order to combat discrimination in the labour market. The Centre also emphasises the need to amend the Civil Service Regulation, which automatically qualifies a male employee for a family allowance if he is married, whereas it qualifies a female employee only if she is a widow, if her husband suffers from a disability, or if she can prove that she is the principal breadwinner of her family. The Centre further refers to the Second National Report on the Millennium Development Goals, issued in mid-December 2010, which affirmed that Jordan is moving towards achieving the goal of gender equality, notwithstanding the existence of certain challenges that continue to undermine the achievement of this goal and require serious attention, including women’s low rates of economic participation and their high rates of unemployment.

174. The Centre points out that the Economic and Social Council prepared a paper on policies for women’s participation in the labour force in Jordan, which concluded that there are a number of obstacles to women’s participation in the labour market, foremost among them high fertility rates and marriage, which to a large extent prevent women from entering the labour market, while childcare and household responsibilities raise the minimum wage acceptable to women for entering the labour market, in addition to wage disparities in favour of men. Women also suffer from low representation in decision-making in government positions and from disparities in non-wage benefits, in addition to health and public safety risks, as well as social barriers that prevent many women from taking up night jobs, working longer hours and working in a mixed work environment. The study also addressed other social and cultural causes that contribute to the low rate of women’s participation, such as occupational discrimination, since there are only a few sectors in which women in Jordan are able to work, and they consequently enter crowded, female-dominated sectors, with around three quarters of working women employed in education, the health and social sector, and manufacturing.

175. The Government is credited with introducing a new name for the Ministry of Social Development, so that it has become the Ministry of Social Development and Women’s Affairs. The Centre hopes that this will have a positive impact on women’s issues through a specialised

ministerial platform, and calls upon the Government to ensure that the administrative structure of the Ministry reflects this new reality.

176. As regards violence against women, the Centre affirms that violence against women continues to be practised on a wide scale in the Kingdom in all its forms, verbal, physical, sexual and economic, and that there is a clear lack of official data and information covering such violence. The Centre refers to a study on the reality and measurement of violence in Jordanian society, which showed that 15% of pregnant women attending health centres had been subjected to violence, and that 78% of the women covered by the study had been subjected to violence before pregnancy.¹⁷³ The Centre also registered (14) complaints relating to domestic violence. Among the efforts made to combat violence against women, the Jordanian National Commission for Women established six centres in the governorates of Mafraq, Irbid, Ajloun, Madaba, Karak and Aqaba to receive complaints relating to violence against women. Dar Al-Wifaq Al-Usari (the Family Reconciliation House) was also accredited at the end of 2009 as a centre providing integrated services to assist victims of domestic violence. The Centre considers that the rise in reported cases of domestic violence is attributable to Jordanian society's increased awareness of the importance of addressing issues of violence.

Children's Rights

177. Jordan has made a legal commitment to protect the rights of the child through ratification of the Convention on the Rights of the Child, by Law No. (50) of 2006, but it entered reservations to Article (14) relating to the right to freedom of thought, conscience and religion, and to Articles (20) and (21) relating to the system of adoption and alternative care for a child permanently or temporarily deprived of his or her family environment. In practice, children's rights in education, health and social care in particular have witnessed positive developments in recent years. In 2010, a number of developments took place in the legislation relating to the protection of the rights of the child, including: (a) the enactment of Personal Status Law No. 36 of 2010, which contains provisions on precisely determining the age of majority and on regulating the Alimony Advance Fund, as well as detailed provisions relating to custody, inheritance, wills, takharuj, maintenance and visitation.¹⁷⁴ While the Centre commends the positive developments in this Law, it calls for the Law to be enacted on a permanent basis by Parliament (the National Assembly) and for the text of Article (10/b) to be amended, which refers to the possibility of marrying off children at the age of fifteen if their interest so requires; this conflicts with the international labour conventions and the Jordanian Labour Law, which does not permit the employment of persons under the age of 16 years, and adversely affects the wife's right to maintenance and the husband's ability to provide maintenance. The Centre also calls for the amendment of Article (110/a), which provides that a mother may, in cases of khul' (divorce at the wife's initiative), waive the fee for breastfeeding or custody of the child, or for maintaining the child for a specified period, and which grants the husband the right to claim maintenance and the fees for custody and breastfeeding for the remaining period that the mother did not complete for her child. The Centre considers that the rights to maintenance, breastfeeding and custody are rights of the child and not of the mother, and

¹⁷³ Prepared by the National Commission for Women.

¹⁷⁴ Reference may be made to the chapter on women's rights on this subject.

that she has no right to waive them since this conflicts with the best interests of the child, which requires the legislator to amend the text so as to ensure that the *khul'* is valid and the condition void. The Centre further calls for the amendment of Article (181/a) so as to add the permanently prohibited (*mahram*) guardian, for each of the mother, the father, and the paternal grandfather in the absence of the father, to those entitled to see the child in custody, to have the child stay overnight and to take the child out once a week, and to communicate with the child through available modern means of communication when the child is in the custody of either of them or of another person who has the right of custody, in consideration of the best interests of the child. The Centre also calls for the amendment of Article (279), which provides for the mandatory bequest of a share to the grandchildren of a deceased person if the son died before the grandfather, while depriving the children of a daughter who dies before the grandfather, which indicates discrimination between the children of a son and the children of a daughter. (b) The enactment of the Temporary Penal Code No. () of 2010, which amended Article 289 so that a penalty is imposed on anyone who abandons a minor under 15 years of age in a manner that endangers his life or causes him harm, whereas the previous text punished anyone who abandoned a child under two years of age. The penalty was also increased for any parent, guardian or custodian of a minor who refuses or neglects to provide the minor with the necessities of life, and the penalties relating to the abduction or removal of a minor and the offence of beating leading to death were increased if the act is committed against a person who has not completed 15 years of age. The Law also provided that the mitigating excuse shall not apply where the offences of intentional murder and premeditated murder are committed against a person who has not completed 15 years of age, in addition to raising the age of protection with respect to sexual assaults and increasing the penalty if they are committed against a minor. Conversely, 2010 did not witness any activity towards enacting a child rights law consistent with international standards, nor was any change made to the Juveniles Law and the centres for juveniles, despite the Government's promises to enact a law strengthening the protection afforded to them.

178. As regards national efforts seeking to develop preventive protection for children, the Centre monitored a number of measures during 2010, including: (a) the preparation by the Ministry of Social Development and Women's Affairs of a comprehensive national strategy for orphans and children deprived of family care, so as to ensure the improvement of the institutional services provided to them and to work towards their rehabilitation and assisting them in building a better future. The Centre considers it necessary to expedite the adoption of this strategy and to put it into effect. (b) The conversion by the Child Guest House of the Jordanian Women's Union of (50%) of the child visitations held at its premises into home visitations, which gives the child greater contentment and psychological reassurance, in pursuit of the best interests of the child and to ensure the child's stability within his or her family despite the circumstances and conditions of the separated parents. Furthermore, the National Centre for Human Rights, in cooperation with the network of non-governmental organisations concerned with children's rights, "Your Hand in Mine" (*Ideik Ma'i*), implemented a series of activities totalling (17) activities under the project for protecting children from domestic violence, for the purpose of raising the awareness of children and their parents, as well as community leaders and young people throughout the Kingdom, of the Convention on the Rights of the Child and of how to protect children from domestic violence. The first storybook, entitled "The Children's City", addressed to children in

the 8–11 age group and dealing with a number of the rights set out in the Convention on the Rights of the Child, was also prepared.

179. The Centre monitored an escalation in cases of violence directed against children in 2010, most notably: (a) the Ministry of Education recorded 30 thousand cases of violence in the various schools of the Kingdom, whether among students themselves or between them and their teachers, and the “Your Hand in Mine” network monitored around 3,000 cases of violence against children during the past two years. The Centre commends the Ministry of Education’s allocation of a hotline to receive complaints, which may help in understanding the phenomenon and in dealing with students’ problems through appropriate educational methods. (b) An increase in cases of societal violence, the most prominent of which was the suicide of two sisters aged 17 and 15 years in protest at their father’s ill-treatment of them, by ingesting Lannate poison, which led to their immediate death, and the death of a 12-year-old child in Russeifa as a result of a severe beating by his father because, according to the father’s claim, he had stolen a wallet. (c) The media raised the issue of children who are graduates and beneficiaries of orphanages being subjected to violations of their rights guaranteed under national legislation and international standards, such as the right to optimal institutional care, the right to education, the right to health care, and the right not to be subjected to physical, sexual and psychological torture. Consequently, the Centre investigated these complaints, which numbered (15) complaints from beneficiaries of these homes, against the Madaba Orphanage, Dar Al-Hanan, the Al-Hussein Social Foundation and Dar Al-Nahda for Girls. It became apparent to the Centre that the Ministry of Social Development had referred four complaints to the judiciary, while the remaining complaints were not substantiated. The Centre emphasises the need for the Ministry of Social Development to expand and strengthen its monitoring and follow-up of these homes to ensure that the aforementioned violations are not repeated in the future. (d) The continued violation by children’s nurseries of the Instructions governing their work issued by the Ministry of Social Development, which led to the temporary closure of (28) nurseries for a period of three months owing to their violation of the Instructions and their failure to respond to the Ministry’s warnings to rectify their situation in the interest of the children benefiting from their services. (e) The occurrence of fights among girls at Dar Al-Khansaa, which led to the breaking of glass at the home, following which a group of the girls who caused these fights were temporarily transferred to the Girls’ Care Home in Um Al-Asaker, which indicates the need to move towards separating detained girls from convicted girls on the basis of age groups and the type and recurrence of the offence.

180. In the field of promoting and protecting children’s rights, the Centre commenced coordination with the representative of the International Coordinating Committee in Geneva on preparing proposals on the contribution of the International Coordinating Committee to the preparation of an optional protocol to the Convention on the Rights of the Child (CRC). On 17/9/2010, a meeting was held in Geneva between the representative of the International Coordinating Committee in Geneva and the Chairperson of the committee drafting the protocol, in order to discuss the role that national institutions may play in this field. The Centre also submitted a paper containing a set of observations on the draft optional protocol, which was forwarded to the Chairperson of the International Coordinating Committee.

The Rights of Persons with Disabilities

181. International conventions on the rights of persons with disabilities have accorded special attention to this segment of society. Jordan ratified the Convention on the Rights of Persons with Disabilities on 3/11/2008, and the Law on the Rights of Persons with Disabilities No. (31) of 2007 regulates the rights of this group. The year 2010 witnessed a number of positive developments for the protection of the rights of persons with disabilities, including: (a) the Ministry of Social Development and Women's Affairs, in cooperation with the Higher Council for the Affairs of Persons with Disabilities, developed the curricula provided to students with disabilities enrolled in special education institutions, in addition to opening and equipping (15) classrooms at the Al-Manar Centre for Intellectual Development affiliated with the Ministry of Social Development and supporting its students; (b) the Ministry of Labour employed (44) persons with disabilities; (c) the Ministry of Education signed a memorandum of understanding with the Higher Council for the Affairs of Persons with Disabilities and the Madrasati initiative with the aim of improving the services provided to persons with disabilities in public schools in line with national legislation and the relevant international standards, the memorandum targeting (43) schools in various regions of the Kingdom; (d) the Traffic Department also organised several training and awareness courses for its personnel and for personnel from various Public Security Directorate (PSD) units in order to develop the skills of security personnel in dealing with persons with various disabilities, such as hearing and visual impairments. The Centre also organised three specialised workshops on the participation of persons with disabilities in public and political life.

182. On the other hand, the Centre monitored a number of challenges that continue to impede the enjoyment by persons with disabilities of their rights, the most prominent of which are: (a) the text of Article (4/c/4) of the Law on the Rights of Persons with Disabilities, which requires that the nature of the work permit the employment of persons with disabilities, still opens the door wide for employers to circumvent this provision on the pretext that the nature of most jobs does not permit the employment of members of this group; (b) most schools and universities in the Kingdom still lack the equipment necessary to receive students from this group and facilitate their education; (c) the participation of this group in public and political life remains low, even though Article (4/g) of the Law on the Rights of Persons with Disabilities No. (31) of 2007 encourages such participation. This was clearly reflected in the rate of participation of this segment in the 2010 parliamentary elections, in which the number of persons with disabilities who stood as candidates was only five, three of whom have visual impairments and two physical disabilities. The 2010 parliamentary elections monitoring report prepared by the Centre also showed that the official authorities did not prepare the physical environment so as to enable these persons to participate in the electoral process; the Centre's monitoring revealed that (71.4%) of polling centres were not equipped for the participation of this group.¹⁷⁵ A number of persons with disabilities also complained that their companions were not permitted to enter the polling centres and assist them in casting their votes. Furthermore, in 29.41% of the centres monitored by the

¹⁷⁵ It should be noted that the Ministry of Political Development, the Ministry of Interior and the Higher Council for the Affairs of Persons with Disabilities announced that (255) polling centres had been equipped for the participation of persons with disabilities in the parliamentary electoral process, through the provision of services and the preparation of conditions and facilities to facilitate the voting process for the various types of disability, such as the provision of sign language and ramps.

Centre, the ballot box was not on the ground floor but on the second floor, and there was no lift in (76.92%) of them; (d) children with disabilities living outside the boundaries of the capital suffer from inadequate special education services. For example, children in Karak Governorate suffer from weak educational services, as there is only one special education school, which caters for (53) children with disabilities and occupies a rented building lacking the educational conditions suited to the categories of disability it is intended to serve, in addition to its need for trained staff able to deal properly with this group of children; (e) children with autism suffer from the absence of specialised centres to follow up such cases outside the boundaries of the capital, particularly in the southern governorates, while children with disabilities in the northern governorates suffer from the unavailability of early disability diagnosis services owing to the absence of specialised centres.

183. In the field of promoting and protecting the rights of children and persons with disabilities, the Centre, in cooperation with the JUST Foundation, implemented two workshops to train administrative governors and civil society organisations, entitled “Reducing Obstacles to Enable Persons with Disabilities to Exercise Their Right to Vote”, and issued introductory booklets containing guidance specifically designed for voters with disabilities; an awareness poster on this subject was also issued. In the same context, the Centre, in cooperation with the Higher Council for the Affairs of Persons with Disabilities and the Ministry of Political Development, also implemented a training workshop on the participation of women with disabilities in public and political life.

The Rights of Older Persons

184. The International Covenant on Economic, Social and Cultural Rights (ICESCR) contains no explicit reference to the rights of older persons,¹⁷⁶ although Article (9) of that Covenant deals with “the right of everyone to social security, including social insurance”; the States Parties thereby implicitly recognise the right to old-age benefits. Moreover, the provisions of the Covenant apply to all members of society, including older persons, who are entitled to the full enjoyment of the rights recognised in the Covenant. The United Nations has also accorded special attention to policies concerning older persons since the mid-1970s: in 1978, the General Assembly adopted resolution 33/52 on the organisation of a World Assembly on Ageing, and in 1991 it adopted the United Nations Principles for Older Persons.¹⁷⁷ Despite the variation in the terms used to describe

¹⁷⁶ According to General Comment No. (6) of the Committee on Economic, Social and Cultural Rights, “it should be determined whether discrimination on the basis of age is prohibited by the Covenant. Neither the Covenant nor the Universal Declaration of Human Rights refers explicitly to age as one of the prohibited grounds of discrimination. Rather than being seen as an intentional exclusion, this omission is probably best explained by the fact that, when these instruments were adopted, the problem of demographic ageing was not as evident or as pressing as it is now.”

¹⁷⁷ This instrument is based on five principles linked to the rights recognised in the two International Covenants, to which States Parties should adhere, namely: the “principle of independence”, which represents the right of older persons to have access to adequate food, water, shelter, clothing and health care, in addition to the opportunity to work for remuneration and to have access to education and training; the “principle of participation”, meaning that older persons should participate actively in the formulation and implementation of policies that directly affect their well-being; the “principle of care”, meaning that older persons should benefit from family care and health care and should be able to enjoy human rights and fundamental freedoms when residing in any shelter, care or treatment facility; the “principle of self-fulfilment”, under which older persons should be able to pursue opportunities for the full development of their potential through access to the educational, cultural, spiritual and recreational resources of society; and the “principle of dignity”, meaning that older

older persons in international instruments, such as “the elderly”, “older persons”, “the aged”, “ageing” and “the third age”, and their association with persons aged 65 years or over, the Jordanian legislator¹⁷⁸ has defined an older person in terms of age only, without addressing the biological factors and health conditions of such persons, in the body of laws, regulations and instructions¹⁷⁹ enacted for the purposes of regulating employment, entitlement to social assistance, and the regulation and licensing of homes for older persons. Under this legislation, an older person is defined as a person whose age exceeds (60) years for males and (55) years for females.

185. The Ministry of Social Development is considered the main umbrella for the care of older persons in Jordan through its Older Persons’ Affairs Section, which is responsible for supervising (11) homes for older persons, five of which belong to the voluntary sector and 6 to the private sector. These homes provide basic care, shelter, health, social and recreational services to their residents; however, these services remain basic and limited in nature and poorly distributed outside the capital, Amman. The number of older persons benefiting from these services reached (373) in 2010, compared with (302) in 2009, (231) in 2008 and (213) in 2007. In 2010, approximately (13) older persons with various types of disability also benefited from these services, of whom (2) had intellectual disabilities, (10) had hearing impairments and (1) had a physical disability, compared with 2009, when the number of older persons with disabilities reached (93), of whom (74) had physical disabilities, (10) visual impairments, (3) hearing impairments and (6) intellectual disabilities.¹⁸⁰ It is worth noting that the Ministry dealt with (10) complaints relating to the rights of older persons in 2010.

186. The year 2010 witnessed the launch of the Jordanian National Strategy for Older Persons, which is considered the first principal reference document concerned with the affairs and care of older persons. It set out the priorities for working with them as an active social group in need of care and support in order to achieve sustainable development and to advance the Jordanian family as a social unit caring for its members. The Strategy comprises six pillars: development and older persons; health care and a supportive physical environment; social care; scientific research and

persons should be able to live in dignity and security and be free of exploitation and physical or mental abuse, and should be treated fairly regardless of their gender, race or financial status.

¹⁷⁸ See Article “2” of the Financial Assistance and Rehabilitation Instructions No. 1 of 2004, issued pursuant to Article “8” of the National Aid Fund Law No. 36 of 1986.

¹⁷⁹ The Civil and Military Retirement Law and its amendments No. 34 of 1959 provides in Article 12 that, upon an employee’s completion of sixty years of age or upon completion of forty years of service eligible for retirement, he must be referred to retirement; and the Social Security Law No. 19 of 2001 provides in Article 41 that an insured male is entitled to an old-age pension upon completing sixty years of age and an insured female upon completing fifty-five years of age, age being proven by an official birth certificate or any other official document issued by a competent authority at the time of joining this insurance, and no change subsequently made to the date of birth shall be taken into account. As regards the regulations concerning older persons, the Charitable Endowment Programmes Regulation No. 83 of 2005 provides in Article 9 that, subject to the conditions of the endowers, the revenues of the programme for assisting the needy shall be spent, in coordination with the Zakat Fund, as follows: homes for the care of the poor and older persons; likewise, the Rehabilitation and Assistance Regulation No. 102 of 1971 defines an older person as a person whose age exceeds sixty years. Among the instructions regulating the rights of older persons are the Day Clubs Licensing Instructions No. 1 of 1999, which address the definition of an older person, and the National Aid and Rehabilitation Instructions No. 1 of 2004, as well as the Regulation on Care Homes for Older Persons and Day Clubs of 2006, which has not been adopted to date.

¹⁸⁰ Statistics of the Older Persons Section of the Ministry of Social Development for 2010.

studies; databases; and legislation.¹⁸¹ However, the Centre considers that implementing the Strategy on the ground will be difficult owing to weak coordination among civil society institutions themselves and weak cooperation with the Ministry of Social Development as the main umbrella for guaranteeing the rights of older persons.

187. Through four visits it carried out to homes for older persons and the complaints it received, the Centre monitored a number of violations to which older persons are subjected, including: (a) the physical environment of homes for older persons, represented in the absence of libraries inside the homes; the absence of courtyards or gardens for sitting in the sun in most homes, and their limited use where available; the disproportion between the number of sanitary facilities and the number of rooms and the capacity for beneficiaries, particularly in private-sector homes; the lack of preparedness of the homes in a manner suited to the health condition of older persons, such as side handrails to avoid the risk of slipping; and the lack of an equitable geographical distribution of these homes, as they are concentrated in the central region of the Kingdom (eight in the capital, one in Russeifa, one in Irbid and one in Fuheis); (b) older women in homes for older persons are exposed to psychological violence resulting from weak social ties between older persons and their families, and to financial and economic exploitation by their relatives and children, and to demands that they relinquish their property, in addition to fraudulent manoeuvres against older persons to obtain a court guardianship decision in order to collect the inheritance; as well as discrimination on the basis of sex in the treatment of older persons in finding work commensurate with their physical capacities, since older women suffer from the unavailability of decent work, most of them depending on low-income activities in the informal sector or on begging; and the inadequacy of the National Aid allowance¹⁸² allocated to poor families supporting an older person to meet the older person's needs for food, water, shelter, clothing and health care,¹⁸³ the number of families supported by older persons having reached (26648) families.¹⁸⁴ Furthermore, the Ministry of Social Development does not grant, or renew, exemptions from domestic worker fees for older persons, and does not recognise the decisions of the district medical committees, which are the competent authority to confirm their health condition and their need for assistance from others.¹⁸⁵ The weakness of cultural and educational programmes directed at older persons is also noted, notwithstanding Recommendation No. (44)¹⁸⁶ of the Vienna International Plan of Action on Ageing, which urged that use be made of the experience of older persons as transmitters of knowledge, culture and spiritual values to future generations; (c) the weak awareness of older persons of their rights and duties guaranteed to them by international standards, and their weak financial and physical capacity to travel to the authorities responsible for receiving their complaints, in addition to the failure of the media to perform its role in covering the rights of older persons.

¹⁸¹ The Jordanian National Strategy for Older Persons – Reference Document, 2008.

¹⁸² See the National Aid Instructions No. (4) of 2007, Article (10).

¹⁸³ Recommendations (19 to 24) of the Vienna Plan of Action on Ageing affirm that housing for older persons should be viewed as more than mere shelter, since, in addition to its physical meaning, it has a psychological and social meaning that should be taken into account.

¹⁸⁴ Statistics of the National Aid Fund for 2010.

¹⁸⁵ Al-Arab Al-Yawm newspaper, Issue 4922, Tuesday 22 Muharram 1432 AH, corresponding to 28 December 2010.

¹⁸⁶ See Recommendation No. (44) and Recommendation No. (50) of the Vienna Plan of Action on Ageing.

5. Complaints and Requests for Assistance Submitted to the Centre

Complaints Received by the Centre in 2010

Table No. 16: Number of complaints received by the Centre according to the rights allegedly violated, 2010

Right subject of the complaints	Number of complaints	Closed with a satisfactory outcome	Closed without a satisfactory outcome	Outside the Centre's mandate	Under follow-up	Non-cooperation of the complainant	Violation not established
Recognition of legal personality (nationality)	148	1	2	3	131		11
Right to obtain identity documents	43	10	1	1	29	1	1
Right to freedom of residence and movement	67	18		7	34	1	7
Right to asylum	5	1			4		
Right to life	2				1		1
Right to liberty and security of person	6	2		3			1
Right to humane treatment	90	12	6	11	48	2	11
Right to work	79	33	1	13	27	2	3
Right to social insurance	9	1		1	6		1
Right to hold public office	7				7		
Rights of prisoners	41	11		3	21		6
Right to health	25	6	5	4	7	1	2
Right to education	18	1	1		14	1	1
Right to equality and non-discrimination	11		1	2	8		
Right to a fair trial	119	18	2	18	69	3	9
Rights of women	12	2		5	3		2
Rights of the child	30	8		5	13	2	2
Rights of persons with disabilities	11	1		2	7	1	
Family rights	7	2	1	1	2		1
Right to form associations	2				2		
Right to an adequate standard of living	9	2	1		6		
Right to housing	6			1	3	1	1

Right subject of the complaints	Number of complaints	Closed with a satisfactory outcome	Closed without a satisfactory outcome	Outside the Centre's mandate	Under follow-up	Non-cooperation of the complainant	Violation not established
Right to freedom of opinion and expression	4	1			2		1
Right to property	1			1			
Right to a healthy environment	4				4		
Right to join political parties	1						1
Right to vote and stand for election	4	1		1	2		
Rights of older persons	1	1					
Right to compensation	6			1	4		1
Right to ownership	2	1			1		
Grand total	770	133	21	83	455	15	63
Percentage %	100	17.27	2.73	10.78	59.09	1.95	8.18

188. The total number of complaints received by the Centre this year reached (770) complaints, compared with a total of (573) complaints in 2009. The number of complaints relating to civil and political rights was (460) complaints, i.e. 59.74% of all complaints, while the number of complaints relating to economic, social and cultural rights was (256) complaints, i.e. 33.24% of all complaints. The number of complaints relating to the rights of vulnerable groups reached (54) complaints, i.e. 7.01% of all complaints. (133) complaints, i.e. (17.27%) of all complaints, were closed successfully. (21) complaints were closed without a satisfactory outcome, a rate of (2.73%), and (15) complaints, i.e. 1.94% of all complaints, were closed owing to the complainants' failure to cooperate with the Centre's procedures for following up complaints. The Centre also received (83) complaints falling outside its mandate, i.e. (10.78%) of the total number of complaints, and (63) complaints, i.e. (8.18%) of all complaints, were closed, while the number of complaints still under follow-up reached (455) complaints, i.e. (59.09%) of all complaints. The reasons for closing a number of cases without a satisfactory outcome are attributable to the complainant's failure to cooperate or unwillingness to pursue the complaint, or to the failure of the respondent body to respond positively to the Centre's recommendations and requests, in addition to the absence of clear legal cover to halt and remedy certain violations, and the absence of a provision in the Centre's Law obliging bodies to respond to the Centre's requests within a specified period.

Requests for Assistance Received by the Centre in 2010

Table No. (17): Number of requests for assistance received by the Centre according to the rights allegedly violated, 2010

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
Recognition of legal personality (nationality)	18	1		3	11		3
Right to freedom of residence and movement	41	1		7	29	2	2
Right to humane treatment and security of person	4			1	2	1	
Right to obtain identity documents	14		1	1	8	1	3
Right to asylum	7			1	4		2
Right to health	16	4		3	9		
Right to work	17	1	1	3	8		4
Right to social insurance	8		1	1	6		
Right to equality	4			1	1		2
Rights of older persons	2			1		1	
Right to an adequate standard of living	17	2		6	8		1
Right to ownership	1			1			
Rights of women	14	2		2	9	1	
Rights of the child	26	6		7	11		2
Rights of persons with disabilities	5				5		
Right to education	2	1			1		
Rights of prisoners	9	2		2	4		1
Right to compensation	4			1	2		1
Right to hold public office	1				1		
Right to a fair trial	12	1		7	4		
Grand total	222	21	3	48	123	6	21
Percentages	100	9.46	1.35	21.62	55.41	2.70	9.46

189. The total number of requests for assistance received by the Centre this year reached (222) requests, compared with (301) requests in 2009 and (244) requests in 2008. The number of requests for assistance relating to civil and political rights was (110) requests, i.e. 49.54% of all requests for assistance, while the number of requests relating to economic, social and cultural rights was (65) requests, i.e. 29.27% of all requests for assistance, and the number of requests for assistance relating to the rights of vulnerable groups reached (47) requests, i.e. 21.17% of all requests for assistance. (21) requests, i.e. (9.46%), were closed successfully, while the number of requests closed without a satisfactory outcome reached (3) requests, i.e. (1.35%). The number of requests still under follow-up reached (123) requests, i.e. (55.41%), and the Centre received (48) requests falling outside its mandate, i.e. (21.62%). The reasons for closing a number of cases without a satisfactory outcome are attributable to the failure of the applicant for assistance to cooperate or the applicant's unwillingness to pursue the request for assistance, or to the failure of the body from which assistance was requested to respond positively to the Centre's recommendations and requests, in addition to the absence of a provision in the Centre's Law obliging bodies to respond to the Centre's requests within a specified period.

190. A continued increase is noted in the number of complaints received by the Centre in 2010 compared with previous years, as shown in the following chart, the rate of increase in complaints having reached (14.66%). This may be attributed to the following reasons: 1- citizens' awareness of the services provided by the Centre as a result of its training and awareness-raising activities; 2- building the capacities of the Centre's staff to deal professionally with complaints and requests for assistance, and to receive and deal with citizens courteously; 3- the continued operation of the hotline service for receiving complaints and requests for assistance around the clock, in addition to the multiplicity of methods for receiving them, as shown in the chart; 4- citizens' confidence in the services provided by the Centre, based on the positive results of handling previous complaints. On the other hand, a decrease of (15.10%) is noted in the number of requests for assistance in 2010 compared with 2009. This is attributable to the Centre's orientation towards focusing on monitoring violations affecting human rights rather than providing assistance, and to directing visitors to approach the relevant bodies in the competent ministries before registering a request for assistance at the Centre. The official authorities' adoption of solutions to many of the issues that require the Centre's intervention, such as permitting the children of Jordanian women married to foreigners and the children of Iraqi refugees to study in Ministry of Education schools, as well as the increase in the number of civil society institutions providing such assistance, also contributed to this decrease.

Chart: Numbers of Complaints and Requests for Assistance for the Years 2003–2010

Year	Complaints	Requests for assistance
2010	570	222
2009	573	301
2008	373	244
2007	422	288
2006	147	162
2005	192	177
2004–2003	209	152

191. Receiving complaints and requests for assistance orally and in person ranked first among the methods of submission, as (76.75%) of the total complaints and requests for assistance were submitted orally by attending the Centre in person and explaining the complaint before a member of the Centre's staff. Submission of complaints and requests for assistance by fax ranked second, accounting for (13.12%) of the total complaints and requests for assistance. Submission of complaints and requests for assistance by electronic mail ranked third, at a rate of (5.32%), and submission of complaints by ordinary post ranked fourth, accounting for (4.42%).

Chart: Complaints and Requests for Assistance by Method of Submission

Method of submission	Percentage (%)
In person	76.75
Fax	13.12
Electronic mail	5.32
Ordinary post	4.42
Hotline	0.39

192. As regards the distribution of complaints and requests for assistance among the various governorates of the Kingdom, the following chart shows that the number of complaints and requests for assistance continues to be high in the capital and the main cities, as (65.32%) of complainants reside in the Capital Governorate. This is attributable to the absence of branches of the Centre in the other governorates of the Kingdom, the large population of the governorate, and the Centre's proximity to citizens residing in the Capital Governorate. Complaints and requests for assistance received from the three most populous governorates also represented the largest share: Zarqa Governorate ranked second, with complaints and requests for assistance accounting for (9.37%); Irbid Governorate ranked third, with (6.25%); and Karak Governorate ranked fourth, with (2.72%), while the lowest rate of complaints and requests for assistance was in Ma'an Governorate, accounting for (0.5%) of the total complaints and requests for assistance.

Chart: Percentages of Complaints and Requests for Assistance by Governorate

Governorate	Percentage (%)
The Capital	65.32
Balqa	2.42
Zarqa	9.38
Madaba	1.11
Karak	2.72
Ma'an	0.50
Tafleh	0.71
Aqaba	1.71
Irbid	6.25
Ma'raq	2.32
Jerash	1.71
Ajloun	2.02
Outside Jordan	3.83

193. As regards the respondent bodies, the chart shows the percentage of complaints according to the body against which they were submitted. It is noted that the Ministry of Interior continues to

account for the largest share of the complaints received by the Centre, at (30.64%) of all complaints, followed by the Public Security Directorate (22.07%) and then the General Intelligence Directorate (5.97%). The percentage of complaints against the Ministry of Social Development reached (5.19%), while complaints relating to violations suffered by Jordanians abroad, which were referred to the Ministry of Foreign Affairs for follow-up, reached (4.54%) of all complaints. The percentage of complaints against employers and recruitment agencies reached (6.23%) of all complaints, compared with (14.31) in 2009. An increase is also noted in the percentage of complaints submitted against the core government ministries, such as the Ministries of Education, Health, Justice, Agriculture and Environment, which reached (8.18%), compared with (6.46%) in 2009. A decrease is likewise noted in the percentage of complaints against the judicial authority, which reached (1.94), compared with (4.54%) in 2009. In 2010, the Centre also received complaints against universities, accounting for (0.51%). These percentages indicate that the bodies accounting for the largest share of complaints remain the same, which indicates that they have not taken the hoped-for measures to halt violations, and confirms the need for the Centre to continue to give them priority and focus on them in order to reduce the number of complaints and promote human rights in the Kingdom. As regards the bodies from which assistance was requested, the chart shows that the largest share of requests for assistance concerned the Ministry of Interior, at (22.07%), followed by the Public Security Directorate at (13.51%), while the following ministries accounted for a total of (19.81%) of requests for assistance: Health, Foreign Affairs, Social Development, Higher Education, and Public Works and Housing. The Ministry of Social Development was the most prominent, with requests for assistance relating to it reaching (9.45%), followed by the Ministry of Health at (6.75%).

Chart: Percentage of Complaints and Requests for Assistance by Body

[Bar chart showing the percentage of complaints and requests for assistance by respondent body; no data values are printed on the chart.]

194. The following chart also shows the numbers of complainants and applicants for assistance by nationality: 77.6% of them are Jordanians ((69.85%) male and (30.15%) female), while the Palestinian nationality ranked second, at approximately (5.95%), the Filipino nationality third, at (5.24%), and the Egyptian nationality fourth, at (3.93%).

Chart: Complainants and Applicants for Assistance by Nationality

[Bar chart (untitled in the source) showing the percentage distribution of complainants and applicants for assistance by nationality; no data values are printed on the chart.]

6. Assessment of Jordan's Fulfilment of Its Obligations under International Human Rights Covenants and Instruments

195. In its annual report on the state of human rights in the Kingdom for 2009, the National Centre for Human Rights devoted, for the first time, a chapter containing an assessment of the extent to which Jordan has fulfilled its obligations under the international human rights covenants and instruments ratified by Jordan.¹⁸⁷ That chapter set out a description of the nature of the obligations incumbent upon States Parties to international conventions, namely the adoption of the measures necessary to give effect to the rights contained in these conventions, to protect them, and to guarantee individuals' enjoyment of them at the national level. This chapter of the Seventh Annual Report on the State of Human Rights in the Kingdom for 2010 complements an important approach through which it is possible to assess how serious the State is in fulfilling its obligations in the field of the protection and promotion of human rights, and how effective the procedures and measures taken to that end are, which necessarily has a bearing on the state of human rights in the Kingdom. It is worth noting that the Kingdom has acceded to numerous international human rights conventions, foremost among them seven of the nine core conventions,¹⁸⁸ in addition to Jordan's ratification of a number of International Labour Organisation conventions, the Arab Charter on Human Rights, the Cairo Declaration on Human Rights in Islam, and a number of the optional protocols annexed to these conventions. It is well established that the State's accession to international human rights conventions is not, in itself, sufficient to guarantee individuals' enjoyment of these rights; there must be a genuine will on the part of the State to undertake what this requires by way of the necessary legislative, judicial and executive measures, which may be summarised as follows:

- (a) In the field of legislation relating to the rights enshrined in these conventions, the State must review the national legislative system and determine the extent to which the legislation in force conforms to international standards, amend whatever requires amendment, and enact new legislation where necessary in order to provide the legislative guarantees capable of protecting and promoting the rights enshrined in the international conventions, in addition to acceding to new international conventions. Table No. (18) sets out the national legislation enacted and/or amended during 2010 in order to harmonise it with the international conventions:

Table No. (18): Legislation enacted and/or amended during 2010 to harmonise it with international obligations

No.	Legislation	Relevant International Instruments	Type of Measure	Assessment
1	Provisional Press and Publications	International Covenant on Civil and Political Rights	Issuance of a provisional law amending Law No. (8) of 1998, published in Official	Establishment of specialised chambers for press and publications cases under the amendment made to Article

¹⁸⁷ See the Sixth Annual Report of the National Centre for Human Rights on the State of Human Rights in the Kingdom for 2009, pages 135–159.

¹⁸⁸ Jordan has not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 2000 or the International Convention for the Protection of All Persons from Enforced Disappearance.

No.	Legislation	Relevant International Instruments	Type of Measure	Assessment
	Law No. (5) of 2010		Gazette Issue No. 5022 dated 1/4/2010	42; according such cases the status of urgency and requiring that they be heard within one month; and confining jurisdiction over press and publications cases relating to the internal and external security of the State as provided for in the Penal Code to the Amman Court of First Instance only (removal of the jurisdiction of the State Security Court).
2	Provisional Social Security Law No. (7) of 2010	International Covenant on Economic, Social and Cultural Rights	Issuance of a provisional law, published in Official Gazette Issue No. 5022 dated 1/4/2010	Raised the retirement age, broadened the base of persons covered by social security, and afforded better guarantees for women.
3	Provisional Elections Law No. (9) of 2010	International Covenant on Civil and Political Rights	Issuance of a provisional law, published in Official Gazette Issue No. 5032 dated 19/5/2010	The Law did not provide adequate guarantees for individuals' enjoyment of free, fair and impartial elections, and it was subjected to numerous criticisms by civil society institutions. ¹⁸⁹
4	Provisional Penal Code No. (12) of 2010	International Covenant on Civil and Political Rights, CEDAW, the Convention against Torture, the Convention on the Rights of the Child	A law amending Law No. (16) of 1960, published in Official Gazette Issue No. 5034 dated 1/6/2010	Introduced numerous new provisions; however, the Centre has certain reservations regarding some articles of the Law, such as Article 340, and regarding the non-inclusion of the proposed amendment to Article 208. It should be noted that the Ministry of Justice formed a joint committee to discuss the amendments; however, many of the recommendations submitted by the Centre were not taken into consideration.
5	Public Prosecution Law No. (11) of 2010	International Covenant on Civil and Political Rights and the Convention against Torture	Issuance of a provisional law, published in Official Gazette Issue No. 5034 dated 1/6/2010	Inconsistent with international standards on the independence of the Public Prosecution, since under it the Public Prosecution is subordinate judicially to the Judicial Council and

¹⁸⁹ For further details, see the National Centre's report on the 2010 parliamentary elections on the Centre's website: www.nchr.org.jo

No.	Legislation	Relevant International Instruments	Type of Measure	Assessment
				administratively to the Minister of Justice.
6	Independence of the Judiciary Law No. (21) of 2010	International Covenant on Civil and Political Rights	A law amending Law No. (15) of 2001, published in Official Gazette Issue No. 5037 dated 16/6/2010	Does not sufficiently conform to constitutional and international standards on the principle of the independence of the judiciary, and has been subjected to numerous criticisms by judges themselves. ¹⁹⁰
7	Public Security Law No. (27) of 2010	International Covenant on Civil and Political Rights and the Convention against Torture	A law amending Law No. (38) of 1965, published in Official Gazette Issue No. 5042 dated 15/7/2010	Provided for the inclusion of a civilian judge on the Police Court; the Centre does not consider this sufficient.
8	Provisional Labour Law No. (26) of 2010	International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights	A law amending Law No. (8) of 1996, published in Official Gazette Issue No. 5042 dated 15/7/2010	The amendment to Article 116 contradicts Article 22(3) of the International Covenant on Civil and Political Rights, which prohibits the dissolution of trade unions without a judicial decision, whereas the amendment granted the Minister the right to dissolve a trade union without requiring the issuance of a judicial decision.
9	Provisional Information Systems Crimes Law No. (30) of 2010	International Covenant on Civil and Political Rights	Issuance of a provisional law, published in Official Gazette Issue No. 5056 dated 16/9/2010	The Law was discussed with specialists from the National Centre for Human Rights, and all the amendments proposed by the Centre were incorporated.
10	Provisional Personal Status Law No. (36) of 2010	CEDAW, the Convention on the Rights of the Child, the International Covenant on Economic, Social and Cultural Rights	Issuance of a provisional law, published in Official Gazette Issue No. 5061 dated 17/10/2010	Introduced numerous positive provisions; however, the Centre has certain reservations regarding some articles of the Law, such as the exceptions contained in the Law concerning the age of marriage. ¹⁹¹
11	Owners and Tenants Law No. (43) of 2010	International Covenant on Economic, Social and Cultural Rights	A law amending Law No. (11) of 1994, published in Official Gazette Issue No. 5075 dated 30/12/2010	The Law did not definitively resolve the problem of the eviction of tenants from leased premises, but rather postponed the resolution of the problem until the end of 2011.

¹⁹⁰ For further information, see the chapter on the right to the administration of justice in the body of this report.

¹⁹¹ For further information, see the chapter on women's rights in the body of this report.

No.	Legislation	Relevant International Instruments	Type of Measure	Assessment
12	Jordanian Judicial Institute Regulation No. (6) of 2010	International Covenant on Civil and Political Rights	Issuance of a regulation, published in Official Gazette Issue No. 5014 dated 16/2/2010	Among the objectives listed for the establishment of the Institute, the Regulation did not address any item concerning raising judges' awareness in the field of international conventions and human rights.

It is worth noting that the Prime Minister, at the request of the National Centre for Human Rights, addressed Letter No. 1/11/17361 dated 22/9/2010 to all ministers, referring to the circular issued by the former Prime Minister, No. 1/11/18/18659 dated 12/10/2008, which requires ministers to invite representatives of the National Centre for Human Rights to attend the sessions at which draft laws or amendments to laws relating to human rights are discussed. Nevertheless, the Centre was not present, for example, when the Provisional Elections Law No. (9) of 2010 was discussed. Moreover, provisional laws and amendments to laws will be submitted to Parliament (the National Assembly) for approval; in this regard, the Centre recommends that dialogue and consultation be opened between the competent committees of the House of Representatives and the Senate and the National Centre for Human Rights, as well as other national institutions, civil society institutions and non-governmental organisations, in order to discuss these laws and amendments.

- (b) In the field of the judiciary, the State must strive to guarantee a fair and independent judicial system that bases its decisions on national legislation and international conventions, in a manner that guarantees individuals' enjoyment of the right to a fair trial and provides effective remedies.
- (c) In the field of executive measures, the State must strive to bridge the gap between, on the one hand, the existence of national legislation and international conventions relating to human rights and, on the other hand, the actual application of the provisions of such legislation on the ground, including the dissemination of rights and awareness-raising thereof on the widest possible scale, and guaranteeing the realisation of the principle of equality and non-discrimination. This field also encompasses the creation of an institutional environment that supports and protects human rights at the national level, and cooperation with the international bodies and organisations concerned with human rights.

196. Set out below are the measures and procedures taken by the Government during 2010 in this field.

First: In the field of the obligation to submit reports and to act upon the observations and recommendations of the treaty bodies, the Centre observed the following:

- (a) The Jordanian Government submitted its fourth report¹⁹² to the Human Rights Committee concerned with civil and political rights in March 2009 (it should be noted that neither the National Centre for Human Rights nor any other civil society institution was involved in the preparation of this report). The Committee discussed Jordan's report, which was

¹⁹² Document CCPR/C/JOR/4 of the documents of the Human Rights Committee.

submitted twelve (12) years after its due date, at its hundredth session, held during the period 11–29/10/2010, specifically on 13–14/10/2010.

The Committee welcomed a number of positive measures taken at the national level, namely:

- The publication of the International Covenant on Civil and Political Rights in the Official Gazette in 2006, which means that the Covenant has become an integral part of the national legislative system.
- The amendments made to the Jordanian Penal Code in 2010, which limit recourse to the so-called exculpatory excuse or mitigating excuse in relation to so-called “honour” crimes.
- The suspension of the execution of the death penalty since 2006.
- The establishment of the Office of Grievances and Human Rights of the Public Security Directorate in 2005.
- The creation of the Ministry of Political Development in 2003.

The Committee also welcomed Jordan’s ratification of a number of international conventions concerned with the protection of a number of the rights enshrined in the International Covenant on Civil and Political Rights (during the period covered by the fourth periodic report), the most important of which are:

- The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in 2006.
- The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in 2007.
- The International Convention on the Rights of Persons with Disabilities, in 2008.
- The Rome Statute of the International Criminal Court, in 2002.
- The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (supplementing the United Nations Convention against Transnational Organized Crime), in 2009.

197. The most important issues raised by the Committee as sources of concern, and the recommendations issued in respect thereof, are as follows:

Table No. (19): The most important issues raised by the Committee

No.	Sources of Concern	Recommendation	Action Taken by the Government
1	The need to provide and furnish the National Centre for Human Rights with human and financial resources in order to enhance its efficiency in performing the tasks entrusted to it.	Ensure that the members of the Board of Trustees of the National Centre for Human Rights are selected in a transparent manner • Furnish the Centre with the necessary financial and human resources.	None. The Government provides the Centre’s operating budget; however, it is insufficient to develop the Centre’s work.
2	The broad and vague definition of terrorist acts provided for in the	Review the Prevention of Terrorism Law so that it includes a clear and precise definition of	None

No.	Sources of Concern	Recommendation	Action Taken by the Government
	Prevention of Terrorism Law of 2006.	terrorism and terrorist acts consistent with the International Covenant on Civil and Political Rights.	
3	Certain customs and patterns still practised in Jordan that are incompatible with the principle of equality enshrined in the Covenant and that limit the full application of its provisions, including: the discrimination against women contained in the Personal Status Law of 2010 with regard to their right to seek divorce and to remarry, the issue of polygamy, and inheritance, in addition to the inability of a Jordanian woman married to a non-Jordanian to transmit her nationality to her children.	Review and amend national laws and legislation, including the Personal Status Law, so as to ensure that women are not subjected to any form of discrimination, particularly in matters relating to marriage, inheritance, guardianship of children and nationality • The need to intensify the efforts made to curb certain practices and customs that are considered discriminatory against women, such as polygamy, through awareness-raising and education programmes.	None • None
4	The persistence of the phenomenon of violence against women and the ineffectiveness of the protection measures taken by the State to protect women at risk (“honour” crimes), which consist of their detention pursuant to Articles 3, 7 and 26 of the Crime Prevention Law of 1954.	Strengthen the legal framework to curb domestic violence, sexual violence and other forms of violence suffered by women • Provide protection measures and shelters for women victims of violence that afford them the necessary protection without any restrictions on, or violations of, their rights, such as detention.	Article 340 of the Penal Code was amended by Provisional Law No. (12) of 2010 • Women victims of violence are referred to the Family Reconciliation House (Dar Al-Wifaq Al-Usari), and there are recommendations to open branches of Dar Al-Wifaq in a number of governorates; however, these remain recommendations and have seen no positive development.
5	The increase in the number of cases of torture in places of detention and custody, specifically in the places of detention of the General Intelligence Directorate, together with the absence of an independent mechanism for receiving complaints and following up on cases of torture, and in light of the failure to abide by the provision of legal and medical assistance to inmates.	Establish an independent mechanism to follow up on complaints relating to torture; ensure that the necessary investigations are carried out in such cases and that the perpetrators are tried before civilian courts; and ensure that victims obtain appropriate compensation, in addition to guaranteeing the right of inmates and detainees to choose their lawyers and to obtain their right to undergo medical examinations by an independent body.	With regard to introducing legislative amendments allowing perpetrators of torture crimes to be tried before civilian courts, there have been no positive developments in this field. A national team to monitor torture has been established by the National Centre for Human Rights and will serve as a national mechanism. Furthermore, the Centre is an independent national institution for receiving complaints.
6	Non-governmental organisations are not permitted to visit Correction and Rehabilitation Centres.	Organise independent visits to all places of detention and deprivation of liberty, including those of the General Intelligence Directorate; in this context, the Committee also stressed the need for Jordan to	None

No.	Sources of Concern	Recommendation	Action Taken by the Government
		ratify the Optional Protocol to the Convention against Torture.	
7	The powers granted to administrative governors under the Crime Prevention Law of 1954, which grant them the right to hold and detain (persons believed to pose a danger to society) without charge or trial.	The State must take the necessary measures to curb the practice of administrative detention, amend the Crime Prevention Law so as to ensure its harmonisation with the International Covenant on Civil and Political Rights, and release all administrative detainees or refer them for trial immediately.	The Ministry of Interior issued instructions to administrative governors on improving the conditions of administrative detention; however, they are insufficient and do not dispense with the need to amend the Law.
8	The Committee renewed its concern regarding the independence and performance of the State Security Court and the power granted to the Prime Minister to refer to this Court cases that do not affect State security.	The Committee reaffirmed its recommendation issued in 1994 on the need to consider abolishing the State Security Court.	None
9	The Committee expressed its concern regarding the restrictions imposed on freedom of religion, including the consequences resulting from apostasy from the Islamic religion, such as deprivation of inheritance, in addition to the non-recognition of the Baha'i faith in Jordan.	The Committee renewed its recommendation issued in 1994 regarding the taking of the necessary measures to guarantee the right to freedom of religion and belief.	None
10	The Committee expressed its concern regarding the continued exposure of journalists to penalties for writing articles that harm the State's diplomatic relations or that attack the King or the Royal Family.	The State must review legislation and curb the practices that result in the imposition of penalties on journalists and all media outlets for expressing their political opinions, and must ensure that any restrictions imposed on the media are consistent with the provisions of Article 19(3) of the Covenant.	None
11	Concern regarding the provision of the Public Gatherings Law of 2008 requiring the approval of the Governor for holding any public meetings relating to State policies.	Amend the Public Gatherings Law so that it is consistent with the provisions of Article 21 of the Covenant relating to the right of peaceful assembly.	None
12	The Committee expressed its concern regarding the restrictions imposed on non-governmental organisations relating to their establishment and to certain other elements related to their work, specifically the Government's power to appoint temporary administrative bodies for societies.	Amend the Societies Law and take the necessary measures to ensure that the restrictions imposed on the right to freedom to establish societies are harmonised with the provisions of Article 22 of the Covenant.	None
13	Reports indicating an increase in the phenomenon of child labour,	Take all the measures necessary to combat child labour, specifically	None

No.	Sources of Concern	Recommendation	Action Taken by the Government
	given the failure of the Labour Law to provide the necessary protection for children working in family enterprises or in agriculture.	by reviewing national legislation to ensure the protection of all children, including those working in family enterprises or agriculture.	
14	Although the Committee welcomed the Government's decision to permit international observation of the 2010 parliamentary elections, the Committee expressed its concern regarding reports confirming the ineffectiveness of the measures taken to guarantee the right to free and transparent elections.	Take additional measures to guarantee the right to free and transparent elections, including the establishment of an independent body to administer the electoral process in a manner that ensures organised oversight of elections.	A provisional law on parliamentary elections was issued; however, it did not include a provision on the formation of an independent body to administer the electoral process. Nor were the Centre or civil society institutions involved in the discussions that preceded the issuance of the Law, and the Law did not adopt many of the substantive recommendations submitted by the Centre to the Government on behalf of the National Coalition formed by the Centre in 2009 to reform the legal framework governing the electoral process.
15	The low participation of women in public life.	Take the necessary measures to increase women's participation in the various spheres of public life by raising awareness and increasing the number of seats reserved for women (the quota) in the House of Representatives and in municipal councils.	The number of seats reserved for women in the House of Representatives was raised from six to (12) seats under the Provisional Elections Law, in addition to the seats that women win through competition.
		The concluding observations also included a number of general recommendations, namely:	
16		Accede to the Optional Protocol to the Covenant concerning the individual complaints mechanism and to the Second Optional Protocol on the abolition of the death penalty.	None
17		Disseminate widely the fourth periodic report submitted to the Human Rights Committee, the Government's replies to the issues raised by the Committee, and the Committee's concluding observations.	None on the part of the Government; however, the report is published on the Centre's website.
18		The State shall submit, within one year, an assessment of the extent of its implementation of the Committee's recommendations concerning support for the National Centre for Human Rights, the amendment of the Crime	None

No.	Sources of Concern	Recommendation	Action Taken by the Government
		Prevention Law and the consideration of the abolition of the State Security Court, in accordance with Rule 71 of the rules of procedure governing the work of the Human Rights Committee.	
19		The State shall include in its next periodic report, due on 29 October 2014, information on its compliance with the Committee's recommendations in general.	

- (b) Jordan also submitted its second periodic report to the Committee against Torture, due since 1996, on 3/7/2008.¹⁹³ The report was discussed at the Committee's meetings Nos. 947 and 948, held on 29–30/4/2010. It should be noted that the National Centre for Human Rights submitted a parallel report (shadow report) to the Committee containing a number of recommendations that were incorporated into the final report issued by the Committee. Two representatives of the Centre also took part in the sessions at which the report was discussed and made oral interventions during them.

The Committee welcomed a number of positive measures taken by the Jordanian Government, the most important of which are:

- The ratification of, and accession to, a number of international human rights conventions, such as the United Nations Convention against Transnational Organized Crime in May 2009; the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention, in June 2009; the Convention on the Rights of Persons with Disabilities in March 2008; the two Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in December 2006, and on the involvement of children in armed conflict, in May 2007; and the Rome Statute of the International Criminal Court in April 2002.
- The ongoing efforts in the field of reforming legislation and policies to ensure the promotion and protection of human rights, including the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, as reflected in the establishment of the National Centre for Human Rights in 2002 and of the Ombudsman Bureau (Diwan Al-Madhalem) as an independent body competent to receive complaints as of 1/2/2009; the adoption of a comprehensive plan to develop and modernise correctional facilities and rehabilitate places of detention; the closure of Al-Jafr Prison in 2006; the Government's support for the implementation of the Karama Project against Torture, implemented by the National Centre for Human Rights in cooperation with civil society institutions; the establishment of the Integrated Services Centre (Family Justice) within the Family Reconciliation House (Dar Al-Wifaq Al-Usari); and the suspension of the application of the death penalty since March 2006.

¹⁹³ For the report, see Document No. CAT/C/JOR/2 of the documents of the Committee against Torture.

198. The main sources of concern and the recommendations made by the Committee were as follows:

Table No. (20): The main sources of concern and the recommendations made by the Committee against Torture

No.	Sources of Concern	Recommendation	Action Taken
1	Incorporation of the Convention into national law	Extensive training for governmental authorities, law enforcement bodies, officials, relevant actors and the judiciary to raise awareness of the provisions of the Convention.	No measures have been taken to incorporate the Convention into the law; however, a number of ongoing training programmes on the Convention have been conducted for personnel working in Correction and Rehabilitation Centres within the framework of the Karama Project.
2	General considerations relating to implementation	Compile data relating to monitoring the implementation of the Convention at the national level, disaggregated by sex, age and nationality, in addition to collecting information on complaints relating to cases of torture and ill-treatment, administrative detention, trafficking, ill-treatment of migrant workers, and domestic and sexual violence, and on the procedures for investigating them and for prosecuting and convicting their perpetrators, as well as on the outcomes of such complaints and cases. Promptly provide the Committee with the aforementioned information, including the number of complaints relating to torture submitted since 1995, the date on which the State Party's previous report was considered.	None at the official level; however, the Centre holds a great deal of information relevant to this recommendation. With regard to investigation, there are procedures for investigating torture cases; however, such investigation does not result in conviction under Article 208 of the Penal Code.
3	Definition and criminalisation of torture	Incorporate the prohibition of torture into the text of the Constitution, so as to constitute a genuine and important recognition that torture is a serious crime and a violation of human rights, and to curb impunity • Define and characterise the crime of torture in accordance with Articles 1 and 4 of the Convention as a crime distinct from other crimes, draw attention to the particular gravity of the crime of torture, and strengthen the deterrent effect of the prohibition itself • Ensure that perpetrators of torture are prosecuted and convicted in accordance with the gravity of the acts they have committed, as required by Article 4 of the Convention • Amend the Penal Code to increase penalties, as appropriate • Review the regulations and provisions relating to the statute of limitations in line with obligations under the Convention, so	None • None • None • None • None

No.	Sources of Concern	Recommendation	Action Taken
		that acts of torture, attempts to commit torture and any acts by any person that constitute complicity or participation in torture may be investigated, and the perpetrators of such acts prosecuted and punished, without time limitations.	
4	Impunity of perpetrators of acts of torture and ill-treatment	Take immediate and effective measures to prevent the commission of acts of torture and ill-treatment throughout the country, including by announcing a policy that produces measurable results in the eradication of torture and ill-treatment by State officials • Investigate all allegations of torture and ill-treatment promptly, effectively and impartially, and prosecute and convict the perpetrators of such acts according to the gravity of the acts they have committed, as required by Article 4 of the Convention • Amend national legislation so as to provide expressly that an order from a superior officer or a public authority may not be invoked as a justification of torture.	None at the official level; however, the Centre has prepared a manual for training judges on monitoring and investigation in torture cases • Investigation is conducted by the Police Public Prosecution and cases are referred to the Police Court, but not under Article 208 • None
5	Complaints and prompt and impartial investigations	Strengthen the measures taken to ensure that prompt, thorough, impartial and effective investigations are carried out into all allegations of acts of torture and ill-treatment committed against convicted persons and detainees, and to prosecute law enforcement officials and security, intelligence and prison personnel who committed, ordered or acquiesced in such practices, and ensure that such investigations are undertaken by an independent body. With regard to prima facie complaints relating to acts of torture and ill-treatment, suspects should, as a general rule, be suspended from duty or transferred to another workplace during the investigation process, in order to avoid the risk of their interfering with the investigations or continuing any impermissible acts in breach of the Convention • Try the perpetrators and impose appropriate penalties on those convicted, in order to ensure the accountability of government officials responsible for violations prohibited under the Convention.	None at the official level; however, the Centre, as an independent body, investigates the cases referred to it, but what is required is an independent judicial body to investigate and to ensure that perpetrators of torture crimes are referred to the judiciary and punished • None
6	Fundamental legal safeguards	Take effective measures to ensure in practice that all fundamental legal safeguards are available to all detainees from the outset of their detention, such as access to a lawyer, an independent	This is not always complied with, particularly with regard to access to a lawyer and undergoing a medical examination; rather, the families of the victims are notified • None

No.	Sources of Concern	Recommendation	Action Taken
		medical examination, notification of a relative, being informed of their rights at the time of detention, including being informed of the charges against them, and the right to be brought promptly before a judge • Take effective measures to ensure that “lawyers’ rooms” afford confidentiality of consultations between lawyer and client.	
7	Administrative detention	Take all appropriate measures to abolish the practice of administrative detention • Amend national legislation, specifically the Crime Prevention Law, in line with international human rights standards.	None • None
8	Special courts system	Take immediate steps to ensure that the State Security Court and other special courts fully comply in their work with the provisions of the Convention and with international standards for courts, in particular by granting accused persons the right to appeal the court’s decisions; and consider abolishing these special courts.	None
9	Monitoring and inspection of places of detention	Establish a national system to carry out effective monitoring and inspection of all places of detention, including the facilities of the General Intelligence Directorate, and follow-up to ensure the systematic monitoring of such places. This system should include regular and unannounced visits by national and international monitors, with a view to preventing torture and other cruel, inhuman or degrading treatment or punishment.	The Government has not taken any measure; however, a national team to monitor cases of torture has been established under the umbrella of the National Centre for Human Rights, and the National Monitoring Team (Karama) carries out periodic visits to Correction and Rehabilitation Centres, but not to the General Intelligence Directorate (announced visits).
10	The General Intelligence Directorate	Place all State security departments, in particular the General Intelligence Directorate, under civilian authority and oversight; establish an independent body to oversee these departments; limit the powers of the Directorate; and ensure the legal and actual separation between the powers of the bodies responsible for the detention of suspects and those responsible for preliminary investigations.	None
11	Counter-terrorism measures	Implement counter-terrorism measures in full respect of international human rights law, including by reviewing the Prevention of Terrorism Law of 2006 and amending it, if necessary, in line with international human rights standards.	None

No.	Sources of Concern	Recommendation	Action Taken
12	Impunity of perpetrators of “honour” crimes and rape	Promptly amend the provisions of the Penal Code in force so as to ensure that perpetrators of “honour” crimes do not benefit from mitigation of penalty under Article 340, that perpetrators of premeditated “honour” crimes do not benefit from mitigation of penalty under Article 98, and that Article 99 is not applied to “honour” crimes or to other cases in which the victim is related to the perpetrator; and ensure that “honour” crimes are treated with the same seriousness as other violent crimes with regard to investigation and prosecution, and that effective preventive efforts are made • Withdraw the provision for the dropping of charges contained in Article 308 of the Penal Code, and ensure that a perpetrator of rape does not escape punishment by marrying his victim.	The Provisional Penal Code is under consideration by Parliament (the National Assembly); however, it is not possible to predict the form in which the Law will emerge. Under the new amendment to the Penal Code, both women and men now benefit from the mitigating excuse, which the Centre regards as a broadening of the scope for benefiting from mitigation of penalty, contrary to international standards • None
13	Domestic violence	Strengthen efforts to prevent and combat violence against women and children, and ensure that prompt, impartial and effective investigations into such acts are conducted and that the perpetrators are prosecuted and punished. • Participate directly in rehabilitation and legal assistance programmes, and launch broader campaigns to raise the awareness of officials (judges, law enforcement officials and social workers) who are in direct contact with victims. • Strengthen efforts in the fields of research and data collection on the scope of domestic violence, and include in the next periodic report submitted to the Committee statistical data on complaints, criminal prosecutions and judgments handed down in this regard.	None • None at the legal level; however, civil society organisations provide legal assistance, although this depends on the availability of funding • None; this is expected to take place during 2011 through the Women’s Complaints Office of the Jordanian National Commission for Women
14	Protective custody	Replace “protective custody” with other measures that ensure the protection of women without jeopardising their liberty. • Transfer all women held in “protective custody” to other safe rehabilitation homes. • Adopt an action plan for the protection of women at risk.	A shelter has been established, and some civil society organisations provide shelter services for women victims of violence. • None
15	Trafficking in persons	Redouble efforts aimed at preventing and combating trafficking in women and children, including by implementing the existing laws on combating trafficking, providing protection for victims and ensuring their access to medical, social, rehabilitative and legal services, including counselling services, as	The National Strategy to Combat Trafficking in Persons has been launched; the Strategy comprises four pillars (prevention, protection, and prosecution of perpetrators of the crime of trafficking, in addition to local and regional cooperation), and the Committee has

No.	Sources of Concern	Recommendation	Action Taken
		appropriate. • Create appropriate conditions to enable victims to exercise their right to file complaints, conduct prompt, impartial and effective investigations into all allegations of trafficking, and ensure that the perpetrators are brought to justice and punished with penalties commensurate with the nature of the crimes committed.	drafted instructions for the establishment of a shelter for victims of trafficking.
16	Refugees, violations of Article 3 and failure to conduct investigations	Draft and adopt domestic legislation guaranteeing the rights of refugees and asylum-seekers. • Incorporate into national laws a legal provision implementing Article 3 of the Convention. • Not expel, return or extradite any person to a State where there are substantial grounds for believing that he or she would be in danger of being subjected to torture or ill-treatment. • Conduct an independent investigation to examine and follow up the allegations of its involvement in “extraordinary renditions” and inform the Committee of the results of that investigation.	None
17	Withdrawal of nationality	End the arbitrary withdrawal of nationality from Jordanians of Palestinian origin.	None
18	Human rights defenders	Take all necessary steps to ensure the protection of all persons, including those monitoring the human rights situation, from any intimidation or violence as a result of their activities and their exercise of human rights safeguards, and ensure that prompt, impartial and effective investigations into such acts are conducted and that the perpetrators are prosecuted and punished.	None at the official level; however, the Centre, in coordination with civil society organisations, intervenes with the parties concerned whenever human rights defenders and activists are subjected to harassment.
19	Juveniles in detention	Raise the minimum age of criminal responsibility so as to conform to generally accepted international standards. • Take all necessary measures to develop and implement a comprehensive system of alternative measures to ensure that deprivation of liberty of juveniles is used only as a last resort and for the shortest possible period, and under appropriate conditions. • Ensure that juveniles are tried before competent juvenile courts.	A draft Juveniles Law consistent with international standards has been prepared, under which the age of criminal responsibility is raised from 7 years to 12 years. • There are measures to implement what are called non-custodial penalties, which exist in the current Law No. (24) of 1968 but are very limited, such as taking a personal undertaking from the parent or the person legally acting on his behalf that the act will not be repeated, in addition to placing the juvenile under the supervision of a probation officer for a specified period. The concept of alternative measures has been incorporated comprehensively and

No.	Sources of Concern	Recommendation	Action Taken
			extensively into the above-mentioned draft Juveniles Law. • None
20	Conditions of detention	Take effective measures to improve conditions in places of detention and reduce overcrowding in such places, including by applying alternatives to imprisonment.	There are no alternative measures; however, there is a draft law amending the Correction and Rehabilitation Centres Law aimed at introducing alternative penalties.
21	Training	Develop and strengthen educational programmes to ensure that all officials, including law enforcement officials and intelligence and prison officers, are fully aware of the provisions of the Convention, that breaches are not tolerated but are investigated, and that offenders are prosecuted. • Ensure that all relevant personnel receive specific training on how to identify signs of torture and ill-treatment, including methods of investigating and documenting cases of torture and ill-treatment, and that such training covers the use of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol). • Evaluate the effectiveness and impact of such training/educational programmes.	There are educational programmes implemented by the Public Security Directorate; as regards the General Intelligence Directorate, no such programmes have been implemented. • Members of the national monitoring team and the relevant staff of the National Centre for Human Rights have been trained in this regard. • None
22	Redress, including compensation and rehabilitation	Strengthen efforts aimed at providing redress to victims of torture and ill-treatment, including fair and adequate compensation, and their rehabilitation as fully as possible. • Amend legislation to include explicit provisions on the right of victims of torture to obtain fair and adequate compensation for the damage caused by torture. • Provide information on redress and compensation measures ordered by the courts and provided to victims of torture, or their families, during the period covered by the report. Such information should include the number of requests submitted, the number of requests granted, and the amounts awarded and actually paid in each case, as well as any ongoing compensation programmes.	There is no rehabilitation, and the means of redress are ineffective. • None • There are two cases pending before the court for compensation for damage, in which no judgments have yet been rendered.
23	Confessions obtained under duress	Take the necessary steps to ensure the inadmissibility in court, in all cases, of confessions obtained under torture, in line with the provisions of Article 15 of the Convention; prohibit the admission of evidence obtained under torture in any proceedings; and provide the Committee	None (there are court decisions concerning evidence extracted under torture; these decisions are quashed, but without referring the perpetrators of torture to trial).

No.	Sources of Concern	Recommendation	Action Taken
		with information on the prosecution and punishment of any officials responsible for extracting such confessions.	
24	Migrant domestic workers	Strengthen measures aimed at preventing violence and abuse against migrant domestic workers by ensuring their right to file complaints against those responsible, ensuring that such cases are reviewed and decided promptly and impartially through a competent supervisory mechanism, and ensuring that all employers and representatives of recruitment agencies who abuse such workers are brought to justice.	A Regulation governing private agencies operating in the recruitment and employment of non-Jordanian domestic workers has been issued; Article 12 thereof provides for the closure of an agency where it commits any violation constituting a breach of the rights of workers. The Committee on Domestic Workers' Affairs, formed under Article 9/a of the Domestic Workers Regulation and comprising representatives of the Ministry of Interior, the Ministry of Labour, the Public Security Directorate (Residence and Borders Department) and the Association of Owners of Recruitment Agencies, follows up all complaints relating to the rights of domestic workers.
25	General recommendations	Consider ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. • Make the declarations provided for in Articles 21 and 22 of the Convention. ¹⁹⁴ • Consider ratifying the core United Nations human rights treaties to which it is not yet a party, namely the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance. • Disseminate the reports submitted by Jordan to the Committee, as well as these concluding observations, in appropriate languages, through official websites, the media and non-governmental organisations. • Provide further information on the measures taken to implement the recommendations relating to the impunity of perpetrators of torture (paragraph 10), the need to conduct independent and effective investigations (paragraph 11), and the impunity of perpetrators of "honour" crimes and rape (paragraph 18), by	None • None • None • The National Centre for Human Rights has partially done so by publishing the reports on the Centre's website. • The Centre will submit a report in this regard.

¹⁹⁴ Article 21 concerns recognition of the competence of the Committee against Torture to receive communications from a State Party alleging that another State Party is not fulfilling its obligations under the Convention, whereas Article 22 concerns recognition of the competence of the Committee to receive communications from victims or their families.

No.	Sources of Concern	Recommendation	Action Taken
		31/5/2011. • Submit the third periodic report before 14 May 2014.	

It is also noteworthy that Jordan prepared its fifth official report to the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW), which was due in July 2009, and submitted it to the Committee on 6/6/2010; the report is expected to be discussed in February 2011. The Jordanian National Commission for Women supervised the preparation of this report with the participation of the National Centre for Human Rights and the relevant governmental and non-governmental institutions, and the findings contained in the report were launched on 6/7/2010.¹⁹⁵

It should be noted that the Committee on the Elimination of All Forms of Discrimination against Women had discussed the combined (third and fourth) report submitted by the Government at its meetings Nos. 805 and 806 held on 2/8/2007, and the Committee made a set of recommendations to the Jordanian Government.¹⁹⁶

199. As regards the Committee on the Elimination of Racial Discrimination, it was supposed to receive the Government's report in June 1999, but the report has not been submitted to date.

200. The periodic report to the Committee on Economic, Social and Cultural Rights fell due on 30/7/2003, but it has not been submitted to date.

201. In the same context, it should be noted that the Committee on the Rights of Persons with Disabilities was supposed to receive the State's official report in December 2010; however, as the report had not been completed within the specified time, the Government requested an extension of the deadline for submitting the report until April 2011. The National Centre for Human Rights formed a joint committee comprising representatives of civil society organisations, academics and experts in the field of disability, and persons representing the four types of disability (hearing, visual, physical and intellectual), to prepare a report parallel to the Government report. A preliminary draft of this report has been completed for review and approval, to be submitted subsequently to the Committee of the Convention. In preparing this report, the committee, formed in implementation of the provisions of Article 33/2 of the Convention, relied on field monitoring and on the results of a survey conducted by the committee.

202. The United Nations High Commissioner for Human Rights visited the Hashemite Kingdom of Jordan in December 2010. The visit took place at the request of the National Centre for Human Rights; during the visit, the High Commissioner met His Majesty King Abdullah II Ibn Al-Hussein and discussed with His Majesty a number of issues aimed at improving the human rights situation in Jordan, including:

- Ratification of the Optional Protocol to the Convention against Torture.

¹⁹⁵ For further information on the report, visit the website of the Jordanian National Commission for Women at the following address: http://www.women.jo/ar/news_details.php?news_id=1724

¹⁹⁶ For the recommendations, see document CEDAW/C/JOR/CO/4 of the documents of the CEDAW Committee.

- Amendment of the Nationality Law so as to allow a Jordanian woman married to a non-Jordanian to confer her nationality on her children.
- Consideration of the possibility of raising the age of criminal responsibility from seven to twelve years.
- The importance of human rights education at the various levels.
- The importance of supporting the National Centre for Human Rights and enabling it to carry out the tasks entrusted to it.

203. In order to assist the official authorities in prioritising their work to implement the recommendations issued by the treaty bodies and the recommendations of the Centre, all the recommendations issued by the Committee against Torture (2010) and the Human Rights Committee concerned with civil and political rights¹⁹⁷ (2010), together with those contained in the recommendations of the Universal Periodic Review mechanism (2009) and the recommendations contained in the reports of the National Centre for Human Rights, have been compiled, and these recommendations have been classified according to priority and importance¹⁹⁸ as follows:

- The most urgent recommendations, issued by at least three bodies.
- Moderately urgent recommendations, issued by at least two bodies.
- The least urgent or specialised¹⁹⁹ recommendations, issued by a single body.

The purpose of this classification is to make it possible to determine the work priorities of all the relevant governmental institutions, civil society organisations and non-governmental organisations, and to enable the development of a national plan of action to respond to those recommendations, in addition to providing a model for assessing the extent of the Jordanian Government's response to the recommendations issued by the international committees and the National Centre for Human Rights.

The Most Urgent Recommendations

Table No. (21): The Most Urgent Recommendations

No.	Recommendation	Committees that Issued It	Number of Times Included in the Centre's Annual Report	Achievements
1	Amend legislation containing discrimination against women	Universal Periodic Review, Committee against Torture,	6 times in general, and 3	There are some amendments to the Personal Status Law; however, they do not live up to

¹⁹⁷ When the official Jordanian reports were discussed during 2010.

¹⁹⁸ Reliance was placed on the criterion of the number of bodies that addressed these recommendations in their reports.

¹⁹⁹ These recommendations may relate to a specific convention rather than others; this classification is not intended to diminish their importance.

No.	Recommendation	Committees that Issued It	Number of Times Included in the Centre's Annual Report	Achievements
		Human Rights Committee and the Centre	times with regard to nationality	the Centre's aspirations and do not fulfil international obligations.
2	Amend the Crime Prevention Law, limit administrative detention, and release detainees or refer them to trial	Universal Periodic Review, Committee against Torture, Human Rights Committee and the Centre	6 times	The Ministry of Interior issued instructions to administrative governors on improving the conditions of administrative detention; however, these are insufficient and are no substitute for amending the Law.
3	Amend the Penal Code to ensure that perpetrators of "honour" crimes do not benefit from mitigation of penalty, and establish effective and independent mechanisms for investigating and prosecuting perpetrators	Universal Periodic Review, Committee against Torture, Human Rights Committee and the Centre	5 times	Article 340 has been amended, and the amendment is under consideration.
4	Continue and strengthen the efforts made to combat torture and ill-treatment, and ensure that perpetrators of the crime of torture are punished in civilian courts	Universal Periodic Review, Committee against Torture, Human Rights Committee	5 times	There is the Ombudsman Bureau and the National Centre for Human Rights to receive and follow up complaints, in addition to the national team for monitoring torture; however, as regards the trial of perpetrators of torture before special courts, there have been no positive developments in this field.
5	Organise independent visits by non-governmental organisations to prisons, including unannounced visits	Universal Periodic Review, Committee against Torture, Human Rights Committee and the Centre	5 times	The National Centre for Human Rights has formed a national team for monitoring cases of torture, comprising representatives of official institutions and the relevant civil society organisations; the team carries out periodic visits to Correction and Rehabilitation Centres.
6	Amend the Societies Law and take the necessary measures to ensure the harmonisation of national legislation with international standards	Human Rights Committee, Universal Periodic Review and the Centre	5 times	None

No.	Recommendation	Committees that Issued It	Number of Times Included in the Centre's Annual Report	Achievements
7	Take additional measures to guarantee the right to free, fair and transparent elections, including the establishment of an independent body to administer the electoral process, ensuring the monitoring of elections	Human Rights Committee, Universal Periodic Review and the Centre	5 times	A temporary Elections Law has been issued; however, it does not provide for national or international monitoring of elections, nor for the establishment of an independent body to administer elections.
8	Amend the Public Gatherings Law so as to be consistent with international standards on the right to peaceful assembly	Human Rights Committee, Universal Periodic Review and the Centre	4 times	None
9	Ratify the two Optional Protocols to the International Covenant on Civil and Political Rights	Universal Periodic Review, Committee against Torture, Human Rights Committee and the Centre	3 times	None
10	Strengthen the legal framework to reduce domestic violence and other forms of violence suffered by women	Universal Periodic Review, Committee against Torture, Human Rights Committee and the Centre	3 times	None
11	Consider abolishing the State Security Court	Committee against Torture, Human Rights Committee and the Centre	Twice	None
12	Review and amend the Anti-Terrorism Law so that it contains a clear definition of terrorism and terrorist acts consistent with international standards	Universal Periodic Review, Committee against Torture, Human Rights Committee and the Centre	Once	None

Moderately Urgent Recommendations

Table No. (22): Moderately Urgent Recommendations

No.	Recommendation	Committees that Issued It	Number of Times Included in the Centre's Annual Report	Achievements
1	Strengthen measures aimed at preventing violence and abuse against domestic workers and ensure that perpetrators of violence are brought to justice	Committee against Torture and the Centre	6 times	None

No.	Recommendation	Committees that Issued It	Number of Times Included in the Centre's Annual Report	Achievements
	Draft and adopt domestic legislation guaranteeing the rights of refugees and asylum-seekers	Committee against Torture and the Centre	6 times	None
2	Review legislation relating to freedom of opinion and expression, limit practices that would lead to the imposition of penalties on journalists and the media, and ensure that the restrictions imposed on the media are consistent with international standards	Human Rights Committee and the Centre	5 times	None
3	Take all necessary measures to combat child labour, in particular to ensure the protection of all children, including those working in family or agricultural enterprises	Human Rights Committee and the Centre	5 times	None
4	Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Committee against Torture and the Centre	5 times	None
5	Strengthen efforts aimed at providing redress to victims of torture, including fair and adequate compensation, and their full rehabilitation	Committee against Torture and the Centre	5 times	None; the available means of redress are ineffective, and there are two cases pending before the courts for compensation for damage in which no judgments have been rendered.
6	End practices of withdrawal of nationality except in accordance with the law	Committee against Torture and the Centre	5 times	None
7	Raise the minimum age of criminal responsibility so as to conform to international standards	Committee against Torture and the Centre	5 times	A draft Juveniles Law raising the age of criminal responsibility from 7 years to 12 years has been prepared; however, this law has not yet been enacted.
8	Take effective measures to improve conditions in places of detention and reduce overcrowding through means such as applying alternatives to imprisonment	Committee against Torture and the Centre	4 times	None; however, there is a draft law amending the Correction and Rehabilitation Centres Law that provides for the application of alternative penalties.
9	Ratify the Optional Protocol to the Convention against Torture	Committee against Torture and the Centre	3 times	None

No.	Recommendation	Committees that Issued It	Number of Times Included in the Centre's Annual Report	Achievements
10	Take effective measures to make basic legal safeguards available to all detainees from the outset of their detention, such as appointing a lawyer, undergoing an independent medical examination, and others	Committee against Torture and the Centre	Twice	None
11	Sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the committee established under this Convention	Universal Periodic Review and the Committee against Torture	/	None
12	Take the necessary measures to increase the participation of women in the various areas of public life by raising awareness and increasing the number of seats allocated to women in the House of Representatives	Human Rights Committee and the Centre	/	None
13	Disseminate widely the official reports submitted to the treaty bodies, the concluding observations and the Government's replies	Committee against Torture and the Human Rights Committee	/	None
14	Protect the right to freedom to practise religious rites and freedom of religion and belief	Universal Periodic Review and the Human Rights Committee	/	None
15	Comply with the submission of official periodic reports to the treaty bodies on time	Human Rights Committee and the Committee against Torture	/	
16	Strengthen measures aimed at preventing violence and abuse against domestic workers	Committee against Torture and the Universal Periodic Review	/	A Regulation governing private agencies operating in the recruitment and employment of non-Jordanian domestic workers has been issued.

The Least Urgent or Specialised Recommendations

Table No. (23): The Least Urgent Recommendations

No.	Recommendation	Committees that Issued It	Achievements
1	Ensure that the members of the Board of Trustees of the National Centre for Human Rights are selected transparently, and provide	Human Rights Committee	None at the official level; however, the Centre is preparing a proposal for achieving transparency in the selection of members of the Board of Trustees.

No.	Recommendation	Committees that Issued It	Achievements
	the Centre with the necessary human and financial resources		
2	The State is to submit, within one year, an assessment of the extent of its implementation of the recommendations issued by the Human Rights Committee relating to supporting the National Centre for Human Rights, amending the Crime Prevention Law and considering the abolition of the State Security Court, in line with Rule 71 of the Rules of Procedure governing the work of the Human Rights Committee	Human Rights Committee	None
3	Agree to a visit by the Special Rapporteur on violence against women and take the opportunity to conduct transparent consultations with all relevant parties	Universal Periodic Review	The National Centre for Human Rights addressed the Ministry of Foreign Affairs in this regard and the Centre has not received a reply from the Ministry as at the date of preparation of this report.
4	The State is to submit, within one year, an assessment of the extent of its implementation of the recommendations issued by the Committee against Torture relating to the impunity of perpetrators of the crime of torture, the need to conduct independent and effective investigations, and the impunity of perpetrators of “honour” crimes and rape	Committee against Torture	None
5	Not expel, return or extradite any person to a State where there are grounds for believing that he or she would be in danger of being subjected to torture or ill-treatment	Committee against Torture	None
6	Conduct an independent investigation to examine and follow up the allegations of Jordan’s involvement in extraordinary rendition operations and inform the Committee of the results of the investigation	Committee against Torture	None

7. The Centre's Recommendations for 2010

204. This year, the Centre decided to compile its recommendations in a single chapter instead of setting them out piecemeal after each of the rights covered by the report, in order to facilitate reference to them by government bodies, human rights activists, civil society organisations, researchers and all other interested parties. This year, the Centre also resorted to classifying the recommendations into eleven pillars according to how they relate to one another conceptually and logically, instead of setting them out scattered throughout the report. These eleven pillars are:

1. The pillar of enacting and amending legislation (which includes all recommendations involving the analysis and review of legislation, the harmonisation of national legislation with international standards, and compliance with the application of enacted legislation...).
2. The pillar of compliance with international conventions: this includes recommendations relating to accession to international conventions and their application at the national level, including the call for compliance with recognised standards in certain fields, and the submission of reports to international bodies.
3. The pillar of developing plans, formulating policies and adopting strategies.
4. The pillar of training officials (persons charged with law enforcement).
5. The pillar of establishing and strengthening institutions.
6. The pillar of awareness-raising and education.
7. The pillar of education and higher education.
8. The pillar of protection measures: this includes recommendations relating to activating the mechanisms of justice and equity, activating systems of inspection, oversight, accountability and punishment, administrative reform, and combating corruption and abuse of power.
9. The pillar of funding: this includes recommendations requiring the allocation and expenditure of financial appropriations from the general budget, as well as attracting funding from national and international sources, and reforming public finance, including the possibility of adopting the principle of earmarking expenditure for the purposes of protecting and promoting human rights.
10. The pillar of special measures: this includes developing the concepts of rights and expanding the scope of their recognition, as well as rights requiring special or different measures from those already in place to guarantee freedom of their enjoyment and their protection from any violation or infringement.
11. The pillar of priority rights: this includes immediately enforceable rights, the rights of vulnerable groups, and rights connected with the right to life and the integrity of body and mind.

206. Set out below are the Centre's recommendations for 2010, noting that a considerable number of these recommendations have been repeated this year in view of their importance and the Centre's conviction that the Government has not made any noteworthy effort to adopt these recommendations.

First: The Legislative Axis

1. Enacting legislation that guarantees the establishment of a Constitutional Court in Jordan.
2. Affirming the independence of the judiciary and the impermissibility of issuing temporary laws regulating the work of the judicial authority, which requires:
 - a. Reconsidering the Temporary Public Prosecution Law No. (11) of 2010 so as to ensure that the Public Prosecution is attached to the Judicial Council in both judicial and administrative terms.²⁰⁰
 - b. Amending the Independence of the Judiciary Law No. (21) of 2010 so as to guarantee the independence of the Judicial Council, particularly with regard to the mechanism for appointing judges; establishing controls and justifications for terminating a judge's service or referring a judge to retirement; attaching the Judicial Inspection Department to the Judicial Council; reconsidering the procedures followed for promoting a judge from the fourth grade to the third grade; and raising the minimum age for the appointment of judges so as to ensure that the judge possesses the intellectual and academic maturity and the accumulated experience that qualify him to adjudicate disputes that may be of a degree of gravity and affect the rights of the litigants.
3. Amending the High Court of Justice Law so that litigation is conducted at more than one level of jurisdiction, as a guarantee of the right to a fair trial.
4. Affirming the jurisdiction of the regular judiciary, as the holder of general jurisdiction, to hear all crimes irrespective of the identity of the perpetrator, and abolishing the State Security Court and its Public Prosecution and restoring their powers to the regular courts. Until this is done, its law must be amended so as to ensure the removal of its military character and the reduction of its jurisdiction.
5. Repealing the Crime Prevention Law No. (7) of 1954.
6. Amending the Public Gatherings Law No. (7) of 2004 so as to guarantee the right of individuals to peaceful assembly without restriction or condition, and abolishing the requirement of the prior approval of the administrative governor for holding public gatherings.²⁰¹
7. Amending the Election Law and adopting it on a permanent basis in order to strengthen the democratic orientation in the Kingdom, broaden the base of popular participation and ensure fairness of parliamentary representation, as set out in the Centre's report on monitoring the 2010 parliamentary elections.²⁰²
8. Amending Article 208 of the Penal Code so as to ensure that torture is defined in accordance with Articles 1 and 4 of the Convention against Torture; entrusting the investigation of acts of torture and the issuance of judgments thereon to an independent and impartial judicial body; and

²⁰⁰ Prior to the issuance of this report, both the Senate and the House of Representatives rejected this law.

²⁰¹ Prior to the issuance of this report, the local press reported that the Minister of Interior had submitted a request to the Prime Minister to amend the law.

²⁰² See Annex No. (1) for full details of the proposals contained in the Centre's report.

amending legislation to provide expressly that an order from a superior officer or a public authority does not constitute a justification for torture and does not exempt from liability.

9. Amending Article 37 of the Residence and Foreigners' Affairs Law, which grants administrative governors and other executive officials the power to order deportation, so that no deportation decision may be issued except by a judicial decision.

10. Reconsidering the Fees, Stamps and Pleading Regulation of 2010 so as to guarantee free access to litigation, in fulfilment of the conditions and guarantees of a fair trial.

11. Amending the Jordanian Judicial Institute Regulation No. (6) of 2010 so that the objectives of the Institute include an item addressing the raising of judges' awareness of international human rights conventions.

12. Amending legislation containing provisions that derogate from human rights and conflict with the provisions of the Constitution, the general principles of the administration of justice and the principle of the personal nature of punishment, in particular the Prevention of Terrorism Law No. (55) of 2006, the Economic Crimes Law No. (11) of 1993, the Protection of State Funds Law No. (20) of 1966, and the Customs Law and its amendments No. (20) of 1998.

13. Amending the Juveniles Law so as to raise the age of criminal responsibility to 12 years instead of 7 years; prohibit the detention of juveniles by administrative governors; require that they be referred to the judiciary with the necessary speed; and set a maximum limit for the judicial detention of juveniles rather than leaving this to the general rules applicable to adults.

14. Reconsidering the restrictions contained in Articles 37, 38 and 39 of the Press and Publications Law so as to: (a) refrain from resorting to vague and broad expressions that grant the relevant authorities wide discretionary powers to deem any act a violation of the provisions of these Articles, and which consequently constitute restrictions on the exercise of the right; (b) abolish the penalty of imprisonment of journalists in the laws relating to journalistic work, and confine the remedy to appropriate compensation for the injured party; (c) abolish the requirement of a prior licence for establishing newspapers in the Press and Publications Law, and replace it with a notification submitted to the competent authority; and (d) reconsider the high fines imposed on publication offences committed through publications, some of which reach JD 20,000.

15. Amending the Protection of State Secrets and Documents Law No. (50) of 1971 so as to bring it into conformity with Article (19) of the International Covenant on Civil and Political Rights and with the Law on Guaranteeing the Right of Access to Information.

16. Amending the Law on Guaranteeing the Right of Access to Information in order to remedy the shortcomings and irregularities contained in this Law which are liable to impede the process of access to information, in addition to the need for all procedures relating to obtaining information to be characterised by simplicity and ease and to avoid procrastination and delay in providing information.²⁰³

²⁰³ See the part of the section on freedom of opinion and expression concerning the difficulties faced by citizens and media professionals in obtaining information.

17. Amending the Temporary Information Systems Crimes Law No. (30) of 2010 by replacing the vague and broad expressions contained in Article (11) with specific and clear wording, so as to close the door to expansive interpretation.

18. Amending Article 102 of the Labour Law so that labour unions may be established by declaration (registration notice), upon depositing the union's founding documents with the Registrar of Trade Unions, without the need for the approval of the Tripartite Committee.

19. Amending Article 116 of the Labour Law, which granted the Minister the power to dissolve a union without obtaining a judicial decision, noting that under the previous law dissolution was effected by a decision of the Court of First Instance upon the request of the Minister.

20. Issuing a law guaranteeing teachers their right to exercise trade union organisation, as guaranteed by the International Covenant on Economic, Social and Cultural Rights and by the Jordanian Constitution, which provides in Article (23/2) thereof that the State shall protect labour. This calls for a renewed request to the High Council for the Interpretation of the Constitution to reconsider its previous decision, so as to allow this segment of citizens to exercise this right.

21. Amending the Political Parties Law so as to ensure that parties are established by mere notification to the administration, and that this is not contingent on the approval of any administrative body; if such body has an objection to the establishment of any party for any reason whatsoever, it shall have the right to have recourse to the competent judiciary, which alone has the final say in this matter. In addition, the general assembly of the party shall have the right to draw up the party's constitution or charter and its internal by-laws in complete freedom, without interference from any body whatsoever; if the administration has an objection to the content of such constitutions or charters, it shall have the right to have recourse to the judiciary. Furthermore, the law (and not a regulation) must set out the rules governing funding of political parties from the State Treasury.

22. Amending the Societies Law so as to ensure freedom to establish and register societies by way of notification, provided that the administration shall have the right, if it has an objection to the establishment of a given society, to have recourse to the judiciary. Each society shall have the right to draw up its articles of association freely and to manage its affairs without interference from any governmental body, and the administration's right shall be limited to monitoring the work of societies; if it finds a breach of the law, this shall be addressed by recourse to the judiciary, which holds the first and final authority in this area. No society may be dissolved except with the approval of its general assembly or by a judicial decision, nor may any society be suspended from work except by a judicial decision. Nor may the term of the interim administrative board of any society exceed (60) days, during which the general assembly of the society shall be convened to elect a new administrative board, and this period may not be extended under any circumstances except once, for the purpose of achieving this objective.

23. Amending the Income Tax Law of 2010 so as to ensure compliance with Article 111 of the Constitution, which affirms that the Government shall adopt the principle of progressive taxation in imposing taxes while achieving equality and social justice, and that taxation shall not exceed the ability of taxpayers to pay.

24. Amending the Personal Status Law so as to: (a) raise the exceptional age of marriage from 15 to 16 years; (b) repeal Article 69/c, which permits a husband to withdraw his consent to his wife's work if he finds a legitimate reason; (c) amend Article (110/a), which provides that a mother may waive the wage for nursing the child, for custody of the child or for maintaining the child for a specified period in cases of *khul'* (divorce at the wife's initiative), and which grants the wife the right to claim maintenance and the wage for custody and nursing for the remaining period which the mother did not complete for her child; (d) amend Article (181/a) so as to add the permanently prohibited (*mahram*) guardian, alongside each of the mother, the father and the paternal grandfather in the absence of the father, among those entitled to see the child in custody, to have the child visit and stay, and to take the child out once a week, and to communicate with the child through available modern means of communication when the child is in the hands of either of them or of another person having the right of custody, in consideration of the best interests of the child; and (h) amend Article (279), which provides for the obligatory bequest of a share to the grandchildren of a deceased person if the son died before the grandfather, while the children of a daughter who dies before the grandfather are deprived thereof, which indicates discrimination between the children of a son and the children of a daughter.

25. Amending the Owners and Tenants Law so as to ensure radical and permanent solutions that take into account reconciliation and balance between the interests of the two parties to the contractual relationship (owners and tenants) and the stability of the legal position of both parties to the relationship.

26. Expediting the adoption of the Consumer Protection Law.

27. Complying with the text of Article 13 of the Higher Education and Scientific Research Law, which requires that the laws relating to higher education be implemented by means of regulations and not by means of instructions; in addition to amending the Universities Law so as to include a provision obliging universities to form fully elected student councils.

28. Enacting legislation to establish a General Union of Jordanian Students on the basis of independence and direct election.

29. Amending Article (4/c/4) of the Law on the Rights of Disabled Persons, which stipulates that the nature of the work must permit the employment of persons with disabilities, a provision regarded as a loophole for employers to use as a pretext for refusing to employ this group of society.

30. Adopting the Medical Liability Law in a manner that takes into account the rights of patients and of health and medical service providers without affecting the rise in its costs.

31. Amending Article 44 of the Social Security Law in line with Article 19 of the Labour Law, which grants working women the right to maternity leave without limitation as to the number of births.

32. Adopting the Child Rights Law in line with the International Convention on the Rights of the Child.

33. Enacting a law for the protection of the rights of older persons in line with the relevant international convention.

34. Adopting the Private Schools Classification Regulation so as to ensure supervision of private educational institutions and their compliance with the Education Law.

35. Issuing the Agricultural Workers Regulation and extending health insurance and social security coverage to workers in the agricultural sector and to domestic workers.

36. Amending the Environmental Protection Law so as, on the one hand, to criminalise the emission of offensive odours and to punish the owners of emission sources with deterrent penalties, and, on the other hand, to criminalise random burning of all kinds and prescribe deterrent penalties for such violations.

Second: The Axis of Compliance with International Conventions

1. Acceding to the 1951 Convention relating to the Status of Refugees.

2. Acceding to the 1966 Protocol relating to the Status of Refugees.

3. Acceding to the Optional Protocol to the Convention against Torture.

4. Acceding to the Optional Protocol to the International Covenant on Civil and Political Rights.

5. Acceding to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

6. Acceding to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

7. Acceding to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, and withdrawing the reservation to Article 9/2 of the Convention.

8. Acceding to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

9. Acceding to the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

10. Acceding to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity.

11. Acceding to the International Convention for the Protection of All Persons from Enforced Disappearance.

12. Acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

13. Acceding to the Convention on the Reduction of Statelessness.

14. Acceding to Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise.

15. Acceding to Convention No. 151 concerning Labour Relations in the Public Service.

16. Ensuring the application of the United Nations minimum standards, such as the Safeguards guaranteeing protection of the rights of those facing the death penalty, as well as the resolutions of the United Nations General Assembly.

17. Activating Article 4 of the Convention against Torture by investigating all allegations of torture promptly, effectively and with complete impartiality, so as to ensure that the perpetrators of the crime of torture are prosecuted and convicted in accordance with the gravity of their acts.

Third: The Axis of Developing Plans, Formulating Policies and Adopting Strategies

1. Developing a national plan for human rights to ensure a systematic and scientific vision to be followed by the Government and civil society institutions in fulfilling national obligations to protect and promote civil, political, economic, social and cultural human rights within a specified timeframe.

2. Developing a national strategy to curb the escalation of the phenomenon of social violence in its various forms, based on the recommendations of the Economic and Social Council.

3. Building and developing programmes for the rehabilitation of drug addicts and for their aftercare, with a view to their reintegration into society.

4. Taking effective measures to curb the problem of school drop-out, particularly in the tourist areas of the Kingdom where drop-out rates are higher.

5. Gradually transitioning to the application of decentralisation in the management of local development at the level of governorates and municipalities by working to: (a) involve citizens in the development of their localities; (b) provide detailed development databases and information at the level of the regions of the Kingdom; (c) encourage the private sector and civil society institutions to establish developmental and productive investment projects in the localities; (d) increase the funding opportunities available to support small and medium-sized enterprises for individuals and institutions, particularly in the poorest areas; and (e) raise the level of awareness of population issues and their impact on local development.

6. Expediting the implementation of the national strategies concerned with increasing development rates and reducing economic problems, in particular the problems of poverty and unemployment.

7. Developing a national strategy to protect children from all forms of exploitation, trafficking, illegal labour and violence.

8. Expediting the implementation of the National Strategy for the Prevention of Trafficking in Persons.

9. Expediting the implementation of the National Strategy for Higher Education and Scientific Research.

10. Expediting the implementation of the National Strategy for Older Persons.

11. Increasing the number of women in the Sharia judiciary and appointing female staff in the Sharia courts.

12. Forming a national committee to prepare a gradual plan for replacing migrant labour with national labour in accordance with a specified timetable, through developing national policies on employment, social protection and inspection.

13. Developing an action plan for waste management in the Kingdom.

14. Adopting unified standards for the medical diagnosis of disability and for early diagnosis.

Fourth: The Axis of Staff Training

1. Raising the professional competence of personnel working in the field of drug control in order to improve the quality of preventive and therapeutic services.

2. Developing training programmes to raise the competence of persons concerned with implementing the provisions of the Prevention of Trafficking in Persons Law.

3. Qualifying and training labour inspectors so that they are able to perform their duties efficiently and competently.

4. Raising the awareness of media personnel and activating their role in monitoring and protecting the rights of children, women, persons with disabilities and older persons.

5. Qualifying and training personnel working with children on a continuous basis in order to confront and stop abuse directed against children.

6. Qualifying and training personnel working with older persons on a continuous basis in order to confront and stop abuse directed against this segment of society.

Fifth: The Axis of Establishing and Strengthening Institutions

1. Establishing unions for teachers, university faculty members, Sharia lawyers and certified public accountants.

2. Establishing a centre affiliated with the Ministry of Health for the treatment, rehabilitation and follow-up of persons who have attempted suicide, and developing the necessary policies on how to deal with them.

3. Establishing a specialised centre, in coordination between the Ministries of Health and Social Development, for the rehabilitation of victims of torture, and establishing a national fund to compensate them for the material and moral damage they suffered as a result of the torture to which they were subjected.

4. Giving due importance to court buildings, resolving the problem of rented buildings and ensuring ease of access to them.

5. Expediting the construction of the building of the judicial detention centre at the National Centre for Mental Health Hospital, as well as working to restructure the Psychological Rehabilitation Centre (Karama) and to transfer cases of mental retardation from it to the centres of the Ministry of Social Development, since the latter is the body competent to care for this category of patients.

6. Putting in place effective inspection and oversight mechanisms by the Ministry of Health and the Jordan Food and Drug Administration to ensure that all food establishments and factories and restaurants throughout the Kingdom comply with health and public safety requirements.
7. Establishing an electronic system enabling inspectors of the Ministry of Environment to carry out all inspections of establishments with an environmental impact using handheld devices.
8. Involving the Royal Department for Environmental Protection in the central licensing committees and in environmental impact assessment.
9. Supporting juvenile girls' care and protection homes with a psychologist to follow up on the situation of the girls, while at the same time working to separate them on the basis of age groups, focusing on the academic and vocational education of the girls, intensifying extracurricular activities and communication with the local community.
10. Establishing a shelter for female domestic workers in cases where they are subjected to violations affecting their rights or where they violate the Residence and Foreigners' Affairs Law, and providing for speedy litigation procedures and ensuring the minimum level of social services and medical treatment.
11. Establishing a national register of competent older persons in order to employ their experience and their intellectual and professional competencies, so as to ensure the continuity of their contribution in the service of society and their participation in social, economic, cultural and political affairs.
12. The need to open a specialised centre within the Ministry of Social Development for cases of autism, particularly in the South, given that early intervention is beneficial in treating these cases.

Sixth: The Axis of Awareness-Raising and Education

1. Intensifying the efforts of the Ministries of Education and of Higher Education in the field of awareness-raising on human rights and the dissemination of a human rights culture.
2. Developing a scientific plan and methodology for awareness-raising aimed at spreading awareness of the importance of abolishing the death penalty.
3. Holding awareness-raising and educational courses, in cooperation with the relevant bodies, on the importance of obtaining psychological assistance when needed.
4. Activating the awareness-raising role of public and private institutions in raising the level of awareness of personnel working in medical, scientific and academic institutions of human rights in general and of the groups they deal with in particular.
5. Preparing training manuals for environmental inspectors and environmental investigators, a trainers' training manual and a manual for training industrialists.
6. Calling upon the media to raise awareness of the negative impact of violence on society as a whole when children are subjected to violence at school and at home.
7. Calling upon the media to raise awareness of the rights of older persons and their issues.

Seventh: The Axis of Education and Higher Education

1. Improving the physical learning environment by improving school infrastructure through the construction of new schools to high quality specifications and the maintenance of old schools so as to ensure the safety of students and to provide them with an appropriate heating system, and addressing the issue of the shortage of teachers in scientific specialisations and some literary specialisations.
2. Complying with international standards regarding the number of students in a single classroom; definitively abolishing the tax imposed on stationery and abolishing school donations; and taking special measures regarding school bags, which cause health problems for school students.
3. Working to open more kindergartens in public schools, adopting modern methods in the education of children, and making the kindergarten stage compulsory.
4. Improving the quality and methods of education in public schools, focusing on equipping students with foreign languages, activating extracurricular activities, activating vocational education classes in schools and giving them due attention.
5. Improving the conditions of teachers in public and private schools in material and moral terms, and elevating the teaching profession.
6. Supporting the independence of universities and devising a formula to secure stable resources for universities to support outstanding and poor students and pay their university fees, and increasing study scholarships for outstanding students.
7. Promoting academic freedoms and establishing fully elected student councils that express the genuine will of students, without dictates from university administrations or the security services.
8. Incorporating human rights concepts into all school curricula and university courses.
9. Equipping schools and universities in the Kingdom to enable students with disabilities to complete their education.

Eighth: The Axis of Protection Measures

1. Adopting effective measures to ensure that detainees obtain, in practice, all legal safeguards from the moment of their arrest, including in particular the right of direct contact with a lawyer, an independent medical examination, notification of a relative, and informing them of their rights at the time of their detention, including the charges against them, in addition to being brought promptly before a judge.
2. Forming a supreme committee to consider complaints submitted by citizens concerning the withdrawal of their national numbers and the serious consequences arising therefrom, and working to find fair solutions for them, giving special and urgent attention to humanitarian cases, and ensuring that basic services such as education, health and social care are not suspended for individuals whose national numbers are withdrawn.

3. Modernising places of detention in existing security centres in accordance with standards that ensure care and protection for detainees and are consistent with the relevant international standards.
4. Developing litigation and enforcement-of-judgments procedures within clear time standards that take into account the right of citizens to a fair trial.
5. Re-evaluating the performance of the ecclesiastical courts in the light of the developments and reforms taking place in the Jordanian judicial system.
6. Pending the repeal of the Crime Prevention Law, administrative governors shall be bound by the procedures that must be followed when resorting to administrative detention pursuant to Article (4) of the Crime Prevention Law, particularly with regard to issuing an arrest warrant and hearing the statements of the persons concerned, and only thereafter issuing administrative detention orders.
7. Imposing oversight on the performance of ministries and public institutions with regard to the manner of appointments and promotions, and having the Anti-Corruption Commission, the Audit Bureau and the Ombudsman Bureau implement special programmes for public sector reform, and activating the provisions of the Anti-Corruption Convention ratified by Jordan.
8. Definitively ceasing to require the approval of the security services for appointment to any governmental post for reasons relating to the political stance of the job applicant.
9. Allowing political parties to work among all segments of society, particularly young people, and opening the official media, foremost among them radio and television, to all intellectual and partisan points of view, in order to give public opinion the opportunity to learn about the various positions of the parties and to decide, out of conviction, whether to join or oppose any of them.
10. Guaranteeing the freedom of unions to elect their representatives in free and fair elections without interference from the government administration, and providing that such administration may not interfere in who is elected to the membership and chairmanship of the leading bodies of these unions.
11. Not increasing the tax burden on citizens in view of the negative effects this has on citizens' livelihoods, and relying instead on alternative measures that ensure control of public expenditure and reform of the tax system so as to achieve the principle of tax justice commensurate with the ability of individuals to pay.
12. Establishing a specialised Directorate for Occupational Safety and Health and Inspection, affiliated with the Ministry of Labour and including all official bodies (health, environment, civil defence, municipalities and public security), in order to achieve realistic coordination of the work of, and supervision over, occupational safety and health.
13. Tightening oversight of water tanker owners, setting a uniform price for the sale of a cubic metre of water, and having the Ministry of Water supervise unlicensed wells and the Ministry of Health supervise all wells in the Kingdom.

14. Reviewing and adopting environmental audit studies of establishments, and delegating to the health and environmental control officers of the Greater Amman Municipality and the various municipalities of the Kingdom some of the powers of the Ministry of Environment.
15. Activating the provisions contained in the 1992 Climate Change Convention and the 1997 Kyoto Protocol on the principle of common and cooperative responsibility, which requires developed countries to assist Jordan on environmental issues.
16. Complying with the provisions of the law to return working children to school, and activating Article (389) of the Penal Code concerning the offences of begging.
17. The Government's placing of the arts and culture among its priorities in the process of cultural, economic, political and social development, and generalising the experience of the Ministry of Justice, which established a committee for cultural affairs therein.
18. Taking the necessary measures to activate Article (74) of the Labour Law concerning the prohibition of employing juveniles in hazardous work and work harmful to health.
19. Activating the instructions issued under the Domestic Workers Regulation and verifying that female workers obtain their rights, in particular the issue of not withholding their passports with a view to restricting their movement, and preventing their being forced to work in a compulsory manner in sectors in which they are not permitted to work, in addition to intensive monitoring of recruitment agencies.
20. Increasing the number of officials responsible for pursuing infringements of intellectual property rights throughout the Kingdom.
21. Reconsidering the occupational classification for the formation of labour unions so as to allow any group of workers to organise themselves easily and smoothly.
22. Taking deterrent legal measures against physicians, or persons claiming that capacity, who exploit patients by using herbs away from sound scientific methods and charge exorbitant sums in return.
23. Developing and modernising wastewater treatment plants in a manner that responds to the population increase in cities and villages, particularly those discharging into Seil Al-Zarqa, which has come to feed King Talal Dam with polluted water.
24. Expanding the drying beds within the Zay plant, and establishing a joint mechanism to dispose of the carbon material accumulated on the edges of the valley into which the waters of the drying beds flow, in cooperation among the municipalities of those areas, the Ministry of Public Works, the Ministry of Environment, the Ministry of Water and Irrigation and the owners of the affected lands.
25. Working to reduce medicine prices in accordance with pricing principles so as to provide medicine to citizens at the lowest possible prices.
26. Developing ambulance and emergency services.

Ninth: The Funding Axis

1. Providing the funding necessary for developing and implementing a national plan for human rights in the Kingdom.
2. Increasing the financial allocations earmarked for scientific research, and providing material and moral incentives for researchers in all fields.
3. Allocating sufficient funds in the general budget to cover citizens who are not covered by health insurance, and improving the quality of health services in accordance with international standards.

Tenth: The Axis of Special Measures

1. That the Government work to foster a climate of intellectual freedom that allows all government policies to be discussed without those who disagree with them on the manner of their implementation being accused of harming the homeland or those in charge of it, foremost among them defence, security and foreign policies, on the basis of Articles (45) and (51) of the Constitution.
2. Taking effective measures to ensure the availability of confidential lawyers' rooms for consultations between lawyers and their clients.
3. Expanding the application of the Case Management System, whether by applying this system in all courts of the Kingdom or by introducing certain amendments that enhance the capacities of civil case management in completing the evidence submitted and required in a case before referring it to the trial judge, so that the civil case management judge becomes qualified to refer the case to the trial judge ready and complete.

Eleventh: The Axis of Priority Rights

1. Providing a comprehensive and effective social safety net for the poor in order to empower the poor segments economically and create sustainable local economies; providing and improving social care services; activating the role of the official and non-governmental sectors in the field of empowering the poor; improving the targeting mechanism for beneficiaries of programmes and projects relating to combating poverty and social care; developing the local economies of poverty pockets and enhancing popular participation in those programmes; and reducing duplication and repetition in similar programmes, projects and activities in the field of poverty reduction.
2. Raising the minimum wage in line with the rising cost of living, so as to secure the right to an adequate standard of living, and linking it to the rate of economic inflation and the poverty line.
3. Linking cash assistance provided to the poor to conditions relating to empowering the poor and improving their standard of living; improving the quality of housing and infrastructure services in poor areas; activating and increasing the level of coordination among institutions working in the field of poverty reduction; and focusing on small and medium-sized productive projects.

8. Annexes

Annex No. (1) on the Centre's Recommendations on the Amendments to Be Introduced to the Election Law

The Board of Trustees of the National Centre for Human Rights issued a report on the conduct of the 2010 parliamentary elections, which contained a set of recommendations necessary for reforming the legal framework governing the electoral process, in a manner consistent with the provisions of the Constitution and international human rights standards regulating the electoral process, namely:

First: Achieving the principle of representativeness and equality among all citizens requires amending the Election Law and the division of electoral districts. In this regard, the Centre proposes:

- a. Amending the single-vote system and replacing it with a mixed electoral system (one vote for one of the candidates of the small electoral district and another vote for a proportional list at the governorate level). This system may be applied gradually so as not to undermine the gains achieved by groups or categories of Jordanians over the past years.
- b. Reconsidering the division of electoral districts on fairer bases that take into account ensuring relative equality among those districts in terms of population, geographical area and the development dimension, and that electoral districts be delineated by law and not by regulation.
- c. Regulating the use of money in the electoral process and establishing the necessary controls to ensure equality among candidates, protect the will of voters and ensure transparency of information relating to sources of funding, the setting of ceilings thereon and the manner of their expenditure; regulating electoral campaigns and publicity, and halting them and removing their manifestations at least twenty-four hours before polling time, under penalty of criminal liability; as well as stopping encroachment on public and private property, refraining from defacing directional signs and traffic signs, and maintaining public and traffic safety from the use of publicity materials.

Second: With regard to the fair and transparent administration of the electoral process, the Centre stresses:

- a. The need to establish an independent and permanent supreme national commission, characterised by impartiality and integrity, to supervise all stages of the electoral process, headed by a prominent public figure or a judicial figure enjoying independence and impartiality.
- b. The importance of including in the law an appropriate framework for the observation and monitoring of elections by independent national institutions, civil society institutions and credible and professional international institutions.

Third: For the proper realisation of the principle of universal suffrage and candidacy, the Centre proposes introducing the following amendments to the law:

- a. Setting the voting age so that any person who has completed eighteen solar years of age on the first day of the third month preceding the date set for holding the election is entitled to exercise his right to vote.
- b. Allowing all Jordanians who have previously been sentenced to imprisonment for a period exceeding one year for a non-political crime and who have been granted a pardon (general or special) to stand as candidates for membership of the House of Representatives, in line with Article 75/1/e of the Constitution.
- c. Establishing appropriate mechanisms to enable Jordanians residing outside the Kingdom to exercise their right to vote.
- d. Establishing appropriate mechanisms to enable Jordanians held in administrative or judicial detention to exercise their right to vote, proceeding from the principle that the accused is innocent until proven guilty.
- e. Including in the voter lists the names of all citizens who meet the conditions for voting, without being bound by a registration requirement.
- f. Subjecting voter lists to revision annually and on a periodic basis; ensuring that all information relating to each voter is correctly and soundly known; and organising such lists precisely so as to facilitate reference to them by those entitled to vote or having an interest at the relevant time.
- g. Adopting voter lists specific to each polling station so as to ensure that no voter is registered in more than one list.

Fourth: With regard to the integrity of the electoral process and of polling and counting operations, the law must include the following:

- a. Activating the principle of the secrecy of the ballot by affirming the conditions that must be met by the polling booth, and developing the form and content of the ballot paper so that it includes the candidate's name and photograph or a clear symbol indicating him for the voter to mark, in order to eliminate the phenomenon of illiterate voting, including the possibility of using the smart civil status card and resorting to electronic voting, while taking the necessary arrangements to ensure the secrecy of voting for persons with visual impairments.
- b. Abolishing voter lists that treat the electoral district as a single unit, and replacing them with sub-lists specific to the voters at each polling station within the district or with voter lists for the geographically defined sub-district, and not allowing a voter to vote except at the station at which his name is entered in his voter list, in order to prevent the possibility of voting more than once.
- c. In the area of the transfer of votes, the Centre proposes the following:
 - Prohibiting the transfer of votes except for persons actually residing in the electoral district, including prohibiting transfers during the year preceding polling, under penalty of criminal liability for the voter, the person effecting the transfer, and anyone assisting or participating in the transfer process contrary to the foregoing principles, all of whom shall be considered principal perpetrators.

- That transfers be made after an actual field verification and not on the basis of any fictitious documents.
- Making transfer operations subject to objection by voters before the independent supreme national commission for elections, and making decisions on objections to transfer operations subject to judicial appeal before the Court of First Instance within whose jurisdiction lies the electoral district to which the transfer was made.

d. Publishing voter lists electronically in addition to other means of publication, and re-publishing the final lists after objections have been filed and appeals considered, so that voters and candidates may examine them and verify their accuracy.

e. Expanding the jurisdiction of the courts to consider appeals relating to voter lists, so that the courts have the power to consider any appeal submitted to them based on the inaccuracy of the voter list, rather than their jurisdiction being restricted to specific cases enumerated exhaustively as provided in Article 5/g+h.

f. Expressly providing in the law that appeals filed against voter lists are exempt from the formal procedures followed before the Courts of First Instance with regard to the appointment of lawyers.

g. Making adjudication of appeals relating to candidacy subject to at least two levels of jurisdiction, in order to ensure the unification of judicial jurisprudence in respect thereof.

Fifth: With regard to the integrity and transparency of procedures relating to the electoral process on polling day, the Centre recommends the following:

a. Obliging polling and counting committees to count the ballot papers in their possession before commencing the polling process, and to document this.

b. Providing for a clear mechanism for submitting complaints to polling and counting committees during the polling and counting processes, such that complaints are submitted and decided upon in writing, and allowing appeals against the committees' decisions before the competent courts.

c. Providing the facilities necessary for the participation of persons with disabilities in the polling process.

d. Providing for a transparent and clear mechanism for the final tabulation of the votes obtained by the candidates and the announcement thereof.

e. Building the capacities of the staff charged with administering the electoral process in the sound procedures for applying the provisions of the Election Law and the best practices for free and fair elections.