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Part One: Introduction

The state of human rights in the Kingdom in 2015 witnessed few landmarks. On the positive side, the National Plan for Human Rights was adopted by the Council of Ministers at the end of the year (it was submitted to His Majesty the King in March of the current year, 2016). The discussions and consultations that accompanied the process of preparing and adopting the said Plan, from the beginning of 2014 until the first quarter of 2016, contributed to widening the scope of official attention to various human rights issues, particularly with regard to the Government's awareness of the importance of dealing with these rights through a methodology different from that which prevailed in the past. Attention was drawn to the legislative and institutional obstacles impeding the fulfilment of these rights, and the extent of the Government's follow-up of violations resulting from wrongful practices of the executive agencies also widened, such that it became possible to determine whether the violations occurring constitute a pattern or general trend, or are merely isolated cases concerning a particular right or rights.

Likewise, the level of public awareness of rights in general increased and, above all, the participatory relationship among the actors in the field of the protection and promotion of human rights in the Kingdom – the Government, civil society organisations, the National Centre for Human Rights (NCHR) and the press – was strengthened.

As for the other two authorities, the performance of the judiciary in the area of fair trial guarantees developed, although the principal structural constraints and imbalances impeding the advancement of the reality of human rights remained in place, particularly the absence of full separation between the Public Prosecution and the courts, and the failure to fully guarantee the subject-matter jurisdiction of the regular courts in the trial of civilians and in allegations and complaints of torture. Meanwhile, the legislative authority was conspicuously absent from the field of protecting citizens' rights and fundamental freedoms during the period of the term of the Seventeenth Parliament, with the exception of limited individual efforts. The pages of this report contain further details on, and follow-up of, the state of human rights conditions in the Kingdom during 2015.

To facilitate the follow-up of this situation, these rights have been classified into three main categories, namely:

- Civil and political rights.
- Economic, social and cultural rights.
- Rights of the groups most vulnerable to violations (women, children, persons with disabilities and older persons).

First: Civil and Political Rights

The category of civil and political rights encompasses a number of rights, including: the right to life and to physical integrity; the right to public participation; the right to equality before the law; the right to a fair trial; the right to freedom of expression and opinion; the right to freedom of peaceful assembly and to form political parties, associations and trade unions; the right of access to information; the right to freedom of movement and travel; the right to acquire nationality; the

right to freedom of belief, thought and religion; and the right to respect for privacy and personal dignity.

The National Plan for Human Rights included an entire pillar on these rights, containing proposals for important and fundamental amendments to a number of national laws that contain provisions restricting the full enjoyment of these rights by citizens and residents. The proposed amendments aim to bring these laws into conformity with the Constitution and with the international instruments to which Jordan has committed itself.

The ministries and their affiliated agencies – each within its own sphere – also embarked upon practical initiatives and measures to address violations that occurred as a result of practices on the ground and of the application of public policies relating to these rights, and the Government issued three periodic explanatory reports on those measures, initiatives and policies.

As evidence of seriousness and commitment, the two Prime Ministers (the current and the former) instructed ministers and the heads of executive agencies and institutions to implement the recommendations issued by the National Centre for Human Rights and by the international bodies concerned with human rights.

It may be appropriate here to recall that this approach by the Government came in implementation of Royal directives issued in 2013 to the competent official authorities to study the recommendations of the National Centre for Human Rights and to work towards implementing them. The aforementioned governmental initiatives and measures covered civil and political rights, economic, social and cultural rights, and the rights of the groups most vulnerable to violations (women, children, older persons and persons with disabilities).

Second: Economic, Social and Cultural Rights

This category of rights encompasses the right to education; the right to an adequate level of health care; the right to a sufficient and adequate standard of living and to freedom from want and poverty; the right to work; the right to adequate housing; the right to the availability of adequate means of transport; the right to a healthy environment; the right to take part in cultural life, to the protection of intellectual property and to enjoy the benefits of scientific progress and its applications; and the freedom of scientific research and creative activity.

Third: Rights of the Groups Most Vulnerable to Violations

This category encompasses women's rights, in particular the right to equality on the basis of gender in the various political and economic spheres, the right of women to protection from violence in all its forms and from sexual harassment, and the combating of discrimination against them; then there are the rights of persons with disabilities guaranteed by the International Convention on the Rights of Persons with Disabilities (2006), the rights of older persons, and the rights of the child (the Convention on the Rights of the Child, 1989).

However, the Government's efforts outlined above did not lead to a qualitative change in the reality of human rights in Jordan in 2015 compared with previous years. In contrast to the positive steps that were taken, the three main problems that have been a source of concern to the Centre

persisted, namely: the slow (or absent) implementation of the recommendations of the National Centre; the handling of the obstacles arising from the priority given to considerations of security, social customs and traditions and cultural heritage; and, in addition, the impact of public policies on human rights in the Kingdom. This is notwithstanding the practical steps recently taken with respect to the faltering implementation of the National Centre's recommendations, through the issuance three years ago of the Royal directive to study and implement these recommendations, as well as the directives of the two Prime Ministers – the current and the former – to ministers and heads of executive agencies to implement the recommendations of the National Centre for Human Rights.

Nevertheless, the thirteen questions raised by the Centre in its Tenth Report remained unanswered: questions concerning fair trial; the right to form trade unions; the relationship between freedom of expression and security; the role of customs and traditions in the existence of certain policies that are unfriendly to human rights; the justification of Jordan's reservations to key articles of the Convention on the Elimination of All Forms of Discrimination against Women and of the Convention on the Rights of the Child; the refusal to ratify a number of the principal Optional Protocols; and the continuation of many practices and policies that are inconsistent with the requirements of respect for human rights. Likewise, the Government's public policies remained oblivious to the objective of mainstreaming human rights within the priorities and programmes covered by such policies; this last issue was the most prominent matter highlighted by the Eleventh Report of the National Centre for Human Rights for 2014.

The well-known restrictions on the right to establish trade unions also continued, including the vesting of the executive authorities (the Minister of Labour) with the power to dissolve labour unions, the requirement of obtaining prior licensing from the Ministry of Labour for the establishment of independent labour unions, and [the failure to] guarantee their right to enjoy legal personality.

Hence, the observer finds that the public policies of the State, together with the role of cultural heritage alongside security considerations, have constituted the most prominent impediments to substantive progress in the field of the protection and promotion of human rights.

Civil and political rights were the most exposed to being affected by public policies and by certain practices carried out by these authorities, particularly law enforcement agencies, and even by various shortcomings in national legislation. This regression is most evident in the field of civil liberties, in particular freedom of expression, freedom of the press and media, and peaceful assembly. The issue of increasing restrictions on freedom of expression and assembly manifested itself in the rise in the number of cases of detention, deprivation of liberty and the issuance of sentences as a result of the expanded use of charges, most prominently ("terrorism", "undermining the system of government", "insulting [the King]" and "disturbing relations with a foreign State").

The year 2015 witnessed cases of detention and imprisonment of journalists in a manner inconsistent with the guarantees provided by the Constitution and international human rights standards; few of these cases can be justified on grounds of protecting dignity, reputation and personal rights, or on the basis of legitimate security considerations. While the authorities insist that all of those cases constitute a threat to national security in one way or another, observers consider that such measures have been adopted recently, and in many cases in pursuit of a political

objective, namely the desire to weaken the opposition and to dry up the sources of criticism and protest, and consequently to restrict, in various ways, freedom of expression, which is regarded as one of the most sensitive and important freedoms for the individual, society and the State. Some go so far as to assert that efforts to contain society in general are a fundamental element of the State's strategy, with the aim of preventing the growth or entrenchment of particular political forces, especially those calling for radical reforms and for a change in the approach of the regime, whether in respect of social justice, equal opportunities and equality, or of the position towards Israel and Zionism and towards Western policies, projects and schemes in the Arab region and developments in other Arab States in general. On the other hand, these official policies should not lead us to overlook the reminder that society itself suffers from fragmentation, weak resilience and extremism, and even violence and prevalent polarisation among its components, and that these policies – or some of them – enjoy support, albeit from a small proportion of the elite, even if the broad public opposes them.

With regard to freedom of the media and the press, the authorities did not hesitate to detain journalists, albeit for varying periods, which were lengthy in some cases. Although the Jordanian media largely lack the attributes of public-service media – there being no clear obligation or written legislation requiring the press to work in the interest of society and the public, in addition to the inability of the media to establish an independent and effective system for handling complaints relating to media professionalism and adherence to the requirements of objectivity – and although the authorities have adopted legislation introducing certain positive rules, such as the establishment of the independent public broadcasting station, in addition to certain provisions of the Audiovisual Media Law No. (26) of 2016 and even certain paragraphs of the Cybercrimes Law, the year 2015 nonetheless witnessed the detention of the largest number of journalists.

In addition, the Government expanded the detention of activists of popular movements and of independent persons for criticising public policies of the State and public officials (even though some of these criticisms at times exceeded the prohibition against infringing reputation and personal dignity, in addition to departing from objective criticism in some cases).

The authorities also prohibited collective activities of a peaceful nature (although the use of force in these cases generally remained at a minimum), administrative governors prevented the holding of peaceful events dedicated to the peaceful expression of opinion, and the authorities detained a number of persons following their participation in peaceful sit-ins and marches; all of this was documented by the Centre.

Official practices also occurred that resulted in limiting the activities of civil society and restricting the freedom of community work under the name of regulatory rules governing the work of civil society bodies. Although part of these rules may be acceptable and justified, in particular those relating to controlling the mechanism of (“foreign funding”), observing the requirements of governance and transparency in the work of associations, and coordinating their initiatives and directing them towards serving national development objectives, the current law on the establishment of associations, as well as the proposed draft law, both contain unjustified restrictions on the freedom of active, organised and effective civic work.

With regard to the judiciary, the Government completed legislative amendments – albeit not substantive ones – that would activate the role of the judiciary. The Judicial Council adopted the

Instructions on the Inspection of the Regular Courts; the concept of alternative penalties (electronic bracelets and community service) was adopted; a special office for legal aid was established at the Ministry of Justice; the number of persons in judicial detention decreased in 2015 compared with (2014); and an improvement occurred in the work of the Sharia judiciary. A number of laws affecting civil and political rights are also under review, although issues such as the legal codification of tribal *jalwa* (forced displacement) and the marriage of a rape victim to the rapist call for reservations.

With regard to the measures of the Public Security Directorate (PSD), a policy more sensitive to human rights issues was pursued, whether in the area of improving the detention environment or the treatment of detainees, although complaints continued to reach the Centre regarding violations committed in the areas of torture and cruel and inhuman treatment by the Anti-Narcotics Department and the Criminal Investigation Department. The General Directorate of Public Security and the Director of Public Security personally generally follow up on cases in which clear and documented violations occur, including cases of torture resulting in death. Severe sentences were handed down against members of the Public Security who had practised torture or inhuman or cruel treatment against persons, and this strict oversight of the practices of law enforcement personnel and officers led to a reduction in torture complaints and in the spread of the phenomenon of cruel and degrading treatment, [as addressed] by the police judiciary and the administrative authority within the Public Security apparatus, and thereby to a reduction in the phenomenon of impunity.

Nevertheless, these strict measures remained characterised by a lack of transparency: they were not adequately announced to the public, and the investigation, judgment and sentencing in respect of them were carried out by the police judiciary rather than by an independent body. Consequently, these measures cannot generally be relied upon; indeed, they did not contribute to refuting the prevailing impression of the existence of a phenomenon of impunity within the Public Security apparatus, nor did they assist the efforts made to develop the work of the police judiciary. The Public Security Directorate therefore needs to change this approach; however, such a development requires legislative amendments, particularly to Article (208) of the Penal Code No. (16) of (1960).

It must also be noted here that there has been a rise in incidents of assault on security personnel, including killing and grievous bodily harm, by gangs and organised groups, whether for motives of personal revenge as a form of defiance of the law and of security, or as a result of criminal tendencies.

Although the prohibition of torture is regarded as a fundamental principle in the Jordanian legal system under Article (8/2) of the Constitution, and Article (208) of the Penal Code criminalises torture (even though such criminalisation remains partial), the outcome in this area is the persistence of shortcomings in the legislative environment, coupled with policies and certain practices. This has resulted in the absence of the conditions necessary for the conduct of investigations by an independent and impartial body into complaints and allegations of torture, for the definitive elimination of the problem of impunity, for the proper documentation of cases of torture and the imposition of the appropriate penalty on their perpetrators, and for the appropriate criminal characterisation of this crime; not to mention enabling the victim to obtain

appropriate compensation, and granting the regular courts subject-matter jurisdiction to hear torture cases.

Nevertheless, it is noted here that the civil Public Prosecution has commenced investigations into a limited number of torture cases and has established a national register of torture cases. It should also be noted that the number of individual complaints regarding the treatment of inmates and detainees in preliminary investigation centres has declined, with the exception of the Criminal Investigation Department and the Anti-Narcotics Department.

The authorities also embarked upon a review of criminal legislation in order to provide further fair trial guarantees; however, this did not end or address the vague definition of torture, the labelling of offences that may not be such as crimes of terrorism, double criminalisation, and the absence of procedural guarantees in trials conducted by the State Security Court. The alarming development is that 2015 witnessed a notable expansion in the use of the concept of promoting a terrorist group and supporting terrorism under Article (2) of the Prevention of Terrorism Law, contrary to the provisions of the Penal Code: Article (147).

The observer also notes the disregard of the principle of criminal intent in the text of Article (2) of the Prevention of Terrorism Law, which permits the judge to apply the legal provisions to ordinary crimes and, consequently, to attribute the description of terrorism to the accused for ordinary acts that do not in fact constitute terrorist acts. The direct consequence of this is that this approach has constituted an apparent deterrent to practices that may in essence be forms of peaceful protest or mere ordinary rioting. Amendments to the Criminal Procedure Code and the Penal Code have also been proposed that may criminalise the exercise of the legitimate right to strike by workers and government employees.

On another level, the systems of health, education, transport, labour, social security, the environment and other systems that constitute the pillars for the fulfilment of economic, social and cultural rights have regressed. With regard to the right to an adequate level of health care, the medical and therapeutic sector is witnessing a state of confusion on more than one level. While challenges persisted, such as the absence of comprehensive health insurance in the country and the poor level of health services in the peripheries, new problems have emerged, including: long waiting periods for access to treatment, which may extend to weeks and even months for cases requiring urgent medical intervention, whether at the Ministry of Health or the Royal Medical Services; the shortage of medicines and their rising prices; and the increase in the number of complaints of medical errors.

The education system is in no better state. Despite the efforts made by the Ministry of Education to improve the level of the educational process in the Kingdom's schools at the various levels, the structural defects remained without serious treatment. The disparity in the level of educational services among the regions of the Kingdom, the absence of a sound competitive environment and of appropriate training for teachers, the weakness of the curricula, and the failure to develop teaching methodology by abandoning rote learning and developing the capacity for analysis, criticism and rational thinking – all of these remained distant goals. Consequently, 2015 did not witness any qualitative improvement, even at the minimum level, whether in terms of infrastructure or the quality of both general and university education. The problems of university education continued at various levels; the public did not perceive the results of the efforts of the

Royal Committee formed in 2015 to develop education and human resources; and the so-called Parallel Programme in several public universities attracted wide criticism, not only because of the suspicion of discrimination surrounding this programme, but also because of its impact on the quality and standard of education. While it improved the financial situation of many public universities, this programme also seriously affected the quality of education; moreover, the financial and administrative crises from which the public universities suffer continued without radical solutions being reached.

The situation of the groups most vulnerable to violations stagnated, with the exception of some limited initiatives in 2015. This was due to official policies transcending successive governments, dictated not only by difficult internal and external circumstances but also by confusion in planning and an absence of vision, all of which is detailed throughout this report. Of course, it is clear to all that all of these rights systems constitute the actual lever of civil society in the Kingdom, and that their regression significantly affects the fundamental rights of citizens and the capacity of society to progress, contribute and create. It should be noted that the Government's economic policies, which focus solely on economic growth, combating poverty and unemployment and achieving social welfare, play a role in exacerbating the problems of poverty and unemployment; the rentier policy has remained the most prominent approach of successive governments, and no signs have emerged to indicate that the authorities are taking the necessity of mainstreaming human rights in public policies with any degree of attention or seriousness.

Accordingly, the integration of human rights into development work is no longer a luxury; rather, it is a national objective, particularly in the case of Jordan – if for no other reason, then because of the Arab Spring revolutions and the continuing protest movement for demands in the Kingdom, which raises the slogan of combating corruption, achieving sustainable development and a decent life, and respecting human dignity.

This slogan cannot be activated or given concrete form except through mainstreaming respect for human rights in public economic policies; social justice is no longer merely a slogan but a fundamental right and a legal obligation. In light of the wide gap in the reality of development in Jordan between the centre and the peripheries, popular demands for the provision of a decent life and respect for human dignity in those marginalised areas must become a constitutional right of the citizen and, consequently, a fundamental part of the State's public policies. This should surprise no one: the United Nations began to crystallise this concept of development, in a form that brings it closer to the needs and concerns of citizens, from the beginning of this century, and this approach culminated in the issuance of the Millennium Development Goals in 2000 and the 2030 Sustainable Development Goals, which were issued in 2015 by the session of the General Assembly of the international Organisation at the level of Heads of State.

According to this United Nations approach, development can be achieved only if it is based on the development and activation of people's capabilities, and it is not possible to activate these capabilities without developing the individual's own capacities; these capacities are linked to the material and intellectual needs of the human being, in particular the right to freedom and thought, as well as the opening of space for creativity and contribution.

Even if the resources of the State are limited, it is imperative to adopt fundamental principles and foundations in national action to achieve this goal, including:

1. Combating discrimination and inequality through legislation and policies, and through serious accountability for contrary practices.
2. Adopting national plans or strategies free from dictates from abroad, whether those imposed by international financial institutions (the World Bank and the International Monetary Fund) or by donor States and major investment companies, and limiting the influence of these parties, particularly the interventions of giant corporations, in national development decisions.
3. Empowering national civil society with the national agenda, while guaranteeing equal opportunities.
4. Building a practical approach that adopts a multi-considerations approach to the elements of encouraging foreign investment (which, without a rights-based perspective, may lead to problems such as money laundering).
5. Increasing production, and moving away from profit-driven investment that relies on policies of satisfying service needs and focuses only on growth, at the expense of enhancing productivity.

These are the requirements that must be fulfilled to ensure that national decision-making is independent in the field of development and the setting of priorities, with the participation of citizens and on the basis of a human rights agenda.

Achieving this goal also requires societal awareness, an active social movement, popular oversight and an independent judiciary, including the expansion of the oversight role of the Constitutional Court over laws, and accountability on the basis of a just law to which the poor, before the rich, can have access. This also requires a sound law on the right of access to information, as well as the provision of legal aid to those in need of it; then the activation of workers' rights and the protection of the labour movement, which is the weakest party in the tripartite relationship among the Government, the business sector and workers in the Kingdom, without sacrificing the interests of the business sector and their private and commercial interests, particularly at the level of owners of small and medium-sized enterprises; and the protection of all of these from bureaucracy, from excessive tax burdens and fees, and from the possibility of being swallowed up by major capitalists.

Although cultural factors, social traditions and customs play a role in the persistence of many difficult knots impeding the occurrence of actual and tangible improvement and qualitative developments in the system of rights of the most vulnerable groups and those most exposed to violations, the Government's efforts to address the problems facing residents of shelters, the protection of women and girls from violence, and the issues of early marriage of minors or girls and the marriage of a rape victim to her rapist remained below the level required to provide protection for these groups. Moreover, there was no governmental legislative initiative whatsoever, with the exception of the proposed amendment to the Law on the Rights of Persons with Disabilities and partial amendments to Article (308) of the Penal Code, to address the legal shortcomings documented in the Centre's previous reports concerning these groups. The negative role of cultural heritage was, at times, strikingly evident in the matter of tribal displacement (*jalwa*): although it may help to prevent bloodshed during the first hours and days following the commission of serious crimes such as murder or indecent assault, its continuation, its official endorsement and its expansion to include entirely innocent persons and families violate the

principle of the rule of law and personal rights, in particular the right to private property of many relatives of the offender or offenders. The groups most vulnerable to violations, especially children, women and older persons, suffer in particular from this practice: women are particularly exposed to multiple forms of violence and exploitation, and children are deprived, by reason of this custom, of many rights, foremost among them the right to education and to a sound family environment; not to mention, moreover, the effect on homes and private immovable property, and thereby on the right to an adequate standard of living and to appropriate health care, especially for older persons.

It has become evident that the aforementioned violations and/or restrictions affected many of the rights falling within the three categories referred to in this Introduction. It is noted that the factors which gave rise to such violations generally ranged between considerations of maintaining security and protecting personal dignity, economic policies, limited capacities and resources, or considerations associated with cultural heritage, or a combination of these factors in respect of certain rights.

However, it emerged from the monitoring and follow-up operations conducted by the National Centre for Human Rights during 2015 that, among this triad of factors that governed the course of human rights in 2015, security considerations ranked first.

This fact necessitates careful reflection on the relationship between two values that are vital to any State or society on this planet, namely human rights and security. Logic and necessity require that these two values be, in general, harmonious and complementary, notwithstanding their distinctness in practical terms. The human rights system was born from the womb of the suffering, conflict and wars that humanity has witnessed throughout its long history, and this universal system was developed in order to protect the human dignity of the individual, in particular his or her right to life and to liberty, within the framework of achieving international peace and security, and on the basis of cooperation between States and the United Nations, as provided for in the Charter of the latter (Articles 1, 2, 3, 13, 55, 56 and 63). However, the relationship between security and human rights affirmed by the universal human rights system and the Charter of the United Nations has, in recent decades, taken a more complex and intertwined course, to the extent that tension has begun to emerge markedly between the national security considerations of States and the obligation of those States to protect human rights and prevent their violation.

The political, economic, social and even geopolitical environment, whether global or national, has played its part in the emergence of this intersection between two values that are at once vital to States and to societies. National security is a vital necessity, being the supreme objective not only of the State, but also of society, the elite and the political system alike; and human rights are the most important pillars of legitimacy for the political system, stability and progress, and are therefore among the strongest pillars of national security. Any attempt to reconcile these two objectives requires an examination of the concept of security and its content, as well as of the standards and principles of human rights.

The concept of security raises numerous and multifaceted questions, the first of which relates to the very definition of security. What is meant by security? Is it the security of the ruler or the security of the citizen? Is it the security of the State or the security of society? Is there a difference between the two, the State and society? And if so, what is that difference? If they are in fact

different, and if they are complementary, then why is there, for example, a State Security Court but no Society Security Court? Is it not the regular judiciary that should protect both the political system and society together?

This endless series of questions, however, also leaves another problem, namely the reality of both security and human rights in non-democratic regimes, where a wide gap emerges between the interests and priorities of the ruling elite and the political system, on the one hand, and the priorities and interests of society, on the other, with regard to security and other vital issues, including human rights. This disparity is most apparent when it comes to setting priorities; making or formulating options for confronting security challenges; identifying sources of threat; identifying the opportunities and challenges facing society, the Government and the citizen alike; and defining the nature of the relationship between the political structures that manage national affairs in the name of society and on its behalf, and the social structures that bear the consequences of such management of security affairs and the challenges associated with the sources of threat themselves.

The concept of human rights, on the other hand, is simpler and clearer than the subject of security. Discussion in this regard usually concerns what is known as the modern human rights system, which took shape and whose elements and features became clear in the aftermath of the two world wars of the last century, in order to address the wars that accompanied (and preceded) those two wars, particularly on the European stage, and which brought indescribable calamities upon societies in all corners of the globe. The international community therefore moved to draft the well-known human rights charters and instruments, beginning with the Universal Declaration of Human Rights, the instrument adopted by the United Nations on 10 December 1948, which was followed by, and gave rise to, numerous instruments and conventions that constitute what is known as the treaty conventions or the international human rights system. This system includes: the Refugee Convention (1951), the International Convention on the Elimination of All Forms of Racial Discrimination (1965), the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966), the Convention on the Elimination of All Forms of Discrimination against Women (1979), the Convention against Torture (1984), the Convention on the Rights of the Child (1989), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), and the Convention on the Rights of Persons with Disabilities (2007).

Jordan is a party to all of these conventions, with the exception of the Refugee Convention and the International Labour Organisation Convention concerning Freedom of Association.

Notwithstanding the expansion in the interpretation and development of these instruments and charters through what are known as the general comments of the committees established under them, and the proliferation of mechanisms, both governmental and non-governmental, that monitor and follow up on the extent of States' compliance with their obligations under these international charters and conventions, their essence is more or less the same: the recognition of the inherent dignity of human beings and of their equal and inalienable rights, this recognition (or acknowledgement) being "the foundation of freedom, justice and peace in the world", as stated in the Preamble to the Universal Declaration of Human Rights (1948), which also affirmed that "disregard and contempt for human rights have resulted in barbarous acts which have outraged

the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people”. Under this important instrument, “it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law”. Thus the organic relationship becomes clear between the maintenance of security, in both its internal and external dimensions, and respect for human rights, in particular the rule of law. The rule of law is the essence of security and is also the backbone of the protection of human rights; that is to say, security is the true guarantee of respect for human rights, just as human rights are the safeguard against chaos and rebellion, the most prominent sources of threat to security. Accordingly, humanity has learned through harsh and bitter experience that disregard for human rights will necessarily give rise to heinous barbarous acts that threaten security and infringe upon the fundamental rights and freedoms of individuals, in particular the right to life. If human rights are not guaranteed by law (the constitution), the tyranny and oppression that will ensue will inevitably lead to revolution and rebellion.

This paragraph eloquently sums up the tragic reality currently prevailing in a number of Arab States. The revolutions of the Arab Spring were nothing but a form of rebellion against oppression and tyranny. The relationship between security and human rights has also become one of the most prominent challenges facing States and societies, both globally and in the Arab world, particularly in recent decades; and Jordan is no different.

In recognition of this relationship and of the importance of striking a balance between the maintenance of security and respect for human rights, two Arab conferences on security and human rights were held over the past two years, in order to deliberate on what Arab States and societies are experiencing in terms of wars, conflicts, violence and threats to security, on the one hand, and the degradation of human beings and their dignity, on the other; and, consequently, the squandering of both human rights and security at the same time.

The two conferences were organised in partnership between the Arab national human rights institutions operating under the umbrella of the Arab Network and the Council of Arab Ministers of the Interior, with the participation of civil society organisations from several Arab States. The final recommendations of these two conferences would be sufficient to overcome many of the obstacles facing both security and respect for human rights, were those recommendations implemented faithfully and transparently.

It is clear, however, that the tension in the relationship between security and human rights will persist for no short period of time. The reason for such a situation, as mentioned at the outset, lies in the national and international environment, which has reached a state of complexity and contradiction such that external factors have become intertwined with internal conditions to create a state of instability and insecurity in many Arab States. At the external level, globalisation and the interference of foreign powers in other States have had their effect, thereby causing violations of many of the economic, social and cultural rights of the citizen; the same applies to the impact of Western liberalism, predatory capitalism, aggression and colonialism.

Authoritarianism, totalitarianism, the absence of political pluralism and the suppression of freedoms have, collectively, likewise had their effect in violating the fundamental civil and

political freedoms and rights of individuals, in particular freedom of opinion and expression, freedom of belief, freedom of peaceful assembly and the formation of parties and associations. These violations have also been associated with various forms of discrimination, racism, hatred and violent extremism, to the point that global societies as a whole have reached a state akin to a world war, under the name of the war on terrorism.

Since human rights can be realised and safeguarded only in conditions of security, and since security, likewise, can be achieved and consolidated only in conditions of respect for and protection of human rights, it has become necessary to work by all means to achieve the required balance between these two vital objectives. This self-evident truth confirms the intellectual, conceptual and political error of the approach that poses the question as to which of the two objectives is more important and more deserving of implementation and respect: human rights or security? The logical question is rather: how can a balance be struck between the two where circumstances arise that may lead to a conflict between them, as is happening in the region and in most Arab States, including Jordan?

Reality indicates that such assumed complementarity and harmony between security and human rights is not always and automatically available, which led international legislators to leave the door open to the possibility of imposing restrictions on a number of rights and freedoms out of regard for the requirements of security and the preservation of this vital value. Article (29) of the aforementioned Universal Declaration of Human Rights and Article (19/c) of the International Covenant on Civil and Political Rights both define the nature of these restrictions, as do other articles of these two instruments under the concept known as derogation from, or suspension of, certain rights and freedoms for specific reasons.

Among the most prominent justifications that permit the State to impose specific restrictions on freedom of expression are those relating to the maintenance of national security, as well as the protection of human dignity and personal rights. The National Centre for Human Rights observed that the clash between considerations of maintaining security and protecting dignity and personal rights, on the one hand, and guaranteeing human rights in Jordan, on the other, emerged in a striking manner in 2015.

It became difficult to ignore this development, which continuously imposed itself on the national situation, particularly in light of the complaints received by the Centre, which focused on the practices that accompanied what is known as the campaign (or policy) of restoring the prestige of the State, combating narcotics, and the war on terrorism. However, these considerations, which allow the State to impose restrictions on certain freedoms and rights, are subject to important and also strict conditions and limitations, the most prominent of which are: that such restrictions be defined in a simple and clear law; that they be applied only in cases of utmost necessity and for legitimate considerations; and that they be temporary.

In states of emergency or exceptional circumstances that States may experience, international human rights standards have laid down stricter conditions for derogation from certain human rights, in particular freedom of expression, such that these restrictions must be temporary, for a specified period of time, for the preservation of public order and health, and in a democratic society, with the obligation to notify the United Nations and other States of their duration. In all cases and circumstances, a number of fundamental rights and freedoms have been exempted from

any restrictions or derogation, foremost among them the right to a fair trial, the prohibition of torture, the protection of the right to life, and the prohibition of slavery and servitude.

Article (29) of the aforementioned Universal Declaration also affirmed, in two separate paragraphs, two other important principles in this regard, namely: (a) “Everyone has duties to the community in which alone the free and full development of his personality is possible” (Article 29/1); and “These rights and freedoms (human rights) may in no case be exercised contrary to the purposes and principles of the United Nations” (Article 29/3). There are thus no open-ended rights without duties, and no absolute freedom without limits or restrictions; however, these limits have been strictly regulated by conditions that must be set out in law. The law is the fulcrum that balances the duality of human rights and security. Does Jordanian law provide for this? This is a question that awaits an answer.

This is the question that the National Centre for Human Rights continually raises within the framework of the duality of security and human rights, namely: what is the nature of this law? Is it a law that violates the essence of the rights guaranteed by the Constitution and by the international standards by which the Jordanian State has bound itself? The Jordanian Constitution answered this question in advance in Article (128), by affirming that any law enacted to regulate any right must not affect the essence of the right it regulates. However, do the Prevention of Terrorism Law, the State Security Court Law and the Crime Prevention Law, together with numerous articles of the Penal Code and the by-laws, regulations, policies and procedures actually applied, embody constitutional Article (128) in letter and in spirit?

The scourge of terrorism, which has been spreading for some time, has constituted a direct threat to both security and human rights at the same time. However, some, particularly those concerned with protecting security and combating this scourge, began to act as though human rights must recede to make way for security measures, the pursuit of terrorists, and the thwarting of their plans and plots against societies, in particular vital locations, civilian gatherings and innocent persons. The Jordanian State joined the international campaign against terrorism and directed the bulk of its military and intelligence efforts towards preventing security breaches in the Jordanian arena. It later became apparent, however, that the international war on terrorism entails a clash with forces, persons and ideas other than the terrorists themselves. There are the terrorists, and there is the environment supportive of terrorism, which includes natural and legal persons who do not necessarily engage in acts of terrorism, whether directly or indirectly, but who, as is in fact the case, may disagree with or not sympathise with the political objectives of the anti-terrorism coalition, or may perhaps understand (even partially) the justifications of the political or even intellectual movements of these terrorists, even though they may reject their brutal methods. There are also those who are genuinely neutral but hold a different point of view regarding the official position on the military and political options used to confront terrorism; among them are journalists, intellectuals, activists or politicians, and ordinary independent persons, who may express their views on these overlapping and conflicting issues in different ways. A number of these persons, as well as journalists, professionals and human rights activists, have been detained and tried. Accordingly, political and intellectual discourse cannot be reduced to the framework of being “for or against” terrorism, just as the question of terrorism is one thing and the campaign to combat terrorism is, to a large extent, another.

Consequently, complaints of torture, arrest and detention of journalists, bloggers and critics of public policies relating specifically to the war on terrorism, among others, increased, and the conditions for the fair trial of these persons were, and continue to be, disregarded at times.

It has therefore become clear that the terrorist threat and terrorist acts, on the one hand, and the global war on terrorism (in the manner in which it is being conducted), on the other, have placed liberty and security in Jordan in a state of general conflict. Moreover, the detention, trial and punishment of some persons may have contravened not only the laws in force to which we referred above, given their inconsistency with constitutional Article (128), but also the relevant human rights standards. The National Centre believes that this problem between security and human rights is of some complexity, and that two matters stand out among the reasons for this complexity: first, the belief among decision-makers that it is possible to disregard human rights considerations while confronting terrorism and seeking to maintain security; and second, the disregard by those responsible for managing the war on this scourge of the fact that the real causes of terrorism are multiple. One observes an official tendency to deny the need to examine any of the possible causes of terrorism other than those relating to the role of religion and what is described as religious extremism; indeed, the official position goes so far as to regard in-depth examination of the causes of terrorism as a form of justification of this phenomenon. Such denial of the causes of terrorism other than those associated with Salafi jihadist thought, in particular the political and social causes, and the focus on ideological factors, especially religious ones, will not make this phenomenon disappear, however much the volume of rubble and destruction expands. Hence the numbers of displaced persons and refugees have multiplied, the areas of cemeteries have expanded, and the number of detention facilities and places of detention has increased. Terrorism has multiple roots, both religious and non-religious, the latter including political, economic and social considerations. Nor are the political roots or considerations confined to the motives that drive terrorists; rather, they also influence other citizens who follow the process of combating terrorism and Jordan's role therein, including the positions and policies of Jordan's partners towards national and regional issues of importance to these citizens. No one can ignore the geopolitical, ideological, economic, cultural and even psychological objectives that the war on terrorism carries within it, which affect a broad segment of Jordanian society, in particular the young generation, who are, in general, the fuel of terrorism. The most prominent factor in this regard is the role of the political reality in the Arab world, in particular the state of freedoms and fundamental rights in general, especially in light of the state of despair resulting from the policies of certain Arab States. Despair does not achieve security; on the contrary, it deepens the wound and multiplies the desire for revenge and the determination to risk everything, not only at the level of a particular generation but across successive generations, as is evident. Accordingly, the roots of terrorism in the Arab region are, to a large extent or in the first place, political and economic, in addition to its religious/doctrinal components, which serve as justification and incentive for attracting recruits. International reports have also pointed to the role of sectarian policies in Iraq and of Israel's policies towards the Palestinian people, particularly the persistence in building settlements, the Judaisation of the West Bank and the Judaisation of Christian and Islamic holy sites, including Al-Aqsa Mosque. It must be emphasised, however, that the insistence on ignoring an understanding of the political roots of terrorism has contributed to the continuation and aggravation of this heinous crime, and has also prevented the exposure of the roles of other local and international parties in fuelling it, whether through what those parties do or as a result of what

they refrain or abstain from doing. There are those who consider that political, strategic, economic and nationalist considerations equal or exceed religious considerations in fuelling terrorism and in determining positions towards it. The National Centre therefore considers that dealing with political considerations must come at the forefront of efforts to address terrorism in the Arab region, followed perhaps by ideological motives and misleading religious mobilisation; religion and culture serve as a catalyst and stimulant for the political motives behind the spread of terrorism and the eagerness of some Arab and Muslim youth to join the ranks of terrorist groups. The geopolitical dimension of the war on terrorism, and indeed of the very existence of terrorism in this form, is likewise so apparent that it cannot be denied. The National Centre therefore advises against turning a blind eye to the political dimension of terrorism, whether in terms of the motives of terrorists or the objectives of those waging war against it. This understanding is confirmed by the international framework for dealing effectively with terrorist threats, which was designed to proceed from addressing the roots of terrorism, dealing with its promoters and perpetrators, protecting its victims and mitigating its effects. Terrorism, in reality, affects all the rights that the State is required to protect; yet the global strategy, specifically in the Arab region, has overlooked or disregarded this lesson, namely, understanding the political and psychological motives of terrorism. What concerns the National Centre for Human Rights first and foremost, however, is that the requirements of respect for human rights not be breached in the context of combating terrorism.

The United Nations affirms that the preservation of human rights is not only consistent with the counter-terrorism strategy, but that commitment to the protection of these rights is an essential element in the success of that strategy; the existence of robust counter-terrorism measures is necessary to prevent flagrant violations of human rights. The international organisation has therefore considered respect for human rights to be the fifth pillar of any national counter-terrorism strategy, the other four elements being: drying up the sources and material resources of terrorism; persuading young people not to listen to or join terrorist groups; preventing the public from providing support and assistance to these groups; and pursuing terrorist groups and prosecuting their members in accordance with the law. However, this global strategy for dealing with terrorism does not adequately address the Arab reality in these times and circumstances. Particular importance must therefore be given to the political dimension of terrorism and of the international campaign against it, so as to achieve reasonable and credible results that enjoy national consensus among the Arab public, which is suffering from the fire of terrorism and of the war on terrorism at the same time. In light of these considerations, the question that comes to mind here is: does the counter-terrorism strategy in Jordan meet these considerations? Combating terrorism requires dealing with factors that fall within the framework of international relations and the State's foreign policy considerations, as well as security considerations, in addition to ideological considerations. Accordingly, there are other requirements for Jordanian society and the Jordanian State, foremost among which are: respect for human rights; the achievement of social justice; the strengthening of democracy; the upholding of the rule of law; standing up to the nation's foreign adversaries, those who covet its wealth and resources, and the supporters of Israel and its expansionist policies; the importance of halting self-destruction and restoring Arab solidarity; and reviving the idea of the national revival of the nation and rekindling the spirit of the Arab Renaissance. Military and security strength therefore needs other complementary elements, the most prominent of which is addressing the deterioration of the political, economic

and human rights situation in Arab States. Hence it may be said that the centenary of the Great Arab Revolt represents an occasion for reflection and for reconsidering many of the assumptions regarding the political environment and political action in Jordan, and Jordan's role in this war and in addressing the condition to which the nation has come! The Revolt, which was launched a century ago to achieve the pride, dignity and independence of the nation, cannot overlook the reality of this nation today; the situation today may well be in greater need of the principles of the Revolt than it was when it was launched on 10 June 1916. The starting point may be a second Hashemite initiative of the same importance as that launched by Sharif Hussein bin Ali to revive the glory of the nation, such that hope is rekindled in the young Arab generation, and the advancement of human rights and the restoration of the dignity of the Arab citizen serve as the gateway to such an initiative, which might take the form of a call for a high-level Arab conference (official and popular) that achieves a balance between protecting the security of Arab peoples and societies and, at the same time, stirs the determination of young people to rise and emerge from the state of despair and self-destruction, while also fulfilling the human rights obligations of Arab States. As a gateway to such an initiative, the Jordanian strategy devoted to the protection of security must be analysed.

In 2015, the situation in Jordan with respect to security and human rights oscillated between observing the requirements of human rights at times and disregarding them at many other times. The authorities subordinated many rights and freedoms to the requirements of security: the detention of journalists, the trial of human rights activists and the imprisonment of persons under the banner of combating terrorism were expanded, and alliance relations, both written and unwritten, were maintained with the members of the coalition, the NATO States and others. While the National Centre for Human Rights supports action to prevent terrorists from infiltrating the Jordanian arena, it calls for the development of a national strategy to prevent this scourge from taking root in the Jordanian environment. The Centre therefore considers it more effective that the national counter-terrorism strategy include, in addition to military and security action, the following matters: (a) successful political action; (b) a serious rights-based approach (adherence to the protection of the dignity of the citizen), for it must not be forgotten that respect for human rights is the fundamental criterion for measuring the extent to which political legitimacy, social justice and the rule of law are present in any system of government, bearing in mind that there are no more effective means of combating the scourge of terrorism than political legitimacy, social justice and the rule of law; (c) a reassessment of the political agenda of the external and internal forces that form the backbone of the anti-terrorism coalition.

A purely security-based solution may thwart the manifestations of terrorism and violent extremism temporarily, but it will not eradicate their roots. It would therefore be more effective for Jordan not to engage in an open-ended war in the name of the "war on terrorism", which carries within it geopolitical and security objectives of the various parties that are not necessarily consistent with Jordan's vital interests, particularly the planning to fragment sister Arab States and divide them into statelets on sectarian, ethnic and regional bases, and the rescue of authoritarian and repressive regimes and elites that have ruled their peoples with an iron security grip. The first of these consequences is what this compulsory involvement in this international game has led to, namely a clear disconnect between official security and economic policies (and, to some extent, human rights policies) and the aspirations of Jordanian society; not to mention the high-cost social, economic and security consequences produced by this involvement, whether in

terms of Syrian asylum and its consequences, or the security costs and other policies, particularly the postponement of the pace of genuine political reform, and the accumulated economic cost through the decline in exports, the contraction of tourism, the rise in the volume of public debt and the accumulation of the budget deficit. The public policies of the State are being dangerously reduced to the conditions and requirements of what is known as the “war on terrorism”, and there is no doubt that this approach has affected the vital interests, aspirations and values of broad segments of Jordanian society. This ongoing war on terrorism, open to all possibilities and undefined in terms of time and agenda, is a compound, complex and extremely dangerous undertaking; if it is not analysed impartially and objectively, it may lead to major negative consequences for Jordan, and its consequences may ultimately pose an existential threat to Jordan as an entity and an identity. This is a fact that decision-makers must decisively recognise. Overlooking or ignoring this, considering that the cause of terrorism is solely religious extremism and the deception, misleading and beguiling of young people by merchants of religion, and directing the bulk of efforts towards this dimension alone, is not sufficient. The majority of Jordanians support the State’s efforts in confronting terrorism, but few are convinced by the official explanations of it and its reduction to the scope of religious misguidance and the objectives of the “State” (ISIS/Da’esh). Accordingly, it is now necessary to turn to the objectives of the other parties, to be candid with public opinion about them, and to develop plans to deal with those that conflict with Jordan’s interests. This war has begun to produce developments that cause deep concern among many, in particular the growing conviction that Jordanian societal security has faded away in the Government’s security and economic policies, giving way to the dominance of the security of the elite and, to a large extent, the interests of allied, friendly and donor foreign States, whose critics are tried and sentenced on harsh charges extending to the charge of terrorism.

Based on the foregoing, terrorism is the scourge of human rights and their principal enemy, while the essence of human rights is freedom from anxiety, fear and want, the guarantee of freedom of belief and freedom of expression, and the absence of injustice and inequality. These values are, without exception, exposed to real attack and challenges that may put them to a harsh test at any time. It is therefore necessary to restore due regard for these fundamental principles, which constitute vital interests of Jordanian society and the Jordanian State, whether within the framework of the war on terrorism or of the other public policies of the State.

What currently prevails, to a large extent, is not only that the war on terrorism, and the manner of the international response to it in which Jordan has become engaged, have placed liberty and security in conflict, but also that Jordan’s vital interests, in particular national survival, are at stake. In this regard, those concerned must remember that living nations have prepared the tools, standards, mechanisms and institutions to deal with this clash between two fundamental objectives of the nation, security and human rights, and thereby to guarantee peace and stability. So that society or the State is not compelled to neglect or abandon human rights in favour of security, and perhaps to go even further at the level of identity and existence, it is necessary to revive the tools and standards and to activate the mechanisms that guarantee the protection of human rights, in reinforcement of the protection of the society that nurtures and guarantees the survival of the nation and the State. Security that conceals or threatens human rights is insecurity itself.

In light of these considerations, the National Centre for Human Rights considers that Jordanian society is living through the most severe and difficult circumstances in terms of the aggravation

of the sources of threat to societal security, as sources of threat of both kinds, traditional and emerging (non-traditional), converge upon this society. These threats are as follows:

a. External threats, which include: terrorism, regional wars, refugees, external aggression, nuclear weapons, foreign interference, and the expansionist Zionist threat.

b. Non-traditional sources of threat, which are as follows:

- The crisis in the economic situation, including the rise in public debt, the budget deficit, and the decline of vital sectors such as agriculture, tourism and even investment.
- Poverty and unemployment.
- Corruption and encroachment upon public funds.
- The decline of fundamental freedoms and the restriction of civil and political rights and fundamental freedoms.
- The rising cost of living and high prices, the decline of food security guarantees, and of the right to an adequate standard of health care, particularly in the peripheral areas.
- The rising rate of ordinary crime and societal violence, cases of suicide, revenge killings, psychological tension and anxiety, and violence against women.
- The widespread use of and trafficking in narcotics.
- Thefts and fraud.
- Societal fragmentation, the fundamentalist agenda, the sectarian agenda, and others.
- Threats to public order.
- Threats to identity.
- Societal conflict: class, religious, regional and local.

Now comes the final question: how is the concept of security to be defined on the basis of the needs and priorities of society?

True security is societal security, or human security: that which strengthens the capacity of society to preserve its fundamental characteristics and its aspirations and ambitions, and which thereby persuades society of the need to adapt these ambitions in the face of various circumstances and challenges without losing its capacity for resistance and resilience. This can be achieved only if the citizens as a whole feel that they are part of the existing strategic political process, and that their vital interests and major aspirations will not be sacrificed or disregarded under any consideration, including considerations of security itself. Notwithstanding the emergence of direct security threats (actual or potential), national societal security is endangered when the majority is convinced, or society as a whole perceives, that the threat is to fundamental rights and freedoms, including the right to criticise and peacefully oppose public policies, as well as the right to life, democracy and the rule of law, not to mention the fear and apprehension of the loss of identity.

The National Centre for Human Rights therefore recommends that the counter-terrorism strategy be reviewed so as to encompass the handling of geopolitical and logistical objectives vital to

Jordanian society, through a comprehensive national dialogue. In building such a strategy and achieving a solid national consensus around it, the following considerations must be emphasised:

- Respect for human rights.
- Strengthening social justice.
- Consolidating democratic values and transparency.
- Combating corruption and the corrupt.
- Upholding the rule of law and the integrity and independence of the judiciary.
- Restoring due regard for national values and ideals, in particular the protection of national existence and identity, and confronting external threats, especially the expansionist Israeli project.

Finally, it must be remembered that the sound and only gateway to success in this test is respect for the dignity of the citizen and placing genuine trust in him or her, so that he or she, in turn, places his or her trust in the State and its institutions.

Amman

23 August 2016 # Part Two: Civil and Political Rights

1. The Right to Life and Physical Integrity

The right to life is one of the fundamental rights of every human being, guaranteed by international covenants and instruments.¹ Although the Jordanian Constitution contains no explicit provision protecting this right—unlike the right to physical integrity, which the Constitution partially guarantees under Paragraph (2) of Article (8)—the criminal legal system has afforded this right the necessary protection and has criminalised any infringement thereof with the severest forms of penalty. The judicial authority likewise exercises the legal powers available to it, which require that no leniency be shown towards any criminal act involving the deprivation of a human being of his right to life and to the integrity of his body. Despite this attention to the right to life and physical integrity, however, a number of gaps affecting these two rights still remain, which we shall address, beginning with the factors affecting the right to life.

The death penalty:

Every individual has an inherent right to life, and no one shall be arbitrarily deprived of his life. This is a fundamental principle of international human rights law. It should be noted that international human rights law does not categorically prohibit the death penalty; however, the general trend is towards treating it as an exceptional penalty, to be imposed and carried out only where the most serious crimes have been committed and after numerous legal safeguards have been met. In Jordan, the State has adopted an approach that brings it closer to the global trend, although it has not acceded to the Second Optional Protocol to the International Covenant on Civil

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

and Political Rights, which calls upon States Parties to abolish the death penalty. The penalty is not applied to persons under the age of (18) years, to pregnant women or to persons suffering from insanity; the crimes punishable by death have been confined to the most serious felonies (such as premeditated murder, terrorism and the rape of a minor); general and special amnesty are available and provided for in the Constitution and the Penal Code;² and the penalty is carried out only after a series of legal procedures.³

Table No. (1): Number of judgments imposing the death penalty during the years 2008–2015

Year	Major Felonies Court	State Security Court	Total judgments
2008	5	1	6
2009	7	-	7
2010	9	-	9
2011	20	-	20
2012	13	-	13
2013	7	-	7
2014	1	-	1
2015	6	-	6

Table prepared by the Centre on the basis of data issued by the State Security Court and the Major Felonies Court.

The Jordanian authorities ended the moratorium on the execution of death sentences that had been in place since 2006: on 21/12/2014 the penalty was carried out against (11) convicts, followed on 4/1/2015 by the execution of two convicts sentenced by final judgments, one of whom was a woman convicted in serious criminal cases. It should be noted that (10) persons sentenced to death benefited from special amnesty in 2015, compared with (3) persons in 2014. The number of inmates of Correction and Rehabilitation Centres sentenced to death reached (112) in 2015, including (12) female inmates. Some consider the suspension of the execution of the death penalty, without setting a final date for its execution or abolition, to be a form of psychological torture.

The right to physical integrity and freedom from torture:

The principle of the prohibition of torture has become one of the fundamental principles of the Jordanian legal system with the introduction of Article (8/2) of the Jordanian Constitution.⁴ The Jordanian Penal Code No. (16) of 1960 has also criminalised torture, albeit in a fragmentary

² Articles (50) and (51) of the Jordanian Penal Code No. (16) of 1960.

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 shall be paid by the State Treasury. Under the law, a death sentence is subject to automatic review by the Court of Cassation even if the convicted person does not request it (Article 275/c). If the Court of Cassation finds any defect in the application of the law, or that the evidence is insufficient to convict the accused, it shall quash the decision imposing the death penalty and remit the case to the court that rendered the judgment for reconsideration of its decision.

⁴ Article (8/2) of the Jordanian Constitution: “Every person who is arrested, imprisoned or whose liberty is restricted shall be treated in a manner that preserves human dignity; he may not be tortured in any form whatsoever, or physically or mentally harmed, nor may he be detained in places other than those permitted by law. Any statement extracted from any person under any torture, harm or threat shall not be admissible.”

manner, thereby producing a legislative environment that falls short of ensuring the effective prosecution of the perpetrators of torture crimes.⁵ Among the most significant challenges facing complaints alleging torture in Jordan are the definition and criminalisation of torture, since the law confines the concept of torture to a specific intent, namely the extraction of an admission or confession, contrary to the provisions of the United Nations Convention against Torture. Article (208) is further flawed in classifying the crime of torture among misdemeanours, unless the crime results in death or permanent disability, in which case only is it elevated to the rank of a felony. This classification constitutes a clear violation of the requirement under the international Convention that acts of torture be characterised as felonies, being the most serious crimes; moreover, treating torture as a misdemeanour leads to legal consequences that run counter to the principle of prosecution under the Convention, as the Centre has emphasised in its previous reports, such as the possibility of the penalty lapsing by amnesty or prescription and attempted torture falling outside the scope of criminalisation.⁶ In this regard, reference must be made to the observations on Article (208) of the Jordanian Penal Code submitted by the National Centre for Human Rights during the consideration of Jordan's third periodic report before the Committee against Torture on 20–23 November 2015, noting that these observations had been included in the annual reports issued by the Centre.⁷ In its concluding observations, the Committee expressed its concern about the definition of torture as set out in Article (208).

Strengthening the principle of effective prosecution of the crime of torture also requires legal amendments guaranteeing the prosecution of those complained against and the conduct of independent and effective investigations into such complaints. The National Centre for Human Rights reiterates the need to put an end to the phenomenon of perpetrators of torture not being tried under Article (208) of the Penal Code, and of law enforcement agencies treating the acts committed essentially as mere disciplinary offences that do not warrant the application of that Article.⁸ It has also been pointed out in the Centre's previous reports that attaching another criminal description, such as assault in its various forms, in effect means the existence of an

⁵ Article (208) of the Penal Code No. (16) of 1960.

⁶ Although the drafting of the draft law amending the Jordanian Penal Code was completed and the draft was published on 5 May 2016, the amendments did not extend to the text of Article (208) of the Code.

⁷ The National Centre for Human Rights submitted its parallel report to the Committee against Torture, which stated in this regard as follows: "The Committee remains concerned that the definition of torture in the Penal Code, Article (208), is not in conformity with Articles (1) and (4) of the Convention. In particular, the Committee is concerned that torture is considered a misdemeanour, that the penalties are not commensurate with the gravity of the act and are subject to general amnesty as well as to statutes of limitation, and that the penalties are limited to individuals who order torture or who carry out acts of torture and do not extend to individuals complicit in such acts. Accordingly, the Committee urges the State party to adopt a definition of torture that covers all the elements set out in Article (1) of the Convention, and to ensure that torture is considered a crime, that the penalties are commensurate with the gravity of this crime in accordance with Article (4), Paragraph (2) of the Convention, and that it is not subject to general amnesty. It must also ensure that the scope of the definition of torture extends to cover any person who commits an act of torture or attempts to commit an act of torture, or who instigates, consents to or acquiesces in orders to commit an act of torture. In this regard, the Committee draws attention to its General Comment No. (2) of 2007 on the implementation of Article (2) by States parties, which provides that any discrepancies or inconsistencies between the Convention's definition and the manner in which the definition is incorporated into domestic law create actual or potential loopholes for impunity. The Committee also recommends that the State party take steps to include a paragraph in the Penal Code providing that statutes of limitation shall not apply to crimes of torture."

⁸ For example, the prosecution of personnel of the Public Security Directorate is conducted by the Police Public Prosecution pursuant to Article (37) of the Public Security Law.

environment conducive to impunity for this crime. In this regard, reference must be made to the problem of the criminal prosecution of perpetrators of the crime of torture in cases where the Court of Cassation invalidates confessions extracted under torture or ill-treatment. The Centre has documented a number of cases in which the Public Prosecution did not prosecute the perpetrators of the crime of torture, notwithstanding a judicial ruling by the highest judicial authority in the State that the confessions were null and void because they had been extracted under torture, which amounts to confirmation that the criminal act occurred.⁹ The Centre reaffirms that effective prosecution necessarily requires the independence of investigation committees, as was also emphasised by the Committee against Torture in its concluding observations on Jordan, where it stated: “The Committee expresses its concern at the continued failure of the State party to establish an independent mechanism to carry out investigations into alleged ill-treatment and torture, ...”.

The Government’s response to the Centre’s repeated demand for legal amendments enabling perpetrators of torture to be tried before civil courts merely referred to the amendment of the Public Security Law and the establishment of the Police Judiciary Directorate and a Police Court of Appeal as a body for appealing decisions issued by the Police Court, stating that this is fully consistent with international standards of fair trial and human rights. However, the Committee against Torture expressed concern in its concluding observations about the continued existence of special courts in the Jordanian State (the Police Court and the State Security Court).¹⁰

The Centre has consistently emphasised the need for the independence of investigation committees; however, the Government’s response to this demand objected that the National Centre focuses on torture to the exclusion of ill-treatment. In this regard, the Centre points out that the Jordanian Penal Code does not criminalise cruel, inhuman or degrading treatment or punishment in an explicit provision, but provides for the criminalisation of torture only, under Article (208) of the Penal Code.

Accordingly, the Centre expresses its concern at the inadequacy of effective prosecution and conviction for the crime of torture, as well as the failure of legislation to provide explicitly for compensation for victims of torture. In this regard, it calls for the prompt enactment of legal amendments that would also confer upon the regular courts subject-matter jurisdiction to hear torture cases, so as to ensure the prosecution and conviction of the perpetrators of these crimes and the compensation of victims. This situation, moreover, deprives victims of torture of compensation and rehabilitation, since the Jordanian Civil Code contains no specific and explicit provision requiring that victims of torture be compensated, bearing in mind that the provisions governing compensation in the Civil Code are confined to the general rules set out in Articles (256–267). The State’s liability to pay compensation does not arise thereunder, nor is the compensation mechanism provided for in the Civil Code consistent with Article (14) of the Convention as regards the assessment and calculation of compensation arising from torture in terms of consequential loss and lost profit, the psychological and physical rehabilitation of the victim, guarantees of non-repetition, apology and satisfaction. In this regard, the Committee against Torture expressed its concern at the lack of explicit provisions guaranteeing the right of

⁹ See in this regard: Judgment of the Jordanian Court of Cassation in its criminal capacity No. (53/2014).

¹⁰ See the recommendations of the Committee against Torture, WWW.OHCHR.ORG.

victims of torture and ill-treatment to fair and adequate compensation, including the means for as full rehabilitation and redress as possible, as required by Article (14) of the Convention.

The most prominent developments in the field of combating torture during 2015 were as follows:

1. The Public Prosecution in Jordan began investigating allegations of torture in 2013 and established a national register of torture cases in 2014, in which cases are recorded before being referred to the Police Court or other special courts. It should be noted that in 2015 the Public Prosecution received (7) cases relating to torture and ill-treatment, compared with (29) cases during 2014.
2. The commencement of a review of criminal legislation, particularly the Penal Code and the Criminal Procedure Code, which it is hoped will provide for further fair trial guarantees and for legal aid for those in need of it.
3. The Second Regional Conference on Combating Torture was held on 14–15 June 2015, at which a number of topics and problems relating to torture were discussed in a constructive and interactive manner. At the close of the Conference, the participants adopted a set of recommendations.¹¹
4. The Public Security Directorate completed the preparation of a manual on the treatment of detainees and implemented several specialised training programmes on international standards for the treatment of detainees at the Criminal Investigation Department Training Centre.

With regard to cases of torture and ill-treatment, the total number of such cases registered against personnel of the Public Security Directorate in 2015 reached (239), of which (45) were referred for trial before the unit commander and in (147) the Police Public Prosecutor decided not to prosecute those complained against, while (20) cases were referred to the Police Court and (27) complaints remain under consideration.¹² By comparison, the total number of cases of torture and ill-treatment registered against personnel of the Public Security Directorate in 2014 was (140), of

¹¹ The Conference adopted the following recommendations: strengthening the right to legal counsel at the preliminary investigation stage; working to regulate pre-trial detention and to confine it to the narrowest of cases and limits; raising the technical capacity of those working in the field of combating torture in terms of training and qualification (the Public Prosecution, law enforcement authorities, forensic medicine, national institutions and civil society organisations); establishing a system for documenting torture cases (procedural documentation and statistical documentation); periodically reviewing national legislation in light of an assessment of the effectiveness of the prosecution of perpetrators of the crime of torture and of the rate at which the crime is committed; amending legislation in line with the situation and consistently with international standards as regards the criminalisation of all acts constituting the crime of torture; increasing the penalty in proportion to the gravity of the crime committed, and reviewing the applicability of statutes of limitation to the crime of torture; establishing a clear mechanism and a special system for compensating victims of torture that ensures they can readily obtain material compensation; establishing a special fund to compensate victims of torture; establishing a system for the rehabilitation of victims of torture and the provision of psychological support to them; establishing a system for the protection of witnesses and complainants; enhancing cooperation among the Public Prosecution, law enforcement authorities and civil society in combating torture, and creating institutional tools that ensure the continued effectiveness of such cooperation; and vesting the regular judiciary with jurisdiction to hear all types of torture cases, whatever the capacity of the perpetrator.

¹² According to the statistics of the Public Security Directorate for 2015, pursuant to Letter No. (T.D/1/44/H. Insan/9252) addressed to the Centre on 23/2/2015.

which one case was referred to the Police Court.¹³ Cases of ill-treatment committed against inmates of Correction and Rehabilitation Centres in 2015 numbered (38), in which (12) persons were convicted, while the Police Public Prosecutor decided not to prosecute (26) persons. During 2014, the number of such cases was (61), in which (31) persons were convicted, while it was decided not to prosecute (30) persons. By comparison, in 2013 the number was (36) cases: two of the cases committed in 2013 were referred to the Police Court and (9) cases for trial before the unit commander, while it was decided not to prosecute in (18) cases.

In another respect, the National Centre for Human Rights receives citizens' complaints concerning allegations that they have been subjected to torture and ill-treatment at the hands of law enforcement officials and the various security departments, during the periodic visits conducted by its delegates to Correction and Rehabilitation Centres and places of temporary detention, as well as through complaints submitted to it by various means (fax, e-mail, personal interview, etc.). In 2015, the Centre received (92) complaints alleging torture and ill-treatment at the hands of law enforcement officials and the various security departments, compared with (87) complaints in 2014, (77) complaints in 2013, (67) complaints in 2012, (58) complaints in 2011 and (85) complaints during 2010.

As regards beatings, torture and other forms of ill-treatment in Correction and Rehabilitation Centres, the Centre received only (8) complaints during 2015, compared with (11) complaints during 2014, (19) complaints during 2013, (5) complaints during 2012, (3) complaints during 2011 and (4) complaints during 2010, as shown in Table (2).

Table No. (2): Manner of settlement of complaints relating to torture and ill-treatment received by the Centre during the years 2010–2015

Category	Settlement of complaints	2015	2014	2013	2012	2011	2010
Number of complaints against the various security centres and departments	Number of complaints archived at the complainant's request	22	11	13	13	4	15
	Number of complaints closed because the violation was not established	25	14	15	18	15	10
	Number of complaints referred to the Police Court	2	-	1	-	-	3
	Number of complaints still under follow-up	43	62	48	36	39	57
Total		92	87	77	67	58	85
Number of complaints relating to beatings and torture in Correction and Rehabilitation Centres	Number of complaints archived at the complainant's request	-	5	4	-	-	-
	Number of complaints closed because the violation was not established	5		5	-	1	2
	Number of complaints referred to the Police Court	-	-	-	-	-	-

¹³ According to the statistics of the Public Security Directorate for 2014, pursuant to Letter No. (T.D/1/44/H. Insan/9252) addressed to the Centre on 23/2/2015.

Category	Settlement of complaints	2015	2014	2013	2012	2011	2010
	Number of complaints under follow-up	3	6	10	5	2	2
Total		8	11	19	5	3	4

Table prepared by the Centre on the basis of the complaints received by it.

During its visits to Correction and Rehabilitation Centres in 2015, the Centre recorded a marked decrease in the number of individual complaints concerning the ill-treatment of inmates and detainees. It also observed during 2015 an increase in the number of complaints and allegations of torture against the Criminal Investigation Department and the Anti-Narcotics and Counterfeiting Department. **The most prominent of these allegations are the following:**

First: On 02/05/2015, the person named (A. Z.) was subjected to torture at the hands of a group of personnel working in the Anti-Narcotics and Counterfeiting Department / Irbid Section. The medical report issued by the Forensic Medicine Centre of the Northern Region on the same date indicated the presence of bruises on several parts of the deceased's body and stated that the cause of death was neurogenic cardiac inhibition resulting from haemorrhages in the testicles and the accompanying bruises. Consequently, the Police Public Prosecutor charged the accused with beating resulting in death under Article (195) of the Penal Code, in addition to the misdemeanour of torture and extraction of an admission and confession under Article (208) of the Jordanian Penal Code. Trial proceedings before the Police Court are still ongoing to date. It should be noted that the family of the deceased waived their personal right against the accused.

Second: On 30/09/2015, the person named (A. N.) was subjected to torture by a group of personnel working in the Criminal Investigation Department building in the capital. The medical report issued by the Forensic Medicine Centre at Al-Bashir Hospital indicated the presence of bruises and marks of torture on several parts of the deceased's body. Consequently, the Police Public Prosecutor charged the accused with beating resulting in death under Article (195) of the Penal Code, in addition to the misdemeanour of torture and extraction of an admission and confession under Article (208) of the Jordanian Penal Code. Trial proceedings before the Police Court are still ongoing to date.

Third: On 24/10/2015, the persons named (S. W.) and (J. W.) were assaulted by beating by a group of personnel working at the Abu Nseir Police Station. Consequently, those complained against were convicted of the offences of assault pursuant to the provisions of Article (334) of the Penal Code and Article (37/3) of the Public Security Law.

As for the allegations of torture received by the Centre in which verification did not lead to proof of torture, they are as follows:

First: The family of the deceased (A. A.) alleged that he died under torture; his family stated that he had been beaten by a group of personnel working in the Royal Badia Forces / Criminal Investigation Department Section on 21/07/2015. However, the personnel of the said section stated that this person had committed suicide by hanging with a piece of cloth while detained at Badia Al-Muwaqqar. Accordingly, an investigation board was formed from within the Public Security Directorate, which concluded that the cause of death was suicide and that there was no suspicion of a criminal act, and consequently decided to archive the investigation papers.

Second: The family of the deceased (F. M.) alleged that he died under torture, stating that he had been beaten by a group of personnel working at the Al-Bayader Police Station / Criminal Investigation Department Section on 13/12/2015. However, the personnel of the said section stated that this person had committed suicide by hanging with his own trousers while detained at the said station. Accordingly, an investigation board was formed from the Public Security Directorate, and the Centre has been unable to learn the results of this investigation.

Third: The family of the deceased (A. A.) alleged that he died under torture as a result of being severely beaten by a group of personnel working at the Swaqa Correction and Rehabilitation Centre on 10/12/2015. However, the personnel of that Centre stated that this person had suffered an electric shock while in his cell. Accordingly, an investigation board was formed from the Public Security Directorate itself, and the Centre has not been provided with the results to date.

Fourth: The family of the deceased (I. Q.) alleged that he died under torture as a result of being severely beaten by a group of personnel working at the Al-Muwaqqar (1) Correction and Rehabilitation Centre on 13/11/2015. However, the personnel of that Centre stated that the cause of this person's death was a blow to the head sustained during a fight with another inmate. Accordingly, the Public Prosecutor charged the assailant inmate with beating resulting in death under Article (195) of the Jordanian Penal Code.

Narcotics cases:

Despite the various efforts made and the national strategies aimed at confronting this scourge, it continues to increase markedly in various geographical areas within the Kingdom, particularly among young age groups. The year 2015 witnessed a remarkable rise in the number of narcotics cases; information indicates that the number of cases detected during that year reached (982) cases of trafficking in narcotic substances and (10080) cases of possession and use, while the number of persons apprehended in trafficking cases reached (1651) and the number of persons apprehended in possession and use cases reached (14040), and (1216) persons were referred for treatment at the Addiction Centre of the Anti-Narcotics and Counterfeiting Department.¹⁴

The Public Security Directorate announced that the Anti-Narcotics and Counterfeiting Department had made efforts in delivering awareness-raising lectures to students of a number of schools and universities, amounting to (3331) lectures; implementing a number of programmes, such as the "No to Drugs" programme, amounting to (52) programmes; holding a number of seminars and workshops, amounting to (86) workshops; and conducting a number of television and radio interviews, amounting to (72) interviews.

Deaths and suicides in the Kingdom:

(a) Deaths in Correction and Rehabilitation Centres:

¹⁴ In 2014, the Addiction Treatment Centre of the Anti-Narcotics and Counterfeiting Department of the Public Security Directorate dealt with (707) persons who underwent treatment, compared with (600) persons in 2013 and (578) persons in 2012.

The Centre documented (30) deaths in Correction and Rehabilitation Centres in 2015, of which (26) were natural deaths, one was an unnatural death resulting from beating by another inmate¹⁵ and (3) were suicides, compared with (24) natural deaths in 2014, (25) deaths in 2013, and (12) deaths in 2012, of which (11) were natural deaths and one was a suicide, (18) deaths in 2011, (17) deaths in 2010, (18) deaths in 2009 and (24) deaths in 2008. In this context, the Centre calls for a study of the issue of deaths in Correction and Rehabilitation Centres, as numerous factors are involved which must be taken into account when forming investigation boards following the death of any inmate.¹⁶

(b) Suicides:

Statistics of the Public Security Directorate indicate an increase in suicides in 2015, which reached (113) cases, compared with (100) suicides, (108) cases in 2013 and (86) cases in 2012.¹⁷ The causes of suicide are generally attributable to various psychological, social or financial, and sometimes emotional, circumstances, and in many instances to a combination of these circumstances.

The death of two sisters who threw themselves from the roof of a building under construction on 10/11/2015 aroused public opinion. The case was referred at the time to the competent judicial authorities, and the investigating authorities determined that the deaths resulted from their throwing themselves from the roof of the said building.

Deaths resulting from traffic accidents:

The National Centre for Human Rights recorded during 2015 a decrease in the number of traffic accidents compared with 2013 and 2014: whereas they numbered (107864) accidents in 2013, they fell to (102441) accidents in 2014 and continued to decline in 2015 to (101345) accidents, resulting in the death of (608) persons and the injury of (9712) others.

On 13/10/2015, by the grace of God, a fatal disaster involving some (25) male and female students on a Mu'tah University route bus, caused by reckless speeding, was averted; no fewer than (20) persons were injured in this accident.

The Government's response to the National Centre's recommendations in this regard included the efforts of the Traffic Department of the Public Security Directorate to reduce traffic accidents and the resulting deaths, injuries and material damage of all kinds by strengthening traffic control with

¹⁵ As reported by the Public Security Directorate.

¹⁶ The forensic pathologist's report alone is not sufficient to consider the causes of death natural where the inmate has a medical history, since numerous factors may interact and lead to death inside those centres. Accordingly, this reference should not be understood as implying any doubts regarding cases of death inside Correction and Rehabilitation Centres; rather, its purpose is to ensure that deaths and their circumstances are not tainted by grounds for allegations relating to medical negligence on the part of those concerned in Correction and Rehabilitation Centres, or to a lack of seriousness on the part of the centre's administration or the centre's physician in dealing with the inmate's health condition by failing to provide him with emergency care in the required manner and at the appropriate time, or to torture. It should be noted that, according to the forensic medical reports issued, most deaths in Correction and Rehabilitation Centres are attributable, on the whole, to old age or to serious illnesses.

¹⁷ Suicide cases in the Kingdom during 2015 by age group: under (18) years: (8) cases; from (18) to (27) years: (44) cases; from (28) to (37) years: (25) cases; from (38) to (47) years: (18) cases; (48) years and over: (18) cases.

the aim of reducing the number of traffic accidents and their consequences, whether through overt control (vehicle or foot patrols), automated control (cameras) or covert control (traffic investigators), in addition to awareness-raising programmes. These are intended to raise the level of traffic awareness, to promote positive behaviour among all segments of society and all age groups, to inform them of the most important developments and changes in traffic legislation, and to publish statistics on traffic accidents and their causes, so as to increase their level of compliance with and observance of traffic rules.

In this context, the National Centre emphasises the importance of studying the main factors contributing to traffic accidents, including a study of the environment, roads and pedestrian bridges, with a view to achieving a safe traffic environment.

Excessive use of force and excesses in raids and arrests:

In 2015 the Centre received (24) reports, compared with (18) reports in 2014 and (22) reports in 2013, of forcible entry into homes, resulting in the terrorising of women, children and residents in a number of areas of the Kingdom during the arrest of wanted persons in special security cases, narcotics cases, certain cases of theft and major embezzlement and fraud cases, and during the security campaigns carried out across all the governorates of the Kingdom. The most prominent of these raids in 2015 were as follows:

(a). The raid carried out in Ma'an Governorate on 15/6/2015 to arrest (3) persons wanted by the judicial and security authorities, accused of the killing and wounding of Public Security personnel, including an officer holding the rank of first lieutenant. During that raid, firearms and "RPG" rockets were used by the wanted persons while resisting the raiding security force, resulting in the death of two of the wanted persons and the escape of the third, and the injury of (4) members of the security forces, one of them seriously. This was followed by riots and violence in the governorate on 16/6/2015, which the security forces brought under control. Following these events, the National Centre formed a fact-finding team, which visited the area and met the parties during the period from 6/7/2015 to 9/7/2015, and submitted its report to the authorities concerned, calling for respect for the rule of law to prevail on the part of persons wanted by the security forces or their families, for refraining from resorting to the use of force, and for assisting the security forces in performing their role.

(b). On 7/9/2015, the Public Security Directorate carried out a security campaign in the Al-Laban area, south of the capital, during which (12) wanted persons were apprehended in connection with narcotics and car theft cases. On 13/9/2015, while one of them was appearing before the State Security Public Prosecutor on a charge of possession of narcotic substances for the purpose of trafficking, he suffered a heart attack and was rushed to hospital, but he died shortly afterwards. The forensic physician attributed the cause of death to respiratory and circulatory failure. Thereupon, a group of persons travelling in five vehicles fired shots into the air in the Al-Laban area and set fire to an electricity transformer, causing a power cut in the area and a fire in one of the houses; they also placed stones at the entrance to the area and then fled. At midnight that night, unidentified persons fired at another electricity transformer in the Al-Rahmaniyya Cooperative Housing area / Al-Laban and then fled. This resulted in a power cut without any loss of life, and the security forces brought these events under control.

(c). On 10/10/2015, a security force arrested a person who had desecrated an Islamic cemetery in Irbid Governorate and broken the headstones of a number of graves therein. As a result of the armed clash and the fierce resistance by the wanted person and his brothers using firearms, stones and sharp instruments, one of them was killed by a gunshot wound and (5) members of the security forces were injured, two of them seriously. The wanted person was arrested in possession of a sharp instrument (a sword), together with one of his brothers.

(d). Riots broke out in the Al-Sareeh area of Irbid Governorate on 28/10/2015 following the arrest by personnel of the Al-Husn Police Station of two wanted persons after a fight between them; one of them was released while the release of the other on bail was refused. During these acts, the licensing centre was attacked and a main street was blocked with stones and tyres, and the confrontation between the security forces and the rioters continued for several hours, resulting in the arrest of (8) persons and the bringing of the events under control.

As part of the measures taken by the Government to reassert the authority of the State, which the authorities began in 2013, the Public Security Directorate carried out during 2015 a number of security campaigns and raids totalling (12,080), which led to the arrest of (67,594) wanted persons in connection with various cases, most of them criminal and narcotics cases; (9,803) vehicles and (1,891) weapons were also seized.

In the Government's response to the Centre's 2014 recommendations on the commitment to respect human rights, the Public Security Directorate affirmed its commitment to Article (9) of the Public Security Law,¹⁸ stating that if it is established through its investigations that force was used excessively during search and raid operations to arrest wanted persons, those exceeding their authority will be held accountable by referral to the Police Court. The response further asserted that some of those who submit complaints concerning the excessive use of force have another aim, namely an attempt to evade legal prosecution. The Centre has been unable to verify either the allegations of some persons in many cases or the measures taken by the Public Security Directorate.

In this regard, attention is drawn to the inadequacy of the legal provisions regulating the procedures for searching homes set out in the Jordanian Criminal Procedure Code No. (9) of 1961, particularly with respect to cases of search that do not require prior authorisation from the competent Public Prosecutor and are based solely on mere suspicion of the commission of a crime. Attention must also be drawn to the need to draft the provisions relating to search procedures in a manner that guarantees the individual's right to the inviolability of his private life.

¹⁸ Article (9) of the Public Security Law: "Public Security personnel may resort to the use of force to the extent necessary for the performance of their duties, provided that its use is the only means of doing so. The use of arms shall be confined to the following cases and reasons: First – to arrest: 1. any person sentenced to a felony penalty, or to a misdemeanour penalty or imprisonment for a term exceeding three months, if he resists or attempts to escape; 2. any person accused of a felony, or caught in the act of committing a misdemeanour punishable by not less than six months, if he resists or attempts to escape. Second – when guarding prisoners, in the cases and under the conditions set out in the Prisons Law. Third – to disperse an assembly or demonstration of at least seven persons, if it endangers public security; in this case, the order to use arms shall be issued by a superior who must be obeyed."

The year 2015 witnessed a number of violations that were unfamiliar in previous years, the most important of which were the following:

(a). Shells originating from Syrian territory fell on Jordanian territory during 2015; on 25/6/2015, a citizen was killed as a result of two shells falling in the Ramtha area.

(b). Celebratory gunfire at weddings, which led to the death of a number of persons; on 20/8/2015, a child aged (8) years was struck by a stray bullet while attending a wedding party in the city of Irbid, which claimed his life. This required the Government to combat this phenomenon, and to that end several security campaigns were carried out against persons firing shots at social occasions. In this context, the Ministry of Interior prepared a new draft Weapons and Ammunition Law and then submitted it to the Legislation and Opinion Bureau at the Prime Ministry. The draft aims to increase the penalties imposed on persons firing shots at social and celebratory occasions, to prohibit the licensing of automatic weapons and to establish new rules on the possession and carrying of weapons.

(c). Assaults by individuals on Public Security personnel; 2015 witnessed several incidents that caused the death of the persons assaulted. The most prominent of these incidents were:

1. A policeman holding the rank of corporal (wakil) of the Criminal Investigation Department was killed on 21/9/2016 when shots were fired at him by an unknown person.
2. A member of the Anti-Narcotics Department died of his wounds on 20/9/2015 after being shot by two dangerous wanted persons involved in drug trafficking.
3. Two policemen holding the ranks of captain and corporal ('arif) of the External Patrols Unit were killed on 1/12/2015 when shots were fired at them by outlaws.

(d). Floods and drowning incidents: The heavy rainfall in the winter season of 2015 caused floods that swept the streets and tunnels of the capital, Amman, to the extent that water flooded many buildings and homes, resulting in the death of a number of persons and the injury of others. An increase in the number of drowning incidents was observed during that year; reports issued by the General Directorate of Civil Defence indicate that the number of drowning incidents reached (74), resulting in the death of (51) persons and the injury of (39) persons.

(e). The explosion of a fireworks container: The explosion of a fireworks container at the Amman Customs on 26/10/2015 led to the death of six persons and the injury of twenty persons. In light of this, the Government decided to ban the import of such fireworks by a decision issued by the Council of Ministers at its session held on 1/11/2015.

In light of the foregoing, the National Centre for Human Rights reaffirms the following recommendations:

The death penalty:

Consideration of accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights, providing for the abolition of the death penalty from national legislation and its replacement by life imprisonment. Pending such accession, the following steps must be taken:

1. Continuing the review of legislation prescribing the death penalty and restricting its scope to the most serious crimes, and establishing stricter controls and conditions on investigation and evidentiary procedures in criminal cases punishable by death.
2. Enacting legal amendments providing for the replacement of the penalty of life imprisonment in certain serious crimes, such as murder and the rape of a minor, with imprisonment for the whole of the offender's natural life or for a term of (50) years, as an alternative to certain instances of the death sentence.
3. The need for the courts to apply mitigating excuses more broadly where the act is a felony punishable by death, while making the penalty subject to all methods of appeal, both on appeal and in cassation, and affirming that the penalty may be pronounced only by the unanimous opinion of the members of the court.
4. Consideration of accepting the competence of the Human Rights Committee to receive complaints.
5. Consideration of reinstating the moratorium on the execution of the death penalty.

Narcotics:

1. Activating, evaluating and developing the strategy for the prevention of narcotics crime through activities to spread awareness, mobilise support and entrench the culture of a “drug-free society”; evaluating the services provided to victims and offenders; and evaluating the performance of the institutions providing such services.
2. Including in school and university curricula materials explaining the harmful effects of narcotics.
3. Religious awareness-raising through mosques, churches and places of worship in general and through religious preaching and guidance activities; general media awareness-raising directed at all segments of society; increasing programmes of sound educational management at the community level; and strengthening the work of community policing in the early detection of cases of drug abuse and addressing the causes driving it.
4. Supporting small family projects and vocational businesses that help individuals find employment opportunities guaranteeing them a decent income and a healthy life far removed from this scourge.
5. Continuing to activate the monitoring of recreational venues and public cafés, some of which may be used for the purposes of drug promotion.
6. Combating unemployment, considering the reinstatement of compulsory military service (Service of the Flag), and expanding summer youth camps.

Torture:

The National Centre reaffirms all of its recommendations set out in its previous reports in the field of combating torture and other forms of ill-treatment,¹⁹ but stresses the need to take immediate measures to give effect to the following recommendations:

¹⁹ See the reports of the National Centre for Human Rights on the website WWW.NCHR.ORG.JO.

- Studying the recognition of the competence of the Committee against Torture referred to in Articles (21) and (22) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984, which is competent to consider communications and complaints from States and individuals.
- Acceding to the Optional Protocol to the Convention against Torture, in addition to recognising the competence of the Human Rights Committee to receive individual complaints concerning violations of the rights set out in the said Covenant (Article 41), and establishing an independent national mechanism to undertake the task of regular visits to places of detention.
- Establishing specialised centres for the rehabilitation of victims of torture, establishing a national fund to compensate them, and creating witness protection programmes.
- Forming an independent judicial committee to investigate torture cases, in order to ensure that perpetrators of torture crimes do not escape punishment.
- Making the director of a Correction and Rehabilitation Centre or a detention centre responsible, in accordance with the provisions of the Penal Code, for the safety of detainees, even where the person who committed the crime of torture or ill-treatment cannot be identified, since it is his duty to put in place the organisation and create an environment that deters the commission of such crimes.
- Abolishing the penalty of solitary confinement.
- Introducing a system of regular medical examinations for all persons held in detention.
- Maintaining regular registers in places of detention (names, detention warrants, visits, transfers).
- Guaranteeing detainees' contact with their families and lawyers.
- Providing inmates, upon their admission to Correction and Rehabilitation Centres, with written information on the regulations in force, the disciplinary rules in the centres, and the permitted means of requesting information and submitting complaints.
- Officially and publicly condemning acts of torture and ill-treatment through visual, audio and print media campaigns.
- Incorporating the principle of the prohibition of torture into the training of law enforcement officials, medical personnel and public officials, and developing training programmes in foundation curricula, lectures and promotion examinations that affirm the prohibition of torture.

1. Introducing legislative amendments that also grant the regular courts subject-matter jurisdiction to hear torture cases, so as to ensure the prosecution and conviction of the perpetrators of these crimes and the compensation of victims.
2. Expressly providing in the law for the right of torture victims to direct compensation from the State, and for the obligation of the State to compensate and rehabilitate torture victims, whether or not the perpetrator has been identified.
3. Taking urgent measures that ensure independent, impartial and fair investigations into all complaints and allegations of torture and ill-treatment, and addressing the legal, judicial and administrative problems relating to prosecution before the Police Court.
4. Taking urgent legislative, judicial and administrative measures and steps that ensure the referral to the regular judiciary of public officials proven to have committed, participated in, acquiesced in or colluded in the commission of such acts, the prosecution of the perpetrators of torture, and the imposition of penalties commensurate with the gravity of the offence.

Suicide Incidents:

1. The need to adopt national strategies based on raising the awareness of society and the family, particularly with regard to monitoring the conduct of their sons and daughters; studying the social,

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- Amending the Penal Code so as to make those in charge of Correction and Rehabilitation Centres or temporary detention centres responsible for the safety of detainees where the perpetrator of the crime of torture against the inmate cannot be identified.
 - Launching media programmes officially condemning all acts of torture and ill-treatment, and guaranteeing the prohibition of torture or inhuman or degrading treatment set out in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and in Article (7) of the International Covenant on Civil and Political Rights.
 - Keeping interrogation rules, and the methods, practices and procedures for the treatment of persons subjected to any form of detention, under regular review, so as to ensure that places of detention are free of any equipment capable of being used for the purposes of torture or ill-treatment.
 - Ensuring that the training programmes of the security agencies include how to deal with detained persons in accordance with international standards, and in a manner that ensures compliance with their codes of conduct.
 - Amending legislation so as to guarantee the absolute prohibition of torture in light of the Constitution and Article (2/2) of the Convention, and reconsidering the text of Article (61) of the Penal Code by providing for the personal responsibility of individuals when they practise torture or any form of ill-treatment, and that orders from a superior authority may not be invoked as a justification for torture, in order to ensure that there is no impunity.
 - The necessity for the Public Prosecution to exercise its competence relating to the prosecution of perpetrators of the crime of torture where judicial rulings are issued declaring the nullity of a confession extracted under torture.

economic and family causes; activating the role of mosques and churches in strengthening religious conscience among all segments of society; and giving attention to mental health and launching awareness programmes dedicated thereto.

2. Activating the strategic plan for the elimination of unemployment and for youth employment.

Excessive Use of Force, and Exaggeration in Raids and Arrests:

1. Amending the provisions on the search of homes set out in the Criminal Procedure Code No. (9) of 1961 in a manner that guarantees the inviolability of private life.

2. The need to abide by the law when resorting to security raids and the forcible entry of homes, and to respect the inviolability of dwellings by complying with the formal and substantive conditions stipulated in the Constitution and the law as well as the relevant international standards, including obtaining the written approval of the Public Prosecutor, and in particular not using force except in cases of absolute necessity and to the minimum extent required to prevent law enforcement agencies from being harmed at the hands of wanted persons, outlaws or members of criminal gangs.

2. The Right to Liberty and Security of Person

Despite the progress achieved in providing the guarantees required for persons deprived of their liberty from the moment of arrest, a number of major gaps still exist. These gaps relate to the following guarantees: access to a lawyer,²⁰ an independent medical examination, notification of the detainee's relatives, informing detainees of their rights at the time of detention and of the charges against them, and being brought before a judge within a short period of time. In this regard, it must be reiterated that national legislation, particularly the Criminal Procedure Code, contains no express provision granting an arrested person the right to the assistance of a lawyer from the moment of his or her detention by the police. Moreover, the Criminal Procedure Code has permitted public prosecutors, on an exceptional basis, to interrogate detainees without lawyers in urgent cases only.²¹

The Crime Prevention Law No. (7) of 1954 likewise permits the administrative authority to arrest persons and deprive them of their liberty by virtue of administrative decisions. Reference must also be made here to the State Security Court Law, which grants the investigating authorities the right to hold suspects for seven days before referring them to the competent judicial authority; to the Criminal Procedure Code, which renders pre-trial detention a general rule, as it were, by linking detention to a broad general criterion termed "the interest of the investigation"; and to the admission, as evidence of guilt, of a statement made by the accused in the absence of the Public Prosecutor, if the Public Prosecution submits evidence of the circumstances in which the statement

²⁰ The amendment to the text of Article (6) of the Bar Association Law includes granting lawyers the power to represent their clients before administrative governors and the judicial police, and the proposed amendment to Article (113) of the Criminal Procedure Code includes providing for the right of a detainee to appoint a lawyer from the moment of his arrest.

²¹ The Criminal Procedure Code No. (9) of 1961, Articles (63/2) and (64) thereof.

was made and that the person made it voluntarily and of his or her own free will.²² All of this contributes to creating an environment conducive to the possible occurrence of torture and other forms of inhuman or cruel treatment.

It should be noted that amending legislation to provide for these guarantees is not, in itself, sufficient, since the establishment of effective preventive oversight mechanisms on the ground is necessary to ensure compliance with the application of these guarantees. Most of the violations that find their way into the annual report issued by the National Centre occur because of shortcomings in such preventive oversight mechanisms on the ground.

Initial Detention and Temporary Custody:

Temporary Detention Centres of the Public Security Directorate.

The National Centre, in cooperation with the Transparency and Human Rights Office of the Public Security Directorate, carried out more than (300) unannounced visits to places of temporary detention in the Kingdom during the years 2013–2015, with the aim of examining those places and monitoring the services provided to, and the treatment received by, detainees. The Centre recorded its observations after directly examining the conditions of the detention environment and hearing the testimonies of detainees in private. There is no doubt that these visits have contributed to tangible improvements in the detention environment in those places: a number of administrative detention facilities have been maintained as part of the rehabilitation of the detention environment, including attention to ventilation, lighting and sanitary facilities; the expansion of the holding area in some of those places; the provision of the necessary bedding (blankets and mattresses); and the regular keeping of records, particularly those relating to health care, telephone calls and visits. As part of this approach, the Public Security Directorate closed (8) temporary detention centres in security centres in order to carry out maintenance works to bring them into conformity with international and national standards relating to prisons and temporary detention centres. The Public Security Directorate also issued a code, circulated to all of its personnel, on dealing with detainees (the Code of Practice Governing and Regulating the Detention of Persons). However, despite the attention given by the Public Security Directorate to the conditions of places of detention and their development, certain observations still remain regarding the conditions of those places, the detainees and the services provided to them during 2015, **the most important of which are:**

1. The lack of maintenance of a number of old buildings suffering from dilapidated infrastructure, particularly the maintenance of toilets and sanitary facilities; the low level of cleanliness therein; the prevalence of humidity and low temperatures in winter and high temperatures in summer; and the absence of sanitary facilities and hygiene supplies in a number of these centres. These places include the detention centres affiliated to the following directorates: East Amman, Central Amman, Zarqa Governorate Police (Azraq Security Centre for Refugees and Bal'ama Security

²² The Committee against Torture, in its concluding observations on the consideration of Jordan's third periodic report, specifically in Observation No. (49), expressed its concern that confessions obtained under duress continue in practice to be used as admissible evidence in court.

Centre), Karak Governorate Police Directorate (Temporary Holding Section for Women), and Tafileh Police Directorate (Al-Hasa Security Centre).

2. The lack of adequate healthy ventilation in many temporary detention centres, particularly in the Petra District Police Directorate (Petra District Security Centre), Aqaba Police Directorate (Al-Quwaira Security Centre), Royal Badia Forces Command (Al-Muwaqqar Badia District), East Amman Directorate (Al-Nasr Security Centre), North Amman Police Directorate (Al-Rasheed Security Centre and Shmeisani Security Centre), Central Amman Directorate (Al-Ashrafiyeh Security Centre), South Amman Police Directorate (Al-Bayader Security Centre and Marj Al-Hamam Security Centre), West Balqa Police Directorate (Dead Sea Security Centre), Ajloun Governorate Police Directorate (Al-Madina Security Centre), Karak Governorate Police Directorate (Southern Mazar Security Centre), and Tafileh Governorate Police Directorate (Al-Hasa Security Centre).

3. Shortages of mattresses, blankets and meals²³ owing to overcrowding in some security centres in the three major governorates: Amman, Zarqa and Irbid.

4. A shortage in the quantity of water, whether for drinking or for washing, in most temporary detention centres, and the failure to allocate places for the performance of religious rites.

5. The lack of actual compliance with the keeping of accurate and regular records in some places of detention, particularly security centres, including the recording of the time and place of arrest, the identity of the officers, the actual place of detention, the state of health of the person upon arrival at the detention centre, the time at which the family and the lawyer were contacted, the time of visits to the detained person, and information on medical examinations upon his or her arrival at, and transfer from, the centre.

6. The continued combination of investigative and custodial powers in some security departments, particularly the Criminal Investigation Department and the Anti-Narcotics and Counterfeiting Department, whereby detainees of those departments are temporarily held in the temporary detention facilities affiliated to them, which leads to an increase in allegations of torture and other forms of ill-treatment.

7. The failure to allocate separate holding places for juvenile and female detainees in most of those security centres.²⁴

²³ Notwithstanding that only one meal, namely lunch, is provided to the detainee.

²⁴ Observations according to the Centre's previous reports: failure to observe the standards for the classification of detainees guaranteed by international and national standards when holding them, leading to juveniles being mixed with adults; failure in practice to enable detainees to contact the outside world, to have recourse to a lawyer and to be examined by a physician; the continued practice of certain security departments of exceeding the legal period for holding suspects, namely (24) hours, by circumventing the law through transferring detainees among a number of security centres; failure to provide appropriate waiting rooms for persons attending certain security centres; resorting to referring the cases of wanted persons with previous records to the judiciary successively, pending the execution of the penalty in each case separately, on the pretext of protecting the security of society and defending the "national interest"; failure to submit the investigation papers and seizure reports (case withholding) drawn up by judicial police officers during the preliminary investigation period to the Public Prosecution, as the competent investigating authority, for long periods, whereby the liberty of persons and the investigation papers are held by the police without notifying the Public Prosecution, owing to the absence of a deterrent measure for violations of Article (49) of the Criminal Procedure Code; the violation of the law by certain judicial police officers and

Places of Temporary Detention of the General Intelligence Directorate:

The specifications of the detention environment (rooms) of the detention centre of the General Intelligence Directorate, the quality of the food provided, and the level of health care and mental health services provided to detainees are considered good in light of the previous announced visits of the National Centre for Human Rights,²⁵ which enabled it to examine the conditions of the detainees held there and assess their treatment by meeting with detainees in private. However, such announced visits do not afford the independent oversight required to carry out this task on a periodic and regular basis in order to examine the daily living conditions of detainees and hear their complaints. The National Centre has requested that its specialised team be permitted to conduct unannounced visits to the detention centre affiliated to the Directorate; however, the first report issued in response to the Centre's recommendations for 2014 affirmed that only announced visits to the detention centre of the General Intelligence Directorate may be carried out.

In this regard, the National Centre reaffirms the observations it has previously pointed out in its previous reports regarding the conditions of detention at the detention centre of the General Intelligence Directorate, the most important of which are:

- a. The lengthy duration of judicial detention for some persons, with the detention order usually being issued by the Public Prosecutor of the State Security Court for a period exceeding three months.
- b. The state of isolation in solitary rooms within the detention centre, without detainees being permitted to mix even during mealtimes or exercise periods in the open air.
- c. Not permitting inmates to meet their visitors during visits, and the occasional prohibition of visits to some detainees by virtue of a decision of the Public Prosecutor of the State Security Court,²⁶ which leaves them isolated from their families and lawyers.

It was possible to confirm these observations on the basis of the complaints received by the Centre. The complaints received by the National Centre for Human Rights this year, as in previous years, continued to concern the Directorate's withholding of passports and certain other identity documents, travel bans, and the refusal to grant security clearance for the purposes of obtaining employment.²⁷ It is noted, however, that the number of complaints relating to the detention

their exceeding of the powers granted to them under Article (100) of the Criminal Procedure Code, and their exercise of the Public Prosecutor's power to interrogate defendants instead of confining themselves to their legally defined powers, namely hearing the statements of defendants and referring them to the competent Public Prosecutor within (24) hours; and the Centre's team observed, during its visits to those places, the existence of ready-made detention warrants pre-signed by administrative governors and by security centres and departments for extending the detention of persons on the pretext of investigation, without adherence to the provisions of the Crime Prevention Law of 1954.

²⁵ The Centre conducts announced inspection visits to the detention centre of the General Intelligence Directorate.

²⁶ The Criminal Procedure Code No. (9) of 1961, as amended, Article (66), which provides that: "1. The Public Prosecutor may decide to prohibit communication with a detained defendant for a period not exceeding ten days, renewable. 2. Such prohibition shall not include the defendant's lawyer, who may communicate with him at any time and out of the hearing of any monitor."

²⁷ The Government's response for 2014 denied the Directorate's interference in the matter of appointments to official departments and institutions or in the issuance of travel bans, since the latter fall within the competence of the judiciary, and denied that the Directorate withholds any valid and lawful documents. In certain cases, particularly when a person

environment at the detention centre affiliated to the General Intelligence Directorate decreased during 2015 compared with previous years.

Administrative Detention:

The year 2015 witnessed a decrease in the number of administrative detainees, which reached (19,860) detainees, compared with 2014, when the number of administrative detainees stood at (20,216). This nevertheless still represents an increase compared with the numbers of administrative detainees of (12,766) in 2013, (12,410) in 2012 and (11,345) in 2011. In 2015 the Centre received a number of complaints and reports relating to administrative detention, amounting to (89) complaints, as well as (25) complaints concerning the imposition of house arrest, compared with 2014, when the number of complaints relating to administrative detention reached (120) and the number of complaints relating to house arrest reached (37); while in 2013 the number of complaints relating to administrative detention was (59) and the number of complaints concerning house arrest was (48). It should be noted that most of these detainees were placed in administrative detention after serving their sentences.²⁸ On the basis of the complaints received by the Centre during the years 2003–2015, and their analysis, it is evident that there is clear arbitrariness in the exercise by administrative governors of the powers conferred upon them under the provisions of the Crime Prevention Law of 1954.

The negative aspects of administrative detention and its consequences, whether social, psychological or even economic, persist in light of the failure to address the series of abuses and violations previously referred to in the report issued by the National Centre on administrative detention (*Judicial Powers in Executive Hands*)²⁹ in 2010, namely the problems of furnishing bail and the periods of administrative detention.³⁰ No developments have been witnessed in this respect, as administrative governors continue to place persons in administrative detention; indeed, detention orders have extended to foreign nationals residing on Jordanian territory, with lengthy periods of detention that may reach three years owing to their inability to furnish bail, delays in taking deportation measures, or delays in deciding on the detainee's case. This is in addition to the house arrest orders issued by administrative governors on the basis of the security record (a cumulative record of entries on suspects) and the recommendation of the security agencies, a procedure that contravenes the principle of legality in the Penal Code, that law being the general umbrella for all laws. The phenomenon of the administrative detention of women under the heading of so-called honour cases has also persisted, with the deprivation of their liberty that such orders entail on the pretext of protecting their right to life; some of these women have remained

leaving or entering the territory of the Kingdom is in possession of documents suspected of being forged or bearing counterfeit stamps, such documents are retained for the purposes of examining and verifying them and the identity of their holder through a security check, and taking the necessary legal measures in respect thereof in coordination with the Public Security Directorate.

²⁸ It should be noted that no study containing statistics specifically on this issue has previously been prepared; however, most of the complainants who approached the Centre confirmed this.

²⁹ See the report “Judicial Powers in Executive Hands” at WWW.NCHR.ORG.JO.

³⁰ See the report “Judicial Powers in Executive Hands” at WWW.NCHR.ORG.JO.

in detention for many years, and there are national efforts under way to secure their release or place them in a special shelter.³¹

In the area of deprivation of liberty in a manner contrary to the Kingdom's obligations under the international instruments, the Centre has observed, during its years of work and in 2015, the persistence of many of the following violations:

1. The continued encroachment of administrative detention orders on judicial decisions of acquittal or non-liability issued by the competent courts.
2. The continued non-compliance with the legal rules governing administrative detention, namely not permitting lawyers to attend the interrogation of the suspect, conducting investigations in the absence of a written complaint, and the requirement that such complaint not be pending before the judiciary.
3. The continued application of the “re-detention” system³² after the conclusion of judicial proceedings, in some cases without any incident having occurred or on the basis of an incident not punishable by law, against persons with “security records”,³³ “in addition to its contravention and disregard of the principle that no person may be prosecuted more than once for the same act”.³⁴

The Centre wishes to affirm that the Crime Prevention Law applied by administrative governors, notwithstanding what it may achieve in addressing certain security necessities and the direct benefits it may yield in terms of achieving security for society, enforcing the rule of law and strengthening the role of the administrative governor, constitutes a breach of the international instruments ratified by the Kingdom and directly contravenes the provisions of the Constitution, in addition to contravening the principle of criminal legality, which rests on two fundamental rules, namely: “the accused is innocent until proven guilty” and “there is no crime and no punishment except by law”. The Centre renews its previous recommendations concerning the need to repeal this law forthwith, to include in the criminal laws provisions setting out preventive measures to curb criminal dangerousness, and to vest such powers exclusively in the regular courts. The matter is aggravated further when the law is applied selectively and/or without respecting the principles and controls set out therein.

³¹ The Committee against Torture recently expressed, in its Concluding Observations Nos. (21) and (22) upon consideration of Jordan's third periodic report, its concern at the State's continued resort to administrative detention under the Crime Prevention Law, which permits detention without charge and raises questions regarding the separation of powers. For more information, see WWW.OHCHR.ORG.JO.

³² That is, placing the person before the administrative governor after the conclusion of the judicial proceedings, for the purpose of taking an administrative measure against him, such as imposing house arrest.

³³ It is a cumulative record, held by the security departments, of persons who have engaged in conduct contrary to the law.

³⁴ Article (58) of the Criminal Procedure Code provides that “a single act shall be prosecuted only once”.

Judicial Detention:

According to the statistics of the Public Security Directorate, the Centre observed a decrease in the number of persons held in judicial detention³⁵ during 2015, with (28437) persons detained compared with (30835) persons in 2014 and (23593) persons in 2013, while the number in 2012 stood at (25211) persons. It should be noted that the number of persons in judicial detention exceeded the number of convicted persons for the years 2011–2015; the number of convicted persons in 2015 stood at (15765) persons, compared with (16077) persons in 2014 and (13233) persons in 2013.

On the other hand, the National Centre observed an increase in the number of judicial detainees compared with the number of convicted persons. Notwithstanding the amendments introduced by the Amended Criminal Procedure Code No. (19) of 2009 with regard to the offences for which detention is mandatory and the conditions of detention, whereby judicial detention, whether ordered by a judge or by a public prosecutor, is deemed a precautionary measure and not a penalty, this has not led to a reduction in the number of judicial detainees. The number of judicial detainees continues to rise compared with the number of convicted persons. This calls for a study of the causes of delays in the adjudication of cases brought before the judiciary, and of the reasons for the continued detention of some accused persons for lengthy periods that may at times exceed the duration of the penalty.³⁶ Reference should be made in this regard to the detention of Mr. (A. L.) for a period exceeding three years, following which the court declared him innocent of the charge brought against him.

In this regard, the Centre affirms the need for clear objective controls and criteria for detention during the stage of preliminary investigation or trial, as a guarantee of respect for both the liberty of the individual and the authority of the State to investigate. During 2015, detention for lengthy periods, at times exceeding the duration of the penalty, continued, and cases were observed of persons detained for periods exceeding three years, following which the court issued decisions of acquittal or non-liability. This constitutes a clear breach of fair trial guarantees; the matter therefore requires amending legislation to establish controls on detention, as well as amending Article (114) of the Criminal Procedure Code.³⁷

Among the most prominent cases witnessing prolonged detention are those relating to persons accused of terrorist acts or other criminal cases falling within the jurisdiction of the State Security

³⁵ The direct and principal reason for the rise in the number of persons in judicial detention is the Public Prosecutors' extensive use of detention, as the detention order is issued at the outset of the investigation stages, together with other reasons, including the extreme slowness of trial proceedings and of the notification of witnesses or the appearance of the accused, or the deliberate prolongation of trials by certain lawyers.

³⁶ Article (14) of the International Covenant on Civil and Political Rights, which Jordan ratified on 28/5/1975. The Covenant became part of the national legal system after its publication in the Official Gazette at page (2227) of Issue No. (4764) dated 15/6/2006.

³⁷ Such that the amendment ensures that the period of detention during investigation and trial shall not exceed six months for misdemeanours and two years for felonies; that, should the court find reasons warranting the continuation of detention until the conclusion of the trial, it must send the case file, together with the reasons for the extension, to the higher court for the issuance of the appropriate decision; and that the right of every person who has been the victim of unlawful detention or arrest to obtain compensation is expressly provided for, since Article (256) of the Jordanian Civil Code is insufficient and an explicit provision on this matter must be enacted.

Court; the number of persons detained on behalf of the State Security Court in 2015 reached (13822) persons. During 2015, the National Centre also observed continued delays in scheduling hearings for persons detained in connection with such cases for lengthy periods, contrary to their right to be tried within a reasonable time or to be released.

It is worth noting that the Committee for Amending the Criminal Procedure Code³⁸ has introduced alternatives to detention through the use of the electronic bracelet as an alternative to detention, whereby the bracelet prevents the person from leaving the geographical area designated for him or her by the judge. This will lead to financial savings for the Treasury in respect of detention in Correction and Rehabilitation Centres, and will spare persons from mixing with convicted persons who have criminal records.

Correction and Rehabilitation Centres:

The number of inmates in Correction and Rehabilitation Centres in 2015 ranged between (10000–16000) inmates, and the number of admissions to Correction and Rehabilitation Centres during 2015 reached (64062) inmates, compared with (67128) inmates in 2014 and (49592) inmates in 2013.

Reference must be made to a number of steps taken in the area of developing these centres, **the most prominent of which are:**

- (a). The completion of the maintenance and restoration of Dormitories (A and D) at Juwaida Correction and Rehabilitation Centre / Men.
- (b). The establishment of a special visiting garden for inmates, and the improvement of the performance of the craft workshops at Al-Muwaqqar (1) and Umm Al-Lulu Correction and Rehabilitation Centres.
- (c). The implementation of awareness programmes for persons holding takfiri ideology through the Committee for Combating Takfiri Ideology.
- (d). The participation of the Correction and Rehabilitation Centres Department in several exhibitions and bazaars (ceramics, embroidery, paintings, etc.).³⁹

³⁸ This committee is formed within the Ministry of Justice, and its membership includes judges and representatives of the Bar Association and the National Centre for Human Rights.

³⁹ Introducing forms and registers for following up inmates' complaints in Correction and Rehabilitation Centres, establishing standards for the human resources working therein, preparing a procedures manual, and increasing the number of telephone booths.

(e). The continued implementation of the “Tahwin”⁴⁰ and “Tahyi’a”⁴¹ programmes; the launch of the “Ihtimam” initiative, which includes equipping a special wing for persons with disabilities; in addition to the “Mazaya” initiative;⁴² and the continuation of the “Musnada” programme.

On the other hand, in 2015 the Centre observed the persistence of a series of problems that adversely affect the protection of the rights of inmates and the right to liberty and security of person, which were referred to in its previous reports,⁴³ **the most prominent of which are:**

⁴⁰ The programme benefits convicted inmates and persons in judicial detention for minor misdemeanours whose penalty does not exceed one year, and who have not previously been admitted to Correction and Rehabilitation Centres.

⁴¹ The programme benefits inmates serving sentences of eighteen months or more whose sentences are nearing completion; the programme aims to prepare them to overcome the difficult situation upon their release and to adapt to the outside environment.

⁴² The Health Ward Initiative, which aims to give inmates the opportunity to choose a healthy lifestyle free of violence and disorder, in a humane environment consistent with the laws and instructions.

⁴³ See in this regard the reports of the National Centre for Human Rights on the website WWW.NCHR.ORG.JO.

- The prevalence of humidity in some Correction and Rehabilitation Centres.
- The short duration of telephone calls.
- The continued limited nature of the social care services provided to inmates and their families.
- The continued limited nature of custodial, preventive and curative health care services, including psychological care and counselling services; the number of mental health patients taking psychiatric medication in 2015 reached (1801) inmates.
- Failure to carry out maintenance of ceilings and floors.
- The shortage of books and their lack of variety in many of the centres.
- The remoteness of some centres from the public transport network.
- The disparity in the wages of inmates working in some workshops or working in the kitchen or the school.
- The absence of specialised health programmes for addicts of narcotic drugs and psychotropic substances resulting from withdrawal symptoms.
- The absence of specialised studies on the rate of recidivism among men and women, and the lack of accurate statistics showing the types of crimes, the age group, the geographical area and the reasons for reoffending.
- The spread of insects (bedbugs) in one of the centres owing to a shortage of cleaning materials.
- Interruptions and irregularity of television broadcasting.
- The delay in transferring supervision of prisons from the Ministry of Interior to the Ministry of Justice.
- The transfer of inmates to centres far from their families’ place of residence because of disciplinary violations committed inside the prison.

(a). The continuing problem of missed court hearings.

(b). Overcrowding in a number of centres, despite the construction of new centres, and the failure to adopt a well-studied criterion for determining the capacity of prisons that takes into account the total area of the prison and the area allocated to service and sleeping facilities for each inmate.

(c). Inmates belonging to so-called “unlawful organisations” complained of the prohibition of visits by second-degree relatives and friends, and of search procedures that violate privacy.

The Centre also recorded the occurrence of (416) strikes in Correction and Rehabilitation Centres during 2015, compared with (309) in 2014, (319) in 2013, (342) in 2012 and (276) in 2011. It is noted that the frequency of such strikes increased over the previous year. The Centre observed several strikes by inmates of Al-Muwaqqar (2) Correction and Rehabilitation Centre owing to the state of isolation they suffer in the said centre as a result of the architectural design of its rooms, which consist of solitary cells that do not allow inmates to mix; inmates are likewise not permitted to mix during exercise periods in the open air or at mealtimes; telephone calls with the family are not permitted except to landline numbers; and owing to the continued prolonged detention pending trial before the State Security Court on account of their alleged commission of terrorist acts or other criminal cases falling within the jurisdiction of the State Security Court.

Recommendations:

In light of the foregoing, the Centre renews its recommendations set out in its previous annual reports,⁴⁴ but calls on the Government to take prompt measures to implement the following recommendations:

Administrative Detention:

1. Repealing the Crime Prevention Law of 1954 forthwith, in response to the Centre’s recommendations set out in its previous annual reports; including in the criminal laws provisions setting out preventive measures to curb criminal dangerousness; reviewing the provisions on aggravation of penalties in cases of recidivism; and vesting such powers exclusively in the regular courts. Pending this, the Centre recommends that the following amendments be made to this law.

2. Ensuring respect for, and compliance with, judicial decisions and final judgments of acquittal or non-liability.

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- The absence of a designated place for practising religious rites in one of the centres.
 - The limited recreational, cultural and sports programmes.
 - Failure to activate aftercare programmes.
 - Failure to properly apply international and national standards on the classification of inmates.
 - Failure to adopt alternatives to custodial sentences aimed at the rehabilitation, training and employment of inmates.

⁴⁴ See in this regard the reports of the National Centre for Human Rights on the website: WWW.NCHR.ORG.JO.

3. Compliance by administrative governors with Article (4) of the Crime Prevention Law as regards the procedures to be followed when resorting to administrative detention, with respect to the issuance of the arrest warrant, the hearing of the statements of the persons concerned, and thereafter the issuance of administrative detention orders.

Judicial Detention:

1. Reducing the problems of notification between the courts and prisons and establishing a clear mechanism therefor, while ensuring that detention orders are renewed within the legal time limits and that renewal is not resorted to automatically, and activating the mechanism of inspection of prisons by the judicial authority. Legislation must also be amended to provide for the right of every person who has been the victim of unlawful detention or arrest to obtain compensation, in accordance with the international instruments to which the Kingdom has committed itself.

2. Establishing controls on detention.

3. Expediting the adoption of legislation on alternative penalties, with a view to addressing the issue of judicial detention and its prolonged duration before and during trial.

4. Working to develop legislation and judicial practices with a view to expediting trial proceedings.

Initial Detention and Temporary Custody at the Public Security Directorate:

1. Expediting the amendment of national legislation so as to guarantee detainees' contact with their families, their examination by a doctor, and their access to the necessary legal assistance from the moment of arrest and throughout the periods of preliminary investigation.

2. Upgrading places of detention in existing security centres in accordance with standards that guarantee the provision of care and protection to detainees, in line with the relevant international standards.

3. Keeping accurate records in places of detention, including the recording of the time and place of arrest, the identity of the officers, the actual place of detention, the state of health of the person upon arrival at the detention centre, the time at which the family and the lawyer were contacted, the time of visits to the detained person, and information on medical examinations upon his or her arrival at, and transfer from, the centre.

Correction and Rehabilitation Centres:⁴⁵

1. Transferring supervision of Correction and Rehabilitation Centres from the Ministry of Interior to the Ministry of Justice.

⁴⁵ In the area of the detention environment: the necessity of adopting a qualitative criterion for determining the capacity of Correction and Rehabilitation Centres that takes into account a range of factors, circumstances, relationships and material and legal conditions, such as: the total area of the Correction and Rehabilitation Centre, the area allocated to service facilities, the area allocated to the administration of the centre, the area allocated for each inmate's sleeping quarters, the size of the centre's administration relative to the number of inmates, the type and standard of facilities and services, the forms of care provided to inmates, the duties of the authorities concerned with the conditions of Correction and Rehabilitation Centres, and the periods of detention (sentences), as well as social customs and values and other factors that

2. Finding solutions to the problem of overcrowding in Correction and Rehabilitation Centres, including activating the legislative provision on the suspension of the execution of sentences (Article (54) bis of the Penal Code), and adopting penalties alternative to deprivation of liberty.

Places of Detention at the General Intelligence Directorate:

1. Permitting the National Centre to carry out unannounced visits to the detention centre affiliated to the General Intelligence Directorate.

2. Relocating the offices of the Public Prosecution of the State Security Court away from the premises of the General Intelligence Directorate, and activating inspection of the detention centre affiliated to the General Intelligence Directorate by the presidents of the courts and the civil Public Prosecution, in implementation of the provisions of Article (8) of the Correction and Rehabilitation Centres Law No. (9) of 2004.

enable the application of international standards in the construction and management of prisons and the treatment of prisoners.

- In the area of medical care: attention to conducting comprehensive medical examinations for inmates of Correction and Rehabilitation Centres and all persons held in detention; increasing the number of psychiatrists who follow up the conditions of inmates suffering from mental illnesses; appointing psychologists to undertake the task of behavioural therapy; and making legislative amendments to the Correction and Rehabilitation Centres Law so as to guarantee the medical release of certain inmates suffering from serious illnesses.
 - In the area of social care: enhancing the effectiveness of the role of the social worker in Correction and Rehabilitation Centres by holding awareness lectures on the social care services provided by the Ministry of Social Development, while providing introductory leaflets, to be given to every inmate upon admission to any Correction and Rehabilitation Centre, explaining the nature of these services; and strengthening aftercare programmes and preparing inmates for release.
 - In the area of the rights of inmates and detainees: addressing the problem of visits in terms of the long waiting time for visitors and the manner in which they are searched in Correction and Rehabilitation Centres; establishing a mechanism to resolve the problem of correspondence and telephone communications for inmates and certain detainees in temporary detention facilities; and addressing the issue of meals and their adequacy, particularly breakfast and dinner in Correction and Rehabilitation Centres, and providing them to detainees in temporary detention facilities.
1. Addressing the problems of drinking and bathing water in Correction and Rehabilitation Centres and temporary detention facilities.
 2. Addressing the problems of overcrowding in Correction and Rehabilitation Centres and temporary detention facilities.
 3. Addressing the issue of humidity, poor ventilation and hygiene in some Correction and Rehabilitation Centres and temporary detention facilities.
 4. Addressing the issue of the searching of certain inmates.
 5. Addressing the issue of the transfer and restraint of inmates.

3. The Right to a Fair Trial

International instruments guarantee the right to a fair trial before an independent, just, impartial, speedy and effective judiciary. The Jordanian Constitution likewise guarantees the independence of the judiciary by affirming the principle of the flexible separation of powers, as confirmed by Article (27) of the Jordanian Constitution, which provides that: “The Judicial Power shall be independent and shall be exercised by the courts of law of their various types and degrees, and all judgments shall be rendered in accordance with the law in the name of the King”.

The year 2015 witnessed the amendment of a number of pieces of legislation that would strengthen the right of individuals to a fair trial, the most prominent of which are:

First: The approval by the Council of Ministers of the draft law amending the Execution Law No. (25) of 2007 and its submission to the House of Representatives, which in turn referred it back to the Legal Committee a second time for further examination and consultation; it has not been enacted to date.⁴⁶ The draft law contains a number of provisions that contribute to strengthening fair trial guarantees, including:

1. Setting a time limit for the repayment of a debt where a settlement is offered by the debtor, whereas that period was previously open-ended, which led to the prolongation of the repayment period for periods reaching, in some instances, decades, to the detriment of creditors.

Notwithstanding the aforementioned positive aspects, there are certain problems in the amending draft law that would infringe the right to a fair trial, including the absence of an express provision prohibiting recourse to the imprisonment of an insolvent debtor, as required by Article (11) of the International Covenant on Civil and Political Rights.

Second: The amendment of the Penal Code No. (16) of 1960, which included a number of points, the most prominent of which are:⁴⁷

1. Increasing the penalties for the offences of assault on a public official, offences relating to water, livestock theft and others.

2. Redrafting the text of Article (99); under the amended text, the court may, if it finds a discretionary mitigating circumstance, impose a sentence of hard labour for life instead of the death penalty, and a sentence of temporary hard labour or temporary detention for fifteen years instead of hard labour or detention for life; and the court may reduce any other criminal penalty by no more than one third, instead of by one half as provided under the current law.

3. Imposing community sanctions as an alternative to custodial penalties. These sanctions consist of requiring a person convicted of certain minor offences to perform community service, such as service in shelters for older persons, municipalities or elsewhere. Article (27) of the draft law provides that “If a person is sentenced to imprisonment for a period not exceeding one year, the court that rendered the judgment may convert the imprisonment into community service if it is

⁴⁶ Al-Ghad newspaper, dated 6/9/2015.

⁴⁷ The draft law amending the Jordanian Penal Code No. (16) of 1960 was approved by the Council of Ministers on 17/4/2016 and referred to the House of Representatives.

satisfied that community service is a sufficient penalty for the offence of which that person was convicted; this shall be in accordance with the restrictions and conditions determined by the judge responsible for the execution of sentences”.

4. Deleting the word (“hard”) from the text of Article (14) of the law wherever it appears in the law. The justification for the deletion is particularly important, as it states that the penal policy in Jordan takes into account international human rights standards, under which hard labour does not exist within the penal system, but rather labour appropriate to the situation of the convicted person.

5. Redrafting the text of Article (20) of the law by setting an upper limit for hard labour and detention for life, which has become (30) years; the upper limit for temporary hard labour and temporary detention was also amended to become (20) years instead of (15) years.

6. Amending Article (308) concerning the suspension of the prosecution of the perpetrator in offences against honour. The provisions of Paragraph (a) thereof were amended so that they no longer cover all offences against honour, but are confined to the offences in respect of which prosecution is suspended if a valid marriage contract is concluded between the perpetrator and the victim. The amendment also covered the offences stipulated in the following Articles: (282) concerning the offence of adultery; (294/1) concerning sexual intercourse with a female (other than a wife) under eighteen years of age; (298/1) concerning the offence of indecent assault; and (304/1) concerning the deflowering of a virgin girl over (18) years of age by deception through a promise of marriage. The provisions of Paragraph (3) of the above text were also amended so that the Public Prosecution recovers its right to pursue the public right of action and to enforce the penalty if the marriage ends in the divorce of the woman without legitimate cause before the lapse of five years from the date of the conclusion of the marriage contract.

7. Introducing Article (330) bis to address the phenomenon of firing gunshots, fireworks or firecrackers without a licence at celebrations and weddings, whereby the penalty is imprisonment for a period of not less than one month and a fine of (200) dinars. Where such act results in harm, the penalty shall then be imprisonment for a period of not less than one year, and hard labour where the act results in the amputation or removal of a limb or organ, disfigurement, or the miscarriage of a pregnant woman.

8. Affording persons with disabilities greater protection by increasing the penalties against those who commit offences against persons with disabilities, such as neglect, abandonment, abduction, rape and unintentional homicide.

Third: The approval by the Judicial Council of the Instructions on the Inspection of the Regular Courts, issued pursuant to Article (13) of the Regulation on the Inspection of the Regular Courts No. (43) of 2015, which entered into force on 13 August 2015.⁴⁸ The Instructions provide that inspection of the work of judges shall be conducted at the offices of the Judicial Inspection Department or at the judge’s place of work; that the annual inspection reports on the work of judges shall be submitted before the beginning of May of each year; and that inspecting judges,

⁴⁸ The Regulation was published in Official Gazette Issue No. (5345) dated 16/6/2015.

seconded and delegated judges, and judges performing non-judicial functions shall be evaluated by the Judicial Council or its delegate in the manner it deems appropriate.

Notwithstanding the aforementioned positive aspects, the draft law included certain provisions that would adversely affect fair trial guarantees, the most important of which are:

2. The inclusion in the draft law of a provision criminalising professional and labour strikes under the heading of obstruction of public order. Article (183 bis) of the amending draft law provides as follows:

- Every employee or worker, whether in the public or private sector, who refrains from work with the aim of exerting pressure to achieve a particular demand, or who incites thereto, in institutions providing public or essential services to the public, shall be punished by imprisonment for a period of three months or by a fine of fifty dinars to two hundred dinars.
- The services rendered by an institution whose activity is connected to a service facility, such as health care, electricity, water, telephone, education, the judiciary and transport, shall be deemed public or essential services.
- The maximum penalty shall be doubled if the abandonment of work or refusal to work is liable to expose people's lives or security to danger, causing unrest or sedition among people, or results in the blocking of public roads, squares and public spaces. Consequently, this amendment, in its loose, general (absolute) wording, conflicts with international human rights standards, in particular the right to strike and freedom of opinion and expression. The National Centre for Human Rights had previously expressed its view on the text of the above-mentioned Article as follows:

1. This legal provision is inconsistent with government statements to the effect that the basis of criminalisation is the disruption of public and vital facilities in the State; however, this Article may also be interpreted so as to prohibit the exercise of the right to strike in professions such as education, etc.

2. This Article contravenes Jordan's international obligations, in particular the provisions of Article (8) of the International Covenant on Economic, Social and Cultural Rights and the standards of the International Labour Organisation, which protect the right to strike as a last resort, save for a limited number of professions and subject to conditions.

3. The third Paragraph introduced an exceptional aggravating circumstance in absolute terms, which brings the scope of criminal liability closer to a generality of description that is inconsistent with the established principles of criminalisation.

Fourth: The amendment of Article (80) of the Public Security Law No. (38) of 1965, as amended,⁴⁹ which provided for the establishment of the Police Judiciary Directorate and a Police Court of Appeal to hear appeals against decisions issued by the Police Court in misdemeanours, which previously could not be challenged by way of appeal. Furthermore, judgments of the Police Court in felonies are subject to challenge before the Court of Cassation, in the same manner as

⁴⁹ Amending Law No. (11) of 2015 was published in Official Gazette Issue No. (5335) dated 01/04/2015.

decisions of the Grand Criminal Court, provided that one of the members of the panel of the Court of Appeal is a regular (civil) judge nominated by the President of the Judicial Council.

The year 2015 also witnessed a number of decisions issued by the executive authority to enhance the right of individuals to a fair trial, the most important of which were:

First: The application of the electronic bracelet as an alternative to judicial detention pursuant to a decision of the Council of Ministers dated 20/9/2015. This decision was intended to incorporate the legal provisions necessary for the use of the electronic bracelet into the Criminal Procedure Code No. (9) of 1961. It is worth noting that the Ministry of Justice formed a committee (of which the National Centre for Human Rights is a member) for the purpose of amending the Criminal Procedure Code; the draft amending law is in the final stages of its approval by the committee, after which it will be submitted to the Legislation and Opinion Bureau.

Second: The establishment of a dedicated legal aid office within the Ministry of Justice, under the Directorate of Human Rights and Family Affairs, in addition to the development of a draft organisational structure for the Legal Aid Section within the Ministry's headquarters and the courts, and the issuance of job descriptions for the staff and the duties assigned to the staff of the Section and its subsidiary divisions.

Third: The signing of a Memorandum of Understanding between the Ministry of Justice and the Jordanian Bar Association in the field of legal aid on 18/02/2015 in order to strengthen the guarantees of the right of defence, in particular the right to the assistance of a lawyer, in addition to the Memorandum of Understanding signed between the Ministry of Justice and the Justice Center for Legal Aid on 14/10/2014 to develop and institutionalise the mechanisms for providing legal aid services, with the cooperation to cover the various governorates of the Kingdom.

On the other hand, these positive developments of 2015 referred to above in respect of the right to a fair trial were accompanied by a number of challenges that impede citizens' enjoyment of the right to a fair trial in the fullest manner, the most prominent of which are:

First: The continued application of the State Security Court Law, notwithstanding repeated calls to amend the provisions that conflict with human rights standards, the most prominent of which are: 1. The power of the Prime Minister to constitute this Court, which amounts to interference by the executive authority in the work of the judicial authority; it would be more appropriate for the establishment and composition of this Court to be provided for directly by law. 2. The departure from the general rules set out in the Penal Code regarding: (a) the rules on criminal complicity and the liability of each of the principal, the instigator, the accessory and the accomplice in these offences; (b) the powers of the judicial police/the police to hold the detainee/person in custody, as provided for in the Criminal Procedure Code, for a period of (7) days instead of (24) hours; (c) the time limits for challenging judgments of the State Security Court in criminal cases.

Second: The continued application of the Prevention of Terrorism Law No. (55) of 2006, as amended. The Centre considers that the current amended Law contains numerous problems, the most important of which may be highlighted as follows:⁵⁰

⁵⁰ Amending Law No. (18) of 2014 was published in Official Gazette Issue No. (3365) dated 01/06/2014.

- The broadening of the concept of a terrorist act under Article (2) of the Law, contrary to the definition of a terrorist act in the Penal Code under Article (147). Accordingly, the broadening of the definition creates inconsistency within the legislative system in the course of applying the penal provisions, which constitutes a source of inequality among those to whom the legal rule is addressed.
- The disregard of the concept of criminal intent in the text of Article (2) of the Law, which permits the judge to apply the legal provisions to offences and to attribute the description of terrorism to the accused for ordinary acts that may not actually constitute terrorist acts. This approach contravenes the international standards that guarantee fair trial safeguards and that no one shall be prosecuted for offences except on the basis of a criminal agreement (Article (14) of the International Covenant on Civil and Political Rights, Articles (7) and (11) of the Universal Declaration of Human Rights, and Article (2) of the United Nations Convention against Transnational Organized Crime).
- The description of terrorist acts in loose and broad terms, such as “public order”, “the safety of society”, “provoking sedition”, “the security of society”, “spreading terror” and “terrifying people”; all these terms are broad in meaning and may be applied with latitude when implementing the legal provisions, so that any act or activity falling within their scope may be considered a terrorist act. This contradicts international standards, specifically Articles (4) and (14) of the International Covenant on Civil and Political Rights, which guarantee that the authorities shall not take any measures that would infringe upon the guaranteed rights or as a result of which fair trial guarantees would be undermined.
- Article (3/b) of the Law considers any act that would disturb the relations of the Jordanian State with a foreign State to be a terrorist act, which makes it possible to include any act under the description of a terrorist act without specifying any objective or legal criteria. This constitutes a violation of the right to freedom of expression (and the right to peaceful assembly and public participation), and even of the freedom of publication and the media to receive, publish, broadcast and transmit information.

Third: The failure to review legislation containing provisions that conflict with the provisions of the Constitution and the general principles of the right to a fair trial. The most important of such legislation is: the Customs Law, the Crime Prevention Law, the Law on the Collection of Public Funds and the Economic Crimes Law, which contain provisions granting judicial powers to officials of the executive authority.

- With regard to the Sharia judiciary, the following may be noted:
 1. The year 2015 witnessed the adoption of a number of pieces of legislation relating to the Sharia judiciary, the most prominent of which were: the adoption of the draft Law Amending the Law on the Formation of Sharia Courts No. (20) of 2015, and the issuance of the Alimony Advance Fund Regulation No. (48) of 2015.
 2. The establishment of the Supreme Sharia Court, which will be a court of law, reviewing the application of the law by the Sharia courts as the highest and final authority of litigation in the Sharia courts, and in order to consolidate the principle of two-tier litigation. The Sharia Courts

Law provides that the Supreme Sharia Court shall be composed, in its ordinary panel, of five judges and, in its general panel (full bench), of seven judges; its President shall be appointed, and his service terminated, by Royal Decree, and he shall take the legal oath before His Majesty the King. The Court shall have jurisdiction to consider applications and appeals submitted against judgments and decisions issued by the Sharia Courts of Appeal, in accordance with the Sharia Procedure Law. Notwithstanding this positive development in the structure of the Sharia judiciary, the Centre considers that the establishment of the Supreme Sharia Court would undermine the unity of the judiciary embodied in the Court of Cassation; this ought to have been taken into account in the constitutional amendments, so that this court would become one of the chambers of the Court of Cassation.

3. In response to the Centre's recommendation in its Eleventh Report for 2014 concerning the overcrowding experienced by the Sharia enforcement departments, the Chief Justice Department (Qadi Al-Qudah Department) took additional measures to facilitate matters for court users in an attempt to resolve the problem of overcrowding, through:

- a. Signing an agreement with a specialised company to develop and generalise the computerisation of enforcement work in all enforcement courts in the Kingdom.
- b. Signing a Memorandum of Understanding with the Jordan Islamic Bank to issue an electronic family card, in order to enable judgment creditors, the majority of whom are women, to collect the amounts awarded to them.
- c. Using short text messages (SMS) to communicate with the parties to enforcement cases, in order to facilitate matters for them and invite them to collect the sums of money allocated to them.
- d. Extending the working hours of a number of Sharia courts, especially the enforcement courts, in order to give the largest possible number of court users the opportunity to obtain the services provided by the courts.

Notwithstanding the foregoing, a number of challenges still face the Sharia judiciary, including those relating to the technical aspects supporting judicial work, as well as the infrastructure and rented buildings that are not suitable to serve as courts.

- With regard to the ecclesiastical judiciary, the following may be noted:

Although the Christian Denominations Councils Law No. (28) of 2014⁵¹ was adopted, which includes a set of provisions that would contribute to enhancing the right to a fair trial, the Law still contains a number of problems, the most important of which are:

- a. Decisions of the Christian denominations' courts of appeal are not subject to review by the Court of Cassation.
- b. The absence of a fixed procedural law applicable to all cases, which causes instability for citizens.
- c. The high fees for registering cases before the ecclesiastical courts.

⁵¹ The Law was published in Official Gazette Issue No. (5299) dated 01/09/2014.

The number of complaints received by the National Centre in 2015 relating to the right to a fair trial reached (28) complaints, which centred on lengthy judicial detention, the rejection of release requests, and grievances against certain judicial procedures. Of these, (7) were closed with a satisfactory outcome, (5) were closed as falling outside the Centre's mandate, (2) were closed because no violation was established, one complaint was closed owing to the complainant's lack of cooperation, and (13) are under follow-up and investigation.

As for requests for assistance, the Centre received (28) requests for assistance in 2015, which centred on the provision of legal aid and requests for general and special amnesty. Of these, (5) were closed with a satisfactory outcome, (4) were closed because no violation was established, (4) were closed as falling outside the Centre's mandate, (2) requests for assistance were closed owing to the applicant's lack of cooperation, and (13) are under follow-up and investigation.⁵²

Recommendations:

In order to ensure the advancement of the judicial system and to enable it to perform the duties entrusted to it, the Centre recommends the following:

1. Article (101) of the Jordanian Constitution should be amended so as to affirm the general rule that civilians shall be tried before civil courts (the regular judiciary).
2. Refraining from expanding the establishment of special courts, which constitutes a departure from the right of the individual to resort to the regular judiciary.
3. Forming a committee entrusted with reviewing national legislation within an agreed programme, in order to harmonise it with the international conventions ratified by Jordan and published in the Official Gazette, to include representatives of the Ministry of Justice, the Legislation and Opinion Bureau and the Bar Association, representatives of law faculties in universities, and representatives of civil society organisations.
4. Activating the application of the provisions of the Bar Association Law concerning legal representation during the preliminary investigation stage before the judicial police.
5. Reducing the costs of litigation, in keeping with the established principle that one of the most important duties of the State is to uphold justice, and that the basic rule is that the State administers justice free of charge.
6. Upgrading the infrastructure of certain regular and Sharia courts in terms of space and equipment.

4. The Right to Nationality, Residence and Asylum

Nationality

The right to a nationality is one of the rights recognised by a large number of international human rights instruments, including the Universal Declaration of Human Rights, the International

⁵² An analysis of these complaints and requests for assistance will be presented in the section on complaints and their analysis in the body of the report.

Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Nationality of Married Women, the Convention on the Rights of Persons with Disabilities, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, as well as many other international conventions and standards.

In this context, the year 2015 did not witness any noteworthy legislative developments in the legal framework relating to the right to a nationality in the Kingdom. Notwithstanding the decision of the Council of Ministers issued on 9/11/2014 approving the package of facilities for the children of Jordanian women married to non-Jordanians, which included granting them service privileges, the Centre expressed its reservations regarding those privileges, including the exclusion from health insurance of non-minors who are still in education or who have special circumstances (disability), as well as the failure to grant them driving licences of all categories.⁵³ The beneficiaries also faced numerous obstacles in enjoying these facilities, which compelled a group of them to hold a sit-in on 14/6/2015 in front of the Prime Ministry to demand the implementation of the provisions of the decision. It is worth noting that (54511) special identification cards had been issued to the children of Jordanian women as at 31/12/2015.⁵⁴

1. Since 2012, the work of the committee formed to study the situation of persons residing in residential communities in the town of Ruwaished and certain other villages of the Eastern and Western Badia Districts, who complain that they do not hold any documents enabling them to move and travel, has remained suspended, which aggravates the problem of these persons and increases their suffering.

2. During 2015, the Centre did not receive any complaint indicating the withdrawal of national numbers from any Jordanian citizen. The decision of the Council of Ministers, which has contributed to strengthening this right, has remained in force, namely that national numbers shall not be withdrawn except with the approval of the Council of Ministers only; national numbers are also reinstated by decision of the Prime Ministry upon the recommendation of the standing ministerial committee charged with examining applications for the reinstatement of such numbers. In this regard, the Centre regrets the failure of the Ministry of Interior to respond to the Centre's correspondence and numerous follow-ups requesting the number of persons whose national numbers were reinstated during 2015.

Residence and Movement

The right to residence and freedom of movement is one of the fundamental personal rights, given that its existence is necessary for the existence and exercise of other rights and freedoms, such as the right to vote and the right not to be arrested, imprisoned or deported without legal justification, among other rights. On the other hand, these rights are considered relative rights; that is, they do not have the character of absolute rights. Rather, individuals, in exercising freedom of movement,

⁵³ Please refer to the Centre's Eleventh Report for 2014 (pp. 50 and 51 thereof).

⁵⁴ According to the Civil Status Department.

are subject to the restrictions imposed within the framework of respect for legislation and the protection of public order, as well as due regard for public rights and freedoms themselves.

At the national level, the Jordanian Constitution provides for the protection of this right in Article (9), which stipulates as follows:

“1. No Jordanian may be deported from the territory of the Kingdom. 2. No Jordanian may be prohibited from residing in any place, or be prevented from moving, or be compelled to reside in a specified place, except in the circumstances prescribed by law.”

This right is regulated by the Residence and Foreigners’ Affairs Law No. (24) of 1973, as amended.⁵⁵ The year 2015 witnessed a number of developments relating to it, the most important of which were:

1. The issuance of Law No. (18) of 2015 Amending the Civil Status Law No. (9) of 2001, which included a number of amendments, the most prominent of which are the following:

- Imposing a fine of fifty dinars on every person who has acquired Jordanian nationality and has not applied, within ninety days of the date of acquiring that nationality, to one of the offices of the Civil Status Department to complete the procedures, pursuant to Article (51) of the Law Amending the Civil Status Law.
- Obliging every citizen to declare his address to the Civil Status Department; in the event of providing false information about the address, he shall be referred to the competent court for the offence of providing false information to an official authority.⁵⁶
- The amending Law provided for taking the fingerprints of Jordanians and residents in the Kingdom, and a special database shall be established for this purpose.
- Obliging every Jordanian over (16) years of age to declare his address to the Department within two years of the date of entry into force of the provisions of this amending Law, and to notify the Civil Status and Passports Department of any change to this address within (30) days of the date of the change. However, citizens have called for this procedure to be facilitated by adopting electronic notification rather than limiting it to the requirement of personal attendance at the Civil Status Department.
- The Civil Status Department shall collect an amount of (10) dinars in the event of failure to report the address. The amending Law also added new fees of (10) dinars on every Jordanian who has reached (18) years of age and has not obtained an identity card, and on every head of household who has not obtained a family book. The Department shall further collect an amount of (50) dinars from every person who has acquired, lost or renounced Jordanian nationality and has not complied with the provisions of Paragraphs (c) and (d) of Article (38) of this Law, which provide that: “c. If any person acquires Jordanian nationality, he shall, within ninety days of the date of acquiring that nationality, submit to the office within whose jurisdiction he resides particulars of his family for registration in

⁵⁵ It is worth noting that in January 2016 the House of Representatives approved amendments to the Residence and Foreigners’ Affairs Law.

⁵⁶ The Address Declaration Instructions of 2015 entered into force as of 1/7/2015.

the civil register. d. If any Jordanian loses or renounces Jordanian nationality, he shall, within sixty days, surrender his family book and personal identity card and the cards of the members of his family who have lost or renounced Jordanian nationality to the Department or the office with which he was registered, or to the relevant consulate of the Kingdom.”

- The amending Law granted the Director of Civil Status, or whoever he authorises in writing, the power to replace the notarial guarantee provided for in Paragraph (a) of the new Article (51) with the submission of a written undertaking against an amount of not less than (10) dinars and not more than (50) dinars, in the event of an application for a replacement of a lost identity card or a replacement of a lost family book.

2. The issuance of the decision of the Council of Ministers exempting foreign workers of restricted nationalities from fines for overstaying residence. The decision provided for exempting foreign workers in violation of the provisions of the Residence and Foreigners’ Affairs Law from the residence overstay fines incurred by them during the period from 25 February to 23 April 2015. In August, the Minister of Interior had decided to suspend the extension of temporary residence permits and to suspend the waiver of fines incurred for overstaying temporary residence.

3. In November 2015, the Minister of Interior met with tribal notables, tribal judges, civil society organisations and clerics, and discussed the issue of tribal displacement (*jalwa*), specifically in homicide offences, where it extends up to the fifth ascendant (great-great-grandfather), with a view to mitigating the effects of *jalwa* and the measures derived from the Crime Prevention Law.

4. The number of complaints received by the Centre during 2015 relating to the right to residence and movement reached (20) complaints, two of which were resolved with a satisfactory outcome, while three were resolved with an unsatisfactory outcome, and (15) complaints remain under follow-up with the relevant authorities.

Asylum⁵⁷

In 2015, there was no change in the position of the Jordanian Government on ratifying the 1951 United Nations Convention relating to the Status of Refugees and its 1967 Protocol. The Government has confined itself to the Memorandum of Understanding signed in 1998 between Jordan and the United Nations High Commissioner for Refugees as the legal framework and reference for its work and for coordination with UNHCR. The Jordanian State is to be credited with its good treatment of refugees in many respects, although this does not negate the existence of certain individual violations resulting from individual practices, and from the sheer magnitude of the influx of refugees and the enormous challenges it has entailed, accompanied by modest international support provided to Jordan.

⁵⁷ A refugee is any person who, owing to a well-founded fear, such as of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or any person who, not having a nationality and being outside the country of his former habitual residence, is unwilling, owing to such fear, to return to that country (Article (1) of the 1951 United Nations Convention relating to the Status of Refugees).

Palestinian Refugees

Jordan hosts a large number of Palestinian refugees distributed across the various governorates of the Kingdom. Some of them live in ten official camps and three unofficial camps, while the other refugees live in residential communities near the camps; all of them live under similar social and economic conditions, given that a large proportion of them hold Jordanian nationality, with the exception of those originating from the Gaza Strip. The Jordanian Government, in cooperation with the United Nations Relief and Works Agency for Palestine Refugees (UNRWA), provides them with support.

Palestinian refugees faced a major challenge in 2015 as a result of the reduction of the services provided to them by UNRWA, which provides human development and humanitarian services, including primary and vocational education, primary health care, the social safety net, community support, infrastructure, camp improvement, microcredit and emergency response. This led UNRWA staff, on 15/6/2015, to stage a one-hour work stoppage as part of a series of escalatory measures.

For its part, the Jordanian Government followed the matter with deep concern, and pointed to the persistent wide gap between the financial needs of the United Nations Relief and Works Agency for Palestine Refugees (UNRWA), on the one hand, and the financial resources of this body, on the other, and Jordanian civil society organisations had rejected the measures that the United Nations Relief and Works Agency for Palestine Refugees (UNRWA) intended to take, owing to “their negative repercussions at various levels”.

The Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees (UNRWA) indicated that the Agency was facing “the most serious financial crisis in its entire history”, warning that the “isolation, exclusion and deprivation” of refugees represents a “time bomb” for the region.⁵⁸

The Jordanian Government is to be commended for its contribution to providing free education services at the secondary and university levels to the children of refugees, given that the role of UNRWA is limited to providing educational services up to the end of the basic stage, which ends with the tenth grade.

The financial crisis of UNRWA had cast doubt on the resumption of the school year on schedule in UNRWA schools; however, the crisis was overcome, and on 24/8/2015 some five thousand UNRWA teachers and principals resumed their work in the Agency’s (172) schools in the Kingdom.

Syrian Refugees

Since the beginning of the Syrian crisis, the Kingdom has received large numbers of Syrian refugees, totalling (1,369,652).⁵⁹ Table No. (3) shows the movement of Syrian refugees into and out of Jordan. Notwithstanding Jordan’s continued support for Syrian refugees, their large numbers and needs have exceeded Jordan’s limited capacity to bear them, particularly in view of

⁵⁸ In his address at the close of the two-day meeting of the UNRWA Advisory Commission held in Amman in June 2015.

⁵⁹ According to the Public Security Directorate / Syrian Refugee Camps Affairs Department.

the funding shortfall faced by the United Nations High Commissioner for Refugees, as a result of which UNHCR reduced its services, for example by ceasing to provide treatment to Syrian refugee thalassaemia patients, as well as suspending the recurrent assistance provided to them. A United Nations report stated that “some 86% of Syrian refugees residing in host communities in Jordan live below the poverty line, on an income of (3.2) US dollars per day”. Sources of the United Nations Food Security Sector also confirmed that some half a million Syrian refugees would face the possible suspension of their food assistance owing to the acute shortage of supplies, funds and food aid, and the acute shortage of the vouchers distributed to these refugees.

Table No. (3): Syrian Refugees in the Territory of Jordan⁶⁰

Indicator	Number
Number of Syrians in the territory of Jordan	1,369,652
Number of Syrians in the territory of the Kingdom before the Syrian crisis	approximately 750,000
Number of Syrians who entered Jordan irregularly up to 31/12/2015	529,843
Number of Syrians who voluntarily returned to their country up to 31/12/2015	174,551
Number of Syrians distributed among 5 camps, the largest of which is Zaatari, up to 31/12/2015	115,477
Number of Syrians registered as asylum-seekers with the United Nations High Commissioner for Refugees up to 31/12/2015	634,155
Number of Syrians who obtained the magnetic (biometric) card up to 31/12/2015	472,259
Number of Syrian documents returned to their holders during 2015 and up to 16/2/2016	154,055
Number of Syrian students admitted to the schools located inside the camps as at 31/12/2015	26,200
Number of Syrian students in Jordanian schools outside the camps ⁶¹	145,000

A report prepared by the Arab Renaissance for Democracy and Development – Legal Aid (ARDD-Legal Aid) was also issued, pointing to concerns that Syrians in Jordan do not officially register their marriages and consequently do not register their births, which increases the number of socially unprotected women.⁶²

The National Centre for Human Rights commends the establishment by the Jordanian Government of additional facilities in Zaatari Camp, including offices of both the Civil Status Department and the Sharia Court, in order to facilitate the registration of marriages, the issuance of birth certificates and the registration of deaths as well.

Following the publication of press reports⁶³ regarding the deportation of Syrian refugees on account of violations of the Labour Law, the Ministry of Labour affirmed that no Syrian refugee working in the Kingdom had been deported for failing to obtain a work permit, stating that “it is

⁶⁰ According to the Public Security Directorate / Syrian Refugee Camps Affairs Department.

⁶¹ According to the Ministry of Education.

⁶² The report was issued by the organisation in mid-2015.

⁶³ Such as the Investigative Journalism Unit at Radio Al-Balad, and Al-Sabeel newspaper in its issue published on 27/4/2015.

impossible to do so, because the matter of deportation is not, in principle, within the Ministry's powers". Nor had any Syrian refugee been returned to the camps for violating the Labour Law.⁶⁴

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

- Complaints by Syrian refugees residing outside the camps of the irregular payment of emergency assistance by the United Nations High Commissioner for Refugees, which has affected their ability to meet the minimum requirements of a decent living.
- International reports stated that the authorities did not permit thousands of persons to enter the territory of the Kingdom, with some (12) thousand of these persons remaining in the border area. In this regard, the Jordanian Government stated that the reason for preventing certain persons from entering the Kingdom was purely security-related.

Table No. (4): Number of Syrian Refugees in the Camps as at 31/12/2015

Camp	Number
Zaatari Camp	79,307
Mrajeeb Al-Fhood Camp (Emirati Jordanian Camp)	6,077
Al-Hadiqa (King Abdullah Park) Camp	640
Cyber City Camp	265
Azraq Camp	29,188
Total	115,477

Sudanese Refugees

For approximately three years, there have been (3541) Sudanese nationals in Jordan who came to Jordan in various circumstances, including the civil war witnessed in regions such as Darfur and elsewhere. Official sources confirm that most of them entered the territory of the Kingdom on medical treatment visas, while others – a limited number – entered by way of smuggling, particularly children, or with forged passports. Some 60% of the Sudanese present in the territory of the Kingdom have obtained the status of refugees recognised by UNHCR through individual refugee status determination (RSD) procedures, while the remaining 40% are registered as asylum-seekers.

On 16/11/2015, more than (500) of them staged a sit-in in front of the premises of the United Nations High Commissioner for Refugees to demand that they be granted the basic rights of refugees; the provision of support for shelter, health and education services and financial assistance; and the processing of their files with a view to their resettlement in Western European countries, the United States of America, Australia, Canada and other countries that respond to refugee applications. UNHCR, for its part, affirmed that the decision to resettle them was not in its hands but depended on the countries that receive such refugees.

The Jordanian authorities and the staff of UNHCR attempted to persuade them to end the sit-in peacefully; however, these efforts failed, and the situation continued for more than two months.

⁶⁴ According to a statement by the Director of the Migrant Workers Directorate at the Ministry of Labour, dated 20/6/2015.

On 16/12/2015, the security authorities dispersed the sit-in by force and transferred the protesters to an assembly point with a view to returning them to Sudan. UNHCR and the Sudanese Embassy in Amman stated that the authorities had not coordinated with either of them when proceeding to disperse this sit-in.

For its part, the Jordanian Government announced, through its official spokesperson, the decision to return the Sudanese nationals to their country, affirming that these Sudanese nationals do not enjoy refugee status with the United Nations High Commissioner for Refugees in Amman, since they had entered Jordan for the purposes of medical treatment.

Immediately upon this development, the Centre wrote to the Minister of Interior requesting information on the governmental measure taken against the said persons; however, no reply was received at all. In light of this, the Centre conducted an extensive verification exercise on the matter, which included meetings with officials at the Sudanese Embassy and at UNHCR, and issued a report setting out the Centre's position on what had occurred. This report included the following:

1. The Centre was unable to contact any of the Sudanese nationals concerned in order to confirm or refute the statements made by each of the three parties concerned – the Jordanian Government, the United Nations High Commissioner for Refugees and the Sudanese Embassy – regarding the deportation of the Sudanese nationals who had staged the sit-in in front of UNHCR.
2. Dealing with a group that “claims” political persecution or fear of returning to the country of origin, particularly where it contains areas of armed conflict in general, requires that each case be examined individually, since the protection of a person whose life is under threat, whether a refugee or otherwise, constitutes a customary rule of international law in respect of persons who claim that their lives are under threat; the assurance of any official authority that there is no risk to the lives of such persons is not sufficient.
3. The Government ought to have explained to UNHCR the truth regarding the circumstances of the arrival of the said persons and their entry into Jordanian territory, including the lack of credibility of the claim of potential risk in the event of their return to their country of origin, if the competent authorities possessed such documented information. It ought also to have coordinated better with the Sudanese Government, through the Ministry of Foreign Affairs, in order to demonstrate that the claims of the said persons to need protection were unjustified, and to obtain guarantees that none of these persons would be exposed to any danger, including exposure to any form of threat to life or physical integrity, and to refute any unfounded claim or assumption of such a threat; and these measures ought to have been carried out openly and with full transparency, so as to strengthen the guarantee of their lives and to preserve the credibility of the measure. It is noteworthy that more than one international non-governmental organisation concerned took the initiative to criticise the measure taken by the Jordanian authorities through the Ministry of Interior without verifying the facts.

The United Nations High Commissioner for Refugees, for its part, ought to have proceeded to re-examine its verification procedures relating to the granting of refugee status in light of the worsening phenomenon of trafficking in persons from many regions suffering from armed conflicts and from problems of unemployment, poverty and economic crises, and also to have proceeded to verify the information submitted to i

t by the said persons to justify their applications for asylum and to make it public, in order to guarantee transparency and to safeguard the right of the public and the international community to know the truth.

4. The Ministry of Interior ought to have informed the National Centre for Human Rights of the actual situation and answered the questions addressed by the Centre to the Ministry, so as to enable the Centre to issue its report in a timely manner in order to refute the condemnation of Jordan by international human rights organisations, such as Human Rights Watch, which published a report damaging to Jordan's image.⁶⁵

Recommendations:

This year's recommendations may not differ greatly from those of previous years⁶⁶ that the Centre has made with a view to addressing certain violations; the Centre therefore reaffirms the need to undertake the following:

1. Developing a national strategy on asylum and refugees that defines the legislative framework, the responsibilities of the parties, the priorities of the State and the mechanism by which each party is to implement its responsibilities in terms of ensuring voluntary return, as well as the responsibility of the State of origin, the responsibility of the host State, and the actors involved in resettlement.
2. Considering ratification of the 1951 Geneva Convention relating to the Status of Refugees and the supplementary 1967 Protocol; or establishing a national legal asylum mechanism in the Kingdom that is consistent with international human rights standards and in a manner that ensures that the international community fulfils its responsibilities towards refugees in Jordan, provides them with the necessary support and intensifies efforts to protect and assist them.
3. Activating the role of the special committee formed to examine the naturalisation applications submitted by a number of persons residing in the Northern Badia, so as to ensure that a solution is found promptly to the problem of these persons, and addressing the problems encountered by the children of Jordanian women married to foreigners in obtaining the facilities approved by the Jordanian Government.
4. Amending the Crime Prevention Law of 1954 to ensure that no person is removed from his place of residence under the concept of *jalwa* (tribal displacement), or to restrict it to the perpetrator and his first-degree family members only, to the exclusion of his other relatives. ## 5. The Right to Vote and to Stand for Election

Parliamentary elections are among the most important legitimate means for the free expression of the sovereignty of the people. In view of the importance that elections acquire, international instruments, foremost among them the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR) and the Arab Charter on Human Rights, have

⁶⁵ A report on the return of Sudanese refugees to Sudan, issued by the National Centre for Human Rights on 25/12/2015 and published on the Centre's website.

⁶⁶ Please refer to the Centre's recommendations in the Eleventh Report for 2014, under the theme of nationality, residence, movement and asylum (pp. 56 and 57 thereof).

provided for the right of the citizen to vote and to be elected in periodic, democratic and fair elections; the Jordanian Constitution likewise guarantees this right to citizens.

The year 2015 did not witness any constitutional or legal entitlement to hold general parliamentary or municipal elections; however, the year did witness a constitutional and legal entitlement represented by the holding of a by-election to fill the vacant seat in the Second Electoral District of Karak Governorate, following the death of Representative Atwi Al-Majali, who passed away on 24/10/2015. After the Speaker of the House of Representatives officially notified the Independent Election Commission (IEC) of the vacancy of the seat allocated to a Muslim representative for the Second Electoral District of Karak Governorate, pursuant to Article (88) of the Constitution,⁶⁷ the IEC set 19/12/2015 as the date for holding the by-election. That election is the sixth by-election in the life of the current Seventeenth House of Representatives;⁶⁸ the current House is thus considered the one in which by-elections have been held the greatest number of times since the resumption of parliamentary life in 1989.

On 15/11/2015, after nominations were opened for the by-election in the Second Electoral District of Karak Governorate, (10) candidates submitted applications to the IEC, and the Board of Commissioners of the IEC approved all of these candidacy applications. After the candidates' applications became final, upon the expiry of the legal period for challenging the decision of the Board of Commissioners accepting the nomination applications, and shortly before the closing of the period for the withdrawal of candidacy pursuant to Article (18) of the Election Law, one of the candidates announced the withdrawal of his candidacy, leaving the contest confined to (9) candidates.⁶⁹ Less than (48) hours before the by-election was held, the Board of Commissioners of the IEC, according to a statement it issued, referred one of the candidates to the Attorney General, after the Commission's committee for auditing electoral cards found that the candidate's name had been marked in the voters' list received from the Civil Status Department on 14/12/2015 as being a member of the Public Security Directorate (PSD) who had been re-employed as a civilian employee shortly before his candidacy for the elections, and that he was still in service. The Commission affirmed that the candidate had reviewed all the conditions set out in the Election

⁶⁷ Article (88) of the Jordanian Constitution provides that: "If the seat of a member of the Senate or the House of Representatives becomes vacant by reason of death, resignation or otherwise, except for a member in respect of whom a judicial decision has been issued invalidating his membership, the Council concerned shall notify the Government, or the Independent Election Commission if he is a deputy, thereof within thirty days of the seat becoming vacant, and the seat shall be filled by appointment if he is a senator, or in accordance with the provisions of the Election Law if he is a deputy, within two months of the date of the Council's notification of the vacancy; the membership of the new member shall continue until the end of the term of the Council."

⁶⁸ Five by-elections have previously been held. The first followed the death of Mohammad Al-Muhaisiri, deputy for the Second Electoral District in Amman, and his brother Abd Al-Muhaisiri was elected. The membership of Deputy Nayef Al-Laimoun was also revoked as a result of a challenge to the validity of the elections in the Sixth Electoral District in Karak Governorate, and he was re-elected. A by-election was held in the Fourth Electoral District in Karak Governorate following the death of Deputy Mahmoud Al-Huwaimel, and Deputy Mefleh Al-Ushaibat was elected. A by-election was likewise held in the First District in Amman following the expulsion of Deputy Talal Al-Sharif, and Deputy Haitham Abu Khadijeh was elected; and another by-election was held in the Second Electoral District in Irbid Governorate following the death of Deputy Mohammad Fuad Al-Khasawneh, and Deputy Mohsen Al-Rjoub was elected to his seat.

⁶⁹ Nine candidates competed for the supplementary seat in the Second Electoral District of Karak Governorate, namely: Sameh Jamal Atwi Al-Majali, Mohammad Fanatel Shalash Al-Majali, Rafifan Saleh Irfaifan Al-Majali, Ibrahim Fayege Khashman Al-Majali, Ayman Suleiman Salem Al-Majali, Turki Salameh Munawwar Al-Dharabe'a, Ibrahim Ali Sharia'a Al-Amro, Thalji Ayadeh Eid Al-Masarweh, and Hatem Mohammad Saeed Al-Abd.

Law and had acknowledged in writing that they applied to him; he contested the election on polling day since no judicial decision had been issued against him as of that date.

In order to monitor the conduct of the by-election process in that electoral district of Karak Governorate, the National Centre formed a team of (19) monitors who were deployed to all the polling and counting centres, numbering (20) centres and comprising (37) polling and counting rooms, of which (18) rooms were designated for males and (19) rooms for females; the Shihan Youth Centre was designated as the centre for the tabulation of results.

The voter lists of the 2013 general parliamentary elections were adopted as final lists on the basis of which the by-election was held in this district. The number of registered voters in this district was (16078) male and female voters, of whom (7348) were male voters, representing 45.7%, while the number of female voters was (8730), representing 54.3% of the total number of voters. Upon the conclusion of the electoral process, the number of those who voted reached (7071) male and female voters, a turnout of 43.97%; the number of male voters who cast their ballots was (3542), representing 50.09%, and the number of female voters who cast their ballots was (3529), representing 49.91%. After the completion of polling and counting, the IEC announced the victory of candidate Sameh Jamal Atwi Al-Majali in the by-election for the Second Electoral District of Karak Governorate, and no challenge to the validity of the results of the polling process was recorded.

The Centre's monitoring team recorded numerous observations on the conduct of the polling process, although they were not such as to affect the result, the most prominent of which were the following:⁷⁰

- The lack of knowledge of the mechanism for distributing ballot papers to voters led to general resentment among the voting public and to disorder in front of a number of polling centres, particularly the polling and counting centre (Al-Jad'a Comprehensive Secondary School for Girls), delaying the entry of voters into the polling rooms and causing some of them to refrain from voting.
- The presence of supporters of some candidates inside polling centres, an example of which occurred at (Mis'ar Mixed Basic School and Al-Jad'a Comprehensive Secondary School for Girls).
- The continuation of electoral campaigning on polling day in front of polling centres.
- Some polling and counting committees ceased work during the polling period (Al-Rabba Comprehensive Secondary School for Boys, Al-Samakiyya Mixed Comprehensive Secondary School, Al-Yarout Mixed Comprehensive Secondary School, Al-Jad'a Comprehensive Secondary School for Girls, Ariha and Abu Turaba Basic School for Boys, Al-Rawda First Mixed Basic School, and Mughayyir Comprehensive Secondary School for Girls).

On another note, the year 2015 witnessed legislative activity relating to the right of individuals to vote and to take part in the conduct of public affairs. The Council of Ministers approved the draft

⁷⁰ For more information, see the National Centre's report on the conduct of the supplementary elections for the Second Electoral District in Karak Governorate, on the website of the National Centre for Human Rights, WWW.NCHR.ORG.JO.

Election Law of 2015, which was announced by His Excellency the Prime Minister at a press conference held on 31/8/2015. The most prominent features of this law are: the adoption of the open proportional list at governorate level; the reduction of the number of seats in the House of Representatives from (150) to (130) seats; and the retention of the women's quota of (15) seats. Under this law, the voter is entitled first to vote for one of the nominated lists, and then to vote for whichever candidates he or she wishes from the same list for which he or she voted. The law also considered the governorate a single electoral district, with the exception of the capital, Amman, and the Governorates of Zarqa and Irbid, owing to their population density, as they will be divided into more than one electoral district. On 7/9/2015, the Royal Decree was issued adding the new draft Election Law to the extraordinary session of Parliament (the National Assembly).

Immediately upon the announcement of the draft Election Law, the reactions of political parties towards it varied: some praised it for abandoning the one-vote system, as announced, while others regarded it as a reproduction of the one vote in another form, with reservations about the postponement of the issuance of the electoral regulation separately at a later stage. While some political parties affirmed that the draft, in its current form, does not lay the foundations for parliamentary governments, other parties considered that this law, although it formally abolished the direct one vote, had reproduced it “by way of adopting the list”;⁷¹ (20) parties expressed their rejection of the draft bill on the grounds that it does not provide a legal framework for party pluralism within Parliament.

It is worth noting that (27) Jordanian parties had previously agreed, before the Government decided upon the wording of the current draft law, on a consensus formula for a new draft election law, based “on the adoption of a mixed system divided equally between local districts and the national list, with 50% of the House's seats allocated to each, provided that the lists are formed of political parties and national figures”. However, this proposal was not taken into account when drafting the new draft law referred to Parliament.

In a related context, informed sources revealed to certain media outlets⁷² the proposed draft of the regulation to be adopted for the distribution of the seats of the House of Representatives. These sources stated that the number of electoral districts in the Kingdom under the new system would be (23) districts, in which (115) members would be elected in accordance with the open list system, while (15) seats would be allocated to the women's quota. Many political forces expressed their fears regarding this approach, which may lead to the abolition of some seats allocated to one electoral district and their granting to another district, particularly as this would be done by means of a regulation issued by the executive authority outside the scope of the law.⁷³ Although this

⁷¹ Al-Ghad newspaper, dated 1/9/2015.

⁷² Al-Dustour newspaper, dated 1/9/2015.

⁷³ Among the information that has emerged: dividing the capital, Amman, into (5) electoral districts, with the total number of seats for the capital being (28) seats instead of (24) as previously, whereby electoral districts will be expanded and the seats allocated to them increased as follows: Amman First Electoral District (5 seats), Amman Second (6 seats), Amman Third (6 seats), Amman Fourth (3 seats) and Amman Fifth (6 seats). Irbid Governorate will be allocated (19 seats) instead of (17), to be divided into four electoral districts, with the First District allocated (6 seats), the Second (4 seats), the Third (4 seats) and the Fourth (5 seats). Zarqa Governorate will be allocated (12 seats), to be distributed over two electoral districts, namely: the First District, to which Rusaifa will be annexed, with (8 seats), and the Second District, to which Hashemiyya will be annexed, with (4 seats). Under this system, each of the Kingdom's remaining governorates will form

regulation was not officially published at the time, it was considered one of the most prominent principal criticisms levelled at the draft Election Law, whose critics demanded that the law itself contain the divisions of the electoral districts, rather than their being issued in the form of a regulation by the executive authority.

The Legal Committee of the House of Representatives had embarked upon a series of dialogue meetings with political forces and parties, beginning with a closed meeting with former prime ministers and former speakers of the House. The Committee then toured the various governorates of the Kingdom and held broad meetings, during which it opened a national dialogue with citizens and political and civil actors in each governorate, and was keen to listen to all observations. Citizens' observations ranged from praise for overcoming the problem of the one vote in the new draft law, to demands to increase the number of seats of certain governorates, in addition to enquiries about the electoral system, the electoral threshold and the method of counting votes. During these meetings, numerous political and party actors called for a return to the national list system, provided that it be allocated to parties, and for the adoption of the closed rather than the open proportional list. They criticised the executive authority's granting itself the right to issue the regulation dividing the electoral districts, and also considered that the distribution of parliamentary seats on the basis of religious and ethnic considerations contravenes the provisions of the Constitution. Some of them pointed to concerns about the unconstitutionality of certain provisions of the draft which granted a special quota to certain groups of Jordanian society, calling for a question to be referred to the Constitutional Court on the constitutionality of the quota and on the executive authority's granting itself the right to issue the division of districts by regulation. The outcome was that all parties held differing positions on certain articles of the draft law, while all called for the final wording of the law to be improved.

The National Centre for Human Rights had submitted to the House of Representatives its proposals on the draft Amended Election Law of 2015, which included numerous recommendations, the most prominent of which were:

1. Fifteen seats shall be allocated to women, at the rate of one seat for each district, in addition to the parliamentary seats provided for in Paragraph (a) of this Article (8).
2. A call for the adoption of the closed proportional list.
3. The setting of a ceiling for electoral campaigns according to objective criteria issued by the Commission under Instructions, provided that the principle of equal opportunities is not prejudiced.⁷⁴

a single electoral district, and their seats will be distributed as follows: Balqa (10 seats), Karak (10 seats), Ma'an (4 seats), Mafraq (4 seats), Tafileh (4 seats), Madaba (4 seats), Jerash (4 seats), Ajloun (4 seats) and Aqaba (3 seats). The Bedouin districts will be treated as governorates, with the Southern Badia allocated (3 seats), the Central Badia (3 seats) and the Northern Badia (3 seats).

⁷⁴ It should be noted that 2016 witnessed the adoption of the Elections Law and its publication in the Official Gazette on 15/3/2016, Issue No. (5386). It is observed that Parliament (the National Assembly) passed the draft law as received from the Council of Ministers, the sole addition relating to the delimitation of electoral districts, by specifying the division of the electoral districts rather than leaving it to the Council of Ministers.

4. The adoption of the mechanism of direct registration by voters, in order to avoid the distortions that occurred in previous voter lists.

The year 2015 also witnessed the passing by Parliament of the draft Amended Law of the Independent Election Commission Law of 2015, in implementation of the constitutional amendments that provided for the expansion of the powers of the IEC so as to enable it to manage and supervise the electoral process. The Amended Law granted the Commission the task of managing parliamentary and municipal elections and any general elections in accordance with the provisions of the law, and of managing or supervising any other elections entrusted to it by the Council of Ministers upon a request from the body legally authorised to conduct such elections, pursuant to the provisions of Article (67), Paragraph (2), of the Jordanian Constitution; previously, the Commission's task had been confined to supervising and managing parliamentary elections and supervising any other elections decided upon by the Council of Ministers. The amendments also included redefining the Election Law to encompass the Law on Elections to the House of Representatives, the Municipalities Law and any other law regulating any electoral process, in addition to redefining "voter" and "candidate".

The article on the appointment of the Commission's executive apparatus was the subject of extensive debate within both the House of Representatives and the Senate, which necessitated the holding of a joint session to settle the matter. The prevailing opinion was to accept the position of the House of Representatives, which called for subjecting the executive apparatus and the appointment of staff to the provisions of the Civil Service Regulation, contrary to the opinion of the Senate, which had called for subjecting them to a special regulation. Some civil society organisations did not favour this approach, given its potential to prejudice the principle of the Commission's independence in taking its decisions, not to mention its constituting an encroachment upon the powers of the Board of Commissioners as the body with first and final responsibility for taking any decision relating to the Commission's work.

On another front, the year 2015 witnessed the passing of the Amended Law of the Municipalities Law No. (41) of 2015. The amendments introduced to the law included the continuation of the currently existing elected municipal councils in exercising their functions and the powers of the local councils, meaning that they would remain for a period of four years, i.e. until the summer of 2017, which necessarily means that municipal elections will not be held next year. The amendments introduced to the law also retained the continued appointment of one quarter of the members of the Greater Amman Municipality Council, in addition to retaining the appointment of the Secretary General.

The law also excluded the Aqaba Special Economic Zone and the Petra Region Authority from electing their municipal councils, on the pretext that they are development zones, which has deprived their inhabitants of a constitutional right enjoyed by the rest of the Kingdom's citizens. The law further allocated a quota of 25% for women in municipal councils, to be filled by women members of the local councils affiliated with the municipal council who obtained the highest votes relative to the number of voters within their local councils. The law also allocated to women at least one seat in the membership of the local council, to be filled by the female candidate who obtained the highest votes relative to the number of voters and who was not successful in the direct contest with the other candidates.

The year 2015 also saw the passing of the Decentralisation Law No. (49) of 2015. Supporters of this law consider that it will broaden the base of popular participation in the management of local affairs through the establishment of an executive council and a governorate council in each governorate, and will apply the principle of administrative decentralisation at governorate level by granting local administrations greater powers.

Another group, however, considers that the Decentralisation Law in its current form does not lead to genuine, fully-fledged decentralisation, but may rather be regarded as a law for administrative decentralisation only. The law did not grant the elected governorate council any authority over the decisions of the appointed governor, notwithstanding that the governorate council is the body that approves the plans and projects of the executive council. Nor does the governorate council have the power to hold the governor to account or to question him on his decisions in his capacity as chairman of the executive council, as is the case with the House of Representatives, which has the power to hold the Prime Minister and any member of his Government to account. The law has thus reinforced the broad powers of the governor.

Under this law, a council called the Executive Council, chaired by the governor, shall be formed in each governorate, together with another council called the Governorate Council, a number of whose members are elected by the voters of the governorate, while the remaining members are appointed by the Council of Ministers upon the recommendation of the Minister. The term of the elected council shall be four years. The functions of the Governorate Council include approving the draft strategic and executive plans relating to the governorate and referred to it by the Executive Council; approving the draft governorate budget within the ceilings set by the Ministry of Finance; monitoring the implementation of the annual budgets of all municipalities in the governorate; and approving the governorate's needs for service, investment and development projects.

The Decentralisation Law granted voters the right to elect 85% of the members of the elected Governorate Council, of which 10% shall be allocated (as a women's quota) to the female candidates who obtained the highest votes in the governorate from among those not otherwise elected, while the law granted the Council of Ministers the power to appoint 15% of the members of the Council, provided that one third of this appointed share be women. Women will thereby have obtained 15% of the seats of any governorate council.

In a joint session of the Senate and the House of Representatives, Parliament refused to grant governorate councils under the Decentralisation Law legal personality with financial and administrative independence, thereby contravening the decision of the Constitutional Court and opening the door wide to challenges to the constitutionality of the Decentralisation Law. However, when the law in this form was submitted to His Majesty King Abdullah II Ibn Al-Hussein for ratification, it did not receive Royal assent; His Majesty, on the basis of the powers vested in him under the third paragraph of Article (93) of the Constitution,⁷⁵ ordered that the draft

⁷⁵ Article (93) of the Constitution grants His Majesty the King the right to return draft laws. Paragraph (1) of that Article provides that: "Every draft law passed by the Senate and the House of Representatives shall be submitted to the King for ratification"; Paragraph (2) provides that: "A law shall come into force upon its promulgation by the King and the lapse of thirty days from its publication in the Official Gazette, unless a special provision in the law stipulates that it shall come into force on another date"; Paragraph (3) provides that: "If the King does not see fit to ratify a law, He may, within six months

Decentralisation Law of 2015 be returned after its passing by Parliament, “because Paragraph (a) of Article (6) of the said draft law is not consistent with the interpretative decision No. (1) of 2015 issued by the Constitutional Court, which renders it unconstitutional and in contravention of the provisions of Article (121) of the Constitution”.

On 22/11/2015, the House of Representatives and the Senate held a joint session during which they passed the Decentralisation Law of 2015, after amending the text of Paragraph (a) of Article (6) of the law and removing what conflicted with the text of the interpretative decision issued by the Constitutional Court.

In order to ensure the enjoyment of the right to stand for election and to vote, the National Centre for Human Rights recommends the need to:

- Pass the new draft Election Law in a form that reinforces the democratic orientation, political pluralism and popular participation, in a manner consistent with the relevant international standards, taking into account the proposals and ideas reached in the national dialogues.
- Repeal the provision that deprives the inhabitants of the capital, Amman, Aqaba and Petra of electing their municipal councils in full, like other municipalities, in accordance with the text of Article (6) of the Jordanian Constitution.
- Grant the voter, under the Decentralisation Law, a number of votes equal to the number of seats of the governorate councils.
- Grant voters, under the Decentralisation Law, the right to elect all members of the Governorate Council, and move away from the policy of appointments to councils, bearing in mind that all members of the governorate Executive Council are appointed entirely by the executive authority.

6. The Right to Freedom of Opinion and Expression

The Constitution, in Article (15) thereof, guarantees freedom of opinion and expression and freedom of the press and media, and international instruments likewise guarantee this right as a fundamental prerequisite for realising the principles of transparency and accountability. The protection of this right is considered one of the most important reinforcements of the protection of human rights, the combating of corruption, and contributing to the economic, political, social and cultural advancement of society;⁷⁶ consequently, safeguarding freedom of expression is vital

from the date of its submission to Him, return it to the Council accompanied by a statement of the reasons for withholding ratification”; and Paragraph (4) of the same Article provides that: “If a draft law (other than the Constitution) is returned within the period specified in the preceding Paragraph, and the Senate and the House of Representatives pass it a second time with the approval of two-thirds of the members of which each of the two Houses is composed, it shall then be promulgated. Should the law not be returned ratified within the period specified in Paragraph (3) of this Article, it shall be deemed in force and ratified. If the two-thirds majority is not obtained, the law may not be reconsidered during that session, provided that Parliament may reconsider the said draft in the following ordinary session.”

⁷⁶ Article (19) of the International Covenant on Civil and Political Rights (ICCPR) provides for the right to freedom of opinion and expression.

for the individual, through which he or she is able to develop his or her personality and express his or her innermost thoughts, and it is equally vital for the political system and for society.

Legislation Governing the Right to Freedom of Opinion and Expression and Freedom of the Media

The year 2015 witnessed the amendment of a number of pieces of legislation relating to the right to freedom of opinion and expression and freedom of the media, including:

First: The Audiovisual Media Law No. (26) of 2015, which included a set of provisions that the Centre expects will contribute to raising the level of freedom of the audiovisual media. Among these provisions are:

1. Granting the Council of Ministers the right to refuse to grant broadcasting licences to any entity, subject to the obligation to state the reasons for refusal, with the aggrieved party having the right to resort to the judiciary; whereas the previous text of Article (18/b) granted the Council of Ministers the right to refuse to grant broadcasting licences without requiring it to state the reasons, which is the text that the Centre recommended on more than one occasion be amended.
2. Abolishing the penalty of imprisonment against unlicensed channels or channels that contravene the provisions of the law, and against those who circulate artistic works in contravention of the law, and replacing this penalty with fines, which have been increased in some cases.⁷⁷
3. Expanding the functions of the Media Commission by granting the Commission the power to organise media activities that would raise the standard of the media profession and qualify and train media professionals.⁷⁸
4. Forming a committee of specialists to consider complaints submitted by the public or any other party relating to media content or material broadcast or recorded for the purposes of display or public circulation, or by one licensee against another licensee.⁷⁹
5. Amending Article (16/b) relating to the application for a broadcasting licence and the required attachments, by deleting the phrase “any other data or documents requested by the Commission” and specifying the required documents exhaustively, which would reinforce the principle of transparency and equality among all applicants.
6. Amending Article (16/c/1/2) and reducing the time limits provided therein, by providing that the Minister shall submit a recommendation to the Council of Ministers to approve or refuse the application for a broadcasting licence within thirty days from the date of his receipt of the application accompanied by the recommendation of the Director of the Commission; and if the Minister does not make a recommendation within the said period, the application shall automatically be referred to the Council of Ministers for decision.⁸⁰ The same Article also

⁷⁷ The Audio-Visual Media Law No. (26) of 2015, the section on penalties (28–29).

⁷⁸ Article (4/i) of the Audio-Visual Media Law No. (26) of 2015.

⁷⁹ Article (4/j) of the Audio-Visual Media Commission Law No. (26) of 2015.

⁸⁰ Article (16/c/1) of the Audio-Visual Media Commission Law No. (26) of 2015.

provides that the Council of Ministers shall issue its decision on the application within thirty days from the date of the Minister's recommendation,⁸¹ whereas the text prior to the amendment gave the Council of Ministers a period of sixty days to issue the decision.

7. Adding certain positive obligations upon the licensee under Article (20/l/4), namely the licensee's obligation not to broadcast advertising or media material promoting sorcery, deception, extortion or consumer fraud; the same Article also obliges the licensee not to broadcast anything that offends public decency (Article 20/l/2).

Notwithstanding the foregoing positive aspects, the law still contains a number of provisions that would adversely affect media freedom, including:

1. The linking of the Media Commission to the Minister,⁸² which prevents the Commission from enjoying the full independence that would enable it to perform its work in the required manner.⁸³
2. The law grants the Commission, under Article (8/s), the power to suspend the broadcasting of any material or programme in exceptional circumstances that harm national security, social peace or public order;⁸⁴ it would have been more appropriate for the legislator to provide for the referral of the violating party to the judiciary and for the issuance of a judicial ruling in this regard.
3. The multiplicity of bodies empowered to impose fines on the licensee in the event of a breach of the conditions of the broadcasting licence: the law, under Article (18/d), grants this power to the Council of Ministers in the event of a breach of the conditions of the broadcasting licence, while the Media Commission may also collect fines from the licensee under Article (20/a) in the event of its breach of the conditions of the broadcasting licence; the Commission may further impose fines for late payment of the annual licence fees under Article (21/i).
4. Granting the Media Commission the power to cancel the licence granted to the licensee in the event of non-payment of licence fees;⁸⁵ this constitutes a contravention of Article (15/4) of the Constitution, which provides that newspapers and media outlets may not be suspended, nor their licences cancelled, except by judicial order.
5. Although Article (20/l) relating to the obligations of the licensee contains certain positive aspects referred to above, the same Article still contains broad terms characterised by generality and lacking any clear criterion or definition, such as "not broadcasting anything that harms the national economy or prejudices public and social security, and not broadcasting false material that is detrimental to the Kingdom's relations with other states, etc."
6. The law did not grant community radio stations any facilities or privileges worth mentioning, notwithstanding that they are considered one of the tools of development in communities,

⁸¹ Article (16/c/2) of the Audio-Visual Media Law No. (26) of 2015.

⁸² The Audio-Visual Media Law No. (26) of 2015 defines, in Article (2) thereof, the Minister as "the Prime Minister or whomever he delegates from among the Ministers".

⁸³ Article (3/a) of the Audio-Visual Media Commission Law No. (26) of 2015.

⁸⁴ Article (8/n/s) of the Audio-Visual Media Law No. (26) of 2015.

⁸⁵ Article (21/i) of the Audio-Visual Media Law No. (26) of 2015.

contribute to raising individuals' awareness of various issues and provide a platform for the discussion of public issues.

Second: The Cybercrime Law No. (27) of 2015

The Cybercrime Law No. (27) of 2015 was passed, containing a legal provision that criminalises and punishes anyone who sends, re-sends or publishes data or information through the information network, a website or any information system that involves the defamation, slander or insult of any person, by imprisonment for a period of not less than three months and a fine of not less than one hundred dinars and not more than two thousand dinars.⁸⁶

A letter⁸⁷ was addressed by the Prime Minister to the Special Bureau for the Interpretation of Laws to answer certain questions relating to the law.⁸⁸ As is known, and pursuant to the Constitution, Article (123/4) confers upon the decision issued by the Bureau for the Interpretation of Laws the force of law. In this regard, the Centre notes the following observations:

1. The request submitted for the purposes of interpretation was not confined merely to the interpretation of legal provisions, but addressed a technical matter falling within the scope of the work of the judiciary, since it is the trial judge who determines the provision applicable to the facts before the court. What was issued by the Bureau of Interpretation was not directed at interpreting the legal article, explaining its connotations and clarifying its terms, but was directed at determining the applicable provision, which raises a question as to whether or not the Bureau for the Interpretation of Laws had jurisdiction to answer this question in the first place.
2. Article (42) of the Press and Publications Law states at its outset the following phrase: "Notwithstanding anything provided in any other law...", which means that, in the event of conflict, priority of application belongs to this Article, which specifies the offences falling within the jurisdiction of the court, including: "offences committed in contravention of the provisions of the Press and Publications Law, and offences committed by means of publications or licensed audiovisual media in contravention of the provisions of any other law".
3. Article (42), in its Paragraphs (d, g, h, i), regulates the procedural aspects relating to the trial of journalists, including the impermissibility of their detention. Since the Press and Publications Law

⁸⁶ Article (11) of the Cybercrimes Law No. (27) of 2015.

⁸⁷ The Prime Ministry's letter No. (M/1/42948) dated 4/10/2015 contains the following questions: "1- To clarify whether publication on websites and social media sites that includes slander, defamation or insult falls under Articles (42) and (45) of the Press and Publications Law or under Article (11) of the Cybercrimes Law. 2- To clarify whether all trial procedures in the publication-related cases referred to in Item (1) above fall under Article (42) of the Press and Publications Law or under Article (114) of the Criminal Procedure Code."

⁸⁸ Decision of the Bureau for the Interpretation of Laws No. (8) dated 19/10/2015, which concluded that the Press and Publications Law No. (8) of 1998, with respect to offences committed through periodical publications, printed or non-printed daily newspapers, specialised electronic publications and the news agency bulletin, is a general law, and that the Cybercrimes Law is a special law with respect to the offences committed under the provisions newly introduced therein ... and since the Cybercrimes Law is a special law that has reorganised certain provisions relating to the offences of defamation and slander, it is this law that applies in accordance with the provisions of Article (11) thereof, read in conjunction with Article (57/2) of the Penal Code. Accordingly, the decision stipulated that the offences of defamation and slander committed in violation of the provisions of Article (11) of the Cybercrimes Law through websites and social media sites are governed by that Article and by Article (114) of the Criminal Procedure Code, and not by Articles (42) and (45) of the Press and Publications Law.

is considered a special law in relation to the Criminal Procedure Code, the text of Article (42) is the one that should take precedence in application, which is what is in fact applied by the Jordanian judiciary.

4. Article (38/d) prohibits the publication of anything that contains defamation, slander or insult of individuals or that infringes upon their freedoms, and the same law punishes the contravention of this Article. It would have been more appropriate to apply the text of Article (38) to cases of defamation and slander, given that the Press and Publications Law proceeds from a legislative philosophy based on protecting freedom of expression and freedom of the press, regulating them, and striking a balance between this freedom and the rights and freedoms of others.

Third: The Press and Publications Law

The Press and Publications Law⁸⁹ was amended in order to accord with the changes resulting from the merger of the Press and Publications Department and the Audiovisual Media Commission into a single commission named the Media Commission; the definitions contained in Article (2) thereof were amended in line with these amendments.

Fourth: The Radio and Television Corporation Law, and the Establishment of the Independent Public Broadcasting Channel

The Jordan Radio and Television Corporation Law No. (17) of 2015⁹⁰ was amended by adding Article (5) bis, which reads: “Notwithstanding anything provided in Article (5) of this Law, the Council of Ministers may, upon the recommendation of the Board, entrust any of the functions provided for in this Law to a channel which it establishes for this purpose, which shall enjoy legal personality, and all matters relating thereto shall be regulated by a regulation issued for this purpose”.

Consequently, the year 2015 witnessed positive developments represented by the passing of the Independent Public Broadcasting Channel Regulation No. (53) of 2015,⁹¹ the purpose of whose establishment is to create an independent media platform that is open, works to maintain communication with the citizen and takes account of his or her needs on the one hand, and on the other hand keeps pace with developments in the media landscape.⁹² However, notwithstanding

⁸⁹ Law Amending the Press and Publications Law of 2015, to be read together with Law No. (8) of 1998. See: Official Gazette No. (5329), page (872), dated 1/3/2015. The amendments were as follows: amending Article (2) of the Press and Publications Law by repealing the definition of “the Department” and the meaning assigned to it, both contained in Article (2), and replacing them with the following: First – the Commission: meaning the Media Commission. Second – repealing the word “the Department” wherever it appears and replacing it with the word “the Commission”.

⁹⁰ The Jordan Radio and Television Corporation Law No. (17) of 2015, published in Official Gazette Issue No. (5341), page (5304), dated 17/5/2015.

⁹¹ The Independent Public Media Station Regulation No. (53) of 2015, published in the Official Gazette, Issue No. (5346), dated 22 June 2015, page (6292).

⁹² Statements of the Jordanian Government published in the Jordanian daily Al-Ghad, dated 13/6/2015, at: <http://alghad.com/articles/876241D9>

this positive development at the media level in Jordan, the Regulation in its current form does not achieve the full independence of the Channel,⁹³ for the following reasons:

- The Channel is managed by a board composed of a chairman and four members with expertise and specialisation, who are appointed by Royal Decree upon the recommendation of the Prime Minister for a renewable term of three years,⁹⁴ which means that the appointment of the members of the Channel's board of directors is directly linked to the executive authority, thereby preventing the achievement of its full independence.
- The Regulation provides that the Channel shall perform the functions entrusted to it by the Council of Ministers in accordance with the provisions of the law, which means that it is directly linked to the executive authority.

Policies for Promoting Freedom of the Press and Media

The Media Strategy 2011–2015

Now that the period set for the implementation of the Media Strategy for the years 2011–2015 has ended, the Centre deems it appropriate to set out the extent of the Government's success in implementing certain pillars of this strategy, the principal objective of which was to strengthen the enabling environment for an independent and enlightened Jordanian media based on the following foundations: (a) an enabling legislative environment that balances freedom and responsibility; (b) a high level of professionalism among media professionals based on sustained, objective training; (c) self-regulation of the profession and adherence to its ethics.⁹⁵ The following paragraphs will highlight what has been achieved under two pillars: legislation, and self-regulation of the profession.

First: Legislation

The Media Strategy for the years 2011–2015 referred to the need to “review the national legislation governing media work or relating to the performance of this sector,⁹⁶ so that such legislation becomes an instrument of incentive for upgrading media performance in form and content, in line with the principles of democracy and international human rights standards”. The strategy also indicated that, within the timeframe, the proposed amendments to laws would be implemented during the first year, while the remaining related legislation would aim to end custodial penalties for offences committed by means of publications and for offences of opinion;

⁹³ While stressing that establishing the Independent Public Media Station by virtue of a law in the first place would constitute a stronger guarantee of the Station's independence.

⁹⁴ Article (4/a) of the Independent Media Station Regulation. It should be noted that the Regulation did not specify the mechanism for terminating the appointment of the Station's Board of Directors and Director General, so that the matter would not be left to the discretion of the executive authority.

⁹⁵ The Media Strategy 2011–2015.

⁹⁶ The legislation to which the Strategy gave priority for amendment is: the Press and Publications Law No. (8) of 1998 and its amendments; the Penal Code No. (16) of 1960 and its amendments; the State Security Court Law No. (17) of 1959 and its amendments; the Law on the Protection of State Secrets and Documents No. (50) of 1971; the Contempt of Court Law No. (9) of 1959; the Jordan Press Association Law No. (15) of 1998; the Audio-Visual Media Law No. (71) of 2002; the Information Systems Crimes Law No. (30) of 2010; the Law on Guaranteeing the Right of Access to Information No. (47) of 2007; and the Juveniles Law No. (24) of 1968 and its amendments.

to introduce clear and explicit provisions prohibiting detention and imprisonment in press and publications cases; to abolish ambiguous terms contained in legislation that are open to more than one construction or interpretation; and to move from criminal defamation and slander to civil defamation and slander. Such a shift would exclude the Public Prosecution from the matter, with the public official bringing the case in his or her personal capacity; and where penalties are imposed, such penalties must observe the principle of proportionality and minimise the harm to freedom of expression.⁹⁷

A review of the amendments approved to certain legislation relating to freedom of opinion and expression and freedom of the press and media during the past period shows that they have not contributed as required to creating an appropriate legislative environment and climate for raising the ceiling of media freedoms and freedom of opinion and expression in general, and for strengthening the democratic climate in the country. On more than one level, there is legislation that has not yet been amended, foremost among which are the Contempt of Court Law and the Law on the Protection of State Secrets and Documents. There are also laws still under discussion in the House of Representatives, such as the Law on the Right of Access to Information, to which the Government submitted a proposal for amendments; although these amendments are positive, they do not meet aspirations, and it will be difficult for them to contribute to the flow of information as hoped. In addition, there is an existing legislative problem, namely the failure to review this legislation as a single package and to amend it in a manner that ensures its consistency and prevents its provisions from overlapping or conflicting.

It is worth mentioning that the laws that were amended are the Press and Publications Law, the Penal Code,⁹⁸ the State Security Court Law and the Information Systems Crimes Law.⁹⁹ Although all of these laws contained certain positive aspects, the amendment that affected the majority of their provisions came in a manner that widens the scope of the restrictions imposed on freedom of expression and freedom of the press and media in Jordan, and contradicts the objectives of the Media Strategy and Jordan's obligations under human rights conventions; indeed, some of them have opened the door wide to the detention and imprisonment of journalists and media professionals.

It should be noted that the Jordan Press Association Law was amended, containing several positive aspects to which the Centre referred in its previous report; the Audiovisual Media Law, mentioned above, was also amended, as was the Juveniles Law.¹⁰⁰

Second: Self-Regulation of the Press Profession and the Establishment of a Media Complaints Council

The Media Strategy referred to the need to establish a media complaints council in accordance with international models of ethical and professional principles that serve as a reference for press

⁹⁷ The Media Strategy 2011–2015 / First Domain: Legislation Regulating Media Work. See: www.pm.gov.jo/arabic/index.php?page_type=pages&part=1&page_id=430

⁹⁸ The Penal Code was amended; however, the amendments did not extend to the articles relating to freedom of expression.

⁹⁹ This is the law which, following its amendment, became the Cybercrimes Law.

¹⁰⁰ See the previous reports of the National Centre for Human Rights, which kept abreast, step by step, of the amendments to media-related legislation.

and media conduct and best practices.¹⁰¹ Notwithstanding the consultations that took place during the past period between the Government and the relevant institutions and civil society organisations and the Jordan Press Association for the purposes of agreeing on the form of the council, its terms of reference and the legal form under which it will be issued, whether as a law or a regulation, this council has not been established to date, nor have its main features been determined.

The Study Assessing Media Development in Jordan

The study assessing media development in Jordan was launched by the UNESCO Office in Amman, based on UNESCO's Media Development Indicators.¹⁰² The study reached a number of findings, the most prominent of which were: that the Jordanian Constitution contains strong guarantees for freedom of expression and the media, but these guarantees do not adequately rise to the level of international guarantees. As regards other legislation, the law provides strong and effective protection for the right of journalists to maintain the confidentiality of their sources; however, the system of media legislation is not in line with international standards in several respects, including: the existence of legal restrictions on who is entitled to practise journalism, resulting in a situation in which a large number of individuals who would normally be considered journalists are prevented from obtaining membership of the Jordan Press Association, and consequently cannot work officially as journalists; in addition to the requirement to license newspapers, and the unjustified control and restriction of websites, including news websites.

The study also concluded that the media are mostly concentrated in the capital, Amman, while issues of concern to citizens in the governorates receive less attention. Women and certain groups, such as refugees, are poorly represented in media content and in the media workforce, particularly in senior positions. Further, the study showed that the relationship of the Government with newspapers is characterised by a degree of lack of clarity, as partial public ownership appears through shares owned by the Social Security Corporation, which effectively gives the Government the ability to appoint board members and senior staff. At the same time, these media outlets lack the features of a public service media, and have no legal mandate or obligation to work in the public interest. The study further indicated that, despite numerous attempts, the media have not succeeded in establishing an effective and independent system for dealing with complaints relating to the media profession.¹⁰³

¹⁰¹ The mission of the Complaints Council shall be to receive citizens' complaints and grievances against the media, to examine them, to intervene to resolve them, and to bring the views of the two parties closer together in order to reach a mutually satisfactory solution. The Council shall have the power to issue statements on the outcome of complaints, in addition to its role in urging journalists and media institutions to observe professionalism and to comply with the laws and codes of professional ethics. The Council shall also serve as a body for the settlement of disputes outside the judicial system; recourse to it, however, is not compulsory, and it has no power to impose financial compensation.

¹⁰² The indicators address all aspects of the media environment and are organised according to the following categories: 1- A system of regulation conducive to freedom of expression and to the pluralism and diversity of the media. 2- Plurality and diversity of the media. 3- Media as a platform for democratic discourse. 4- Professional capacity-building and supporting institutions that underpin freedom of expression, pluralism and diversity. 5- Adequacy of the infrastructure to support independent and pluralistic media. Assessment of Media Development in Jordan (United Nations Educational, Scientific and Cultural Organization (UNESCO), July 2015, p. 5).

¹⁰³ Assessment of Media Development in Jordan, United Nations Educational, Scientific and Cultural Organization (UNESCO), July 2015, pp. 9–11.

Practices Relating to Freedom of Opinion and Expression

First: The Detention and Trial of Journalists

The year 2015 witnessed the continued detention and trial of journalists on account of publishing articles or expressing their opinions on Facebook. The following are a number of cases monitored by the Centre:

1. The detention of journalists Hashem Al-Khalidi and Saif Obeidat on 28/1/2015 by the Public Prosecutor of the State Security Court on the charge of using media outlets to promote the ideas of a terrorist group and committing acts that would expose Jordanians to the danger of hostile and retaliatory acts, contrary to the provisions of Article (3) of the Anti-Terrorism Law, on account of publishing a news item on the website relating to the negotiations for the release of the captive martyr pilot Muath Al-Kasasbeh.
2. The detention of journalist Jamal Ayyoub on 23/4/2015 by the Public Prosecutor of the State Security Court on the charge of disturbing relations with a foreign state, contrary to the provisions of Article (3/b) of the Anti-Terrorism Law, on account of his publication of an article entitled “What Drove Saudi Arabia to Wage War on Yemen?”.
3. The detention of journalist Ghazi Al-Marayat on 6/7/2015 by the Public Prosecutor of the State Security Court on the charge of committing acts that would expose the Kingdom to the danger of hostile acts, disturb its relations with a foreign state and expose Jordanians to the danger of revenge and hostile acts, on account of publishing press material relating to “the details of the Iranian terrorist plot against Jordan”.
4. The detention of journalist Jihad Al-Muhaisen on 11/7/2015 by the Public Prosecutor of the State Security Court on the charge of undermining the political system of government or inciting opposition to it, contrary to the provisions of Article (149/1) of the Penal Code, and the charge of lese-majesty (insulting the King), contrary to the provisions of Article (195) of the Penal Code, on account of posting on his personal Facebook page a post criticising the system of government in Jordan.
5. The detention of journalist Atef Al-Joulani on 19/8/2015 by the regular Public Prosecutor on the charge of failing to verify accuracy and truth in publishing press material, contrary to the Press and Publications Law, and of defaming an official body and a public official, contrary to the provisions of the Penal Code, on account of publishing an article entitled “Gas Cylinders: Are We More Careful than the Italians?”. It should be noted that the application for the release on bail of journalist Atef Al-Joulani was granted on the same day.
6. The detention of journalist Osama Al-Ramini on 20/10/2015 by the regular Public Prosecutor on the charge of jointly publishing material involving defamation, slander and insult on websites, contrary to the provisions of Article (11) of the Cybercrime Law¹⁰⁴ and Article (76) of the Penal

¹⁰⁴ Article (11) of the Cybercrimes Law No. (27) of 2015 provides as follows: “Any person who intentionally sends, re-sends or publishes data or information through the information network, a website or any information system that involves the defamation, slander or insult of any person shall be punished by imprisonment for a period of not less than three months and by a fine of not less than (100) dinars and not exceeding (2000) dinars.”

Code, following the publication of a news item criticising a school in Tafileh Governorate on the website “Akhbar Al-Balad”, of which he is editor-in-chief.

7. The detention of journalists Daigham Khraisat, Diao Khraisat and Ramez Abu Yousef on 16/11/2015 by the regular Public Prosecutor on the charge of publishing material involving defamation, slander and insult on websites, contrary to the provisions of Article (11) of the Cybercrime Law, on account of publishing more than one item of press material in Al-Hayat newspaper and on the Al-Hayat website criticising certain government officials. 8. The detention of media professional Tareq Abu Al-Ragheb on 3/11/2015 by the regular Public Prosecutor on the charge of publishing material containing defamation, slander and contempt of a person, defamation and insult of one of the religions whose freedom is guaranteed by the Constitution, failure to ascertain the truth, and failure to observe objectivity in presenting journalistic material.

Second: The Centre records the following observations with regard to the detention and trial of journalists:

- The detention and trial of the majority of journalists were carried out on the basis of offences classified under Jordanian laws, in particular the Prevention of Terrorism Law, the State Security Court Law and the Penal Code, as terrorist offences. This raises a question as to the proportionality between the criminalised act, assuming it is proven, and the penalty, as well as the classification of the offence in the first place. It further indicates the absence of a genuine will not to imprison journalists.
- The amendment of the Cybercrimes Law, and the subsequent issuance of the decision of the Bureau for the Interpretation of Laws referred to above, opened the door wide to the detention of journalists and constituted a new gateway within the legislative system for circumventing the Press and Publications Law, which expressly prohibits the detention of journalists.
- Although Article (42/b/2) of the Press and Publications Law provides that the Press and Publications Cases Chamber at the Amman Court of First Instance shall have exclusive jurisdiction to hear offences against the internal and external security of the State provided for in the Penal Code in force where they are committed by means of publications or licensed audio-visual media, this provision has not been fully activated.
- The Jordanian Penal Code contains a provision on the offence of committing acts or writings that would expose the Kingdom to the danger of hostile acts, disturb its relations with a foreign State, or expose Jordanians to the danger of acts of retaliation by a foreign State; this offence falls within the jurisdiction of the regular judiciary. The Prevention of Terrorism Law contains a similar provision that deems such an act to be a terrorist act (Article 3/b). This raises a question as to the duplication of criminalisation, the authority competent to refer cases of this kind to the State Security Court or to the regular judiciary, and the mechanism by which such a decision is taken.
- Detained journalists are placed in dormitories housing persons convicted of, or detained for, various offences, including property offences such as theft and fraud, murder and drug offences, etc. This means that the nature of the acts committed by journalists, which relate to the dissemination and expression of ideas, is not taken into consideration when classifying inmates.

- The Centre notes the lengthy periods of detention of journalists, particularly with regard to offences heard before the State Security Court.
- The majority of the journalists interviewed commended the good treatment inside the Correction and Rehabilitation Centres, whereas others complained of ill-treatment and poor conditions in detention facilities. The Centre also recorded one case of a journalist who complained of having been beaten while being transferred from one correction centre to another.

Third: Observations of the Committee against Torture on communications concerning journalists.

The Committee against Torture considered the third periodic report of Jordan in 2015. In its concluding observations on the report, the Committee expressed its concern at communications and reports alleging the excessive use of force by police forces in dispersing demonstrations, including against journalists, which may amount to ill-treatment or torture. In this regard, the Committee indicated that Jordan should:

1. Conduct prompt, impartial, thorough and effective investigations into all allegations of the excessive use of force, including torture and ill-treatment, by law enforcement officials, and ensure that persons suspected of having committed such acts are immediately suspended from their duties for the entire duration of the investigation, while respecting the principle of the presumption of innocence.
2. Prosecute all persons suspected of involvement in the commission of torture and ill-treatment against journalists.
3. Take immediate measures to eliminate all forms of torture and ill-treatment by law enforcement during demonstrations, and ensure that law enforcement officials are trained in professional methods so that they do not use force or resort to it except where strictly necessary and to the extent required for the performance of their duties.

The Committee also expressed its concern at the vague definition of a terrorist act in the Prevention of Terrorism Law, including the charge of harming relations with a foreign State, and at the existence of restrictive provisions in the Jordanian Penal Code on freedom of the media and publication, which have resulted in significant restrictions on the work of journalists, most of whom have been subjected to arbitrary detention in the absence of procedural safeguards and have faced criminal charges before the State Security Court for allegedly violating the said laws. The Committee recommended that Jordan, in this context, remove the obstacles affecting the work of journalists, including by introducing the necessary amendments to the Prevention of Terrorism Law and the Penal Code, and provide effective protection against the arbitrary arrest and detention of journalists, in order to ensure that persons responsible for such acts are prosecuted and punished.

Fourth: Prisoners of conscience (the right to freedom of expression of users of social media and of individuals in general).

First: The year 2015 witnessed an expansion in the detention of a number of persons, whether those affiliated with the so-called popular movements or independent persons who expressed their

opinions and criticised Jordan's positions and the Government's public policies on regional and international issues, in particular Jordan's participation in the international coalition against the Islamic State organisation (ISIS/Da'esh), via social media, specifically Facebook. The Centre monitored the detention and trial of approximately (25) persons in this context.¹⁰⁵ The charges brought against these persons ranged from committing acts that would disturb Jordan's relations with a foreign State or expose the Kingdom to the danger of hostile or retaliatory acts, to opposing the system of government or inciting opposition to it, to lèse-majesté and defamation of an official body. The majority of these persons were detained and tried by the State Security Court, and their detention continued for long periods, in many cases until the judicial ruling was issued.

Second: During 2015, the detention and trial of persons continued on the charge of using the information system, the information network or any means of publication or media, or establishing a website, to facilitate the commission of terrorist acts or to support a terrorist group or organisation or promote its ideas, contrary to the provisions of the Prevention of Terrorism Law (Article 3/e). In this regard, the Centre notes the lack of clarity and precision of the phrase "promoting a terrorist group" and its inconsistency with the relevant international standards, in addition to its being a loose term that has no defining limit or criterion. The Centre monitored the detention and trial of approximately (50) persons on the basis of this offence.¹⁰⁶ While the Centre affirms the necessity of criminalising and prosecuting those who disseminate terrorist thought, given the gravity of this offence for society, it affirms at the same time the necessity of adhering to precise legal drafting of the acts constituting terrorist offences and of refraining from loose terms that are open to interpretation.

It should be noted that Human Rights Watch issued its report on the human rights situation in the world for 2015, in which it indicated that the Jordanian authorities had increasingly used the provisions of the Prevention of Terrorism Law to arrest and prosecute activists, opposition figures, journalists, politicians and persons participating in various marches or protests. The report also referred to the narrowing of the space for media freedom during 2015. In addition, the Swiss-based Alkarama Foundation, which specialises in the defence of human rights, submitted an urgent appeal to the United Nations Working Group on Arbitrary Detention concerning the detention of Dr. Iyad Qunaibi for publishing an article on Facebook criticising the Government.

Fifth: Prevention of the holding of activities, and detention following participation in some of them.

The Centre monitored a number of cases in which individuals were prevented from holding peaceful activities and expressing their opinions. In other cases, a number of persons were detained and tried following their participation in sit-ins or marches, and at other times on account

¹⁰⁵ The Centre visited most of these detainees in order to ascertain their conditions and the reasons for their detention and to document their cases.

¹⁰⁶ The Centre requested detailed information on the number of persons being tried on the charge of promoting the ideas of a terrorist group; however, it did not receive such information in this regard from the Military Judiciary Directorate. Rather, it was provided with an aggregate figure indicating that the number of cases concerning unlawful organisations in 2015 stood at (121) cases, of which (41) cases are still under consideration by the Public Prosecution, while (80) cases were referred to the State Security Court, of which (60) cases have been adjudicated and (20) are still under consideration. (Letter received by the Centre from the Military Judiciary Directorate dated 17 February 2016.)

of chanting certain slogans. Set out below are examples of the most prominent of these events during 2015:

1. The arrest of approximately (13) employees of Mutah University following a sit-in they staged to demand that the University administration grant them their labour rights, during May 2015.
2. The prevention of a group of family members of certain persons detained by the State Security Court from holding a sit-in in front of the Royal Hashemite Court on 27/5/2015.
3. The detention of a group of workers at the Al-Safi Garment Factory on account of their participation in the strike staged by the factory workers on 12/7/2015.
4. The prevention of a group of workers of the Al-Safi Garment Factory from holding a sit-in in front of the Royal Hashemite Court on 26/7/2015.
5. The detention of (12) persons who participated in the march held on 2/10/2015 from in front of the Kalouti Mosque in support of Al-Aqsa Mosque, among them eight juveniles. The juveniles were released on the same day, while four other persons were detained on the charge of assaulting officials during an unlawful assembly, contrary to the provisions of Article (165/4) of the Penal Code.
6. The detention of one of the persons who participated in the march held on 9/10/2015 in support of Al-Aqsa Mosque, which set off from in front of the Professional Associations Complex, because of the slogans he chanted; he was charged with inciting opposition to the system of government, contrary to the provisions of Article (149/1) of the Penal Code.
7. The prevention of a debate on the death penalty that had been scheduled to be held at a restaurant in the Capital Governorate on 11/10/2015.
8. The detention of five young men following their participation in protests held in Madaba Camp denouncing the Israeli attacks on Al-Aqsa Mosque, as a result of their blocking roads and placing burning tyres on them, according to the security agencies, on 11/10/2015.
9. The prevention of a group of young men from completing a march they were conducting in the downtown area in support of Al-Aqsa Mosque on 23/10/2015.
10. The forcible dispersal of a number of labour strikes or sit-ins, including the dispersal of the strike of the employees of the Ports Corporation on 25/10/2015 and the arrest of more than (20) workers among them, and the dispersal of the strike of the employees of the Aqaba Special Economic Zone Authority in January 2016 and the detention of approximately (11) persons among them.
11. The detention of two young men following a march organised by the Coalition of Nationalist and Leftist Parties under the title “No to Restrictions on Media Freedoms and the Citizen’s Livelihood”, in support of media freedoms and in rejection of the restrictions on journalists, on 13/11/2015.

12. The prevention of the holding of a festival entitled “On Arab Media”, which had been intended to be held at the Rainbow Theatre in solidarity with Al-Mayadeen channel,¹⁰⁷ on 21/11/2015.

13. The dispersal of a sit-in by a group of representatives of the Popular Movement Coordination Committee, commemorating the events of the Interior Ministry Circle, which was held in front of the building of the National Centre for Human Rights on 28/11/2015.

14. The dispersal of a sit-in by hundreds of Sudanese refugees in front of the Office of the United Nations High Commissioner for Refugees on 17/12/2015.

15. The prevention of the holding of a rally at the Professional Associations Complex on 30/12/2015 to commemorate the execution of the late Iraqi President Saddam Hussein.

16. The prevention of more than one sit-in by the “Jak” group in front of the Kalouti Mosque, which aimed at opposing normalisation with Israel and demanding the closure of the Zionist entity’s embassy and the annulment of the Jordanian–Israeli Peace Treaty. This group had been accustomed to holding a weekly sit-in at the same location for five years. A group of young men who participated in these sit-ins were also arrested.

17. The fencing-off of the Kalouti Square at the beginning of November 2015 in order to prevent any sit-ins or activities that might be held there.

Sixth: The right to freedom of expression and the right to privacy.

The exercise of the right to freedom of expression may intersect with other rights, in particular the right to the privacy of individuals. Set out below are the most prominent violations monitored, which affected the right to private life:

- A former Member of Parliament criticised the appointment of a woman as a minister by publishing her private photographs with her family on social media and using offensive language, which constitutes a violation of the Minister’s right to private life.
- The press and users of social networks published photographs and circulated information about girls under the age of eighteen who had left their families’ homes, without adhering to the rules set out in the Journalistic Code of Honour, in particular those relating to the commitment of journalists to defend children’s issues and not to publish anything that would harm them or their families.
- Some media outlets published photographs of two sisters whose bodies were found laid out in front of an abandoned building in Amman, thereby violating the Journalistic Code of Honour, in particular the articles referring to the necessity of respecting the reputation of families and the confidentiality of citizens’ private affairs. Users of social media also circulated and commented on these photographs without regard for the feelings of the two girls’ families, and without relying on documented information regarding the suicide incident.

¹⁰⁷ Al Mayadeen is a Lebanese channel whose broadcasting was suspended by the Arabsat satellite. It should be noted that the festival was organised by the editorial board of Radical magazine, the Jordanian Democratic Youth Union, and the Arab Youth Front for the Defence of Syria (Jordan Branch).

- The right of access to information:

Jordan has numerous international obligations relating to the right of access to information.¹⁰⁸ Nevertheless, the Jordanian Constitution contains no reference to the right of access to information, although many voices called for this right to be included in the constitutional amendments issued in 2011. The Law on Guaranteeing the Right of Access to Information has remained the principal law¹⁰⁹ regulating this right. The Centre indicated in its previous reports that this Law requires a comprehensive review, as it broadens the scope of exceptions and excludes a large volume of information from its scope of application, and it also gives priority of application to other laws that constitute a fundamental obstacle to the flow of information, in particular the Law on the Protection of State Secrets and Documents.

- Number of requests submitted for access to information:

The number of requests for access to information submitted to the relevant departments and institutions in 2015 totalled (2,140) requests, of which (2,094) were answered, while (47) requests were rejected. The largest share of the requests for access to information in 2015 was submitted to the Department of Statistics, the total number of requests submitted to it amounting to (1,344) out of (2,140) requests.¹¹⁰ It should be noted in this context that the number of requests for access to information amounted to (3,698) requests in 2014 and to (2,209) requests in 2013. The number of complaints received by the Information Council during 2015 concerning the refusal of certain bodies to provide the requested information was four complaints.

¹⁰⁸ In addition to Jordan's ratification of the International Covenant on Civil and Political Rights, which provides that the State shall guarantee the right to receive and impart information, Jordan has ratified other international instruments that stipulate that the State must guarantee this right, foremost among them the United Nations Convention against Corruption, as well as the environmental conventions, which have emphasised the need to provide environmental information and to involve citizens in environmental decision-making. Moreover, Jordan is a member of the Open Government Partnership, which entails a commitment on the part of the member State to increase the availability of information on governmental activities at all levels, in order to enhance transparency, empower citizens and combat corruption. Jordan was the first Arab State to join the Open Government Partnership, in 2011, and submitted its first action plan in April 2012. The Partnership aims to enhance citizens' participation in what takes place within governments, with a view to transparency and accountability, through the publication of the greatest possible amount of information and documents concerning their work. See: <http://www.gerasanews.com/index.php?page=article&id=1450>

¹⁰⁹ In this context, the Centre stresses the need to amend the Law on Guaranteeing the Right of Access to Information; the most prominent articles requiring review are as follows: 1- Amending Article (3/a) concerning the composition of the Information Council so as to ensure its independence from the executive authority and a balanced membership. 2- Expanding the functions of the Information Council set out in Article (4) to include ensuring the facilitation and expansion of the right of access to information, monitoring violations and breaches of this right, and publishing studies identifying the challenges and obstacles that stand in the way of its effective enforcement. 3- Amending Article (4/e) by submitting the report on the right of access to information to the Prime Minister and to both the House of Representatives and the Senate. 4- Amending Article (7) so as to ensure the extension of the right of access to information to natural and legal persons, whether citizens or residents, and abolishing the interest requirement, given the absence of any control or criterion therefor. 5- Repealing Article (10) of the Law, since it relates to intentions and has no specific control or criterion. 6- Amending Article (13) of the Law, which has unjustifiably broadened the scope of the exceptions to the Law. 7- The need to shorten the period for responding to a request (30 days) set out in Article (9/c) of the Law, while taking into account cases of urgency where justified. Furthermore, the Law does not provide for the imposition of deterrent penalties on any person who withholds information from those requesting it, unlawfully destroys information in his possession, or provides incorrect information.

¹¹⁰ Based on information received from the Information Council.

- Classification of information and government expenditure to promote the right:

According to information received from the Information Council, the number of institutions that classified their information pursuant to Article (14) of the Law was (95) out of (111) institutions; the Council confirmed that certain institutions had been merged or abolished. The classification process is supposed to be a procedural and organisational matter that must not impede the principle of maximum disclosure of information, and consequently the principle of openness and transparency. However, what has taken place in practice with regard to the classification of information by institutions and bodies has not achieved its purposes, as this process is carried out without scientific foundations or an approved frame of reference; rather, the matter has been left to each institution individually, without supervision or oversight, to determine what constitutes confidential information excluded from the right of access to information, and without any body reviewing the classification process.

As regards government expenditure to guarantee and promote this right, the general budget does not include an item allocated to the Information Council that would enable it to carry out the tasks entrusted to it.

- Violations relating to the right of access to information:

The Centre monitored certain violations relating to access to information committed by several governmental and non-governmental parties. Set out below are some of these cases, by way of example and not limitation:

- The media refrained from publishing the names of establishments in breach of the Food and Drug Law, although the Jordan Food and Drug Administration published a statement on 5/8/2015 naming the establishments in breach, pursuant to the Food and Drug Law, which permits the publication of the names of establishments in breach, in order to promote the public's right to know.¹¹¹
- A request for access to information submitted by a radio station to the Ministry of Interior, concerning information on the number of Syrian refugees deported by the Jordanian authorities, was rejected. The Ministry of Interior justified this refusal on the ground that the information had been classified as confidential.
- A group of journalists were prevented on 9/6/2015 from entering the Akef Al-Fayez Hall in the House of Representatives, in which a meeting was held to discuss the issue of deferred sales in the Wadi Musa area.
- Journalists were prevented from attending the meeting held by the House of Representatives to discuss the Election Law on 6/10/2015.

It should be noted in this regard that Transparency International issued its annual report for 2015, which covered (168) countries, including (19) Arab countries. According to the Corruption Perceptions Index, Jordan rose on this index for 2015 by four points, obtaining a score of 53%

¹¹¹ For details, see the report prepared by the Jordan Media Credibility Monitor (Akeed), entitled "The Food [and Drug] Corporation Publishes the Names of Violators, and Newspapers Withhold Those Names", at: www.akeed.jo/%D8%A8%D9%84%D8%A7-%D9%85%D8%AA%D8%A7%D8%A8%D8%B9%D8%A9/2297/

compared with 49% for 2014 and 45% for 2013. Consequently, Jordan's ranking improved, as it ranked (45th) globally compared with (55th) out of (175) countries in 2014 and (66th) out of (177) countries in 2013. According to Transparency International, Jordan exceeded the global average and the average of most regions of the world, with the exception of the average of the European Union and Western European countries. At the Arab level, Jordan ranked third after Qatar and the United Arab Emirates.¹¹²

Recommendations:

- Complete the review of the laws relating to media legislation and to freedom of expression in general, taking into consideration reviewing them as a single legislative package in order to avoid contradictions and inconsistencies between the laws.
- Amend the Audio-Visual Media Commission Law so as to ensure that the shortcomings mentioned by the Centre in the body of this report are avoided.
- Amend the Prevention of Terrorism Law so that criminal acts are clearer and more precise, enabling the individual to regulate his or her conduct in accordance with the criminal provision; in particular, amend Article (3/b), on the basis of which many journalists and holders of differing opinions have been tried, and Article (3/e) relating to the use of the information network to promote the ideas of a terrorist group.
- Amend the Penal Code, in particular Article (149/1), in view of the generality and breadth of the legal provision and the possibility of bringing numerous acts within its scope.
- Amend the Regulation of the Independent Public Broadcasting Station so as to enhance its independence, in order to guarantee an independent media landscape characterised by diversity, pluralism and difference.
- Subject the process of classifying information in the various institutions to a single methodological and scientific frame of reference, with the necessity of establishing a body to supervise the classification process so that the matter is not left to the whims of officials, proceeding from the principle of maximum disclosure of information.
- Provide greater protection for journalists during various marches and protests, provide redress to media professionals who are victims of violations and compensate them materially and morally, and prosecute those who assault them.
- Train law enforcement agencies on the international standards for the right to freedom of opinion and expression and on dealing with demonstrators and journalists during marches.
- Try journalists and media professionals under the Press and Publications Law and not under any other law.
- Replace the penalty of imprisonment and criminal fines by expanding the scope of compensation for persons harmed by false news to include compensation for psychological harm, in such a manner as to abolish the criminal nature of these offences or reduce it to the narrowest possible scope.

¹¹² www.petra.gov.jo/Public_News/Nws_NewsDetails.aspx?Site_Id=2&lang=1&NewsID=234918&CatID=14

7. The Right of Assembly

National,¹¹³ regional¹¹⁴ and international¹¹⁵ legal texts guarantee and protect the right of citizens to peaceful assembly, including their organising of, participation in and joining of marches, protest vigils and public events, whatever their forms and however varied their objectives, as well as the right to freedom to hold and express opinions.

In its previous annual reports,¹¹⁶ the National Centre submitted a set of recommendations concerning the reconsideration of the laws relating to the right to peaceful assembly; however, the Government's report, in its response to the recommendations of the National Centre in its Eleventh Report for 2014,¹¹⁷ excluded this right.

Sit-ins, protests and strikes were numerous in 2015, whether by employees of public and official institutions or of the private sector, or by students and civil society bodies, including parties and trade unions. These sit-ins and protests involved the following sectors: the residents of Petra and Wadi Musa on account of deferred sales, farmers of the Southern Jordan Valley, university students, holders of doctoral degrees with disabilities, popular movements and political parties, and the National Centre monitored many of them. Despite the differences among the bodies organising these sit-ins and protest vigils, they all centred on demanding the improvement of the social and economic conditions of the employees of these institutions, support for the people of Palestine and the protection of Jerusalem following certain regional events, such as the Israeli attacks on Al-Aqsa Mosque and on Palestinian civilians. Most of these events were characterised by their peaceful nature and by the non-use of force by law enforcement agencies in dealing with them. On the other hand, the Government prevented a peaceful march and used force to disperse it, namely the march organised by youth, popular and movement groups under the title "Except the Messenger of God", in support of the Messenger of God, Muhammad (peace and blessings be upon him), on 16/1/2015, to denounce the cartoons offensive to him published by the Parisian newspaper Charlie Hebdo; the participants demanded an end to the publication of images and drawings offensive to the Prophet (peace be upon him) and a boycott of French goods and products. The security forces prevented the march from advancing towards the French Embassy without notifying or warning the participants by means of the loudspeakers in their possession, and the security forces used force to disperse the march because the participants refused the request of the Gendarmerie forces not to advance towards the French Embassy. They held no more than ten participants, whom the security forces subsequently released in response to a request by

¹¹³ Article (16) of the Jordanian Constitution provides that Jordanians shall have the right to assemble within the limits of the law.

¹¹⁴ Article (24/6 and 7) of the Arab Charter on Human Rights, 2004.

¹¹⁵ Article (20) of the Universal Declaration of Human Rights, and Article (21) of the International Covenant on Civil and Political Rights.

¹¹⁶ See the recommendations of the Annual Report of the National Centre for Human Rights for 2013, p. (85), and the 2012 Report, p. (77).

¹¹⁷ The Government Report on the Recommendations of the Eleventh Report of the National Centre for Human Rights for 2014.

one of the representatives of the Islamic movements. The participants in the march dispersed voluntarily, and it ended peacefully.¹¹⁸

First: (a) The sit-in organised by students of eight intermediate community colleges on 25/2/2015 in front of the building of the Ministry of Higher Education and Scientific Research, in protest against the decision of the Higher Education Council “not to recognise any course for the purposes of bridging to universities for students whose averages are below 70%”.¹¹⁹

Second: Sit-in by journalists.

- (a) Journalists of Al-Dustour daily newspaper held a sit-in in front of the newspaper’s headquarters on 2/3/2015 to demand their rights, namely the payment of overdue salaries, the reinstatement of health insurance and other labour rights. This sit-in formed part of an escalation programme in the event that their demands were not met.¹²⁰

Third: Sit-in by the Jordan Bar Association.

The Jordan Bar Association staged a sit-in on 2/3/2015, pursuant to which lawyers ceased to plead before the courts of the Kingdom for one hour in protest against the detention of lawyers and the undermining of the immunity they enjoy. This came following the detention of an elderly lawyer suffering from illness over a dispute with a traffic policewoman. The participants in the sit-in demanded an end to violations against lawyers, respect for their rights and the activation of the Bar Association Law in this regard, given the repeated occurrence of such infringements.¹²¹

Fourth: Sit-ins by local residents.

- (a) The Committee of Tribal Representatives in Petra organised a strike on 17 and 18/6/2015, demanding that the Government’s role be activated in managing the crisis of the South, represented by the increasing debts of residents as a result of the deferred sales crisis.¹²² They also held a sit-in on 23/6/2015 demanding the lifting of the attachments on the traders’ funds and/or financial settlements in the deferred sales process,¹²³ and on 23 and 24/11/2015 they staged a general strike that brought tourist and commercial activity and work in official departments in the city of Petra to a halt, in order to demand the funds of

¹¹⁸ Monitoring report of the National Centre for Human Rights team, dated 16/1/2015.

¹¹⁹ Jordanian daily Al-Ghad, dated 26/2/2015. The Higher Education Council issued a decision on the fourth of last month amending the bridging instructions, whereby no course shall be equated for the purposes of bridging to universities for students whose average in community colleges is below 70% in the engineering, pharmacy and veterinary medicine specialisations, and 68% for the other specialisations, as of the second semester of the 2014–2015 academic year, whereas the minimum mark required of students for equivalency purposes prior to the amendment of the Instructions was (60).

¹²⁰ Al-Ghad newspaper, dated 2/3/2015.

¹²¹ Ad-Dustour newspaper, dated 2/3/2015.

¹²² Dr. Mousa Farazat of the Petra Development and Tourism Region Authority was contacted; he stated that the residents of the area were burdened by deferred debts as a result of their failure to pay the merchants under the cheques they had drawn in their favour, and that it was the intervention of the Anti-Corruption Commission, by seizing the debtors’ assets on 28/5/2015, that led the residents to ask: why did the State authorities not take any action for 5 years until after everyone had become exhausted by debt?

¹²³ Contact with Dr. Mousa Farazat of the Petra Development and Tourism Region Authority, who confirmed the sit-in held by the residents of Petra and that the published news concerning the issuance of a statement by the Southern Crisis Management Committee was accurate.

those harmed by “deferred sales” (known as “*al-ta’zeem*”). Shop owners closed more than 85% of their shops to shoppers, some employees of tourist hotels left their workplaces in continuous protests, and the owners of public transport vehicles ceased to provide service. The demonstrators launched the “I Want My Right” campaign in a statement in which they affirmed the continuation of what they called the daily “civil disobedience”, demanding their financial dues from the deferred-sales traders and the release of four young men detained by the security and Gendarmerie forces during the disobedience.¹²⁴ It transpired that these persons had been detained on account of an assault and threats they had made against directors and employees in order to force them to join the civil disobedience; two of the detainees were released.¹²⁵

- (b) The popular and youth movement, representatives of the “Islamic Action Front” and trade unionists organised a march entitled “Friday of Rage in Support of Al-Aqsa and the Free” on 31/7/2015 in the downtown area, which set off from in front of the Al-Husseini Mosque to Al-Nakheel Square.¹²⁶ It was asserted that the acts of the persons tried before the State Security Court in the case known as the “support for Hamas” case fall under legitimate resistance. The march was characterised by calm and by the absence of strong criticism of the Government’s policies and measures.¹²⁷
- (c) A number of Jordanian leftist movements and parties held a protest vigil on 2/10/2015 in front of the Kalouti Mosque in the Rabieh area, demanding the annulment of the peace treaty with Israel and the expulsion of the Israeli Ambassador.¹²⁸ Jostling occurred between persons leaving the Kalouti Mosque and the participants in the sit-in, and the security agencies dispersed the sit-in. Friction also occurred among a number of participants, some of whom defied the measures of the security personnel. The Centre visited three detainees in their places of detention, held by decision of the Public Prosecutor on the charge of assaulting officials during an assembly.¹²⁹
- (d) The residents of Madaba Camp held a march organised by the popular and youth activists from among the camp’s residents on 5/10/2015 in rejection of “the Zionist aggression against the Blessed Al-Aqsa”, calling for an end to Arab silence regarding the attacks and assaults to which the Blessed Al-Aqsa Mosque is subjected by the Israelis against the holy sites in Palestine.¹³⁰ Five of the protesters in the march were detained for smashing four cars and blocking the Madaba–Ma’in road with burning tyres, which necessitated the intervention of the Public Security and Gendarmerie forces to disperse them and open the road to traffic by firing tear gas.¹³¹

¹²⁴ Al-Ghad newspaper, Petra, 24/11/2015.

¹²⁵ The Centre’s report on the monitoring of Wadi Musa District, dated 24/11/2015.

¹²⁶ Assawsana newspaper, 27/7/2015, www.assawsana.com

¹²⁷ The Centre’s report on the march in support of Al-Aqsa, dated 31/7/2015.

¹²⁸ Assabeel newspaper, 12/10/2010.

¹²⁹ Report on the visit to detainee Bandar / Kalouti sit-in; report on the visit to detainee Suhaib Ribhi; and report on the visit to detainee Juma’a Tawfiq, 2010/2015.

¹³⁰ Al-Haqiqa Al-Dawliya, Madaba, dated 9/10/2010.

¹³¹ Ad-Dustour, Madaba, dated 11/10/2015.

Fifth: Protest by farmers.

Farmers of the Northern Jordan Valley blocked the Jordan Valley road in the Al-Arameh area on 28/10/2015 in protest against the slow work of the committees assessing the damage caused by floods and winds in the Wadi Al-Rayyan area, which had led to the closure of the Jordan Valley road and damage to a number of farms in the area. They protested against the committees' recording of the damage to the farms of some farmers at a larger area and percentage than others, and against the inaccuracy of the preliminary report reached by the committees, which affects the extent of the Government's responsiveness in disbursing financial compensation to them for the damage that adversely affected their farms. The preliminary report had assessed the flood damage to crops in the Northern Jordan Valley area and revealed damage to (825) agricultural dunums of vegetable crops, in addition to damage to (2,003) fruit-bearing citrus trees, with a damage rate reaching 80%. According to the report, (128) greenhouses were also damaged and (421) head of livestock perished, in addition to the destruction of tonnes of fodder.¹³² The Centre ascertained that the Ministry of Agriculture was aware of the protest, and that it constantly issues guidance messages and instructions to farmers and livestock breeders, such as not planting crops on exposed land during frost periods and livestock breeders not approaching water sources; when floods or frost occur, the agricultural directorates conduct a tour of the affected farms and record any damage. They did so following the floods, but they have not yet completed their work.¹³³

Recommendations:

The National Centre reiterates the recommendations set out in its previous reports with a view to promoting and guaranteeing the rights of individuals to peaceful assembly, and to law enforcement agencies protecting the exercise of this right by citizens, at the level of both legislation and the practices relating thereto.¹³⁴

8. The Right to Establish and Join Political Parties

The right to form political parties is one of the political human rights. Article (16/2) of the Jordanian Constitution guarantees this right, and it has also been affirmed by the international human rights instruments, most notably the Universal Declaration of Human Rights (Article 20/1) and the International Covenant on Civil and Political Rights (Article 22/1).

Notwithstanding Jordan's political opening and the parties' obtaining of licences and a legal umbrella, the performance of the parties remains below the required level in terms of effectiveness and citizens' membership. Whereas the Government attributes this to the weakness of the parties' programmes, the adoption by some of them of foreign ideas and agendas, and the weakness of democratic practice within them, the parties attribute it to the Government's policies of marginalising them and its failure to enact election laws that would enable them, that is, the parties, to reach Parliament, which has led to weak membership, as well as to the existence of

¹³² Al-Rai newspaper, Northern Jordan Valley, 29/10/2015.

¹³³ The Media Spokesperson of the Ministry of Agriculture, Dr. Nimer Haddadin, was contacted.

¹³⁴ For further information on these recommendations, see the Report of the National Centre for Human Rights for 2014, p. (78).

certain government policies that restrict people's membership of them by preventing some of their activities.

The year 2015 witnessed the enactment of a new Political Parties Law (Law No. (39) of 2015)¹³⁵ to replace the previous Political Parties Law (Law No. (16) of 2012). The Law contains a number of positive provisions, the most important of which are: (a) the reconstitution of the Political Parties Affairs Committee so as to be linked to the Ministry of Political and Parliamentary Affairs instead of the Ministry of Interior; (b) the reduction of the number of founding members of any party to one hundred and fifty persons instead of five hundred persons, and the abolition of the percentage requirement that women constitute 10% of the founders and that the founders from each governorate constitute 5%; (c) the reduction of the age of a founder to eighteen years instead of twenty-one; and (d) the provision for the dissolution, by judicial decision, of parties that receive funding from abroad or that attempt to undermine national unity through their discourse, and the punishment of their members.

On the other hand, this Law contains numerous gaps which the Centre affirms must be remedied so that it is consistent with the Jordanian Constitution and international standards, the most important of which are: (a) retaining the same mechanism for the registration of a party and the procedures for its licensing; (b) retaining the requirement that ten years must have elapsed since the naturalisation of a person wishing to establish a party; (c) setting the number of members required to establish and register or license a party at no fewer than (150) members, which is a high number according to international human rights standards; (d) the length of the period provided for in the Law for the party registration process;¹³⁶ (e) the Law does not contain any objective criteria setting out the procedures and bases for providing financial support to parties within the Law, as the draft merely stated that an item shall be allocated in the State's general budget to contribute to supporting parties from Treasury funds, and referred this matter to a regulation to be issued in this regard; (f) the requirement of the prior approval of the Political Parties Committee for amending a party's statute or merging it into another party, which constitutes an infringement of a party's right to amend and develop its internal regulations; and (g) the draft law granted the Chairperson of the Political Parties Committee, or his or her delegate, the right to inspect the financial accounts of parties and audit their financial records, which conflicts with the obligation set out in the Law in Paragraph (a) of Article (29) to appoint a certified auditor to audit the accounts and financial statements of parties at the end of each year, not to mention that this task should fall within the responsibilities of the Audit Bureau.

¹³⁵ Published in the Official Gazette on 16/9/2015, Issue No. (5358), page (7835).

¹³⁶ Article (12/1), which grants the Secretary of the Committee the right to request any documents or data required under the draft law for the completion of the founding procedures, by a letter issued by him within thirty days from the date of receipt of the founding application. Likewise, Article (12/b), which grants the founders' representative the right to submit the required documents and data within fifteen days from the date of notification of the letter of the Secretary of the Committee, and grants the Chairman the right to extend this period for an equal period upon the request of the founders' representative. Likewise, Article (14) of the draft, which requires the Committee to issue its decision announcing the founding of the party within a period not exceeding seven days from the lapse of sixty days from the date of receipt of the notification, or the lapse of thirty days from the date of receipt of the required documents and data referred to in Article (12) of the Law.

Opposition and centrist parties expressed reservations about the contents of the new Political Parties Law No. (39) of 2015 adopted by Parliament; although the number of a party's founders was reduced from (500) to (150) members, they still consider this a large number as a condition for establishment.

The parties also expressed reservations about the “disregard” of the addition, in the definition of a party, of a phrase stating that participation in the peaceful rotation of power shall be among the party's objectives. Some of them also expressed reservations about linking the parties' frame of reference to the Ministry of Political and Parliamentary Affairs instead of an independent body for political party affairs. Opposition parties demanded that political parties be granted, under the Law, the right to challenge laws, regulations and instructions before the Constitutional Court, and called for the inclusion of a clear provision stipulating that no citizen shall be held accountable for his or her financial contributions and donations to any party whatsoever.¹³⁷

The parties also issued several reactions to His Majesty the King's Fifth Royal Discussion Paper on parliamentary government. On 13/4/2015, a seminar entitled “The Parties' Reading of the Royal Discussion Papers”, organised by the Nissan Centre for Political Development Studies, was held with the participation of a considerable number of parties, which presented working papers praising the positive aspects contained in the Discussion Papers and stating that they would constitute a turning point in the course of the parties.¹³⁸ Likewise, the National Union Party announced its intention to launch a national campaign to disseminate the contents and main headings of the Fifth Discussion Paper, considering that it accurately charts the features of the coming political stage, and the Party considered the four previous Discussion Papers to be part of the historical legacy of the State, as those papers defined His Majesty the King's reform vision and its ultimate objective of a renewed and vibrant Jordanian democracy.¹³⁹ At the same time, other parties considered that the Discussion Papers fell short of expressing a genuine will to open the way for parties to assume their real role in national political life, indicating that those Royal Discussion Papers give with one hand and take back what they have given, and more, with the other.

Furthermore, the number of licensed political parties reached (37) parties by the end of 2015, whereas this number stood at (34) parties by the end of 2014.¹⁴⁰ The year 2015 also witnessed the refusal to license four parties on the ground that they had not fulfilled the licensing requirements set out in the Law.¹⁴¹ The Commissioner General for Human Rights had expressed reservations about the Committee's decisions refusing the establishment of such parties, because the Law itself contravenes the relevant international standards. There are also a number of parties under establishment; however, the representatives of the parties that were not granted a licence stated

¹³⁷ Website of Al-Urdun Al-Arabi magazine, dated 19/6/2015.

¹³⁸ Al-Rai newspaper, dated 14/4/2015.

¹³⁹ Watan News website, dated 7/6/2015.

¹⁴⁰ Ministry of Political Development / Secretary of the Political Parties Affairs Committee / Mr. Fakhri Shneikat. This number has since risen to (42) licensed parties, in addition to one party under licensing.

¹⁴¹ According to information obtained from the Ministry of Political Development / Secretary of the Political Parties Affairs Committee / Mr. Fakhri Shneikat.

that State bodies had frustrated, by more than one means, their efforts to obtain the number required for the licensing of the party by the Political Parties Committee.

Within the scope of the Government's response to the recommendations of the National Centre relating to the right to establish and join parties, the response stated that a new Regulation on Contributing to the Support of Political Parties, No. (62) of 2013, had been issued, providing for financial support from the Treasury in the amount of fifty thousand dinars annually, payable in two equal instalments, the first during June and the second during December, with the aim of supporting political parties in their party work and political programmes and enhancing their role in participating in the decision-making process and political development.

In this regard, the Centre affirms that what was stated in the Government's response concerning the provision of financial support to parties from the State Treasury shows the Government's interest in the financial aspect of the parties and in tightening oversight over them in that respect, focusing on capping the financial support for parties at a maximum of fifty thousand dinars annually, while it has disregarded the Centre's other recommendations, the most important of which is the necessity of enacting a new Political Parties Law that conforms to the Constitution and international standards.

Recommendations:

In order to affirm the protection of the right to establish and join political parties and to develop and revitalise party life on sound democratic foundations, the Centre reiterates the necessity of adopting the recommendations it set out in its previous annual reports, in particular that the Political Parties Law must include the following proposals:

1. Adopt a system of notification upon the establishment of a party, by requiring those wishing to establish a party merely to notify the Committee so that they may exercise their political activities and promote the idea of the party, instead of applying for establishment, and without requiring the Committee's approval. If a provision on licensing is unavoidable, the licensing requirements must not include anything that could constitute an obstacle to the establishment of the party. Where the notification system is adopted, the party must announce and publicise its statute and internal regulations, which set out the party's objectives, financial resources and political, economic, social and cultural programmes, in a manner consistent with the constitutional right and the principles of democracy, political pluralism and freedom of thought.
2. Abolishing the requirement that founding members of political parties must have held Jordanian nationality for ten years.
3. The need for a constitutional amendment providing for the peaceful alternation of power in the course of the work of political parties; pending such amendment of the Constitution, this recommendation may be incorporated into the Political Parties Law.
4. Incorporating into the Law the objective criteria setting out the procedures and bases for the provision of financial support to political parties, rather than merely regulating them by Regulation.
5. The need to refrain from broadening and toughening the penalties imposed, so that they do not constitute an obstacle to citizens' engagement in party work.

6. Not granting the Chairman of the Committee, or whomever he delegates, the right to inspect the accounts of political parties and audit their financial records, and vesting this power in the Audit Bureau instead.

9. The Right to Establish and Join Trade Unions

The Jordanian Constitution guarantees the right of Jordanians to establish and join trade unions,¹⁴² as international instruments¹⁴³ likewise guarantee this right in a number of their provisions, with the aim of regulating the relationship between workers and employers in fulfilment of the principle of equality among citizens, by seeking to establish a balance of power between the two parties, and of defending the material and moral interests of the members of trade unions and labour federations and of workers.

The Legal Problem Restricting the Exercise of the Right to Establish and Join Trade Unions:

Under the Jordanian legal framework, trade unions are divided into labour unions (workers' unions and employers' unions) and professional associations. Labour unions are established through registration procedures in accordance with Chapter Eleven of the Jordanian Labour Law No. (8) of 1996, as amended. The fundamental problem here lies in the restriction of the right to establish new unions in accordance with the decision on the classification of occupations, which contains a legal basis contrary to the essence of the right of individuals to establish professional unions in accordance with the Jordanian Constitution and the international instruments by which the Jordanian State is bound. The Labour Law, in its current form, contains a number of provisions that are inconsistent with the international standards relating to the right to establish and join trade unions, **as follows:**

1. Restricting the freedom to establish labour unions in accordance with the classification issued by the Tripartite Committee for the Classification of Occupations, as a result of which new unions may not be established for workers in the same occupation or in similar occupations or occupations linked to one another in a single production process.
2. Requiring prior authorisation from the Ministry of Labour, rather than mere notification, for the recognition of the legal personality of this juristic entity (unions).
3. Granting the executive authority, represented by the Minister of Labour, the power to dissolve labour unions.

¹⁴² Article (16/2) of the Jordanian Constitution provides that: "Jordanians shall have the right to form associations, trade unions 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) thereof provides that: "The State shall protect labour and enact legislation therefor based on the following principles: ... (f) Free trade union organisation within the limits of the law."

¹⁴³ Article (23/4) of the Universal Declaration of Human Rights provides that: "Everyone has the right to form and to join trade unions for the protection of his interests." See also Article (8) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and Article (22) of the International Covenant on Civil and Political Rights.

Professional associations, on the other hand, are established under special laws.¹⁴⁴ It should be noted in this regard that the fundamental problem in establishing such associations is linked to the practical reality of law-making: such legislation is issued as an embodiment of the Government's will, beginning with the submission of a draft bill. Accordingly, in this sphere we find no application of the provision of Article (95/1) of the Jordanian Constitution, which allows ten members of either House to propose laws.

Developments in the Legislation Governing the Right to Establish and Join Trade Unions:

The year 2015 did not witness the adoption of any new legislation enabling individuals to exercise this right in a manner consistent with Jordan's international obligations, despite the passage of nearly three years since the issuance of the decision of the Constitutional Court which permitted employees of any government ministry, department, body or institution to establish a union of their own.¹⁴⁵ On 12 December of this year, the Parliamentary Committee on Labour, Social Development and Population completed its discussion of Provisional Law No. (26) of 2010 amending the Labour Law, making a number of recommendations on the provisional law, which was thereafter to be referred to the House so that it could be discussed by both Houses of Parliament;¹⁴⁶ it should be noted that it has not been discussed to date. Upon examination of the provisions of this provisional law and the Committee's amendments, we make the following observations:

- a. The provisional law, together with the amendments made to it by the Committee, retained the restriction on the freedom of individual initiative to establish or join unions (the freedom of individuals to organise in unions), by requiring that an application for establishment be submitted by fifty members in the case of labour unions and twenty-five members in the case of employers' unions, and by restricting this in accordance with the decision of the Tripartite Committee on the Classification of Occupations (or of economic activities and industries, as stated therein). As a result, not more than one union may be established for any economic activities or industries by reason of their similarity, interconnection or participation in an integrated production process.
- b. In a positive step on the part of the Committee, it recommended amending the power of the Minister of Labour to dissolve unions and vesting it in the authority having original jurisdiction over the settlement of disputes, namely the judicial authority. Accordingly, a union shall be dissolved by a decision issued by the Court of First Instance, subject to appeal, where its administrative board commits acts in breach of the provisions of the law, or where the union's internal by-laws contravene the legislation in force and the union fails to rectify the matter within (60) days of being notified by the Minister of the need to do so.

The Centre takes this opportunity to emphasise that the Labour Law in its current form contains a number of provisions that conflict with the international standards relating to the right to

¹⁴⁴ That is, laws in their narrow sense, meaning the written legal rules issued by the competent authority (the legislative authority).

¹⁴⁵ Interpretative Decision of the Constitutional Court No. (6) of 2013.

¹⁴⁶ Jordan News Agency (Petra), dated 13/12/2015.

establish and join trade unions. The Centre hopes that the House of Representatives will take these matters into account when reviewing the provisional law, given the major contribution this would make to fulfilling part of Jordan's international obligations in this regard, and its positive impact on enabling individuals to exercise this constitutional right.

As regards legal developments relating to professional associations, the year 2015 did not witness the adoption of any legislation establishing new professional associations or amending legislation relating to existing professional associations.

It is worth addressing the proposed amendment to Article (183) bis of the Jordanian Penal Code, under which the exercise of the right to strike was criminalised. This amendment is linked to Decision No. (6) issued by the Special Bureau for the Interpretation of Laws on 15/09/2014, which characterised as unlawful the strike carried out by teachers at that time. Upon examination of the constitutional powers of the Bureau under Article (123) of the Jordanian Constitution, and of the question referred by the Prime Minister by virtue of his letter No. (T/1/30040) dated 4/9/2014, we summarise our position as follows:

1. The Prime Minister's request exceeded the legal powers conferred on him in this sphere, since the request was not confined to mere interpretation, but addressed a technical matter falling within the scope of the work of the judiciary.
2. The decision issued by the Bureau likewise constitutes an excess of the legal powers vested in it, since the decision was not confined to mere interpretation but extended to applying a legal characterisation to the facts and determining their lawfulness. It would have been more appropriate for the Bureau to declare that it lacked jurisdiction to rule on the consultation (question) put to it, given that the issuance of such an answer exceeds the powers conferred on it by the Constitution. Moreover, the element of jurisdiction is a matter of public order, and a decision tainted by the defect of gross lack of jurisdiction is vitiated by nullity.

As regards the proposed legal amendment, the Centre considers that this amendment prohibits the exercise of the right to strike, which constitutes a breach of Jordan's international obligations under Article (8) of the International Covenant on Economic, Social and Cultural Rights (ICESCR). Furthermore, its third paragraph introduced an aggravating circumstance in absolute wording, which renders the scope of criminalisation closer to a generality of description that is incompatible with the established foundations of criminalisation.

Elections of Union Councils:

The year 2015 witnessed the election of new councils for the following professional associations:

- a. The election of the Council of the Jordan Engineers Association, which was held on 08/05/2015. The number of engineers entitled to vote according to the electoral lists issued by the Engineers Association was (61,725) engineers.¹⁴⁷ The NCHR team assigned to monitor the electoral process recorded a number of observations on its conduct, the most important of which were: a- The

¹⁴⁷ Distributed as follows: (20753) electrical engineers, (19023) civil engineers, (11632) mechanical engineers, (6208) architects, (3423) chemical engineers, and (686) mining engineers. These are members who had paid their annual subscriptions up to 24/4/2015.

interference of the Ministry of Public Works in the electoral process through the issuance of a letter by the Minister of Public Works, bearing No. (1-0211) and dated 6/5/2015, requiring that the civil status card or passport be relied upon for the purpose of verifying that the voter is Jordanian, in addition to the Association membership card that must be produced. The Minister of Public Works supported this request with the legal opinion that the Ministry of Public Works had sought from the Legislation and Opinion Bureau in this regard, and the Ministry justified this circular on the ground that it had received demands from engineers to regulate the electoral process so that engineers not holding a national number would not vote. This circular provoked the surprise and disapproval of a number of engineers and candidates, who regarded it as a decision contrary to the internal by-laws of the Engineers Association, specifically Article (25), which provides that the identity of the voter may be verified by means of the personal status identity card or the Association identity card. b- The electoral process was marred by a number of violations relating to non-compliance with the rules governing electoral campaigning. c- The polling halls and the counting hall lacked designated places for observers wishing to monitor the elections on behalf of the relevant monitoring bodies or civil society organisations; nor did the Association take the initiative to invite these bodies to monitor the elections in order to ensure the transparency of the electoral process. It should be noted that these violations did not affect the integrity of the election results.

b. The election of the Council of the Jordan Bar Association, which was held on 22/05/2015 to elect the members of the Association's Council and for the first round of the elections for the office of President (Naqib), while the second round of the elections for the office of President was held on Monday, 25/5/2015.¹⁴⁸ The NCHR team assigned to monitor the electoral process recorded a number of observations on its conduct, the most important of which were: a- Lack of respect for the will of voters, through attempts by candidates' supporters to influence their will. b- Failure to guarantee the secrecy of the ballot, whether in terms of the polling booths or the design of the ballot boxes. c- Failure to adhere to the rules of electoral campaigning and to fully verify the identity of voters. However, these violations did not reach the level of affecting the final result, whether for the office of President or for membership of the Council. In the same context, a group of lawyers filed a challenge before the Administrative Court against the results of the election of the President of the Bar Association and the members of its Council, questioning the validity of the procedures that accompanied the elections and their results. On the twenty-seventh of January 2016, the Court dismissed the case as failing to satisfy the conditions for its admissibility.¹⁴⁹

As regards labour unions, the year 2015 witnessed the following elections:

a. The election of the General Assembly of the General Union of Electricity Workers, which was held on 14/09/2015, with an overall turnout of about 64% of the members entitled to vote. This

¹⁴⁸ The number of lawyers eligible to vote, according to the Jordan Bar Association, stood at (11504) male and female lawyers, being the lawyers enrolled in the register of practising lawyers who had paid their subscriptions up to the end of February 2015.

¹⁴⁹ Website of the Jordan News Agency (Petra), dated 27/1/2016.

was preceded by the election of the union committees in the governorates during the period from 23/8 to 7/9/2015.¹⁵⁰

b. The election of the Executive Board of the Jordanian Federation of Independent Trade Unions, which took place on 14/12/2015.

Demands for the Establishment of New Unions:

The year 2015 did not witness any government initiative to enact a law regulating trade union activity for public employees. Demands for the establishment of a number of professional associations also continued in 2015, the most important of which were from: (a) psychologists;¹⁵¹ (b) employees of the Ministry of Public Works and Housing; (c) Sharia lawyers; (d) university professors; (e) those working in the profession of chartered accountancy; and (f) those working in the allied medical and health professions.

Official records at the Ministry of Labour also indicate that the Registrar of Trade Unions did not receive during 2015 any application for the establishment of a labour union or an employers' union.¹⁵²

It is worth noting that the independent unions of several labour sectors, which were established years ago, have not obtained legal status, whether through the application of the Jordanian Labour Law, which permits the licensing of unions, or through the application of international standards, which require notification and registration procedures.

Assaults on Medical and Educational Personnel:

Assaults on educational personnel became one of the most serious social phenomena during 2015 owing to the rise in the number of assault cases. Despite the efforts made to curb and eliminate such assaults, their repeated occurrence was observed: the number of cases of assault on teachers in 2015 reached (100) cases,¹⁵³ and (28) cases of assault on doctors were recorded during 2015.¹⁵⁴ In view of the rise in cases of assault on teachers in particular, the Government approved, in the draft law amending the Penal Code, the aggravation of the penalty for assaulting teachers, doctors, nurses and members of the teaching staff at universities and colleges.¹⁵⁵ It should be noted that aggravating the penalty for assaults on this category of professionals has been one of the recurring recommendations in NCHR's reports in past years.

¹⁵⁰ According to information (minutes of meetings) received by the National Centre for Human Rights from the General Trade Union of Electricity Workers.

¹⁵¹ Some fifty psychologists working in the public and private sectors submitted a legislative proposal to the House of Representatives for the establishment of a professional association of their own. Jordanian daily Al-Rai, dated 21/6/2015.

¹⁵² According to information received by the National Centre for Human Rights from the Ministry of Labour.

¹⁵³ Website of the Teachers' Association, dated 6/1/2015.

¹⁵⁴ According to information received by the National Centre for Human Rights from the Jordan Medical Association, by virtue of its letter No. (10/37/93) dated 1/2/2016.

¹⁵⁵ The draft law amending the Penal Code approved by the Council of Ministers on 11/11/2015 provided as follows: "If the act is committed against a teacher, a physician, a member of the teaching staff at a university or college, or a nurse while performing his duties or by reason of an act performed by virtue thereof, the offender shall be punished by imprisonment for a period of not less than one year."

Recommendations:

In order to protect the right to establish and join trade unions, NCHR reaffirms the recommendations contained in its previous annual reports, the most prominent of which are:

1. The need to expedite the amendment of Chapter Eleven of the Jordanian Labour Law No. (8) of 1996 in a manner that ensures individuals are enabled to exercise the right to establish and join trade unions, by abolishing all restrictions depriving individuals of the right of initiative in establishing unions, which conflict with the Jordanian Constitution and the international instruments ratified by Jordan.
2. Expediting the enactment of a law regulating trade union activity for public employees, in implementation of Constitutional Court Decision No. (6) of 2013, which permitted employees of any government ministry, department, body or institution to establish a union of their own.
3. Working towards the formulation of a national strategy to combat the phenomenon of societal violence in general.
4. The Centre encourages the Government to accede to International Labour Organization Convention No. (87) of 1948, the “Freedom of Association and Protection of the Right to Organise Convention”.

10. The Right to Establish and Join Associations

The Jordanian Constitution and the international and Arab human rights instruments guarantee the right of individuals to establish and join associations. The Jordanian Constitution refers to the law the regulation of the formation of associations and the oversight of their financial resources,¹⁵⁶ and it affirms the promotion and protection of this right through Article (128), which provides that no law may be issued that affects the essence of the rights guaranteed thereunder.¹⁵⁷

First: Legislation.

No amendment was made to the legislation governing the right to form and join associations during 2015. The Societies Law No. (51) of 2008, which governs this right, still contains numerous problems and gaps liable to restrict the exercise of this right, as the Centre has noted in its previous reports.¹⁵⁸ Meanwhile, the draft amended Societies Law, which was published on the website of the Legislation and Opinion Bureau, remained without any action taken on it;¹⁵⁹ it provided for the amendment of only (9) articles of the Societies Law No. (51) of 2008.¹⁶⁰ An

¹⁵⁶ Article (16/3) of the Jordanian Constitution provides: “The manner of forming associations and political parties and the control of their resources shall be regulated by law.”

¹⁵⁷ Article (128/1) of the Jordanian Constitution provides that: “The laws issued under this Constitution for the regulation of rights and freedoms may not affect the essence of such rights or infringe upon their fundamentals.”

¹⁵⁸ Kindly see the annual reports of the National Centre for Human Rights, the section on the right to form and join associations, published on the Centre’s website at: www.nchr.org.jo

¹⁵⁹ On 22/4/2014. For further details, kindly see the website of the Legislation and Opinion Bureau at: http://www.lob.jo/List_LawsLegislations_Public.aspx

¹⁶⁰ See the website of the Legislation and Opinion Bureau at: www.lob.jo/View_LawContent.aspx?ID=377

examination of those amendments shows that they are merely formal and do not lead to the promotion and protection of the right to establish associations; rather, they would increase and complicate the procedures relating to the work of associations. It should be noted that these proposed amendments did not touch the substance of the Law, particularly the articles which civil society organisations have called for amending and which are regarded as an obstacle to the exercise of the right.

These amendments were confined to procedural amendments designed to overcome certain administrative bottlenecks in the work of the Ministry and of the Board of the Registry. Although the proposed provision establishing a department called the Registry of Societies enjoying financial and administrative independence suggests a strengthening of the Registry's independence, that provision does not attain the level required to guarantee the independence of the Registry, since the Registry department remains subordinate to the Minister of Social Development, who chairs the Board of the Registry of Societies, which empties the principle of the Registry's administrative independence of its content. In the same context, the Chairman of the Board of the Registry of Societies was granted the power to decide on the acceptance of donations from foreign entities, a power which under the current Law belongs to the Council of Ministers. Furthermore, the draft amended law did not adopt the notification system for the exercise by individuals of their right to establish associations, and the draft amended law also retained the Minister's power to dissolve an association in cases exhaustively specified in Article (19), even though international standards and best practices require that this power be confined to the judiciary alone.

The Companies Control Department continues to exercise its powers and competence to register non-profit companies in accordance with the Companies Law No. (22) of 1997 and the regulations and instructions issued thereunder. However, direct registration is limited to development, training and health objectives; for all other objectives, correspondence is sent to obtain the approval of the relevant authorities. For instance, in the case of objectives related to human rights and democracy, correspondence is sent to the Ministry of Interior for approval, which constitutes a real obstacle to the exercise of this right by individuals.

The media¹⁶¹ reported that the Ministry of Social Development was preparing a draft law amending the Societies Law. In light of this, numerous civil society organisations requested a meeting with the Prime Minister to discuss the problems and challenges facing civil society organisations, and a meeting was held on 6/7/2015 bringing together a number of representatives of civil society organisations with the Prime Minister and the Minister of Social Development. During the meeting, the Prime Minister gave directions on the need to consult with civil society organisations on the development of the Societies Law and to provide associations with a copy of the draft amended law so that they could express their opinions on it. However, to date, the draft of the new law has not been published on the website of the Legislation and Opinion Bureau, nor have associations been provided with a copy of it.¹⁶²

¹⁶¹ See: <http://www.jfranews.com.jo/more-124744-1>

¹⁶² Some representatives of civil society organisations were contacted, and they indicated that they had not been provided with the draft of the bill.

It is noteworthy that on 18/10/2015 the Council of Ministers issued a decision regulating the mechanism for the provision of financial support to associations, in which it affirmed the competence of the Ministry of Planning and International Cooperation and the Coordinating Committee for Humanitarian Assistance Affairs as the reference authority for any request for foreign funding. This aroused the concern of many organisations regarding the Government's intention to restrict the right of associations to obtain funding. Calls continue to be made for the development and modernisation of the body of legislation governing the right to establish and join associations in a manner that ensures citizens' enjoyment of the exercise of this right in accordance with constitutional and international principles and standards.

Second: Practices.

On 18/5/2015, NCHR met with representatives of associations of persons with disabilities in the Kingdom to discuss the issue of licences being granted to hundreds of associations in the Kingdom in the absence of oversight of associations providing services to persons with disabilities and of verification of the quality and standard of the services provided. The meeting also discussed the role of the Higher Council for the Affairs of Persons with Disabilities in monitoring compliance with quality standards at the time of registration only, without any subsequent follow-up plan on its part or on the part of the Ministry of Social Development. Accordingly, NCHR formed a team to carry out a series of field visits to associations working in the field of care for persons with disabilities. The Centre conducted (12) field visits, one visit to each governorate, to monitor the situation of associations specialising in persons with disabilities; special reports were prepared for each governorate and then submitted to the Prime Ministry. The Prime Minister, by virtue of letter No. (1/11/18/50028) dated 16/11/2015,¹⁶³ issued a communication on the need to adopt the recommendations issued by NCHR and to take the necessary measures. These recommendations may be summarised as follows: 1- The need to coordinate work among the relevant ministries and institutions in order to regulate and frame joint action in the best interests of persons with disabilities, so that this is reflected positively on the services provided by associations working in this field, directly or indirectly, to persons with disabilities. 2- The need to establish comprehensive centres in each of the Kingdom's governorates by the Ministry of Social Development, the Ministry of Health and the Ministry of Education, providing screening, early intervention, diagnosis and rehabilitation services, provided that they are monitored and their work followed up to ensure the quality of the services provided. 3- Seeking to establish databases by the Higher Council for the Affairs of Persons with Disabilities (a national database), the Ministry of Social Development (a database of charitable associations) and the Ministry of Education (a database of students with disabilities), in coordination and cooperation with the relevant bodies, for the purpose of facilitating the integration of persons with disabilities into society, with a focus on children in education, each according to his or her needs and the degree and type of disability, in order to achieve what is known as Education for All. 4- Conducting specialised scientific surveys, studies and research on the conditions of persons with disabilities

¹⁶³ The entities addressed by virtue of the Prime Minister's letter are: the Ministry of Education; the Ministry of Labour / Vocational Training Corporation Administration; the Ministry of Municipal Affairs; the Ministry of Social Development; the Ministry of Public Works and Housing; the Ministry of Justice; the Ministry of Health; and the Higher Council for the Affairs of Persons with Disabilities.

in remote areas in order to identify their needs, problems and the challenges they face, to be carried out by the relevant ministries and international and national donors. 5- The need to implement awareness campaigns (and/or training courses) on the rights of persons with disabilities throughout the Kingdom, for the purpose of supporting and promoting their rights on the basis of equality in society, targeting the families of persons with disabilities, service providers and those dealing directly with them, particularly representatives of government institutions such as the Ministry of Health, the Ministry of Transport, the Ministry of Education, the Ministry of Municipal Affairs, the Greater Amman Municipality and others. 6- The need for institutions and the private sector to cooperate in accepting the employment of persons with disabilities and encouraging them. 7- Allocating an item in the budgets of private institutions to support rights and projects relating to persons with disabilities. 8- Finding flexible solutions regarding the provision of assistive devices and aids for persons with disabilities by the Higher Council for the Affairs of Persons with Disabilities, the Ministry of Social Development, the Ministry of Health and the General Union of Charitable Societies, in an easy and smooth manner befitting human dignity and need. The Centre here emphasises the need to coordinate efforts among all the institutions concerned to implement those recommendations.

In the same context, civil society organisations continued to carry out their work and activities during 2015, with most efforts concentrated on implementing projects concerned with the provision of relief services and humanitarian aid to Syrian refugees.

It is worth mentioning that during 2015 tension intensified between the Bar Association and civil society organisations providing (free) legal aid services over the legitimacy of the provision of free legal services by civil society organisations. This led the Bar Association to address the Council of Ministers with a view to preventing those organisations from providing legal aid, in order to protect the rights of its members, which was rejected by those organisations on the ground that the provision of legal aid is a human right that cannot be restricted. It should be noted that the Bar Association Law, according to its latest amendments of 2014,¹⁶⁴ obliged the Association to issue a special regulation on legal aid, and on 18/2/2015 a memorandum of understanding was signed between the Ministry of Justice and the Bar Association on the provision and regulation of legal aid services. However, neither this regulation nor these efforts succeeded in reducing these problems, nor, on the other hand, has a national position been formulated on the issue of the provision of free legal services.

In order to ascertain the reality of the challenges facing civil society organisations, the National Centre for Human Rights organised a series of consultative meetings bringing together the main partners concerned with the protection and promotion of human rights in Jordan, namely the Government, the National Centre for Human Rights and civil society organisations. Numerous topics were discussed during these meetings, including: the situation of civil society organisations in terms of opportunities and challenges; the relationship between civil society organisations and the governmental authorities; the relationship between the National Centre for Human Rights and

¹⁶⁴ Article (100/a/7) provides for “defending the Association and any person whose poverty and inability to pay any lawyer’s fees have been established to the satisfaction of the President of the Association; the President of the Association, or whomever he delegates, may draw up an agreement between the appointed lawyer and the person requesting assistance to determine the fees in the event that the person requesting assistance wins his case.”

civil society organisations; and efforts to establish a framework (a forum or umbrella) for these organisations. The principal objective of this forum is to seek to translate the principle of public participation in the various issues relating to human rights into practical reality; to develop mechanisms for effective and constructive dialogue and intellectual communication; to provide and adopt general knowledge and address the relevant bodies thereon by creating an environment of dialogue; to prepare research, studies, analytical reports, articles and various activities; and to promote the holding of meetings, discussions and seminars. These meetings concluded with a number of recommendations, including: 1- Establishing a body representing civil society organisations, and seeking to institutionalise the work of civil society organisations. 2- Calling for the provision of financial support by the State to civil society organisations. 3- Providing a database on the civil society organisations existing in Jordan in terms of their objectives, activities and internal by-laws. 4- Reviewing the legislation regulating the work of civil society organisations, including, in particular, the Societies Law.

Third: Formation of Associations.

It is observed that the year 2015 witnessed a decline in the registration of associations in all regions of the Kingdom compared with 2014, according to the statistics of the Board of the Registry of Societies at the Ministry of Social Development: (546) associations were registered, whereas the same period of 2014 witnessed the registration of (641) associations.

Figure showing the number of associations registered in 2014 and 2015

Year	Number of associations registered
2014	641
2015	546

It is worth noting that the majority of registered associations are of the charitable type falling within the competence of the Ministry of Social Development, which in turn performs its oversight role and continuous follow-up of associations. The total number of associations registered and operating in the Kingdom as at 31/12/2015 thus reached (4,862) associations.

Table (5): Number of associations registered and operating in the Kingdom in 2015¹⁶⁵

Ministry	Number
Ministry of Social Development	3070
Ministry of Interior	798
Ministry of Political Development	136
Ministry of Culture	648
Ministry of Health	73
Ministry of Industry and Trade	10
Ministry of Agriculture	22
Ministry of Environment	95
Ministry of Awqaf, Islamic Affairs and Holy Places	8

¹⁶⁵ According to the statistics of the Ministry of Social Development containing information on the associations registered with the Registry of Associations up to the end of 2015.

Ministry	Number
Ministry of Information and Communications Technology	4
Ministry of Tourism and Antiquities	36
Ministry of Justice	5
Total	4862

Table prepared by the Centre on the basis of data received from the Ministry of Social Development.

In the same context, the number of associations in respect of which a dissolution decision was issued in 2015 reached (178) associations¹⁶⁶ and (54) non-profit companies. Most of them were dissolved voluntarily on the basis of a decision of the association's general assembly, or owing to the association's inability to pursue its work more than one year after its establishment, or owing to its lack of effectiveness and efficiency and its commission of serious violations contrary to the legislation governing it, or owing to its failure to commence work or its cessation of work for a period exceeding one year.

As for the distribution of associations according to their place of work in the governorates in 2015, it was as follows: the Capital Governorate (211) associations, Irbid Governorate (80) associations, Zarqa Governorate (57) associations, Tafileh Governorate (7) associations, Aqaba Governorate (15) associations, Ma'an Governorate (24) associations, Ajloun Governorate (22) associations, Jerash Governorate (15) associations, Karak Governorate (29) associations, Madaba Governorate (11) associations, Mafraq Governorate (51) associations, and Balqa Governorate (24) associations.

In the same context, the National Centre for Human Rights did not receive any complaint relating to the right to establish and join associations. However, it monitored the legal and factual developments concerning the Muslim Brotherhood group in light of the issuance of an interpretative decision by the Legislation and Opinion Bureau, which recommended that no real property may be registered in the name of the Islamic Action Front party, on the ground that it had not regularised its status in accordance with the provisions of the Societies Law. Since 1946, a decision of the Council of Ministers at that time had been issued licensing the party as a branch of the party in Egypt; however, the party did not regularise its status after the issuance of the Societies Law of 1956.

Consequently, numerous splits occurred within the Muslim Brotherhood group, and the Islamic Action Society was registered on 3/3/2015 at the request of a group of members who had split from the traditional current. This was followed by mass resignations from the party and calls for new party initiatives.

Fourth: Funding of Associations

The decision of the Council of Ministers issued on 18/10/2015 regulating the mechanism for financial support to associations sparked wide controversy regarding the administrative

¹⁶⁶ For the associations dissolved in 2015, see the website of the Registry of Associations at: www.societies.gov.jo/Documents/%D8%AD%D9%84%202015f2e84656-24f3-4c1b-a89f-76c80e6402b0.pdf

procedures and terms of reference for the submission of foreign funding applications by associations. The said decision affirmed the competence of the Ministry of Planning and International Cooperation and the Coordinating Committee for Humanitarian Assistance Affairs as the reference authority for any applications relating to foreign funding targeting Syrian refugees and the Jordan Response Plan programme, including in-kind and cash assistance. Under the decision, a comprehensive vision was set out regarding the issue of foreign funding of associations and non-profit companies on the basis of the laws and regulations in force. The new mechanism aims at coordination among civil society organisations, international and donor bodies and the relevant government bodies, and at controlling the process of foreign funding of associations and regulating their access to funding. Under the new mechanism, an association registered with the Registry of Societies / Ministry of Social Development wishing to obtain foreign funding or a foreign donation shall submit a formal application to the Registry of Societies setting out the source of the funding, its amount, the account details, the transfer, the name of the bank, the name of the project, its objectives linked to the national development goals, the place of its implementation, the target groups, and the local partners concerned with implementing these projects in the sectors and governorates. The application shall also include the programmes and activities to be implemented in the project, its budget, its direct and long-term results, indicators for measuring its performance, and the terms of its funding.

The applications are sent through the Registry of Societies to the ministries and relevant bodies for study. Where the Registry of Societies is satisfied that the requirements for obtaining foreign funding have been met, the applications are submitted to the Council of Ministers for the appropriate decision to be taken. The competent ministries, in coordination with the Governor and the field Director of Social Development according to the location of the project's implementation, follow up the associations that have obtained foreign funding. The association shall provide the Ministry of Planning and International Cooperation, the competent ministry and the Registry of Societies / Ministry of Social Development with periodic progress reports on the project, which in turn study these reports and evaluate their impact. The new mechanism also emphasised the evaluation of project implementation, whereby each ministry shall form a unit specialised in managing the follow-up of projects and shall then submit periodic reports according to the nature of the project and according to the evaluation template to be adopted by the Registry of Societies.

Within this framework, on 15/11/2015 NCHR held a meeting, being the third meeting of the Civil Society Organisations Forum, during which the new mechanism proposed by the Government for obtaining foreign funding provided to associations and civil society organisations was discussed. The Secretary-General of the Registry of Societies explained that the Registry of Societies serves as the Council of Ministers' window for receiving and scrutinising the applications of associations and civil society organisations wishing to obtain foreign funding, affirming that the objective of the new mechanism is coordination among civil society organisations, international and donor bodies and the relevant government bodies, controlling the process of foreign funding of associations, and regulating their access to funding. She stated that the Registry of Societies sends a complete application to the relevant ministry, which in turn gives its opinion to the Registry; the Registry then sends the application, including the opinion of the relevant ministry, to the Council of Ministers, which is the decision-maker as to approval or rejection. She indicated that the thirty-day period prescribed for granting approval or rejection begins from the date on which the

Registry of Societies receives the complete application. She explained that applications are sent through the Registry of Societies to the ministries and relevant bodies for study and that, where the Registry of Societies is satisfied that the requirements for obtaining foreign funding have been met, the applications are submitted to the Council of Ministers for the appropriate decision to be taken. Under the new mechanism, associations registered with the Registry of Societies / Ministry of Social Development wishing to obtain foreign funding or a foreign donation shall submit a formal application to the Registry of Societies setting out the source of the funding and specifying the local partners for implementing these projects in the sectors and governorates, the amount of funding, the account details, the transfer, the name of the bank, the name of the project, its objectives linked to the national development goals, the place of its implementation and the target groups.

In this context, work has begun on developing a template in partnership between the Ministry of Planning and the Ministry of Social Development, which is now in its final stages. It will contain the data to be completed by the organisation wishing to obtain foreign funding, as well as the programmes and activities to be implemented in the project, its budget, the project's direct and long-term results, performance indicators and the terms of funding. The new mechanism also emphasised the need to evaluate project implementation, whereby each ministry shall form a unit specialised in managing the follow-up of those projects and shall submit periodic reports according to the nature of the project and according to the evaluation template to be adopted by the Registry of Societies. It is worth noting that the objective of this measure lies in preventing duplication in the provision of services to the target groups, linking any funded project to the National Development Goals 2025, and distributing projects equitably among the regions of the Kingdom.

However, a number of representatives of civil society organisations regarded the new mechanism not as regulation but as governmental tutelage over the work of civil society organisations, interference by the Government in their work, an attempt to influence them, and a restriction on their work and projects.

On the other hand, the Societies Support Fund continued to provide financial support to associations. The total value of this support during 2015 amounted to JOD (1,247,562.18), provided to some (528) associations, of which JOD (1,000,000) was provided as cash support to (191) charitable institutions and associations, in implementation of the directives of His Majesty King Abdullah II to support institutions and associations working in the field of residential care for orphaned children and associations caring for persons with disabilities and older persons; the contribution of the Societies Support Fund amounted to JOD (500,000). An amount of JOD (508,100) was also provided as grants for development projects of registered associations and federations, on the basis of principles and criteria set by the Registry of Societies, together with cash support of JOD (239,462.18) for projects of associations and federations, from which (245) associations benefited.¹⁶⁷

¹⁶⁷ According to the statistics of the Ministry of Social Development containing information on the associations registered with the Registry of Associations up to the end of 2015. # Part Three: Economic, Social and Cultural Rights

The Centre has monitored a number of internal challenges and obstacles that continue to restrict the right to join associations and to participate in their management, including the control of a limited elite over most of an association's activities and work, the absence of the principle of election and of the alternation of authority within associations, in addition to the absence from their internal by-laws of any time limit on holding any 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. Finally, the Centre considers that arriving at a law that remedies the current gaps and affirms the aforementioned principles requires a strong will for reform at the highest levels, as well as coordination with the legislative authority in both its Houses, particularly with the presence of a new House of Representatives, one of whose first tasks should be to introduce the necessary amendments to the public freedoms laws, including the Societies Law.

Recommendations:

In order to ensure the effective enjoyment of the right to establish and join associations, NCHR, in light of the observations it has monitored, reaffirms the recommendations it has previously made in its earlier reports, as follows:

1. Expeditiously reviewing, amending and developing the Societies Law in a manner consistent with international human rights standards.
2. Individuals should enjoy the right to form associations by submitting a notification to the administration, which shall have the right to object thereto before the judiciary, and the formation of an association should not be contingent upon the unreasoned approval of the government administration.
3. The Law should provide for the right of associations to draw up and amend their own charters and by-laws, without any restrictions other than those necessary in a democratic society for the protection of national security, public safety, public order, public health or public morals, while refraining from a broad interpretation of the concept of "public order".
4. Granting the Board of the Registry of Societies full administrative, financial and technical independence in supervising associations.
5. Providing expressly that 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.
6. Providing for the right of associations to elect their administrative bodies in complete freedom and without interference by the administration.
7. Affirming that the Law shall regulate, as provided by the Constitution, all the affairs of associations, and that many organisational matters should not be referred to regulations and instructions, as was repeatedly the case in the Societies Law of 2008.
8. The Government should cease abusing the right to appoint interim administrative boards to manage associations and federations, as occurred in the case of the Islamic Centre Society, the Union of Capital Societies and the General Union of Charitable Societies.

9. The penalties contained in the Law should be abolished, and the handling of any violations committed by associations should be referred to the Penal Code, which provides for such matters.
10. The Law should provide that no official body may be empowered to dissolve associations, and that this matter should be entrusted either to their general assemblies, by a large relative majority, or to the competent judiciary.
11. Providing expressly for the right of associations to receive assistance and donations from Jordanian and foreign sources, provided that these are disclosed to the independent body supervising associations and appear in their annual budgets.
12. Associations should adopt the principles of good governance and best practices in all their administrative and financial affairs, and should proceed from national priorities in carrying out their work, in order to avoid duplication and overlap in the activities implemented.

1. The Right to an Adequate Standard of Living

International instruments have accorded particular attention to the right to an adequate and sufficient standard of living, in view of the importance this right holds in human life. Paragraph (1) of Article (25) of the Universal Declaration of Human Rights and Article (11) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) affirm this right. At the level of Jordanian national legislation, the Jordanian Constitution does not clearly and explicitly refer to an obligation to provide an adequate standard of living for Jordanian citizens; however, Paragraph (3) of Article (6) thereof provides that: “The State shall ensure work and education within the limits of its possibilities, and shall ensure tranquillity and equal opportunities to all Jordanians”. The goal of achieving economic welfare and prosperity likewise constitutes a priority for the State and successive governments, as reflected in their continuous affirmation of working to resolve the problems of poverty and unemployment. Nevertheless, the reality, and what Jordan is witnessing in terms of a steady rise in prices, as well as the continued increase in poverty and unemployment rates and the associated social phenomena such as reluctance to marry, among other manifestations, are no more than the results of government policies that rely primarily on achieving reasonable growth rates without attention to productivity and the requirements of social justice. In recent years, the Kingdom has witnessed a wave of price increases amid low wages and rising tax and fee rates. This began with the increase in the prices of petroleum derivatives in 2012, followed by the increase in the electricity tariff¹⁶⁸ under a plan that began in 2014 and ends in 2017, then the increase in the lump-sum amount on water prices by 100%, and many others.¹⁶⁹ December 2015 also saw an increase in the fees for driving licences and vehicle registration and licensing¹⁷⁰ and in the price of household gas,¹⁷¹ etc.

¹⁶⁸ Official Gazette, Issue No. (5236), dated 15/8/2013.

¹⁶⁹ The following were also raised: the tax on mobile phone top-up cards from 12% to 24%; waste collection fees; marriage and divorce fees; the tax on ready-made garments from 5% to 20% in 2013; election candidacy fees; popular foods; cement; and steel.

¹⁷⁰ Official Gazette, Issue No. (5364), dated 1/11/2015.

¹⁷¹ The increase decision was amended following a national dialogue conducted by the Government with the Deputies on 6/12/2015, whereby the price of a gas cylinder was reduced to seven dinars instead of seven and a half dinars, on the understanding that the difference resulting from the amendment of the decision (half a dinar) would be distributed over all

In 2015, the Jordanian economy faced numerous economic and financial challenges, most notably: a decline in the value of exports; the continued closure of some traditional markets to Jordanian products; a decline in tourism; and a rise in the prices of imported goods (particularly oil and gas), in addition to the swelling of the budget deficit and public indebtedness. Total public debt¹⁷² rose at the end of 2015 to reach (24,876.8) million dinars, i.e. 93.4% of the estimated gross domestic product (GDP) for 2015, compared with 89% for 2014. Figure No. (1) shows the ratio of net public debt to GDP for the years 2012–2015. It should be noted that the indebtedness of the National Electric Power Company and the Water Authority alone amounted to approximately (6.7) billion dinars. The cost of energy remains the greatest challenge facing the Jordanian economy and public finances. The report on energy in Jordan issued by the independent Jordanian Economic Observatory showed that, had it been possible to avert the rise in the rate of electricity loss above the global average, the company would have been spared a loss of (463.6) million dinars in 2013 alone;¹⁷³ moreover, electricity losses during distribution were the cause of the entire loss suffered by the National Company in the same year.¹⁷⁴

Figure No. (1): Total Public Debt to Gross Domestic Product for 2015 Compared with Previous Years

Year	2012	2013	2014	2015
Public debt to GDP	80.20%	86.70%	89.00%	93.40%

Prepared by the Centre, based on the Government Finance Bulletin – Ministry of Finance.

In 2015, the inflation rate¹⁷⁵ (average consumer prices) declined slightly, to 0.9%, compared with 2.8% in 2014. It is worth noting that the current decline in inflation is mainly attributable to the slowdown in economic growth: recession curbs demand, while unemployment leads to lower wage levels.¹⁷⁶ Although Jordan ranked seventh worldwide in the Economic Freedom Index for 2013 according to the report of the Canadian Fraser Institute,¹⁷⁷ and although the Stand-By

other petroleum derivatives. The Government also reconsidered vehicle licensing fees, such that the fees for engines with a capacity of (3000) cc or less were kept unchanged, while the fees for new cars with engines exceeding (3000) cc and up to (4000) cc became (450) dinars, and those exceeding (4000) cc became (600) dinars. These are the fees set out in Regulation No. 100 published in the Official Gazette, Issue No. (5375), dated 31/12/2015.

¹⁷² Ministry of Finance – General Government Finance Bulletin – Issue No. 1 – February 2016.

¹⁷³ Energy Report in Jordan: Gas and Electricity – Jordan Independent Economic Observatory, at the link: <http://identity-center.org/ar/node/483>

¹⁷⁴ The Energy and Minerals Regulatory Commission announced plans to reduce distribution losses in cooperation with the Electricity Distribution Company, and (22469) cases of electricity theft were detected in 2015.

¹⁷⁵ General Government Finance Bulletin – Issue No. 12 – January 2016 (p. 12). The decline in the inflation rate during 2015 is mainly attributable to the decrease in the “Transport” group by 14.2%, which contributed approximately (1.9) percentage points to the inflation rate.

¹⁷⁶ Dr. Fahed Al-Fanek: “The current decline in inflation is not the result of particular monetary or fiscal policies; the present fall in inflation is due to the slowdown in economic growth, since recession curbs demand and unemployment curbs wage increases. In addition, there is increased importation from countries that subsidise their industries, such as Turkey and the Gulf States, as well as the rise in the exchange rate of the dinar against other currencies (except the dollar), which lowers the prices of imports from countries other than America.” The article is available at the link: <http://www.alrai.com/article/722805.html>

¹⁷⁷ According to the report issued in December 2015 by the Canadian Fraser Institute, Jordan and the United Arab Emirates ranked among the top ten countries in the Economic Freedom Index, out of (157) countries worldwide. In this ranking, the Institute relies on (42) indicators, including the size of government, legal structures, security of investors’ rights, ease of

Arrangement programme implemented by Jordan with the International Monetary Fund over three years (August 2012 – August 2015) has come to an end, the Kingdom has continued to suffer from a high fiscal deficit and an imbalance in the trade balance. Government expenditure as a proportion of GDP reaches approximately 40%, while government revenue is far lower, and the Government covers the difference through borrowing, to the extent that the value of loans contracted in 2015 reached approximately (2,353.5) million Jordanian dinars.

Government policy has increased the burden on citizens through its orientation towards increasing government revenue by imposing more taxes and fees without resolving the problem of expenditure. The Centre therefore considers it necessary for the Government to change the policies it pursues and to turn towards harnessing the human resources that are exported abroad: instead of Jordan exporting the skills and minds of its sons and daughters, it must turn towards exporting the services that these minds create and produce. Governments must also turn towards promoting investment and industries in the governorates, which contain numerous natural resources that, if exploited and processed rather than exported as raw materials, would benefit the Jordanian economy and the citizen.¹⁷⁸

Poverty Rates and Means of Combating Them¹⁷⁹

Poverty is a major development problem requiring the State to adopt a comprehensive policy to improve the lives of the poor and the socially deprived. Despite the efforts exerted by the Government to combat poverty, the number of poor people is increasing and poverty rates remain stagnant. Notwithstanding the plans and programmes that the Government seeks to implement, the latest of which were the document “Jordan 2025:¹⁸⁰ A National Vision and Strategy” and the National Poverty Reduction Strategy for the years 2013–2020, these plans and strategies have remained mere documents owing to the failure to allocate budgets for their implementation. Only through such an approach can citizens perceive the Government’s ability to confront economic challenges, halt the deterioration of citizens’ living conditions, address the treasury deficit, and provide job opportunities in order to resolve the problems of poverty and unemployment, as well as the problems of energy, transport and communications.

access to loans, freedom of international trade, labour regulation and banking policy, in addition to the impact of factors relating to attention to citizens and higher quality-of-life standards.

¹⁷⁸ H.E. Dr. Jawad Al-Anani and Dr. Omar Al-Razzaz, during the Economic Freedoms Conference held during the period 8–9/12/2015.

¹⁷⁹ Figures issued by the Department of Statistics estimate the poverty rate at approximately 14.4%, while according to the World Bank report, 18.6% of the total Jordanian population are at risk of joining the poor (“transient poor”). Adding the two percentages together, one third of the population of the Kingdom are vulnerable to poverty at certain times of the year and for limited periods of time.

¹⁸⁰ “Jordan 2025: A National Vision and Strategy” comprises four main pillars, namely: the Citizen pillar (belonging and participating), the Society pillar (safe and stable), the Business pillar (dynamic and highly competitive), and the Government pillar (efficient and effective). It is a document that charts a path for the future and defines the integrated general framework that will govern economic and social policies based on providing opportunities for all; its principles include the rule of law, achieving fiscal sustainability and strengthening institutions. It is available at the electronic link: <http://www.mop.gov.jo/EchoBusV3.0/SystemAssets/pdf/MOP-pdf/Jordan%202025.pdf>

Manifestations of destitution and need are evident in many villages and remote areas. For example, the poverty rate in Wadi Araba District¹⁸¹ stands at 71.5% according to the figures of the Department of Statistics,¹⁸² as is the case of the village of Al-Thughra,¹⁸³ which lacks water and sewerage networks and schools, not to mention unpaved roads; likewise the areas of Al-Ruwaished, Al-Muraygha District, villages in Tafileh, and Dhiban Brigade / Madaba Governorate, among other pockets of poverty, where poverty rates in these areas range from 14% to 71% according to the figures of the Department of Statistics. Furthermore, the minimum wage of (190) dinars (i.e. an average of 1.3 dinars per hour) is considered insufficient to secure a decent living for a citizen who in most cases supports four persons, particularly in light of the rise in the prices of foodstuffs, petroleum derivatives and public transport, not to mention housing rental costs, which have recently doubled as Jordan has received more than one million three hundred thousand Syrian refugees. This reality may also be inferred by looking, for example, at the wages of those insured under social security and of retirees: according to the official spokesperson¹⁸⁴ of the Social Security Corporation, there are (73) thousand insured persons¹⁸⁵ (most of them Jordanians) who receive a monthly wage of (190) dinars per person, and (72) thousand insured persons whose wages are below even the minimum wage, while 60% of social security retirees¹⁸⁶ receive pensions of (300) dinars or less. The pensions of civil and military retirees are in no better condition. The low level of monthly wages confirms that there are hundreds of thousands of Jordanians below the poverty line, which requires the Government to reconsider the minimum wage in order to secure a decent life for Jordanian citizens. In this context, the latest Household Income and Expenditure Survey of 2013, issued by the Department of Statistics, revealed that (230) thousand households (i.e. nearly one million individuals out of the Kingdom's then population of (6.3) million) have an income of less than (350) dinars per month; these represent 18% of the total number of Jordanian households, which stood at (1.253) million households according to the 2013 statistics.¹⁸⁷

With regard to the assistance provided to poor families, in 2015 the National Aid Fund launched a new mechanism aimed at delivering the Fund's services directly to eligible citizens in remote

¹⁸¹ Al Jazeera report: Poverty in Wadi Araba, dated 1/12/2015, at the electronic link: <http://www.aljazeera.net/countries/jordan>

¹⁸² Report on the State of Poverty in Jordan, at the electronic link: http://www.dos.gov.jo/dos_home_a/main/Analasis_Reports/poverty_rep/poverty_report_2010.pdf

¹⁸³ Al-Thughra is one of the remote villages in Al-Muraigha District, Ma'an Governorate, which suffers from weak or non-existent services: it has a single school for both male and female students from the primary to the secondary stage; it lacks water and sanitation networks; and its infrastructure is poor, the roads being unpaved dirt tracks. The situation of the village may be viewed through the link published on Roya TV on 13/11/2015: <http://www.royanews.tv/search>

¹⁸⁴ The official spokesperson of the Social Security Corporation during a television interview, at the link: <https://www.youtube.com/watch?v=l-hcvWPWZSU>

¹⁸⁵ According to the statement issued by the Social Security Corporation on 8/12/2015, the gap between the average salaries of male and female insured persons stands at 13% in favour of males: the average salary of insured women reached (449) dinars, while that of insured men reached (516) dinars. The same applies to average retirement pensions, which reached (455) dinars for males and (338) dinars for females. It is noteworthy that approximately (30) thousand Jordanian women insured under social security receive salaries equal to the minimum wage of (190) dinars.

¹⁸⁶ The Annual Report of the Social Security Corporation for 2014: the proportion of retirees in 2014 whose pensions did not exceed (300) dinars reached 48.7%.

¹⁸⁷ Department of Statistics – Distribution of Households and Individuals by Income Category, at the electronic link: http://www.dos.gov.jo/dos_home_a/main/linked-html/household/2013/g3/3-2.pdf

and peripheral areas by means of mobile vehicles for granting and disbursing financial assistance in all its forms to needy families. This is a pioneering step that helps ease the burden on citizens of reaching the Fund's offices.¹⁸⁸ The Instructions on Financial Assistance for the Care and Protection of Needy Families were also amended to adopt the absolute and abject poverty lines as determined by the official authorities.¹⁸⁹ The National Centre considers it necessary to study and re-link the value of the assistance disbursed to poor families in proportion to price inflation. The Instructions on Financial Assistance for the Care and Protection of Needy Families provide for the disbursement of national assistance to the first four members only of any poor family to which the assistance instructions apply, at a maximum amount of (180) dinars, i.e. (45) dinars per person per month, regardless of the number of family members, which may considerably exceed that number in some cases. When the amount of assistance is compared with the absolute poverty line of (68) dinars per person per month, it becomes apparent that there is a gap of (23) dinars per month; in addition, these Instructions have deprived other family members of this assistance. The Centre also appreciates that the new Instructions have relatively raised the ceiling of the assistance provided to persons with disabilities; however, need dictates that it be raised further so as to meet the pressing needs that the living of a person with a disability requires. The Centre further commends the efforts of the relevant ministries, such as the Ministry of Social Development, which implements several programmes that contribute to alleviating poverty and to improving the income level of poor families and transforming them from aid-receiving families into productive families.¹⁹⁰ As for the project for the construction, purchase and maintenance of housing for poor families, which the Ministry of Social Development has been implementing since 2002, it had provided (1,588) housing units by the end of 2015.¹⁹¹ In this context, the Centre calls for an increase in the allocations earmarked for these projects and programmes, in order to reinforce the concept of combating poverty through local development and to raise the productive capacity of poor groups.

¹⁸⁸ The number of households benefiting from National Aid Fund assistance, as at the date of the Centre's visit to the National Aid Fund on 17/1/2016, was (88375) households, on which approximately (6989809) Jordanian dinars are spent monthly as temporary and recurrent assistance.

¹⁸⁹ The Financial Assistance and Protection of Needy Families Instructions No. (2) of 2012 defined the absolute poverty line and the abject poverty line in a manner inconsistent with the value determined by the Department of Statistics, setting them at (58) dinars and (25) dinars per individual per month respectively. However, the Instructions were amended in 2015 so as to define both the absolute poverty line and the abject poverty line in line with the value determined by the competent authorities, namely (68) dinars per month, in Article (29) of the Financial Assistance and Protection of Needy Families Instructions No. (5) of 2015, published in the Official Gazette, Issue No. (5375), dated 31/12/2015.

¹⁹⁰ The Directorate of Productivity Enhancement and Poverty Reduction – Ministry of Social Development implements programmes and projects aimed at providing employment opportunities for poor families by granting them interest-free loans to establish development projects, such as ceramics and the manufacture of cheese and dairy products and the like. It also assists those families in marketing their products in order to achieve the intended purpose of these projects. The programmes are: the Productive Families Programme, the Charitable Societies Grants Programme, and the Credit Fund Programme.

¹⁹¹ On 17/1/2016, the National Centre reviewed the mechanism for entering applications electronically within an upgraded programme developed by the Ministry of Social Development, whereby basic data are entered and a family is assigned a place in the queue, whether for the purchase, maintenance or construction of a dwelling, in accordance with standards and conditions that take into account the family's income, the number of its members and the condition of its current dwelling. The financial cost since 2002 has been estimated at (15,810,085) Jordanian dinars.

Housing and Infrastructure

In 2015, four persons, including two children, died by drowning as a result of a rainstorm that struck the Kingdom on 5/11/2015, which exposed the poor state of the infrastructure, whether in the capital or in other cities, and its unpreparedness for the winter season. Rainwater flooded numerous schools, shops and homes, and floodwater trapped a large group of persons as a result of torrents and the flooding of tunnels and low-lying roads, causing many citizens to incur substantial material damage.¹⁹² The principal outcome of these events was to reveal the fact that the right to adequate housing is not available to many Jordanian citizens and families and to migrant workers residing on Jordanian territory, some of whom live in basements and garages that were never intended for habitation. It is self-evident that this reality is inconsistent with international standards, which require that adequate housing provide elements such as sufficient space and protection from cold, damp, heat, rain, wind or other threats to health and safety. Following an inspection campaign carried out after the above-mentioned incident, it became apparent that there are violations in all the governorates of the Kingdom: persons use garages and cellars¹⁹³ as dwellings and fail to install submersible pumps in many basements. This requires the Greater Amman Municipality and the municipalities to intensify inspection rounds of buildings and housing projects. A limited number of citizens also still live in tin houses or tents.

The other dimension relating to infrastructure in Jordan is the absence of an integrated drainage network, as in the area of Wadi Al-Sour in central Amman, where there are no drainage manholes; the same applies to most of the streets of the governorates of Irbid, Tafleeh and Ma'an, among other areas and governorates of the Kingdom. Moreover, weak oversight and the failure to activate Item (6) of Paragraph (A) of Article (5) of the Municipalities Law No. (41) of 2015, concerning the obligation of owners of land free of buildings and structures and close to streets to build a fence around their land, has contributed to strengthening the flow of sediment and the blocking of culverts.¹⁹⁴ Weak oversight of the dumping of rubble in valleys and watercourses has also had negative effects, causing flooding in several areas as a result of sediment flow, as occurred on the Irbid/Wadi Al-Ghafr road. Accordingly, the competent authorities should monitor encroachment on valleys and habitation therein, given the danger this poses to the lives of citizens.

¹⁹² On the “Sixty Minutes” programme broadcast on Jordan Television on 6/11/2015, the Mayor of Amman commented on the statement of the Minister of Interior that some stormwater drainage inlets had not been properly equipped, saying that these inlets were designed to receive (20) mm per day under normal winter conditions, whereas they received (40) mm within (40) minutes, which, according to him, prevented them from draining the water; and that the drainage network in Amman is old. He nevertheless stressed that the Municipality had carried out maintenance of approximately (60) thousand drains within its jurisdiction in preparation for the winter season. He also indicated that compensating citizens for the losses they sustained as a result of the floods is the responsibility of insurance companies and not of the Greater Amman Municipality, and stated that the loss of life was due to “negligence on the part of parents in leaving their children alone in such circumstances, in addition to the misuse of basement floors in residential buildings.”

¹⁹³ Basement floors are licensed for services only, such as car parks or for housing diesel or water tanks, and not for residential use; residential use of basement floors is permitted provided that submersible pumps are installed.

¹⁹⁴ Following the flood of 5/11/2015, the Greater Amman Municipality began surveying the affected sites and built one thousand six hundred metres of “Jersey barriers” on vacant land, bringing it fully under control.

Unemployment Rates and Means of Combating Them

The unemployment rate in Jordan continued to rise, reaching 13.05% in 2015 compared with 11.9% in 2014, according to the Department of Statistics.¹⁹⁵ Figure No. (2) shows the unemployment rates in 2015 compared with the three preceding years. The Government's response to the National Centre's recommendations for 2014 concerning the need to strengthen public-private partnership and to train and qualify graduates in order to resolve the problem of unemployment stated that the challenge facing the implementation thereof is the weak standard of graduates. This is a clear indication of the lack of linkage between the outputs of school and university education and the requirements of the labour market, and this is considered one of the causes of high unemployment rates in Jordan, particularly among young people and university graduates.

Figure No. (2): Unemployment Rate for 2015 Compared with Previous Years

Year	2012	2013	2014	2015
Unemployment rate (%)	12.2	12.6	11.9	13.05

Prepared by the Centre, based on the figures of the Department of Statistics.

There is no doubt that the burdens recently borne by the Jordanian State in receiving hundreds of thousands of refugees have contributed to the rise in unemployment and poverty, as the presence of these refugees has led to competition with citizens for job opportunities. According to the Minister of Labour,¹⁹⁶ there are (220) thousand Syrians competing with local workers in the organised and unorganised sectors of employment, not to mention competition with citizens for services and even for the support they receive from charitable bodies and supporting entities.¹⁹⁷ Analysis of the figures received by the Centre from the Syrian Refugee Camps Affairs Department / Public Security Directorate (PSD) showed that Syrian workers occupy approximately (268,393) job opportunities.¹⁹⁸ In the current circumstances, and in order to safeguard the right of Jordanian workers against any encroachment on their job opportunities, this requires the Government to turn towards investment and the exploitation of the natural resources with which the governorates of the Kingdom are endowed, and to proceed with the implementation of pioneering projects such as the Tafileh Wind Renewable Energy Project,¹⁹⁹ which was inaugurated in December 2015,

¹⁹⁵ Department of Statistics: the unemployment rate for the fourth quarter of 2015 reached 13.6%, being 11.7% for males compared with 23.0% for females, an increase of (1.3) percentage points over the fourth quarter of 2014.

¹⁹⁶ Lecture at the Royal Jordanian Command and Staff College, dated 5/1/2016.

¹⁹⁷ The Economic and Social Council, Study on the Economic and Social Impacts of the Syrian Displacement Crisis on the Jordanian Economy.

¹⁹⁸ 45% of Syrian refugees fall within the age group (18–59) years, of whom 21% are males. Accordingly, it may be said that this proportion has leaked into the Jordanian labour market, whether by way of displacement or by taking up a new job instead of local labour. Calculating this proportion from the total number of Syrian refugees, amounting to (1,369,652) persons, after deducting the (115,477) persons residing in the camps, this means the taking up of more than (268,393) job opportunities in the Jordanian market.

¹⁹⁹ The Tafila Wind Renewable Energy Project, inaugurated on 17/12/2015, is considered the first step towards finding effective solutions to the energy problem in Jordan. Its generating capacity amounts to (117) megawatts, producing approximately (400) gigawatt-hours of electricity annually, at a total cost of (287) million dinars. The Jordan Wind Company laid the foundation stone of the project in April 2014, and chose Tafila Governorate because it is distinguished from the other governorates of the Kingdom in terms of wind speed and direction.

given the positive social and economic impact of such projects and their role in creating job opportunities in the various regions of the Kingdom; as well as to renew attention to the agricultural sector and provide the elements necessary for its continuity, given its impact on reducing poverty and unemployment rates and supporting production.

Food Security and the Advancement of Agricultural Production

The agricultural sector continues to suffer from numerous problems and difficulties. The Centre therefore stresses the need to accord it care and attention in order to rescue it, and reaffirms all of its recommendations concerning this sector contained in its previous annual reports. In 2015, farmers demanded the activation of the Agricultural Risk Management Fund Law, particularly after its publication in the Official Gazette²⁰⁰ on 1/9/2009.

It is worth noting that the agricultural sector suffers from numerous problems, the most important of which are: (a) the phenomenon of climate change, which manifested itself in the 2015 agricultural season in frost and a sharp rise in temperatures; (b) legislation and laws that do not keep pace with developments in the agricultural sector: the Law Amending the Agricultural Risk Management Fund Law restricted compensation to frost waves, according to bases and mechanisms to be determined by a regulation issued for this purpose, as though the Law addressed a specific geographical area, disregarding the risks arising from winds, snowstorms, floods and epidemics, on the pretext of the unavailability of financial resources. However, in view of the revenues derived from the agricultural sector, as stated by the Director of the Jordan Farmers Union,²⁰¹ such as the revenues of the central market in the capital, which amount to (15) million dinars, the central wholesale markets in the governorates, the Greater Amman Municipality slaughterhouse and the slaughterhouses in the governorates, these are resources sufficient to fund the Fund had they been collected from the date the Law was enacted. Members of the councils of the General Union of Jordanian Farmers in the governorates of the Kingdom confirmed to representatives of the National Centre for Human Rights²⁰² the continued suffering of Jordanian farmers and their sense that the relevant authorities lack genuine will to preserve food security in the Kingdom; (c) the rise in the wages of migrant workers; (d) the rise in the prices of production inputs; (e) the failure to find solutions for marketing agricultural products, which has driven many farmers not to harvest their crops and to leave them as animal fodder; (f) the inability of farmers to meet their financial obligations towards the Agricultural Credit Corporation²⁰³ and agricultural supply companies, owing to low crop prices and the closure of markets to their products, in addition to the damage they sustained as a result of frost and the like, not to mention the high cost of electricity and water and of transport charges for agricultural products, which remain high

²⁰⁰ The Agricultural Risk Management Fund Law and its amendments, No. (5) of 2009, published in the Official Gazette (4948), as amended by Amending Law No. (42) of 2015.

²⁰¹ “Nabd Al-Balad” programme on frost and agricultural produce, dated 15/12/2015. Dr. Nimer Haddadin / Media Spokesperson of the Ministry of Agriculture; Dr. Taleb Abu Zahra / Agricultural Engineers Association; and Eng. Mahmoud Al-Ouran / Farmers’ Union.

²⁰² On 30/3/2016, the National Centre for Human Rights organised a dialogue session on the situation of the agricultural sector and its impact on food security for representatives of the agricultural sector from official and non-official bodies, with the aim of identifying the most prominent problems of the sector and producing recommendations, which have been included in the report.

²⁰³ The interest rate charged on agricultural loans is 9%, which is higher than bank interest rates.

despite the fall in oil prices; (g) a legislative shortcoming consisting in the failure to include workers in the agricultural sector, whether local or migrant workers, within the scope of the Labour Law, which has exposed many of them to harsh working conditions that may at times amount to forced labour. It should be noted that, as at the date of preparation of this report, no regulation for workers²⁰⁴ in the agricultural sector had been issued pursuant to the amendments made to the Labour Law in 2008; (h) the shortage of water allocated for irrigation and, at times, its unsuitability.

In this context, the Centre calls on the Government to work to encourage investment in this sector and to support projects for the processing and marketing of agricultural products. It is unreasonable that local tomato crops should be destroyed by being dumped in the streets while factories import tomato paste from China. The Centre likewise calls for the allocation of a budget to the branches of the Farmers Union in each governorate, the exploitation of the waters of the Sirhan Basin, and an increase in the storage capacity of dams in order to resolve the water problem. The Centre further warns of the negative effects that will result from the sludge²⁰⁵ which the Ministry of Agriculture has begun to use in the Mafraq area, given its negative effects on the agricultural sector, the environment and health.

The Transport Sector

The public transport sector in the Kingdom continues to suffer from the absence of a serious will to develop and support it, amid a transport network run by individual owners away from oversight and regulation and the weak availability of mass and shared transport networks and means. This is accompanied by abuses committed by some bus drivers against citizens. The sector also suffers from overlapping and conflicting powers among the bodies that supervise and regulate it, not to mention weak infrastructure in terms of departure and arrival terminals and stops along routes, and the lack of services and organisation at existing ones. In this context, the National Centre reaffirms the recommendations concerning this sector contained in its previous annual reports, given its impact on development and economic progress and the fact that it is the sector most deserving of governmental and parliamentary attention, as it lags considerably behind other vital sectors.

The difficult conditions of the transport sector have attracted a number of studies²⁰⁶ conducted by various bodies, and the Centre has found it appropriate to shed light on their most important findings, which are as follows: (a) the proportion of persons who rely on public transport, such as buses, taxis and service taxis, in the capital Amman is 47%, while the remaining 53% use private

²⁰⁴ Article (3/b) of the Jordanian Labour Law provides: “The provisions to which agricultural workers, domestic workers, cooks, gardeners and the like are subject shall be determined by a Regulation issued for this purpose, provided that such Regulation regulates their employment contracts, working hours, rest periods, inspection and any other matters relating to their employment.”

²⁰⁵ Sludge: residues resulting from the treatment and purification of water, whether drinking water or wastewater, consisting of a mixture of solid matter and polluted water, produced by the various water treatment processes. Its characteristics, composition and name vary according to the type and stage of treatment from which the sludge results.

²⁰⁶ A World Bank study entitled “Review of the Transport Sector of the Hashemite Kingdom of Jordan”, and a study by the International Youth Organisation entitled “The Experience of Using Public Transport in Amman”.

vehicles;²⁰⁷ this proportion is an indicator of the weakness of the sector; (b) transport constitutes a financial burden on citizens' monthly income, consuming 25–30% of their budget; (c) bus users suffer from the absence of operational timetables and route plans for bus movements and stops, with 40% of them spending more than (20) minutes waiting for a single trip; (d) 39% of young people use more than two means of transport to reach their destination; (d) transport difficulties account for 40% of the reasons why women do not join the workforce; (e) the transport sector constitutes a burden on the State treasury, consuming 40% of the petroleum imported into the Kingdom annually.

The Centre considers it necessary to accord this sector the importance it deserves and to work to develop it in order to rationalise fuel consumption, control the traffic congestion that the governorates of the Kingdom witness on a daily basis, and reduce the time wasted by citizens in daily commuting. It is also necessary to take into account the need to raise the specifications of means of transport so as to serve persons with disabilities, and to focus on the economic and social impact of the sector rather than its financial impact. We are also witnessing today the losses of the Integrated Transport Company,²⁰⁸ which have reached 94% according to the report of the Audit Bureau, and which require financial and organisational measures on the ground, not only to rescue the Integrated Company but to rescue the public transport sector in Jordan. Among the developments witnessed in 2015 was the commencement by the Greater Amman Municipality of the completion of the second phase of the Bus Rapid Transit project,²⁰⁹ which will constitute a qualitative leap in the public transport sector if implemented.

The Water Sector

In 2015, per capita share of available water was maintained at around 120 m³ per year, amid the scarcity of natural resources; Jordan is below the global water poverty line²¹⁰ by 88%, as a result of the recurrent droughts and lack of rainfall it faces. The large numbers of refugees whom Jordan has received over decades, beginning in 1948, have also had a negative impact on per capita share of available water, and the Syrian refugee influx has led to an increase in water demand, particularly in the northern governorates, of up to 40%. In 2015, the Ministry of Water and Irrigation continued its campaigns to control violations²¹¹ and curb water theft, as water theft and

²⁰⁷ According to the World Bank study, the number of cars in Amman is expected to rise to (1.2) million cars in 2025, i.e. three times the current number.

²⁰⁸ Audit Bureau – Annual Report for 2014: The capital of the Integrated Transport Company amounts to (30) million dinars; the Government's share therein is 51%, the Greater Amman Municipality's 10%, and the remaining 39% is owned by the private sector. The Company's accumulated losses reached (94%, 78.5%, 94%) of its capital for the years 2012–2014 respectively. It should be noted that the number of buses owned by the Company is (602), of which only 297 are operational; i.e. more than 50% of the fleet is not operational.

²⁰⁹ The foundation stone of the project was laid in July 2010 as a flexible and integrated public transport system providing a fast and safe service, relying on high-capacity buses running on dedicated lanes and offering a high level of service.

²¹⁰ According to the World Health Organisation, the global water poverty line is 1000 m³ annually, and the severe water poverty line is 500 m³ annually.

²¹¹ In a judicial precedent, the Amman Criminal Court of First Instance issued a decision imprisoning a person who had encroached on water sources for a period of 3 and a half years and imposed on him a fine of (333) thousand dinars, after the encroachment was detected by staff of the Ministry of Water and Irrigation in cooperation with the security agencies on 6/2/2014. Furthermore, the campaign to detect violations, which the Ministry of Water and Irrigation began implementing on 1 June 2013, resulted, up to the end of January 2016, in the detection of (21037) encroachments on main and carrier

illegal uses account for 70% of water loss in Jordan. In this regard, it is necessary to encourage the finding of solutions to rationalise water use inside homes, and to establish a mechanism for the rapid dispatch of the Ministry's maintenance teams to repair damaged lines and valves.

With regard to sewerage services, the proportion of properties served thereby reached 68% according to the Ministry of Water and Irrigation. However, the Centre monitored areas lacking this service, even though the distance between these areas and the sewerage network ranges between (100–150 m) in many cases, as is the case, for example, in Jabal Al-Atmat / Jerash Governorate and the Al-Magharib housing area in the city of Salt. The residents of these areas suffer from odours emanating from cesspits and the spread of rodents and rats, not to mention citizens incurring costs ranging between (30–40) dinars per month to empty the cesspits. It should be noted that the sewerage problem exists in many neighbourhoods in Jordan and affects health and the safety of groundwater and surface water, as is the case in Wadi Al-Hidan and Al-Walah.

Among the positive developments witnessed in 2015 was the tendering of the Red Sea–Dead Sea Water Conveyance Project, which will provide (85) million m³ according to statements by the Minister of Water and Irrigation. The project will also contribute to the protection of the Dead Sea, which is receding at an estimated annual rate of one metre.

Recommendations:

1. Developing the public transport sector in order to restore the confidence of its users and to enable the largest possible number of citizens to rely on it; enacting legislation that specifies the specifications of means of transport, taking into account the provision of means of transport for use by persons with disabilities; developing the infrastructure of the transport sector; and encouraging investment in this sector through the provision of incentives and tax exemptions.
2. Addressing the problem of unemployment by working to train young graduates and qualify them for the labour market, and stimulating investment in the various governorates of the Kingdom, taking into account the economic advantages of each region.
3. Intensifying awareness programmes for families on reorganising their lives, particularly with regard to the number of family members, which is associated with extreme poverty, disabilities, and the social and family environment in which the family lives.
4. Maintaining stormwater drainage systems periodically, and particularly before the onset of winter; obliging the Jordan Housing Developers Association to require all investors to construct concrete barriers or reinforced retaining walls around residential basements; introducing a system at the electricity company ensuring that electrical panels are not installed in basements; reconsidering the licensing of buildings in valleys; building retaining walls for streets that need them; establishing special dumps for rubble; and developing a comprehensive master plan for stormwater drainage.

water lines and the backfilling of (722) unlicensed wells out of the total number of unlicensed wells, estimated by the Ministry / Water Authority at approximately (1100–1200) wells in all regions of the Kingdom. In addition, (39) unlicensed drilling rigs were impounded at the Central Workshops Directorate.

5. Supporting the agricultural sector and farmers, through:

- Raising farmers' awareness of introducing new methods and cultivating crops suited to the agricultural season.
- Allocating special budgets to the councils of the Farmers Union in the governorates of the Kingdom, so as to enable them to serve farmers in their areas.
- Establishing projects, factories and companies for the processing and marketing of agricultural products and the utilisation of surpluses thereof.
- Including Jordanian farmers under the umbrella of health insurance.
- Reconsidering the legislation regulating the agricultural sector, such as the Agricultural Risk Management Law and the General Union of Farmers Law.
- Abolishing the interest accrued on agricultural loans.

2. The Right to Work

The right to work is one of the rights to which the international community has accorded particular importance, as evidenced by the establishment of the International Labour Organisation (ILO) in 1919, which seeks to set standards and policies for the advancement of decent work that are binding on its member States pursuant to its Constitution; Jordan is one of its member States. Furthermore, the International Bill of Human Rights has recognised this right and devoted specific provisions and rules to addressing it.

International standards: The two International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights were ratified by the Government and published in the Official Gazette in 2006. The Government has also ratified (25) ILO conventions; however, successive governments have published only (14) of them in the Official Gazette, which indicates a lack of seriousness on the part of the Government in applying the standards they contain, since conventions not published in the Official Gazette are not binding on the Government under the Jordanian legal system.²¹² The Centre considers it necessary to publish these conventions ratified by the Government in the Official Gazette and to give effect to them within the national legislative system. In this context, the Centre considers it necessary to accede to certain conventions whose accession it has previously recommended in its reports, most notably Convention No. (87) concerning Freedom of Association, Convention No. (198) concerning decent work, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990.

National legislation: Although the Jordanian Constitution, in Paragraph (2) of Article (6) and Article (23), guarantees the right to work for all citizens and obliges the State to provide it for them by directing and advancing the national economy, which is consistent to some extent with Article (23) of the Universal Declaration of Human Rights²¹³ and Articles (6, 7 and 8) of the

²¹² Report of the Phenix Center for Economic and Informatics Studies, Report on the Right to Work, 2013.

²¹³ Article (23) provides that: "Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment. Everyone, without any discrimination, has the right to equal pay for equal work. Everyone who works has the right to just and favourable remuneration ensuring for himself and his

International Covenant on Economic, Social and Cultural Rights,²¹⁴ the Labour Law No. (8) of 1996 was enacted to regulate the bases of the contractual relationship between workers and employers.

The year 2015 did not witness any developments in the Labour Law or any amendments to enhance this right, notwithstanding that the Provisional Labour Law No. (26) of 2010 remains in the drawers of the House of Representatives. This Law has been discussed more than once by the Labour and Development Committee, but it has not yet been debated under the dome.²¹⁵ On the other hand, the Centre appreciates the issuance of certain regulations and legislation under the Labour Law in force, No. (8) of 1996, which contribute to some extent to enhancing and realising this right, most notably: - Regulation No. (12) of 2015 on the Organisation of Private Offices Engaged in the Recruitment and Employment of Non-Jordanian Domestic Workers.

- Instructions No. (12) of 2015 on the Conditions and Procedures for Licensing Private Offices Engaged in the Recruitment and Employment of Non-Jordanian Domestic Workers.
- The Instructions on the Insurance Policy for Domestic Workers of 2015.
- The Instructions on the Classification of Private Offices Engaged in the Recruitment and Employment of Non-Jordanian Domestic Workers of 2015.²¹⁶

Although agricultural workers have been made subject to the provisions of the Labour Law in force, the year 2015 witnessed no governmental initiative to issue the regulations governing the rights of agricultural workers, as expressly provided for in Article (3) of the same Law.

Policies and Practices:

Wages: Notwithstanding the decision of the Tripartite Wages Committee, composed of the three parties to production, dated 31/12/2011, raising the minimum wage to (190) dinars, wage levels are not commensurate with the high prices of basic goods and services. This has led to the expansion of the working poor and to the inability of these wages to provide a decent life for the vast majority of workers. In addition, wages are not linked to inflation indicators and do not take into account the absolute poverty line adopted in Jordan, which stands at (680) dinars per person.²¹⁷ Furthermore, many wage earners receive their monthly wages at intervals exceeding the periods prescribed by the Labour Law by (7) days.

Migrant workers: Despite the efforts exerted by the Government to organise and regulate the migrant labour market, the Centre considers that this category of workers continues to be exposed to numerous violations, most notably: the withholding of passports; delays in the payment of wages; difficult living conditions, such as sleeping in inadequate places; long working hours

family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection. Everyone has the right to form and to join trade unions for the protection of his interests.”

²¹⁴ See Articles (6, 7, 8) of the International Covenant on Economic, Social and Cultural Rights.

²¹⁵ Labour and Development Committee, House of Representatives, minutes of sessions.

²¹⁶ Ministry of Labour, www.mol.gov.jo.

²¹⁷ Report on the State of Poverty in Jordan for 2010, Department of Statistics.

coupled with deprivation of overtime pay, particularly for those working in the services and agricultural sectors; deprivation of the right to weekly rest days; as well as ill-treatment by some employers.

Social insurance: Notwithstanding the Government's ratification of the Social Security (Minimum Standards) Convention No. (102) of 1952 issued by the International Labour Organisation, and the progress achieved in the Social Security Law No. (1) of 2014, the Centre observes a weakness in governmental policies in taking effective measures to give effect to the human right to social security. The most significant manifestations of this weakness are as follows:

First: Certain workers in certain sectors are not covered by social security, including:

- a. Some employees of Jordanian embassies abroad.
- b. Domestic workers, even though the Social Security Law in force permits their coverage by a decision of the Prime Minister pursuant to the provisions of Article (4/c) of the same Law.
- c. Workers on some private agricultural holdings.
- d. Some workers in the transport sector, such as drivers of small public vehicles and medium-sized buses, who lease these vehicles and operate them for their own account.
- e. Workers in some barbershops and beauty salons.
- f. Jordanian nationals working outside the borders of the Jordanian State.
- g. Literacy teachers in Ministry of Education schools, despite the issuance of a decision by the Social Security Affairs Committee requiring their coverage.

Second: The weak role of the inspectors of the Ministry of Labour and the Social Security Corporation in uncovering the actual salaries of some workers in certain sectors, such as some employees of private-sector schools, so that their situation may be regularised in accordance with the minimum wage decision and they may be covered by social security on that basis. It has been observed that, in respect of some female teachers in private-sector schools, social security contributions are deducted from an untrue wage, and the teachers are made to sign contracts on the basis of the minimum wage of (190) dinars for social security purposes; however, in return, the amounts exceeding what was agreed between the employer and the teacher as to the actual wage are recovered by having the teachers sign cheques or promissory notes, or by reclaiming them in cash.

Third: Social security retirees from categories that worked in non-governmental sectors are not covered by health insurance except on an optional basis at their own request, in which case they are enrolled in the government health insurance scheme.

Fourth: A working or retired woman does not inherit [the pension of] her husband unless his total disability is established by a decision of the Corporation's medical authority.²¹⁸

²¹⁸ Visit to the Social Security Corporation, dated 16/2/2016.

Agricultural workers: Although this category of workers is subject to the provisions of the Labour Law in force, they are exposed to numerous violations owing to the non-issuance of the special regulation governing their rights. This is reflected in the following:

- a. Falling victim to brokers and traffickers in work permits: some owners of agricultural holdings either conclude employment contracts to recruit workers from abroad, particularly workers of Egyptian nationality, or issue agricultural work permits for these workers on the basis of the land they own that is designated for agriculture, in return for sums of money of no less than (500) dinars at a minimum, according to the statements of some of the workers interviewed.²¹⁹ It should be noted that such workers do not work in the same sector, but rather move to work in other sectors that are more lucrative and yield a higher income for them, such as the construction sector or daily-wage work, which renders them vulnerable to situations of slavery and trafficking in persons.
- b. Working long hours and being deprived of weekly holidays, which constitutes a flagrant violation of the provisions of Article (57) of the Labour Law.
- c. Not receiving their wages at the end of each month: some farm owners resort to delaying the worker's wage until the end of the agricultural season, thereby violating the provisions of Article (46) of the Labour Law, which requires that the worker be paid his wage no later than the seventh day of the month following the month of work.
- d. Unhealthy and inadequate housing conditions in some areas, which render them vulnerable to numerous diseases and epidemics.
- e. Failure to guide them and raise their awareness of the dangers of the agricultural pesticides and fertilisers they handle; it has been observed that many workers do not wear any protective or occupational health equipment while treating and spraying the farms on which they work with agricultural pesticides.
- f. The inability of the worker to change his place of work without the sponsor's consent, which renders such workers vulnerable to forced or compulsory labour. Moreover, some women and girls work in this sector under harsh working conditions, consisting of harvesting crops from greenhouses at high temperatures, in addition to some girls and women raising and herding livestock.²²⁰

Unemployment and the Availability of Employment Opportunities

The jobs created in the economy remain weak and unemployment rates remain high, notwithstanding the plans and strategies developed by the Government, in particular the National Employment Strategy, which aims to increase employment opportunities and raise wages in order to improve citizens' standard of living. Data of the Department of Statistics indicate that the jobs created during 2015 amounted to (17,975) job opportunities; however, unemployment rates remain high, the unemployment rate having reached 13.6% during the fourth quarter of 2015, with

²¹⁹ Interview with a number of workers of Egyptian nationality, Amman, Sweileh area, dated 20/12/2015.

²²⁰ Visit to a number of farms in the Baqa'a area during 8–9/2015.

the rate for males at 11.7% as against 23.0% for females. The data further indicate that 49.9% of the total unemployed hold the General Secondary Education Certificate or higher, as against 50.1% whose educational qualifications are below secondary level.²²¹ These numerical indicators show that there are structural imbalances in the labour market and shortcomings in governmental policies to address the phenomenon of unemployment and create new job opportunities, owing to the failure to link educational outputs to the needs of the labour market, the weakness of vocational and technical training programmes, and the absence of some of the components of decent work, such as health insurance, social security, the regulation of working hours and the payment of wages on the dates prescribed under the provisions of the Labour Law in force. This has led local workers to refrain from working in some sectors, and migrant workers to account for a high proportion of those employed therein, particularly in the unorganised sectors, including, for example, the construction, tourism, restaurant and agricultural sectors.

Occupational safety and health: Preliminary data of the Social Security Corporation indicate that the number of work injuries and accidents registered with the Corporation during 2015 reached (14,611) cases, on which expenditures in the form of treatment allowances, temporary disability allowances, compensation and disability pensions amounted to (15) million and (580) thousand dinars.²²² These accidents included cases of death or serious injury, particularly in the construction, transport and services sectors, which reveals a clear shortcoming in the application of occupational safety and health legislation, weakness in follow-up by the competent supervisory authorities in this respect, as well as shortcomings in awareness-raising and guidance programmes on occupational health issues.

Trafficking in Persons

The crime of trafficking in persons is one of the most serious crimes; it is regarded as the third-largest crime in the world according to the Global Report on Trafficking in Persons issued by the United Nations Office on Drugs and Crime, and it also constitutes a flagrant violation of human rights. In view of the seriousness and gravity of this crime, the Centre commends the governmental efforts aimed at combating it, as reflected in accession to a number of international conventions, such as the United Nations Convention against Transnational Organised Crime of 2000 and the Protocols thereto, in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; the enactment of the Prevention of Trafficking in Persons Law No. (9) of 2009; the formation of the National Committee for the Prevention of Trafficking in Persons; the establishment of a special unit to combat this crime under the Public Security Directorate; the opening of a special shelter to receive the victims or potential victims of this crime under the umbrella of the Ministry of Social Development; and work towards the issuance of a national referral mechanism for victims of trafficking. Despite all these measures, the Centre affirms that there are obstacles that hinder full compliance in combating trafficking in persons, the most important of which are:

²²¹ Department of Statistics, Quarterly Report on the Unemployment Rate for the Fourth Quarter of 2015.

²²² Meeting with the Media Spokesperson of the Social Security Corporation on 16/2/2016.

- a. Weakness in the enforcement of the Instructions on the protection of domestic workers issued by the Ministry of Labour, and in the follow-up of the rights of domestic workers in their sponsors' homes.
- b. The absence of a shelter for non-Jordanian female workers to accommodate them upon their arrival in the Kingdom, or those referred by the relevant authorities, which would prevent them from becoming victims or potential victims of trafficking in persons.
- c. The absence of a clear provision, whether in the Prevention of Trafficking in Persons Law or in the Labour Law, defining compulsory (forced) labour, which is considered one of the forms and manifestations of trafficking in persons.
- d. The sponsorship (kafala) system remains in force, whereby a worker cannot change his place of work without the sponsor's consent.
- e. The absence of a special fund to assist victims or compensate them for the damage they have sustained.
- f. Weak oversight and inspection of nightclubs and entertainment venues to ensure their compliance with, and non-violation of, the laws and regulations in force, particularly since some of them carry on their activities and business after the end of customary official working hours.
- g. Some workers, namely domestic workers, workers in the Qualifying Industrial Zones, agricultural workers and workers in some unorganised sectors, do not enjoy the rights guaranteed by the Labour Law and decent work standards, most notably: the withholding of passports by employers; failure to obtain weekly rest days; working long hours; the lack of healthy and adequate housing; non-payment of wages on the prescribed dates; and the worker being made to bear all the costs of work permits, residence permits, medical examinations and treatment expenses, all of which are considered forms and manifestations of trafficking in persons.
- h. The forgery of certain documents by some offices in labour-exporting countries, particularly with respect to domestic workers who are under the legal age.
- i. Weak public awareness of the provisions of the Prevention of Trafficking in Persons Law, particularly among law-enforcement authorities.

Table No. (1) sets out the statistics on trafficking in persons cases issued by the Anti-Trafficking in Persons Unit / Public Security Directorate, indicating that the number of cases dealt with during 2015 amounted to (28)²²³ cases, broken down as follows:

Table No. (1): Statistics on Trafficking in Persons Cases for 2015

Type of Offence	Number of Cases	Victims: Males	Victims: Females	Perpetrators: Males	Perpetrators: Females
Sexual exploitation	—	—	—	—	—
Organ removal	—	—	—	—	—
Forced labour (domestic workers)	26	—	45	28	14

²²³ Public Security Directorate, Anti-Human Trafficking Unit, Statistics on Trafficking in Persons Cases for 2015.

Type of Offence	Number of Cases	Victims: Males	Victims: Females	Perpetrators: Males	Perpetrators: Females
Forced labour (workers)	2	10	–	2	–
Total	28	45		44	

Recommendations:

1. The National Centre reaffirms the recommendations set out in its previous reports.
2. Activating the role of the Ministry of Health inspectors in inspecting workers' accommodation, particularly that of migrant workers, pursuant to the provisions of the Public Health Law in force.
3. Expediting the issuance of the Instructions on the shelter for non-Jordanian domestic workers.

3. The Right to Education

First: School Education

Legislation

The right to education is set out in the (national and international) legislative framework, which has been detailed in previous reports, affirming the responsibility of the State to guarantee the right to work and education within the limits of its capabilities and on the basis of equal opportunities, as well as the right of fathers and parents to choose the type of education appropriate for their children. It should be noted that the Universal Declaration of Human Rights provides that education shall be compulsory and free in its elementary stages.²²⁴

²²⁴ The Constitution of the Hashemite Kingdom of Jordan of 2011, Article (6/3): "The State shall guarantee work and education within the limits of its possibilities."

- The International Covenant on Economic, Social and Cultural Rights provides for the right to education, Article (13) thereof stipulating: "1. The States Parties to the present Covenant recognise the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. 2. The States Parties to the present Covenant recognise that, with a view to achieving the full realisation of this right: (a) Primary education shall be compulsory and available free to all; (b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education; (c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education; (d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education; (e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system

However, the Education Law provides for the clarification of the foundations on which the philosophy of education in the Kingdom is based, which include the Jordanian Constitution, Arab and Islamic civilisation, the principles of the Great Arab Revolt, and the Jordanian national experience.²²⁵ With the exception of the Constitution, the other sources or foundations are general and undefined, especially as the only specific reference in this field (the philosophy of education and instruction) is the deepening of human, moral and religious values.

Accordingly, one should not be surprised if interpretations and initiatives have multiplied and varied as to the practical translation of this standard. This has left its mark on the course of education in Jordan and on the mixed tensions between the role of the Ministry of Education (the State), on the one hand, and the responsibility of the family and parents to choose the education they deem appropriate for their children, on the other. It is noteworthy that the debate in the recent period has focused on the role of the curriculum, the textbook and the teacher in shaping the student's intellectual formation and influencing his behaviour, and hence on the role of upbringing, more than on the role of education and culture and, ultimately, on building the student cognitively and intellectually.

The Educational Process

The number of students in the public and private education sectors, as well as in the schools administered by the United Nations Relief and Works Agency for Palestine Refugees (UNRWA), for the 2015/2016 academic year stands at (1,910,599), distributed as shown in Table No. (2):

Table No. (2): Educational Statistics for the 2015–2016 Academic Year²²⁶

Details	Ministry of Education	Private Education	Other Government Bodies	UNRWA	Total
Total number of students	1292744	482517	17143	118195	1910599
Number of students at the basic education stage	114389	64321	994	10861	190565
Number of schools	3783	2923	41	178	6924
Number of class sections	49058	23794	633	3459	76945
Total number of teachers	80156	32417	1754	4516	118843

The total current and capital expenditure of the Ministry of Education for the 2015 fiscal year amounted to (910,171,000) dinars, as shown in the endnote.²²⁷

shall be established, and the material conditions of teaching staff shall be continuously improved.”

²²⁵ The Education Law of 1994 and its amendments.

²²⁶ According to the information contained in the Educational Statistical Data table from the Information Management Section – Ministry of Education.

²²⁷ According to the Educational Statistical Data of the Ministry of Education for 2014–2015, in a table showing total current and capital expenditure for the 2015 fiscal year compared with 2014, issued by the General Budget Section – Non-Formal Education – General Budget Section – Ministry of Education:

The total number of Ministry of Education employees is (94,251) male and female teachers and administrative staff, of whom (30,018) are male teachers and (48,721) are female teachers, while the total number of school administrators is (15,512), of whom (4,695) are male and (10,817) are female.

With regard to the General Secondary Education Certificate Examination (Tawjihi), the strict measures adopted in the previous year to ensure the proper conduct of the examinations, which aim to put an end to cheating practices, continued in 2015.

During a monitoring visit conducted by the National Centre for Human Rights to Mahis Comprehensive Secondary School for Girls on 28/2/2016, Tawjihi students made several observations regarding the General Secondary Education Certificate Examination for the first semester: the examination halls were very cold; the students made an observation on the literal marking of answers to the questions; and they stated that the examination timetable was improperly distributed, as the examinations were held back-to-back, in addition to students being assigned to schools far from their place of residence in the city of Salt. They also stated that the distribution of marks was unfair. Shock is evident among teachers and students at the significant drop in the pass rate across all streams.

Quality of Education

Literacy and Adult Education

The Literacy and Adult Education Programme covers persons aged (15) years and above, and provides the opportunity to enrol in a learning process and acquire reading and writing skills, in addition to raising the cultural and educational level of learners and seeking to provide suitable employment opportunities, thereby contributing to combating unemployment. The Programme has set itself the target of reducing the illiteracy rate by 0.5%–1% annually. The number of adult education and literacy centres for both sexes in the 2014/2015 academic year stands at (352) centres, of which (28) are for males and (324) for females, while the total number of persons enrolled in these centres stands at (4,937), of whom (4,553) are female and (384) are male.²²⁸

The National Centre for Human Rights considers that reaching this group requires expanding networking with civil society institutions and charitable societies, which may hold data on this group, as well as offering programmes in more attractive ways to encourage persons to become literate and to draw them in from various places and bodies.

Description	2014	2015
Current expenditure	839,431,000	846,481,000
Capital expenditure	63,700,000	63,690,000
Total	903,131,000	910,171,000

²²⁸ According to the statistics contained in the Ministry's report on non-formal education concerning literacy and adult education.

As for the phenomenon of school dropout, it persisted during the 2014/2015 year. This phenomenon refers to children of school age not enrolling in school, or a child leaving school without successfully completing the educational stage at which he is studying, whether of his own volition or as a result of other factors, as well as irregular attendance for one year or more. The phenomenon of school dropout is widespread in many countries, and no educational setting can be free of it; however, it varies in severity from one society to another and from one educational stage to another. It is observed that it is prevalent at all educational stages, albeit to varying degrees, in most schools regardless of their type; it is also prevalent among all students, both male and female, and across most social and economic classes.

School dropout constitutes an enormous educational waste of capacities and of societies, and has a negative impact on all aspects of society and its development; it increases the extent of illiteracy and unemployment and weakens the economic structure of society. The phenomenon of dropout also has multiple and interrelated causes, in which educational, family, social and economic causes are intertwined. The phenomenon of school dropout constitutes a direct waste of human and material resources; the absence of students from school without excuse or with an unacceptable excuse calls for vigilance and attention on the part of the school and the family from the beginning of the academic year, as these dropouts move into the labour market, leaving behind their bags, their books and their schools, which represent a secure future for them.

In view of the importance of this phenomenon to the building of any society, and out of the National Centre for Human Rights' concern to discuss the causes of this phenomenon and to curb its aggravation and spread, the Centre organised focus groups in Irbid Governorate attended by a large number of specialists and persons with expertise and knowledge of school affairs, including teachers, school principals and other attendees from the local community. The phenomenon, its causes and proposed appropriate solutions to curb its spread were discussed, and the observations of the focus groups were as follows:

Unemployment, poverty, ignorance, fear, bad company and the financial hardship of the father and mother are among the most prominent causes of school dropout, in addition to the current state of society; the freedom and recklessness that characterise young people during adolescence; their attachment to social media; the failure of the school counsellor to play his role in curbing this phenomenon and its spread; the weak role of the family in terms of limited communication between parents and children; the weak role of the student himself in communicating with others, whether his teachers, friends or family; the educational level of the father and mother and the parents' attitudes towards education; the parents' failure to follow up on the student by visiting the school and communicating with it; school violence; school discipline instructions; the absence of the local community from its strategic position; early marriage; the size of school classes; and the absence of recreation and engagement inside the classroom.

To ensure that the phenomenon of school dropout is curbed, legislation grants the Ministry of Education several measures, including communication with families and addressing the administrative governor. What adds to the seriousness of this phenomenon is that it has been observed to be higher among males in the lower basic stage.

As for the programme for school dropouts, the Ministry runs educational programmes to meet the needs of students who have dropped out and left school, by affirming their neglected educational

rights and qualifying them according to criteria that enable them to enrol in the Vocational Training Corporation within the non-formal education programme. The number of culture-enhancement centres for dropouts by the end of 2015 stood at (102) centres, in which approximately (11,334) male and female learners were enrolled, and the number of male and female graduates exceeded (2,280). It should be noted that work is under way to expand this programme.

“Syrian Students in Jordanian Schools”

Syrian students have been accommodated in a number of the Kingdom’s public and private schools. With the worsening of the Syrian crisis, the number of Syrian students has been continuously increasing; consequently, a number of measures have been taken to accommodate these students in public schools.

The services provided by the Ministry of Education this year consisted of exempting them from the work permit requirement and the authentication of official documents; exempting them from payment of school donations and textbook fees; providing school health services and kindergarten services; providing remedial programmes; expanding the use of rented schools; appointing new teachers to meet the needs of classes and sections; and training teachers and school counsellors in psychosocial care in order to deal with Syrian students. Despite all of this, Syrian students still need, in particular, intensified psychological support as a result of the events they have endured, so as to achieve psychological stability, a sense of security and their integration with the other students.

To cope with the continuous increase in the number of Syrian students, the Ministry of Education was compelled to convert a number of schools to a double-shift system, with the evening shift allocated to Syrian students. A number of schools were also established in Zaatari Camp, the Emirati Camp and Azraq Camp.

The total number of Syrian students in the Kingdom’s schools as of November 2015 stands at (145,458) students, of whom (26,200) are inside the camps, where the number of camp schools reached (32) schools. The number of evening schools is (98) schools, in which (51,067) students study; the number of integrated students is (68,191); and the number of students on waiting lists is (40,000). It should be noted that this figure is subject to increase or decrease depending on the influx of Syrian refugees or their admission to schools.²²⁹

The education sector faces a number of challenges as a result of hosting Syrian students, including: pressure on the infrastructure of schools in terms of buildings; increasing overcrowding and student density in classrooms, which increases the pressure on school facilities and reduces each student’s share of the school’s operating expenditure; in addition, the intensification of maintenance work on school buildings and public facilities leads to increased costs for the Ministry.

²²⁹ The information on Syrian students for the 2014/2015 academic year is based on the statistics of the Formal Education Section – Ministry of Education.

Kindergartens:

The number of public kindergartens in the 2014/2015 academic year reached (1,203) kindergartens, which are free of charge, and the enrolment rate in the second kindergarten class (KG2) at the pre-school education stage reached 61% for the 2014/2015 academic year. The Educational Development Conference held in Amman on 1–2/8/2015, under the theme of teaching, learning and educational pathways, recommended amending the structure of the educational ladder so that the early childhood stage becomes compulsory within this ladder. Among the programmes being focused on are the Parental Awareness Programme; the Programme for Raising Children's Readiness to Learn, which aims to achieve the principle of equal opportunities and justice among all children; and the Programme for Parental Participation in the kindergarten class and the first three grades. It should be noted that (100) classrooms for public kindergartens have been established in public schools.²³⁰ The most important challenges facing kindergartens are the following:

- a. The lack of sufficient financial resources.
- b. The insufficient number of educational supervisors for the kindergarten stage in the education directorates.
- c. Delays in the tendering procedures for the construction, furnishing and equipping of kindergarten wings.
- d. The deprivation of children living in remote and distant areas, which suffer from scarce economic resources, of kindergarten educational services. The Centre considers that the deprivation of these children of the development process, as a result of their geographical distance from the main centre of development projects and programmes, constitutes a form of inequality and lack of equal opportunities. This has led the Ministry of Education to work towards extending the kindergarten programme to those areas in greatest need, so that all children may enjoy equality and parity in access to rights and privileges, thereby achieving genuine competitiveness in reaching the final stages of secondary education and the progression of those who merit it to university education.

School Curricula:

In 2014/2015, the Ministry of Education undertook several measures to develop school curricula qualitatively and gradually in order to improve the quality of basic and secondary education. The Ministry integrated several topics into the curricula, including gender and respect for diversity in Jordanian society, with balance in presentation; teachers are being made aware and trained in the

²³⁰ According to the statistics of the Ministry of Education for the 2014/2015 academic year, Report on the Achievements of the Childhood Directorate in the Field of Human Rights: the draft accreditation standards for kindergartens were finalised with the National Council for Family Affairs; a quality system for public kindergartens is currently being prepared; the Public Kindergartens Instructions were approved, published in the Official Gazette and put into effect; the criteria for admission to and registration in public kindergartens were circulated to the field; and a Facebook page dedicated to kindergartens was created.

field, with emphasis that human rights topics have become a fundamental axis of the educational and teaching process.²³¹ However, several challenges remain in this area, including:

- a. The absence of authors in the field to contribute to the development of curricula that meet the requirements of quality and attractiveness of content and its qualitative nature, rather than its quantity and padding.
- b. The failure to integrate human rights topics into the curricula in a systematic manner, which requires, first, a qualitative shift in how the subject of human rights is viewed, and then the involvement of specialists in the field of human rights in the process of preparing school curricula, so as to entrench and disseminate a culture of human rights in an attractive, simple manner appropriate to the stages of the child's intellectual development.
- c. Reliance on rote learning and memorisation instead of encouraging analysis and critical thinking among students.

Protection and a Safe Environment

The Protection and Environment Section of the Ministry of Education receives complaints and follows them up with the relevant authority, whether received through the hotline, the website or in writing. It also participates in special investigation committees in cooperation with the Legal Affairs Department and the Oversight Department for family protection and the prevention of domestic violence, in addition to holding a dialogue session in cooperation with the National Council for Family Affairs on societal violence.

However, the work of these committees is characterised by slow procedures and a failure to follow up on their recommendations. In addition, there is a greater need to activate the concept of family protection, as many students are subjected to violence by their families, resulting in physical or psychological harm. This calls for greater and swifter oversight, follow-up and effectiveness in dealing with cases, on the basis of cooperation between the responsible legal authorities, schools and the Ministry of Education.

Nutrition and School Health

The Ministry implemented several projects in the Nutrition and School Health Section, including the Public School Children Feeding Project for students in basic grades (1–6) and public kindergartens in poverty pockets. The number of students covered by the project in the first semester of the 2014/2015 academic year reached (350,000) male and female students, distributed across (1,806) schools in (31) education directorates and three camps affiliated with UNRWA, where each student is provided with a daily healthy meal containing vitamins and minerals.²³²

It is observed on the ground that school canteens still sell unhealthy food items to students, many of which usually contain foodstuffs of unhealthy specifications, ranging from artificial colourings to preservatives. This calls for firm measures and the imposition of deterrent penalties on the operators of such canteens. In this regard, emphasis must be placed on disseminating a culture of

²³¹ The Annual Plan of the Humanities Section in the Curricula Directorate for 2015.

²³² Statistics of the School Nutrition and Health Section, 2014/2015, Ministry of Education.

healthy eating; for example, why are fruit and vegetables not sold in school canteens? Accordingly, oversight of school canteens should be activated. ##### Educational Counselling

The paper on the developmental achievements of the Educational Counselling Section at the Ministry of Education stated that a number of training workshops were held for the National Campaign programme (“Together... Towards a Safe School Environment”), in addition to the application of the monthly electronic survey tool to measure the extent of the decline in cases of school violence in the various education directorates.²³³ However, the shortage of specialists in the field of psychological and social counselling persists, despite the schools’ need for psychological and social counselling, since those who are referred to retirement are not replaced by new specialists in counselling. This creates a clear shortage in this field and consequently affects the educational process, which focuses on the student’s intellectual balance alongside his psychological balance. In addition, there is a need to work towards ensuring the integration of specialised applied programmes into university curricula in counselling disciplines, and to qualify counsellors to deal with students at all stages of education, as well as to introduce advanced and modern curricula that keep pace with modern psychology and sociology.

The Teachers’ Syndicate

In 2015, a number of challenges facing the Teachers’ Syndicate continued, the most important of which may be highlighted as follows:

- a. Weak cooperation between the Ministry of Education and the Teachers’ Syndicate with regard to the development and management of the educational process; Article 5 of the Jordanian Teachers’ Syndicate Law provides that the Syndicate has no right to interfere in the educational process or in educational content.
- b. The Ministry of Education’s reversal of its practice of deducting the monthly Syndicate subscription, which amounts to one dinar per teacher, from teachers’ salaries.
- c. The Ministry of Education’s separation, according to its definition of a teacher, between a teacher who is an administrator and a classroom (“chalk”) teacher, which has caused confusion in the field. It should be noted that it is currently not technically possible to separate between what is called a teacher and an administrator, owing to the existence of thousands of teachers who started as teachers and served as such for many years and were then transferred to administrative posts, while administrators are at times, when necessary, transferred to teaching. In addition, there is the problem of the technical allowance granted to those working in the education sector; it is regarded as the only allowance enjoyed by this category of employees, and it raises the teacher’s salary to a medium level of income. Once this allowance is withdrawn from administrative staff in this sector, this will lead to a drastic deterioration in the financial situation of this segment of teachers.
- d. Private-sector teachers are not obliged to pay their Syndicate membership fee, which deprives them of their rights and privileges, since the Syndicate Law makes the enjoyment of privileges

²³³ According to the Developmental Achievements Paper – Educational Counselling Section for 2015.

conditional upon the payment of the subscription, the deduction amounting to one dinar per month.

Private Education

There are a number of problems in the field of private education, including the termination by some private schools of teachers' services during the summer vacation. Indeed, the idea of a unified contract for all private schools has not been activated to date, and in the summer of 2015 (11) thousand male and female teachers were disconnected from the Social Security Corporation owing to the expiry of their contracts with private schools. It is therefore evident that there is a weakness in the legislation addressing private education, while the Teachers' Syndicate has pressed the Ministry of Education to issue the Private Educational Institutions Regulation, the draft of which was issued in 2014.

The Ministry of Education has issued a regulation that concerns licensing fees only. It is therefore necessary to pay attention to the importance of issuing a regulation that classifies schools and protects teachers' rights, in addition to designating a competent body to consider grievances submitted by private school teachers. Grievances of private school teachers are classified as labour cases, and the responsible body is the Ministry of Labour. Accordingly, rights and disputes fall under the Ministry of Labour, and this is a real problem: a teacher who wishes to submit a complaint in this regard is required to approach the Ministry of Labour rather than the Ministry of Education, whereas a teacher in the private sector should fall under the Ministry of Education and not the Ministry of Labour.

As regards the issue of low salaries, particularly the salaries of teachers in private schools, a teacher has the right to enjoy a salary that meets his needs, whether he works in the private sector or in government; there is no difference between a teacher in the public sector and one in the private sector. Efforts must likewise be made to reinforce the idea of signing a unified contract that guarantees teachers' rights, in addition to working towards the adoption of a provision setting a minimum salary of no less than 250 dinars for teachers working in the private sector.

Second: Higher Education

In 2015, the challenges facing the higher education sector, to which the Centre had referred in its previous reports, continued, the most important of which are the following:

- a. The objectives of higher education set out in Article (3) of the Higher Education and Scientific Research Law do not provide for guaranteeing the right to higher education and scientific research.
- b. No action has been taken to enhance and protect the independence of universities, as the Centre pointed out in its 2014 report.²³⁴
- c. Academic freedoms have not improved; no change has occurred with respect to meeting the demands for the establishment of a syndicate for university professors and staff, in addition to the

²³⁴ In the Higher Education and Scientific Research Law No. (23) of 2009; see the Report on the State of Human Rights for 2014.

continued existence of challenges facing researchers and university professors and the process of appointment in universities.

d. University fees continued to rise, as in previous years. No changes or initiatives have emerged to overcome the problem of increasing fees or the problem of exceptions in university admission places.²³⁵

e. The continued existence of the parallel education programme in Jordanian public universities, which impedes the realisation of the principle of equality among Jordanians with respect to the right to education and discriminates between students according to their financial capacities, thereby constituting a constitutional violation.

The Phenomenon of University Violence

In 2015, the phenomenon of violence in Jordanian universities persisted, constituting a real threat to the educational environment in universities and generating a negative impact on society as a whole. The deterrent penalties applied in universities did not succeed in curbing university violence. These penalties, which are used to curb the phenomenon of university violence, include the dismissal of students involved in fights, suspension from study for several university semesters, and the referral of groups involved in university violence to trial where weapons have been used.

The absence of political and cultural awareness among students leads to the spread of these problems; moreover, university administrations and the Ministry of Higher Education at times unintentionally contribute to the absence of such awareness among students. It is also evident that most of those who cause university fights are students with low academic attainment, and the high proportion of exceptions in public universities (the Royal Grant (*Makrumah*), parallel admission and others) has contributed to lowering the quality of higher education and increasing university violence.

Accordingly, it is necessary to convene a national conference addressing all higher education issues with a view to resolving them, as well as to create extracurricular activities through which students can channel their energies, and to work on reviewing school and university curricula and focusing on topics that help to eradicate ideas of intransigence, racism and readiness for violence,

²³⁵ However, at the beginning of 2016, a number of students at the University of Jordan staged an open-ended sit-in on 29 February 2016 in protest against the decision to raise university fees. A monitoring visit was conducted inside the campus of the University of Jordan in order to look into the situation of the students staging the sit-in in rejection of the decision to raise university fees. The sit-in continued until the issuance of the decision of the University's Board of Trustees on 6 April 2016, which included the following: 1. Graduate Studies Programme: cancellation of the fee increase for (36) specialisations, and retention of the increase for the remaining programmes at a rate ranging between 20% and 40% of the value of the increase, and giving priority to doctoral students to teach introductory courses and university requirements instead of lecturers from outside the University. 2. Bachelor's Programme: treating outstanding students in the parallel programme in the same way as the competitive programme with respect to credit-hour fees, linking the schedule for reducing the remaining increase to the volume of government support, and not confining the reduction to the 50% approved for the parallel programme. 3. Reaching oral understandings between the Student Union Council and the University Presidency on halting disciplinary proceedings against the students who staged the sit-in. Upon the issuance of this decision, the open-ended sit-in was brought to a definitive end.

in addition to working to raise students' political and cultural awareness and encouraging fair student elections.

Recommendations

With a view to addressing the above-mentioned challenges in the field of the right to education, and on the basis of applying both preventive and remedial approaches as required by the reality on the ground, the Centre recommends the following:

1. The need to intensify awareness-raising on human rights topics, to spread tolerance, love and acceptance of the other, and to prevent misguided extremist thought from preying on children, together with the rejection of the other that may result therefrom.
2. The need to strengthen school curricula by equipping students with the basic skills that help them in life.
3. The importance of focusing on the method of selecting authors with experience and broad awareness, since the problem of the absence of a culture of religious tolerance and recognition of the other requires the development of renewed and advanced psychological and scientific means that address the minds of a generation aware of social media and technology and of the volume of knowledge it receives, so that students are guided onto the right path to live life with noble aims and the best means.
4. Reconsidering the bases of university admission and reducing exceptions, and the need to work towards enhancing the independence of universities and affirming genuine administrative and financial independence.
5. The need to work towards halting the increase in university fees and abolishing the parallel programmes, which discriminate between students according to their financial capacities, as such discrimination constitutes a constitutional violation.
6. The need to work towards protecting persons with disabilities from being deprived of the right to education, by providing the possible moral and material means that would facilitate their enjoyment of the right to education on an equal footing with students who do not have disabilities.
7. The need to work towards improving the quality of education in rural and remote schools, given their geographical distance from areas of development and services.
8. The need to pay attention to the importance of developing human rights values, ideas, concepts and skills among students, and of ensuring that they are practised and put into effect as real conduct everywhere; together with the need to work towards including clear and explicit provisions in laws and regulations that provide for the introduction of an approved, core curriculum on human rights education for all grades, and for the introduction of human rights concepts starting from kindergarten; in addition to the need to work towards involving national institutions working in the field of human rights, in a systematic and organised manner, within a study plan spanning school years during which students receive awareness of the importance of human rights and their necessity for societies.

9. The importance of changing teaching methods, modifying educational means that rely on rote learning, and working to unleash freedom of thought and develop the role of reason and critical analysis.
10. The need to study a mechanism for the assessment of students and to find a fairer means of measuring their competence, taking into account the different levels of educational services available to students in distant and remote areas.
11. The need to abolish the sales tax on stationery used by students.
12. The importance of issuing a regulation for the classification of private schools in response to Article (32/b) of the Education Law, and of controlling increases in the school fees charged by those schools.
13. The need to establish an effective mechanism and oversight system that ensures that private educational institutions comply with the objectives and purposes of education and with the standards set by the State for the realisation of the right to education.
14. The need to amend the Teachers' Syndicate Law so as to adopt international standards on freedom of trade union organisation and its independence from the government, and to activate the teacher's role in educational policy.
15. The need to strengthen the infrastructure of the school network by increasing the proportion of expenditure on education as far as possible, in order to establish more schools, increase the number of teachers, and end reliance on rented schools and the double-shift system in a manner appropriate to society; and the need to monitor public and private infrastructure in all schools and to record violations in school buildings, as well as to develop the services provided in schools, particularly during the winter season, which requires the provision of adequate heating, in addition to the need to provide yards, playgrounds and laboratories, and to attend to cleanliness and sanitation.
16. Strengthening programmes to reduce school drop-out and literacy programmes, and generalising education for inmates of Correction and Rehabilitation Centres to cover all centres in the Kingdom without exception.
17. Activating student councils and similar programmes in the management of students and their affairs, and activating parents' councils to participate in developing the educational environment.
18. Working to improve the conditions of teachers in general, increasing salaries and allowances, and putting in place effective measures to halt violations of their rights in private-sector schools.
19. Working to adopt human rights education in university education as core courses for all disciplines, and encouraging the establishment of student human rights clubs.
20. Working to develop a comprehensive national plan to confront the phenomenon of university violence, to examine the psychological dimensions behind its spread, and to work towards its eradication.
21. Activating the concept of family protection through schools, in cooperation with the security bodies specialised in family protection.

22. Affirming the importance of focusing on the quality of school food in the school canteen, and working to encourage the sale of fruit and vegetables.

23. Working to prepare highly competent and knowledgeable psychological specialists and counsellors by establishing applied programmes in university courses for the purpose of qualifying them to deal with students at all stages.

24. Coordinating work and fostering a spirit of cooperation between the Teachers' Syndicate and the Ministry of Education, and allowing the Syndicate to be involved in the issues and problems of education and teachers, particularly teachers in the private education sector.

25. The importance of working towards the administrative and financial independence of universities. With regard to academic freedoms, no change has occurred with respect to meeting the demands for the establishment of a syndicate for university professors and staff, in addition to the continued existence of challenges facing researchers and university professors and the process of appointment in universities.

Note

The Ministry of Education was approached to obtain statistics and information for the 2015/2016 academic year; it replied that the preparation of the information or statistics for 2016 had not yet been completed, since the Ministry of Education's system in respect of the academic year differs from that of the other State institutions: the academic year begins in September 2014 and ends in September 2015. Accordingly, the report contains no statistics for 2016. It should be noted that the Ministry will be contacted to obtain the information and statistics for 2015/2016, and these will be annexed to the annual report for 2016.

4. The Right to Health

The Jordanian Constitution contains no explicit provision on the human right to health, despite the amendment of some of its articles in 2011. International and regional instruments, however, have accorded this right special attention owing to its importance for the human right to life, foremost among them the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

Article (39) of the Arab Charter on Human Rights further provides as follows:

1. The States parties recognise the right of every member of society to the enjoyment of the highest attainable standard of physical and mental health and the right of the citizen to free access to basic health-care services and to facilities for the treatment of diseases without discrimination of any kind.

2. The measures taken by States parties shall include the following:

(a) Development of primary health care and the guarantee of free and easy access to the centres that provide these services, regardless of geographical location or economic status.

(b) Efforts to control disease by means of prevention and cure in order to reduce mortality.

(c) Promotion of health awareness and health education.

- (d) Suppression of traditional practices which are harmful to the health of the individual.
- (e) Provision of the basic nutrition and safe drinking water for all.
- (f) Combating environmental pollution and providing proper sanitation systems.
- (g) Combating drugs, psychotropic substances, smoking and substances that are damaging to health.

At the level of national legislation, the Public Health Law as amended, No. (47) of 2008, provided for the responsibility of the Ministry of Health for all health affairs in the Kingdom.

With regard to the draft Medical Liability Law, it remains at a standstill. All that was accomplished in 2015 was the formation of a special committee of specialists at the Ministry of Health for the purpose of examining and studying the draft law and producing any new recommendations relating to medical liability. The committee made observations on the provisions of the law, which was then submitted to the competent authorities to take the appropriate decision thereon. It should be noted that no action has yet been taken in this regard.²³⁶

The Primary Health Care Pillar²³⁷

The Ministry of Health provides primary health care services through the health directorates, alongside a wide network of health centres covering all population clusters in the Kingdom, through which it provides general medicine, dentistry, public health, maternal and child services and health education, in addition to some specialised services.²³⁸ In 2015, the number of these centres reached (1151) centres, distributed as follows: comprehensive (99) centres, primary (391) centres and branch (203) centres, in addition to (458) centres for the control of communicable diseases.

The Centre recorded that in 2015 the Ministry of Health took a set of measures to curb the spread of communicable diseases, consisting of the following:²³⁹

²³⁶ Letter of the Ministry of Health No. (2/44/Law/312), dated 22/1/2016, in response to the information requested by the Centre.

²³⁷ With reference to the literature and practice concerning the right to health, three levels of health care are frequently referred to, namely: primary health care, which typically deals with common and relatively minor diseases and is provided by health professionals and/or generally trained doctors working within the community at relatively low cost; secondary health care, which is provided in centres, usually hospitals, and typically deals with relatively common minor or serious diseases that cannot be managed at community level, using specialty-trained health professionals and doctors, special equipment and sometimes in-patient care at comparatively higher cost; and tertiary health care, which is provided in relatively few centres, typically deals with a small number of minor or serious diseases requiring specialty-trained health professionals and doctors and special equipment, and is often relatively expensive. Since forms of primary, secondary and tertiary health care frequently overlap and often interact, the use of this typology does not always provide sufficient distinguishing criteria to be helpful in assessing which levels of health care States parties must provide (Committee on Economic, Social and Cultural Rights, Twenty-second session (2000) / General Comment No. 14 / The right to the highest attainable standard of health).

²³⁸ The Strategic Plan of the Ministry of Health 2013–2017.

²³⁹ Letter of the Ministry of Health No. (2/44/Law/312), dated 22/1/2016, in response to the information requested by the Centre.

1. Implementing one vaccination campaign against poliomyelitis; the number of beneficiaries of this campaign reached (397206) children, distributed as follows:

- Jordanians: (273022).
- Syrians: (101188).
- Other nationalities: (22996).

2. Introducing the rotavirus vaccine into the National Immunisation Programme.

3. Operating a new device for the detection and diagnosis of tuberculosis, which is regarded as a revolution in the diagnosis of this disease, as it makes it possible to diagnose the disease within two hours by means of DNA, thereby alleviating patients' suffering and contributing to accelerating their treatment. It should be noted that the Ministry has two such devices: the first at the Directorate of Chest Diseases in the capital, Amman, while the second is in the city of Mafraq, to serve the people of the governorate and Syrian refugees, as there is a large number of tuberculosis cases among Syrian refugees.

During the past year, 2015, the Ministry of Health recorded (101) new cases of AIDS infection, of which (20) were Jordanians and (81) were non-Jordanians. Accordingly, the total number of cases of this disease recorded in the Ministry of Health's registers became (1219) cases: (325) cases of Jordanians and (894) cases of non-Jordanians.

- Non-communicable diseases:

a. Cancer:²⁴⁰

Since the establishment of the National Cancer Registry in 1996, a total number of persons, as at mid-2013, have been diagnosed and registered with the National Registry, including:

- Approximately (72000) registered cases of Jordanians.
- Approximately (20000) registered cases of non-Jordanians.

Accordingly, the approximate number of persons with cancer in Jordan, Jordanians and non-Jordanians, as at the end of 2015, based on the prevalence of the disease recorded since the establishment of the Registry, is approximately (110000) cases, of whom 60% are alive and approximately 40% have died, depending on the date of diagnosis and the severity of the disease.

The Centre commends the Government's efforts in allocating financial appropriations to support King Hussein Cancer Center within the budget of the Ministry of Finance for 2015, in the amount of (6,250,000) dinars, as referred to in the Second Government Report on Human Rights for the first half of 2015, on page (27) of the report.

b. Renal failure:²⁴¹

²⁴⁰ Letter of the Ministry of Health No. (2/44/Law/312), dated 22/1/2016, in response to the information requested by the Centre.

²⁴¹ According to the latest statistics obtained from the Ministry of Health on 12/1/2016.

- A national registry for renal failure patients was established in 2007 by decision of the Minister of Health, and the first annual report on renal failure was issued in 2008.
- The total number of Jordanian renal failure patients reached (4097) patients, of whom (2344) were male and (1735) female, as at the end of 2013.
- (650) new cases were recorded in 2013, of whom (506) cases were alive.
- The number of cases receiving treatment in all dialysis units in Jordan: (3593) Jordanians and (175) non-Jordanians.
- The number of dialysis units in Jordan is as follows:
 - (76) units in the Kingdom, of which:
 - a. (32) units in government hospitals.
 - b. (34) units in private-sector hospitals.
 - c. (8) units at the Royal Medical Services.
 - d. (2) units at university hospitals.
 - There are (895) dialysis machines in Jordan, distributed as follows:
 - (362) machines in the public sector.
 - (422) machines in the private sector.
 - (77) at the Royal Medical Services.
 - (34) machines at university hospitals.

The Secondary and Tertiary Health Care Pillar

Secondary health care services and some tertiary health care services are provided through (30) hospitals affiliated with the Ministry of Health.²⁴² The Jordan Armed Forces – Arab Army undertakes the provision of curative and preventive medical and health services to the subscribers to and beneficiaries of the Military Health Insurance Fund, established pursuant to Regulation No. (4) of 2000, estimated at approximately one third of the Kingdom’s population, in addition to the military hospitals and medical centres affiliated with the Royal Medical Services Directorate

²⁴² Letter of the Ministry of Health No. (2/44/Law/312), dated 22/1/2016, in response to the information requested by the Centre.

receiving patients referred through State sectors such as the Ministry of Health and the Royal Hashemite Court.²⁴³

Table (3) shows the number of hospitals and the number of their beds in the Kingdom, while Table (4) shows the status of the services provided by hospitals in the Kingdom during 2015.

Table No. (3): Number of Hospitals and Number of Their Beds in the Kingdom²⁴⁴

Item	Number in 2015
Total hospitals	104
Total hospital beds in the Kingdom	13115
Hospital beds in the Ministry of Health	5077
Hospital beds in the Royal Medical Services	2551
Beds of the Jordan University Hospital	599
Beds of King Abdullah I (the Founder) University Hospital	538
Hospital beds in the private sector	4350

Table (4): Status of the Services Provided by Hospitals in the Kingdom

Item	Rate in 2015
Beds per 10000 persons	14 (the indicator does not include the beds of the Psychiatric Hospital, the Addicts Rehabilitation Centre, Al-Karama and Al-Rasheed Psychiatric Hospital)
Admission rate per 1000 persons	93
Average occupancy rate %	62.7
Average length of stay	3.1
Average hospital mortality rate %	1.9

The year 2015 witnessed the opening of new hospitals affiliated with the Ministry of Health,²⁴⁵ namely:

- The new Zarqa Government Hospital, and the new Northern Badia Government Hospital, which has commenced trial operation and is expected to contribute to improving health services in Mafraq Governorate, easing the pressure on Mafraq Government Hospital and relieving the inhabitants of the Badia of the burden of seeking medical services from distant hospitals. It should be noted that the Badia Hospital is built on an area of approximately (17) thousand square metres and comprises four floors; its cost amounted to approximately (15) million dinars, and it has currently been supplied with (75) beds.

The year 2015 also witnessed the expansion and modernisation of the following hospitals:²⁴⁶

²⁴³ Letter of the Chairman of the Joint Chiefs of Staff No. (M R A 3/22/3699), dated 30/7/2015, and its enclosures.

²⁴⁴ The Annual Statistical Report for 2014, issued by the Ministry of Health.

²⁴⁵ Letter of the Ministry of Health No. (2/44/Law/312), dated 22/1/2016, in response to the information requested by the Centre.

²⁴⁶ Letter of the Ministry of Health No. (2/44/Law/312), dated 22/1/2016, in response to the information requested by the Centre.

Al-Bashir Hospital, Karak Hospital, and the dialysis unit at Princess Iman Hospital in Deir Alla District. Some hospitals are still in the process of modernisation and expansion, namely:

Al-Iman Hospital/Ajloun, the National Centre for the Rehabilitation of Addicts Hospital, and Al-Karama Psychiatric Hospital.

For the purpose of examining and evaluating the health services provided to citizens by hospitals affiliated with the Ministry of Health, the Centre formed a team to monitor the conditions of these hospitals, and the findings were as follows:

First: Princess Basma Teaching Hospital/Irbid Governorate,²⁴⁷ where the Centre's team recorded the following observations on the health services at this hospital:

1. The hospital's main pharmacy suffers from a severe shortage of some medicines owing to the small quantities of medicines supplied to it on a weekly basis; the patient is asked to return to the pharmacy the following week, which may recur for several weeks, according to some employees, who did not specify the names of these medicines.
2. The emergency pharmacy suffers from the following problems:
 - Heavy pressure on the pharmacy staff, since the pharmacy dispenses medicines not only to emergency patients but also to discharged patients and to dialysis, endoscopy and lithotripsy patients, which in turn places additional pressure and burden on the staff.
 - The limited space allocated to the pharmacy.
 - The repeated dispensing of monthly chronic-disease medicines to some patients, owing to the repeated issuance by health centres of their monthly chronic-disease medication booklets without the necessary verification.
3. The laboratory suffers from a number of problems, most notably the shortage of technical staff and the severe shortage of some of the aforementioned equipment.
4. The emergency department suffers from a number of problems, most notably the large number of patients (approximately 700 patients per day), noting that 70% of these cases are not considered emergency cases, and the lack of incentives for medical and nursing staff in the department despite the work pressure; the incentives received by an emergency nurse, for example, are the same as those received by nurses in other departments, even though he works (16) consecutive hours.
5. Owing to the age of the building, the hospital requires periodic maintenance and repair works by the Ministry of Health.
6. There are delays by the relevant authorities in the procedures for implementing the construction of the hospital.
7. There is no control of smoking within the various departments of the hospital.

²⁴⁷ The Centre conducted this visit on Tuesday, 4/8/2015.

Recommendations Concerning Princess Basma Teaching Hospital

1. The need to expedite the construction of the new Princess Basma Hospital building, as this is the optimal decision and the most appropriate solution on the part of the Government to address the irregularities and to contribute to reducing the violations of the right to health occurring in the area.
2. Supplying the hospital with the necessary health personnel, given their limited numbers in comparison with the workload placed on them, particularly in the emergency department.
3. The need to move the Princess Basma Hospital clinics laboratory, currently located in the clinics building, to a separate building owing to its small size.
4. Providing good-quality medical plaster designed specifically for dialysis patients, since the plaster currently available causes burns and damage to the skin of dialysis patients in the long term; and the need to increase the current nursing staff in the dialysis unit.
5. Instructing those concerned at Irbid Municipality and Princess Basma Hospital to collect waste and dispose of it in a sound manner. 6. Equipping the Nutrition Department with an additional oven and additional cooking equipment commensurate with the volume of daily work.
7. Replacing (6) chairs in the dialysis unit that do not function with the required efficiency with more efficient chairs.
8. Providing a dedicated rest room furnished with chairs and lockers for kitchen staff, and not permitting them to keep their clothes and personal belongings inside the kitchen.
9. Ensuring compliance with the wearing of protective clothing, clean head coverings and gloves while working in the kitchen, in accordance with the Instructions on Health Conditions for Restaurants and Public Kitchens issued pursuant to Article (7/c) of the Temporary Food Control Law No. (79) of 2001 and its amendments.
10. Computerising the pharmacy system with a view to regulating the dispensing of medicines, particularly monthly medicines for chronic conditions.
11. Relieving the pressure on the Accident and Emergency Department by establishing a comprehensive health centre near the hospital that operates after four o'clock in the afternoon.

Second: Al-Nadeem Hospital/Madaba Governorate²⁴⁸. The Centre's team recorded the following observations on the health services at this hospital:

1. There is clear interest in improving the hospital's situation, as evidenced by the expansion works currently being carried out, the work under way to link its equipment to the Hakeem programme, and other measures.
2. The hospital suffers from a shortage of certain specialisations among its staff, for example: nephrologists, certified midwives and pharmacy assistants.

²⁴⁸ The Centre conducted this visit on Tuesday, 15/9/2015.

3. Some physicians suffer from limited opportunities for training and capacity-building.

The visiting team also made the following recommendations with a view to improving the current conditions of the hospital:

1. Continuing the process of improving the hospital's conditions in terms of equipment, staff, electronic linkage and other matters.
2. Supplying the hospital with the necessary health personnel in the specialisations in which the hospital suffers from a shortage.
3. Expanding training programmes for staff for the purpose of raising their competence.

Food and Drug Control

The Centre commends the issuance of the Food Law No. (30) of 2015, published in Official Gazette Issue No. (5345) dated 16/6/2015, Article 3 of which designates the Jordan Food and Drug Administration as the sole authority competent to control local and imported food at all stages of its circulation. Article (22/d) of the same Law provides that the Director General of Food and Drug shall publish the names and addresses of non-compliant food establishments when violations are detected, and shall likewise publish the measures taken after his decision concerning them is issued, at the expense of the violator.

With regard to the supervisory role of the Jordan Food and Drug Administration, the Administration confirmed that it received (1182) food-related complaints in Amman during 2015, which resulted in the closure of (404) establishments and the suspension of (1232) establishments from operating until they rectified their status, in addition to the referral of (964) food establishments to the judiciary and the issuance of (6757) warnings. The Administration carried out (16431) field visits in the capital, Amman, and destroyed more than (1863) tonnes of solid foodstuffs and (61) thousand litres of liquid products²⁴⁹.

On Thursday, 2/4/2015, a team from the Centre conducted a monitoring visit to Madaba Governorate to look into the poisoning incident suffered by female workers at the Al-Safi Garment Factory in Mlaih District, immediately upon the news of the incident being received on that day. Approximately (33) female workers at the factory were poisoned as a result of eating a shawarma meal from the Shatee' Al-Raha shops. The results of the laboratory tests conducted by the Jordan Food and Drug Administration on samples of the food found at the restaurant and on the leftovers of the female workers' lunch at the restaurant indicated that the cause of the poisoning was the consumption of a contaminated foodstuff (shawarma), as it was established that some of the samples tested were unfit for human consumption according to the Instructions on Microbiological Standards for Ready-to-Eat Foods issued by the Jordan Food and Drug Administration in 2011. The visiting team's report concluded that there were certain factors that contributed to the occurrence of the poisoning incident, namely:

1. Weak health control over shops selling foodstuffs in the area.

²⁴⁹ Facebook page of the Jordan Food and Drug Administration, dated 3/4/2016.

2. A shortage of health personnel specialised in the field of health control.

The report also made the following recommendations:

1. Continuing to focus on effective inspection and control operations by the Ministry of Health and the Jordan Food and Drug Administration, in order to ensure that all food establishments, factories and restaurants throughout the Kingdom comply with public health and safety requirements.
2. Providing the necessary support to the Ministry of Health and the Jordan Food and Drug Administration in order to enable them to continue their supervisory efforts over food and food establishments effectively, particularly with regard to the following:
 - Supplying them with technical personnel specialised in the field of health control.
 - Supplying them with the systems and laboratory equipment necessary to raise levels of performance.
 - Raising the level of health awareness and nutritional knowledge among the public.

Conditions of Health Personnel

Table No. (5) below shows the rates of health personnel working in the Kingdom in 2015.

Table No. (5): Rate of the number of health personnel working in the Kingdom per 10,000 population

Item	Rate in 2015 / per 10,000 population
Rate of physicians	22.2
Rate of dentists	7.1
Rate of nursing staff (registered, associate, midwife, assistant)	24.8
Rate of pharmacists	12.7

In 2015, the phenomenon of assaults on health personnel continued, the most violent of which was the killing of the Jordanian physician Mohammad Abu Raisheh, which occurred on 10/5/2015.

Table No. (6) shows, according to the statistics issued by the Ministry of Health, that the number of assault cases during 2015 reached (71) cases, according to the following classifications²⁵⁰.

Table No. (6): Number of cases of assault on health personnel in 2015

Physicians	Nursing staff	Other personnel	Total	Complaint withdrawn
44	13	14	71	10

²⁵⁰ Fax of the Ministry of Health, dated 9/3/2016, in response to the information requested by the Centre.

Health Insurance

The most recent amendment to the Civil Health Insurance Regulation, No. (82) of 2015, published in Official Gazette Issue No. (5356) dated 1/9/2015, has enabled muftis in the General Iftaa' Department to benefit from first-class hospital accommodation.

The latest amendment to the Regulation further granted the Minister of Health, in special and justified cases, the power to permit the subscriber, the person unable to pay, the person with a disability and any beneficiary dependent on them, the blood donor and the holder of an organ donor card — provided that he or she holds a valid health insurance card and has been duly referred — as well as the person able to pay, to attend the specialist clinics at the hospital in the governorate in which he or she resides or elsewhere, with or without a referral from a centre, without bearing any additional fees or charges arising therefrom²⁵¹.

Recommendations

1. Working to encourage our students to pursue the study of specialisations related to mental health, which would reinforce the mental health workforce in Jordan. The Centre's annual reports on the state of human rights in the Kingdom have pointed to a shortage of human resources working in this field, including psychiatrists, psychologists, social workers and occupational therapists, particularly mental health personnel working with children, which has also been noted in the National Mental Health Policy issued by the Jordanian Ministry of Health.
2. Working to establish an appropriate mechanism to curb the repeated assaults on health personnel, particularly those working in hospital emergency departments.
3. Working to establish an appropriate mechanism to curb the migration of medical personnel from the public sector to the private sector and to the Gulf States.

5. The Right to a Healthy Environment

Although the Jordanian Constitution contains no provision on the right to a healthy environment, the numerous international conventions ratified by Jordan guarantee this right²⁵². Jordan is also

²⁵¹ Jordan News Agency (Petra), dated 6/9/2015.

²⁵² The Ramsar Convention on Wetlands of International Importance especially as Waterfowl Habitat – 1971; the Convention on the Prohibition of the Development, Production and Stockpiling of Biological and Toxin Weapons – 1972; the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972; the 1978 Protocol relating to the International Convention for the Prevention of Pollution from Ships; the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water; the Secretariat of the Vienna Convention and the Montreal Protocol for the Protection of the Ozone Layer; the United Nations Framework Convention on Climate Change, 1993; the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal – 1992; the Convention on Biological Diversity – 1994; the United Nations Convention to Combat Desertification, 1996 (UNCCD); the Cartagena Protocol on Biosafety, 2000; the Convention on the Conservation of Migratory Species of Wild Animals, 1979; the Agreement on the Conservation of African-Eurasian Migratory Waterbirds; the Convention concerning the Protection of the World Cultural and Natural Heritage, 1975; the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, 1999; the Kyoto Protocol to the Framework Convention on Climate Change, 2003; and the Stockholm Convention on Persistent Organic Pollutants, 2004 (POPs).

regarded as a key participant with the international community in efforts aimed at protecting the environment and natural resources, through all the international conventions and treaties adopted under the United Nations and the international environmental governance system, particularly those emanating from the 1992 Earth Summit and the conferences and conventions that followed it. It is important in this regard to harmonise these conventions by transposing their provisions or the relevant principles into national legal texts, and to introduce legislative amendments in line with those treaties and conventions with a view ultimately to their implementation.

The Centre notes the Government's early ratification of the Minamata Convention on Mercury in 2015, and likewise notes the Ministry of Environment's preparations to host INC-7 (the seventh session of the Intergovernmental Negotiating Committee on the Minamata Convention on Mercury, scheduled to be held in March 2016).

The Environmental Protection Law No. (52) of 2006, and the regulations and instructions issued thereunder, also guarantee this right. At the legislative level, in 2015 the Jordanian Government adopted a set of environmental legislation pursuant to the Environmental Protection Law No. (52) of 2006, the most important of which are the Instructions on the Import, Production and Circulation of Plastic Bags and the Waste Resulting Therefrom of 2015.

The Government also adopted a set of environmental legislation, including the Agriculture Law and its amendments No. (13) of 2015, published on page (1868) of Official Gazette Issue No. (5337) dated 16/4/2015, which replaced the Temporary Agriculture Law No. (44) of 2002. Among the most prominent features of the amendments that reinforce the right to a healthy environment is the amendment of the text of Article (63), which deems "the employees of the Ministry authorised by the Minister, and any other person who is not one of its employees and whom the Minister authorises, to be members of the judicial police while carrying out the provisions of this Law. They shall have the right to enter and inspect places in which a violation of the provisions of this Law is suspected, with the exception of residential premises, which must be inspected during daytime with the prior approval of the competent Public Prosecutor. They shall also have the right at any time to stop and inspect any means of transport suspected of transporting materials in violation of the provisions of this Law, and they shall draw up a violation report against violators." Article (63) bis was also amended for the purpose of precluding the application of mitigating circumstances to reduce penalties relating to forest land, such that the text of the Article now reads as follows: "Notwithstanding anything contained in any other legislation, the competent court may not apply discretionary mitigating circumstances to reduce the penalty below the minimum prescribed for any of the violations stipulated in this Law relating to forest land and forests, nor may penalties be merged where there are multiple violations."

Among the most important pieces of legislation issued thereunder are the Instructions on the Licensing of Private Veterinary Laboratories No. (11/Z) of 2015; the Instructions on the Technical and Health Conditions Required in Zoos, Circuses, Shops Selling Animals, Ornamental Fish and Birds, and Shelter, Training, Breeding and Animal Care Centres No. (10/Z) of 2015; and the Decision on Agricultural Service Fees and its amendments No. (9/Z) of 2015.

Environmental Policies and Performance

The environment sector is one of the sectors whose scope of work most overlaps with that of other sectors, as it encompasses the protection of ecosystems and what they contain of water, air, soil and living organisms, including human beings. Consequently, the work of the environment sector is organically linked to other important sectors; it is linked, for example:

- To the water sector, through the management of wastewater, the reuse of treated industrial wastewater and the protection of natural water sources.
- To the agriculture sector, through the conservation of arable land and of vegetation cover, including forests and pastures, and the quality of the treated water used for irrigation, which affects agriculture.
- To the tourism sector, through the conservation of natural and cultural resources (nature reserves, and archaeological, historical and tourist sites).
- To the health sector, through mitigating the negative impact of pollution on citizens' health, waste management, and the effect on citizens' health of chemicals used in households.
- To the energy sector, through studying the effects of the quality of petroleum products (diesel/gasoline/heavy fuel) and their impact on the quality of the environment and on human health, the quality of petroleum and the pollution generated by the oil refinery, and renewable energy and its efficient use.
- To the industry sector, through launching various initiatives in the Qualifying Industrial Zones and other industrial zones in order to reduce pollution levels (the effects of policies and costs), establishing treatment plants and obtaining quality certificates.
- To the transport sector, through working to reduce the pollution caused by motor vehicles (air and noise pollution) and encouraging the shift to hybrid and electric vehicles, in addition to protecting marine life in the Gulf of Aqaba against pollution such as oil leakage from ships.

Article (3) of the Environmental Protection Law No. (52) of 2006 defines the powers of the Ministry of Environment as the authority competent to protect the environment in the Kingdom. The Law obliges official and non-governmental bodies to implement the instructions and decisions issued pursuant to its provisions and to the regulations issued thereunder, under penalty of the legal liability stipulated therein and in any other legislation. It also designates the Ministry as the competent reference at the national, regional and international levels with regard to all environmental issues and affairs and with regard to donors, in cooperation and coordination with the competent bodies.

Accordingly, the legislation in force must be complied with so that the Ministry of Environment is able to protect the components of the environment, ensure their sustainability and improve the quality of life, with the aim of improving and preserving the quality of the Jordanian environment, conserving natural resources and contributing to the achievement of sustainable development through the preparation and development of implementable policies, strategies, legislation and programmes, and the integration of environmental concepts into national development plans.

With a view to protecting the environment on a wider scale, the Environmental Protection Law No. (52) of 2006 and the legislation in force oblige every institution, company, establishment or any entity engaged in an activity that adversely affects the environment to prepare an environmental impact assessment study for its projects. The Law also obliges the owners of factories, vehicles or workshops, or any entity engaged in an activity that has a negative impact on the environment and from which environmental pollutants are emitted, to take the measures necessary to prevent or reduce the spread of such pollutants and to control the pollutants before they are emitted from the factory or vehicle into the air, to the permissible limit in accordance with the approved standards.

Environmental challenges in Jordan are concentrated in the areas of water, energy, desertification, the management of waste of all kinds, and biodiversity. The deterioration of the environmental situation continued to a very considerable extent in 2015 in light of the environmental challenges facing Jordan in the areas of energy, water, desertification and the management of waste of all kinds, as well as the loss of biological diversity. Accordingly, methods of sound management of natural resources must be employed so that Jordan may avoid the grave consequences that may arise from the scarcity of these resources and the competition to obtain them.

The challenges relating to the scarcity of water and energy, desertification and the deterioration of biodiversity, and the pollution and climate change that accompany them, may be less immediately dangerous than other economic and political challenges; however, the effects of these challenges are longer-lasting and wider in scope and, regrettably, less amenable to remedy and correction once they have occurred.

The Syrian crisis has led to the displacement of approximately (1.4) million Syrians into the territory of the Kingdom, of whom (630) thousand are refugees, the vast majority of whom live in various Jordanian cities and villages. This places a heavy and increasing burden on the Kingdom's infrastructure and depletes its already limited natural resources, and also places an increasing burden on the environmental sector in Jordan.

The National Centre notes that during 2015 the Ministry of Environment developed a number of environmental policies, the most important of which were:

Implementing the Jordan Response Plan to the Syrian Crisis for 2015. Jordan requires approximately (3) billion US dollars annually, of which (7.3) million dollars are allocated to the environment sector, in addition to the inclusion of additional amounts aimed at improving the environmental situation within other development sectors, such as energy, water, health, waste, etc.

Completing the preparation of the Jordan Response Plan to the Syrian Crisis for the years 2016–2018 and its adoption by the Council of Ministers. According to this Plan, Jordan requires approximately (8.136) billion US dollars during the years 2016–2018, of which (13.350) million dollars have been allocated to the environment sector, in addition to the inclusion of additional amounts aimed at improving the environmental situation within other development sectors, such as energy, water, health, waste, etc.

- Launching a national policy on environmental licensing and inspection in cooperation with the Water Reuse and Environmental Conservation Project (AECOM), funded by the

United States Agency for International Development (USAID), with the aim of defining the roles and responsibilities of the various regulatory bodies and enhancing decentralisation through the establishment of sub-licensing committees in the environment directorates in the governorates, in order to facilitate the procedures for granting environmental approvals to investors and to serve citizens in their places of residence, saving them effort and time.

- Preparing drafts of the Environmental Licensing Regulation, the Regulation on the Classification of Development Establishments and the Regulation on the Qualification of Consultancy Bodies, as well as an updated draft of the Instructions on the Selection of Sites for Development Activities.
- The Ministry of Environment's issuance of the Fifth National Report on Biodiversity, and its issuance of the National Biodiversity Strategy and Action Plan 2015–2020.

Climate Change

As regards the phenomenon of climate change, Jordan, like many developing countries, is one of the countries affected by this phenomenon rather than one contributing to it. Jordan has begun to suffer from the negative effects of the phenomenon, including rising temperatures, an increase in the area affected by drought, declining rainfall rates, recurrent heatwaves, and a marked decrease in the quantities of available water (groundwater and surface water) as a result of declining water flows, as well as the scarcity of water available for irrigation and, consequently, its impact on food security. In addition, climate change affects disease patterns, the availability of clean water and adequate sanitation facilities, and the migration of populations from the most affected areas, which adversely affects the extent to which the Sustainable Development Goals are achieved. Adaptation to climate change has therefore become a necessity and a way of life, rather than merely one option among several. Accordingly, the Kingdom and international institutions must take climate change adaptation measures to protect the gains of sustainable development in Jordan.

Air Pollution

Heavy and medium industries, such as the oil refinery, phosphate and cement industries and others, are among the main stationary sources of air pollution in Jordan, emitting gases such as carbon oxides and sulphur oxides as a result of the use of diesel and fuel oil, which contain high concentrations of sulphur, to generate energy. As for the mobile sources of air pollution, they are represented mainly by the transport sector, which accounts for more than 40% of air pollution in Jordan. The number of vehicles in Jordan during 2015 reached approximately 1.34 million vehicles, of which 65% consume gasoline, 34% consume diesel and 1% have mixed consumption. Emissions from the energy and transport sector reached approximately 73%, of which 16% resulted from the transport sector.

The Centre notes the Ministry of Environment's initiative in preparing the specifications required for the production of diesel in line with international specifications, limiting its sulphur content to (350) mg/litre. The Centre recommends encouraging institutions and citizens to use alternative energy in vehicles, such as zero-emission electric cars, and encouraging the use of clean energy in electricity generation. There are several solar-powered air-conditioning and cooling projects,

some of which were implemented in 2015, such as the German Jordanian University project and the Guest House Hotel project in Petra, while others are under implementation, such as the Royal Cultural Centre project, the Irbid Chamber of Commerce project and the King Hussein Cancer Center project.

The National Centre also notes the Ministry of Environment's expansion of the coverage of monitored areas in order to curb air pollution and to monitor the concentration levels of gaseous air pollutants and fine suspended dust in the most polluted areas. In 2015, (12) monitoring stations were installed with funding from the French Development Agency, bringing the number of stations to (31) monitoring stations distributed across the six largest governorates, namely Amman, Zarqa, Irbid, Mafrqa, Balqa and Karak, thereby increasing the proportion of areas covered by the network from approximately 40% to 75% of populated areas.

Water Resources and Sanitation

In recognition by the National Centre of the importance of water sources in Jordan and their limited nature, and of the importance of strengthening control, monitoring and inspection of development establishments in order to protect water sources from any potential source of pollution, the Ministry of Environment — in cooperation with the Royal Scientific Society — monitors water quality in six sectors, namely: groundwater, surface water, flood and valley water, dam water, and effluent from wastewater treatment plants.

The National Centre notes that during 2015 the Ministry of Water and Irrigation inaugurated the project to convey water from the Mujib Dam to Karak Governorate, which aims to enhance the water supply to the villages of the governorate and conveys quantities of drinking water at a capacity of (500) cubic metres per hour, benefiting approximately (7800) subscribers, bringing the number of beneficiaries to approximately (40) thousand citizens. What distinguishes this measure environmentally is that the project is considered the first integrated project relying on dam water and its purification through high-quality treatment plants, and pumping it to an elevation of (850) metres via (5) stations up to the main reservoir at Jabal Shiha.

During 2015, the clarity of the political will to address the issue of assaults on water became evident, demonstrating firmness and determination to protect the water question in the Kingdom, as it constitutes a national security issue par excellence.

During 2015, the first judicial decision concerning assaults on water was issued: the Amman Criminal Court of First Instance sentenced one of the water offenders to imprisonment for three and a half years and to a fine of (333) thousand Jordanian dinars. He was one of those apprehended during the campaign to enforce control over water sources launched by the Government in June 2013. The decision convicted the offender, who had been apprehended for the offence of tampering with one of the main water transmission lines during the inspection campaigns carried out by the Ministry of Water and Irrigation/Water Authority and the Jordan Water Company (Miyahuna) in one of the areas south of the capital, Amman.

The Afra and Burbaita hot springs in Tafileh continue to suffer from neglect, a lack of cleanliness and deteriorating infrastructure, causing the area to lose its tourist appeal as one of the most important recreational tourist sites in the governorate. The same applies to the Ma'in hot springs,

the entrances to which are still controlled by private companies that charge citizens high fees, which have deprived many of them of visiting them. It should be noted that the waterfalls area is separate from the hotel inside, and the entry barrier should be placed beyond the waterfalls area so that citizens can benefit from it.

During 2015, the capacity of the Khirbet As-Samra wastewater treatment plant was expanded, with the opening of the second expansion of the Khirbet As-Samra Wastewater Treatment Plant with a capacity of (365) thousand cubic metres per day, at a cost of (184) million US dollars. The plant is considered one of the most important projects in the Kingdom.

In 2015, the Zarqa Health Directorate, in cooperation with the Jordan Water Company (Miyahuna), halted the pumping of water from the Sarout spring to the water pumping station due to the presence of pollution, as the samples taken at the time from the spring water by the staff of the Environmental and Food Health Department revealed the presence of faecal contamination. Water pumping will not be resumed until conditions at the spring have been rectified and further samples have been collected for laboratory tests proving that the water is completely free of such contamination.

In 2015, in the Hay Al-Falah area of Zarqa, it emerged that the water and sewerage lines were close to one another, which led to a sewer line becoming mixed with a drinking water line and, consequently, to its contamination, indicating “an error by the company that carried out the installation work”. It should be noted that the network of installations that was contaminated is new and forms part of the Millennium Challenge project.

Protection of Nature and Biodiversity and Combating Desertification

Jordan is one of the countries that enjoy rich biodiversity owing to its distinctive intercontinental location and the presence of the Rift Valley, which creates a marked variation between high and low-lying areas. Jordan is also distinguished by the presence of the basalt desert, interspersed with natural valleys. Jordan is divided into four different biogeographical regions, within which (13) vegetation types have been classified, each vegetation type representing different plant and animal elements, many of which are of global importance. It is worth mentioning that there are ten established nature reserves in Jordan covering an area estimated at approximately (1385.5) square kilometres, namely: the Dana Reserve, the Azraq Wetland Reserve, the Shaumari Wildlife Reserve, the Mujib Reserve, the Ajloun Reserve, the Wadi Rum Reserve, the Dibbeen Reserve, the Yarmouk Reserve, the Qatar Reserve and the Fifa Reserve, in addition to the Aqaba Marine Park, the length of which is estimated at approximately (7) kilometres of shoreline with a marine extension averaging 300–350 metres. There are also additional proposed sites for nature reserves within the national network of protected areas. The area of nature reserves constitutes 1.4% of the area of the Kingdom, and efforts must be made to increase the proportion of protected areas in fulfilment of the Aichi Targets, which represent the development targets under the Convention on Biological Diversity to be achieved by 2020.

The Agriculture Law and its amendments No. (13) of 2015 aims to address assaults on forest land and to impose stricter measures on violators. It also aims to discontinue the application of mitigated penalties to forestry violations, as well as those provided for in the Penal Code, and to

adhere exclusively to the non-mitigated penalties provided for in the Agriculture Bill, as a special law.

It is necessary to insist on halting and removing assaults on State land and holding those responsible for such assaults judicially accountable, not permitting any person to encroach upon State property, removing all encroachments, and punishing any person who commits an encroachment, whatever his rank or influence. It should be noted that, according to sources at the Ministry of Agriculture, there are hundreds of encroachments on State forest land, covering all the governorates of the Kingdom.

The year 2015 witnessed a set of governmental measures aimed at protecting nature and biodiversity, the most important of which were:

- a. Introducing a set of new articles into the draft new Environmental Protection Law, in particular articles relating to the protection of natural systems, strategic environmental assessment and the network of protected areas approved by the Prime Ministry since 2009.
- b. Implementing the National Biosafety Framework project, funded by the Global Environment Facility, at a value of (626) thousand dinars.
- c. Declaring the Dana and Mujib reserves as biosphere reserves, in cooperation with UNESCO.
- d. Declaring the Wadi Rum Reserve a mixed natural and cultural World Heritage site, the first of its kind in the West Asia region and the second at the level of the Arab States.
- e. The Ministry of Environment's preparation of special instructions on environmentally important areas to complement the network of protected areas, and the declaration of (10) such areas during the period 2011–2014, for example: the Royal Botanic Garden, the Al-Ma'wa area and the Bird Observatory area in Aqaba.

In this context, implementation has begun of the roadmap for the rehabilitation and development of rangelands in the Jordanian Badia. Agreements were concluded between a number of ministries and associations to serve the areas of the Central and Northern Badia for the purposes of rehabilitating artesian wells, providing thousands of dunums with water harvesting techniques, planting tens of thousands of pastoral shrubs, constructing water pits and dams, building road networks (70) km in length, and vaccinating and immunising tens of thousands of head of livestock, as well as providing sheep breeders with barley free of charge. Approximately (49) thousand tonnes of barley were distributed free of charge to approximately (25) thousand sheep breeders in the Badia, and approximately (50) thousand tonnes were distributed to approximately (27500) sheep breeders in all governorates of the Kingdom. The programme also established field units in the Northern Badia and provided them with all their needs in terms of offices, furniture, means of transport and logistical requirements, thereby providing employment opportunities for more than seventy people from the Badia.

Waste and its Management

There are (21) landfills in Jordan, none of which meets the health requirements for waste landfilling, with the exception of the Al-Ghabawi landfill and a special hazardous waste landfill in the Swaqa area, (125) km south of Amman, which receives hazardous waste generated by

factories, hospitals, universities and research centres. At that site, waste requiring chemical and physical treatment or incineration is segregated in special stores or yards equipped for the workers on site, and part of it is ultimately disposed of by burial in lined cells. In 2015, this landfill caught fire more than once, with smoke from it reaching areas in Madaba Governorate. The Centre's team monitored these cases and heard witnesses to this incident, notwithstanding Jordan's obligation, as a party to the Basel Convention, to reduce the generation of such waste and to monitor its disposal and transport by optimal methods. Jordan has witnessed a tangible improvement in the field of solid waste collection, with collection rates ranging between 70% and 90% in rural and urban areas. However, waste management in Jordan still lacks sound environmental procedures after the waste is disposed of in landfills, owing to the absence of adequate infrastructure for these landfills, in contrast to more advanced countries, which seek to expand waste disposal alternatives to include recycling for use in specific fields and with a view to reducing its volume.

The Al-Ghabawi Landfill (the only modern landfill at which internationally accredited appropriate site-selection criteria have been adopted) receives approximately 50% of the solid waste generated in the Kingdom.

Certain recycling projects, such as the collection of paper, plastic and electronic waste, are implemented on a regular basis; however, there is another sector that undertakes recycling in a haphazard and unregulated manner, such as the recycling of plastics and metals. Efforts must be made to involve this sector in the recycling process in an organised and licensed manner, so that it operates in accordance with the approved environmental standards.

Oversight and Inspection

The Ministry of Environment has developed the environmental legislation governing inspection work based on integrity, transparency and fairness, and has applied the laws and regulations effectively through the conduct of intensive inspection campaigns targeting development facilities with the aim of improving their environmental performance in a manner that protects the elements of the environment from pollution, and by obliging them to put in place environmental compliance plans within specified time frames in order to regularise their status. This led to a reduction in the intensity of the complaints and sit-ins staged by a number of citizens in certain environmental hotspots in protest against the presence of certain development facilities in their areas, as the Ministry's measures following the inspections ensured the right of citizens to live in a safe environment, without prejudice to the right of the facilities to pursue their investments.

Among the most prominent and important tools for the enforcement of environmental law in Jordan is the institutional partnership between the Ministry of Environment and the Royal Department for Environmental Protection, which represents a model of institutional cooperation in monitoring, apprehending and rectifying environmental violations and assisting in the application of environmental legislation. This partnership has contributed significantly to reducing the density of environmental violations in the Kingdom, to raising citizens' awareness of their environmental rights, and to making violating entities realise that they have neither the right nor the ability to continue such violations in light of the existence of legislation and institutional capacities that monitor and prevent encroachments on the elements of the

environment. Some 67% of the Kingdom's areas were covered by environmental inspection and oversight operations, and more than (116,635) violations were recorded during 2015. Approximately (45) environmental audit studies for violating facilities were reviewed, of which (36) environmental audit studies were approved, whereby these facilities regularised their environmental status through the environmental compliance plans submitted with the environmental audit studies.

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

a. Licences

In 2015, the Central Licensing Committee granted (1472) licences, compared with (1224) licences in 2014. On the other hand, the Committee rejected (242) applications for the licensing of industrial, agricultural and craft projects and warehouses, compared with (451) applications for the licensing of industrial, agricultural and craft projects in 2014, for their non-compliance with the environmental conditions for the licensing of investment projects, as shown in Table No. (7).

Table No. (7): Environmental Licences and their Numbers

Outcome of Licence Applications	2014	2015
Approved	1224	1230
Not approved	451	242
Total	1675	1472

b. Environmental Impact Assessment and Audit Studies

In 2015, environmental audit studies for violating facilities were approved, and the terms of reference for (51) and (7) facilities were reviewed, compared with the review of (7) environmental audit studies in 2014.

c. Violations

In 2015, the Royal Department for Environmental Protection issued citations against (11659) facilities in breach of the law in various parts of the Kingdom, compared with (61800) violations in 2014; 2015 thus recorded a notable rise in the number of environmental violations.

d. Warnings and Closures

In 2015, the Ministry of Environment also issued a number of warnings to development facilities in the Kingdom, totalling (218) warnings, and closed (49) of them, compared with (125) warnings and (38) closures during 2014, as shown in Table No. (8).

Table No. (8): Number of Warnings and Closures

Action	2014	2015
Warning	125	125
Closure	38	38

Recommendations

In light of all the foregoing, the National Centre reaffirms all the recommendations set out in its previous report and recommends the adoption of a set of measures capable of providing protection for the right to a healthy environment, foremost among them those relating to the institutional and legislative framework, which still suffers from certain problems. The most prominent of these measures are the following:

1. Strengthening the role of the Ministry of Environment as a supervisory, oversight and coordinating body responsible for formulating public policy on environmental protection, and providing it with sufficient staff to strengthen its oversight role and the enforcement of the law.
2. Ensuring continuous coordination among policymakers in the relevant sectors that affect the environment directly and indirectly.
3. Refraining from issuing any environmental legislation regulating the work of certain entities (as occurred in the legislation relating to development zones and others) except after coordination with the Ministry of Environment as the competent authority, in order to avoid overlapping powers in the environmental sector before, during and after the issuance of any legislation relating to environmental affairs.
4. Taking the social, economic and environmental dimensions into account in an integrated manner in the drafting of environmental legislation.
5. Continuing to mainstream environmental considerations into other sectoral policies, plans and programmes.
6. Strengthening the technical capacities of the staff of the Royal Department for Environmental Protection to enable it to carry out inspection operations and law enforcement.
7. Building the national capacities of municipalities to enable them to contribute to national efforts to protect the environment.
8. The Jordan Water Company (Miyahuna) must ascertain, before pumping water from springs or wells to water pumping stations, that there is no pollution, and must not delay primary preventive action until the departments of the Ministry of Health concerned with environment and food intervene, particularly in cases of mixing between drinking water and sewage and the occurrence of faecal contamination; it must also rectify the condition of pipes, springs and wells and ensure that they are regularly tested in laboratories so as to prove that they are entirely free from pollution.
9. The Greater Amman Municipality and the municipalities must develop rapid implementation plans to resolve the sewage problem in all areas of the Greater Amman Municipality in particular, given that citizens pay taxes for this service without being connected to sewage networks, and must likewise expand sewage networks in the various regions of the Kingdom, particularly those containing closely adjoining residential neighbourhoods.

6. Cultural Rights

Numerous international human rights instruments²⁵³ guarantee cultural rights. This right encompasses the right to take part in or contribute to cultural life, the protection of intellectual property, the right to enjoy the benefits of scientific progress and its applications, and freedom of scientific research and creative activity. It should be noted that Jordan has signed numerous conventions in the field of the protection of cultural rights.²⁵⁴

The constitutional amendments of 2011 guaranteed freedom of cultural creativity and freedom of scientific research, as Article (15/2) of the Constitution provides that: “The State shall guarantee freedom of scientific research and literary, artistic, cultural and sports creativity, provided that it does not violate the provisions of the law, public order or morals.”

The Right to Take Part in or Contribute to Cultural Life

This right encompasses an examination of the extent to which citizens enjoy all aspects of cultural activity, and their ability to participate in and access such activities, whether those falling within the State’s tangible or intangible cultural heritage.

First: Tangible Cultural Heritage²⁵⁵

In 2015, the Ministry of Tourism and Antiquities rehabilitated and restored certain archaeological sites and implemented a number of projects to promote these sites of cultural value and raise awareness of them. However, certain challenges persist, the most prominent of which are: (1) the scarcity of scientific research in the field of archaeological excavation, owing to the shortage of financial resources and technical expertise, since such work requires many years and specialised study; (2) there is still a problem with the extent of citizens’ ability to access archaeological sites, notwithstanding the efforts of the Ministry of Tourism and Antiquities, represented by the continuation of the domestic tourism promotion campaign under the slogan “Jordan Is More Beautiful” (Al-Urdun Ahla), which aims to offer subsidised promotional packages in an effort to facilitate domestic tourism trips; (3) the occurrence of encroachments on certain archaeological sites, which is attributable to the lack of awareness of the importance of archaeological sites and the inadequacy of guarding; (4) the lack of surveillance cameras in all of the Kingdom’s museums, with the exception of the Jordan Museum; (5) museums suffer from age and from unpreparedness to receive visitors, and from a lack of diversity in their services and in the manner in which antiquities are displayed, as display methods are traditional and suffer from stagnation; in addition, most of them are not equipped to receive persons with disabilities owing to the age of their buildings and the difficulty of constructing special ramps, as well as from a shortage of

²⁵³ Foremost among them are Article (27) of the Universal Declaration of Human Rights, Article (27) of the International Covenant on Civil and Political Rights and Article 15 of the International Covenant on Economic, Social and Cultural Rights. The Committee on Economic, Social and Cultural Rights, in General Comment No. (21), has shed further light on the scope and content of this right.

²⁵⁴ The Convention on the Protection and Promotion of the Diversity of Cultural Expressions, 2005, ratified by Jordan on 16/2/2007; the Convention for the Safeguarding of the Intangible Cultural Heritage, 2003; and the Arab Convention for the Protection of Folklore, 2010.

²⁵⁵ Tangible cultural heritage comprises sites, structures and remains of archaeological, historical, religious, cultural or aesthetic value, and falls directly under the supervision of the Ministry of Tourism and the Department of Antiquities.

technical expertise and outdated methods of preserving artefacts; and (6) the lack of basic services at certain archaeological sites, such as toilets, medical centres and guidance services at certain major archaeological sites.

Second: Intangible Cultural Heritage²⁵⁶

The Ministry's budget for 2015 amounted to eight million (532) thousand Jordanian dinars, compared with seven million and (946) Jordanian dinars in 2014. However, the increase in 2015 was allocated to the purchase of a cultural centre in Karak and certain other construction projects, which adversely affected the Ministry's activities. It should be noted that (52)²⁵⁷ new cultural associations were registered in 2015, bringing their number to (626) associations. Accordingly, the Centre commends the Ministry for increasing the annual support provided to cultural associations in the Governorates of Ma'an and Tafileh, the Jordan Valley and the Badia region in 2015. On the other hand, it should be noted that this support is considered relatively modest and barely covers the rent of premises, and that a number of cultural associations do not have premises and rely, in supporting their activities, on individual networking with institutions and donors, which does not enable them to contribute to activating the cultural movement in an institutional manner, but rather through individual activities depending on the availability of support. Work continued on the Jordanian Cities of Culture project, which began in 2007, with Jerash selected as the Jordanian City of Culture for 2015. The Ministry held the "Mubadioun" (Initiators) towards a positive culture award ceremony, which was held for the second consecutive year, and launched the "Cultural Flashes" (Wamadat Thaqafiyya) programme, a cultural project aimed at introducing Jordanian creators through the various available means. In addition, the Ministry's Heritage Directorate completed several projects, including: the National Project for the Inventory of Intangible Cultural Heritage, under which the Directorate carried out an inventory of intangible cultural heritage in the Governorates of Jerash, Karak, Balqa, Zarqa and Madaba in previous years; and the Jordanian National Thesaurus of Folk Heritage project. It should be noted that the Ministry began work on this project in 2007, after which it was halted, then reconsidered in 2010, and it remains ongoing to date, with (70000) heritage items collected in various heritage fields and from various governorates. The Directorate also issued the Folk Arts Magazine, as well as booklets and documentary films on intangible heritage in the Governorates of Madaba, Karak, Zarqa, Salt and Jerash. Nevertheless, there is a need to scale up this work and extend it to all governorates of the Kingdom.

It should also be noted in this context that the Royal Decree was issued approving the Arabic Language Protection Law of 2015, which aims to ensure the proper use of the Arabic language and its generalisation in all fields, particularly general and university education, the media and the public service. The Law provides for the holding of a mandatory Arabic language proficiency examination as a condition for the appointment of public employees, media professionals, teachers and others. Accordingly, a committee was formed, composed of a representative of each of the

²⁵⁶ Intangible cultural heritage, which includes traditions, customs, aesthetic or spiritual beliefs, vernacular languages, forms of artistic expression and folklore, and falls directly under the responsibility of the Ministry of Culture.

²⁵⁷

(20) in Amman and (13) in Irbid, with the remainder distributed across the governorates.

Jordan Academy of Arabic, the Ministry of Higher Education and Scientific Research, the Ministry of Education and the Ministry of Industry and Trade, to raise awareness of the importance of compliance with the Arabic Language Protection Law.

Furthermore, the Culture Directorate of the Greater Amman Municipality, which consists of three departments, namely the Department of Cultural Programmes,²⁵⁸ the Department of Cultural Centres²⁵⁹ and the Department of Libraries,²⁶⁰ implemented two major projects: one for adults, which won the UNESCO Learning Cities Award in 2015 and focuses on the quality of cultural products and on the concept of learning through culture; and the other for children, concerned with strengthening their system of positive behaviour.

As regards the arts, the training programme for young talents and children continued at the Muhanna Al-Durra Centre and the Princess Salma Childhood Centre. It should be noted that during 2015 the Ministry of Culture signed a cooperation agreement with the Ministry of Social Development to implement a training programme within institutions and childcare homes in the fields of fine art, sculpture and recycling. The Ministry also organised a number of cultural and artistic festivals, including the Jordanian Theatre Festival, the Jordanian Youth Theatre Festival and the Jordanian Film Festival. It should be noted that there is a so-called Theatre Caravan, which sends theatrical works to all governorates; (30) theatrical works were sent during 2015. However, owing to the weakness of the allocated budget, remote areas and villages are not reached, only the governorate centre. There are also the Jordanian Song Festival, the Jordanian Children's Theatre Festival and the Amateur Theatre Festival; however, their organisation was not free from observations regarding the financial allocations, which lowered the standard of the activities. Among the developments witnessed in 2015 was the exemption, in September, of artistic events and festivals held in the Kingdom from customs duties, general and special sales tax, import stamp

²⁵⁸ Publishing books, publishing magazines, and organising cultural events (theatrical performances, film screenings, art exhibitions, conferences, seminars, cultural evenings, book-signing ceremonies, etc.); it also administers the King Abdullah II Ibn Al-Hussein Award for Creativity.

²⁵⁹ Providing booking and organisational services for theatres, halls, amphitheatres, playgrounds and squares, and organising specialised activities for children, women and youth. This department also administers: Al-Hussein Cultural Centre, Zaha Cultural Centre, the Ashrafieh Cultural and Social Complex, Queen Rania Al-Abdullah Gardens, Sahab Cultural Centre, the Cultural Village in Al-Hussein Gardens, the Jordanian House of Poetry, the Jordanian House of Art, and the Cultural Streets.

²⁶⁰ Acquiring books and periodicals; preparing books and periodicals for use by visitors; providing lending services to the public; organising and managing branch and specialised libraries and cultural gardens (including organising cultural activities therein); organising and managing information technology centres (including organising training activities therein); and computerising information and disseminating it digitally. It should be noted that the role of the libraries is not confined to providing lending services, but extends to holding various activities on their premises: the number of events held since the beginning of the year reached approximately (445), ranging from lectures and plays to competitions, story reading, drawing and participation in national and religious celebrations; and (50) further activities were held in 2015 through the House of Stories and Music, ranging from drawing and handicrafts to music, theatre and story reading for children, covering four libraries in cooperation with schools.

The Department of Libraries contributes to supporting the library movement in Jordan by donating collections of books to the libraries of municipalities, schools, universities, military and civil institutions, mosques, clubs and associations, in addition to encouraging and supporting Jordanian authors by acquiring their works, displaying them in libraries and promoting them through donation and local, Arab and international exchange. The number of books purchased in 2015 reached (11) thousand copies, representing (829) titles; it should be noted that (500) books were purchased from the Amman International Book Fair, and 9780 books were donated to forty-one institutions, in addition to holding numerous book fairs.

fees and income tax imposed on musical instruments and on the contracts of concert organisers and artists when staging events and festivals.

On the other hand, however, the challenges facing Jordanian artists, which were set out in the Centre's previous reports, persisted in 2015. The most prominent of these are: the limited participation of the private and capital sector in the television industry; the low material and moral return for Jordanian artists; the deprivation of Jordanian artists of professional stability as a result of weak production; the lack of adequate health insurance; the absence of unified contracts for artists; in addition to the weak infrastructure of the cultural sector in most governorates of the Kingdom; the concentration of day-to-day cultural activity in the capital, Amman; the limited financial support provided to cultural associations; and the Ministry's limited interest in holding international festivals, exhibitions and bazaars to market and promote handicrafts and traditional crafts.

Benefiting from the Applications of Scientific Progress, Providing Opportunities for Access to Cultural Heritage, and Freedom of Scientific Research and Creative Activities²⁶¹

The normative content of the right to benefit from scientific progress and its applications, that is, the “right to science”, includes the enjoyment by all, without discrimination, of the benefits of science; the provision of opportunities for all to contribute to scientific undertakings; the freedom indispensable for scientific research; and the creation of an enabling environment that promotes the conservation, development and diffusion of science and technology.²⁶²

In 2015, the problems from which the scientific research sector suffers persisted, the most important of which are: (1) low expenditure on scientific research, as there is a clear shortfall in the funding of this important area; expenditure on scientific research in 2014 amounted to 2.7% of the total budgets of public universities, which stood at approximately (529.5) million dinars, in addition to the weak participation of the private sector in funding scientific research, which reflects a low level of confidence in the value of scientific research and calls for a supportive industrial policy that encourages scientific research; (2) the weak culture of scientific research in Jordanian universities and the absence of creativity and innovation, which was clearly reflected in the low number of research papers published in peer-reviewed journals, which totalled (11798) papers during the years (2010 to 2014), a very low number; (3) a defect in the sabbatical leave programme for university professors, owing to the absence of instructions providing for mandatory promotion and the programme's failure to address national priorities; and (4) the

²⁶¹ Locally, the structure of science, technology and innovation in Jordan centres on the Higher Council for Science and Technology and its affiliated centres, and the structure is complemented by the centres and units affiliated with universities and scientific research centres in the public and private sectors, in addition to ministries, public institutions, funding bodies and entrepreneurship institutions; the Higher Council for Science and Technology is regarded as the national umbrella for all technological and scientific activities in Jordan. As regards the structure of the national innovation system in Jordan, the Higher Council for Science and Technology, together with the Ministry of Higher Education, is concerned with the scientific and technological aspects of innovation, while the Ministry of Industry and Trade is concerned with the economic aspects of innovation.

²⁶² Report of the United Nations High Commissioner for Human Rights, “Report on the Seminar on the Right to Enjoy the Benefits of Scientific Progress and its Applications”, 2014.

emigration of competent researchers to societies in which their living and research needs are met, owing to low financial returns. The Director of the Scientific Research Support Fund indicated that there are (4524) students enrolled in doctoral programmes and (10477) faculty members at national universities, and that although this number is considered relatively acceptable in Jordan, their scientific output is considered low compared with global output. The total number of research papers published in international scientific journals indexed in (Scopus) amounted to (11971) scientific papers, which contribute to university rankings, over a period of (5) years (2010–2014).

As regards access to information, applications, knowledge, information and scientific works and their flow for the purposes of scientific research, it should be noted that there is a good number of libraries in Jordan. The number of public libraries reached (103) libraries, including the libraries of the Greater Amman Municipality and of the municipalities in the remaining governorates of the Kingdom and the Shoman Library, in addition to (402) school libraries that provide the necessary resources for citizens, as well as the libraries of public and private universities. The number of deposits at the National Library reached (6000) books as of 2015.²⁶³ It should be noted in this regard that during 2015 the Ministry of Culture provided full support for the publication of (82) books and partial support for (28) books, and launched the “Ministry of Culture Awards for Creativity”, which replaced the creative sabbatical scheme. The Ministry also sustained and developed the Linguistic Repository (Al-Thakhira Al-Lughawiyya) website, which began in 2008; however, as of the end of 2015 it contained only (1650) electronic books, for reading and browsing only, owing to limited financial resources. Implementation of the Jordanian Family Library project also continued, as did the Mobile Children’s Library project, which targets school students in remote areas in particular. The activities of the mobile library are not confined to providing books for reading but extend to the accompanying educational and cultural activities and recreational programmes it offers. However, owing to the lack of sufficient support, five visits were carried out in 2015, compared with seven visits in 2014. The “Knowledge Hut” activities for children were also launched to coincide with the start of the 2015/2016 academic year, in order to distribute publications for children, including books and magazines, in cooperation with a number of local institutions. The Reading for All Festival continued in 2015, covering (170) thousand copies of (50) titles from various fields. In 2015, the “Lending Library” was opened at the Department of the National Library. Furthermore, the “We Love Reading” initiative succeeded in establishing (330) libraries over the past five years, benefiting more than (10,000) children in Jordan. In 2015, the Department of the National Library distributed (6800) stories to children in remote areas as part of a campaign named “Your Friend” (Sadiqak), which began four years ago. In 2015, the “Reading Is Fun” campaign was launched, a campaign based on the idea of encouraging reading in hospitals and health centres with the aim of spreading the habit of reading among the various segments of society; it began at the Amman Comprehensive Centre, and in 2016 books will be distributed at the North and South complexes over one day each month. As for the number of registered works, it reached (6063) in 2015, compared with (6000) in 2014.

As regards the availability of information and technical services, the guarantee of access to information and communications technology, and the rates of use of the Internet, fixed telephone

²⁶³ Directorate of Library Services at the Department of the National Library.

lines and mobile telephones, which strengthens the right to science, it should be noted that the information technology policies adopted by the Government in past years have contributed to creating an environment conducive to the conservation of science and to enhancing opportunities to obtain information. The year 2015 witnessed an increase in the Internet user base in Jordan, which expanded to include approximately (6.3) million users as at the end of September last, raising the penetration rate to 77% of the population. All research and knowledge sources may be accessed, except those not authorised, in order to safeguard the intellectual property rights of their owners or in accordance with the exceptions set out in the Information Systems Crimes Law. The number of computer users also increased. The Ministry of Telecommunications, through the National Information Technology Centre, which is considered the Government's executive arm with respect to policies in the field of information technology, worked to spread Knowledge Stations throughout the Kingdom; this is a Royal initiative whose aim is to bridge the digital divide, particularly in remote areas. The number of such stations reached (197) stations, which provided training to more than (200) thousand citizens. In addition, digital databases of scientific periodicals and electronic archives of master's and doctoral theses are available, enabling researchers to access and purchase them.

As regards freedom of scientific research, it should be noted that the requirement, observed in previous years, to obtain the approval of the Department of Statistics in order to conduct field studies continues, which is considered an obstacle to freedom to obtain the data and information necessary for scientific research.

Third: Intellectual Property Rights²⁶⁴

The piracy rate in the Kingdom declined during the past ten years from 87% to 57% in 2011, and efforts are under way to bring it down to 55% in 2017. The National Library has also, during the past ten years, referred more than (4500) cases from various regions of the Kingdom to the competent courts, involving the confiscation of more than half a million pirated works.

Article No. (17) of the Copyright Law provides for exceptions for non-profit educational entities, whereas private universities are not covered by these exemptions because they are for-profit institutions, which prevents the financial exploitation of the work. It should be noted that the Jordanian State has ratified the Marrakesh Treaty²⁶⁵ to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled; however, the Treaty has not yet entered into force.

On the other hand, the issue of the spread of the phenomenon of "the unlawful reprinting of books arriving from neighbouring countries", without the permission of the author or the right holder, and their distribution within the Kingdom and re-export without submitting proof of the right to re-export, emerged in 2015. Accordingly, in 2015, the Media Commission addressed a letter to

²⁶⁴ The Kingdom is a member of all international conventions, including: the Berne Convention for the Protection of Literary and Artistic Works, the WIPO Performances and Phonograms Treaty, the WIPO Copyright Treaty, the Arab Convention for the Protection of Copyright and Neighbouring Rights, and the Beijing Treaty on Audiovisual Performances.

²⁶⁵ An international treaty concluded by consensus of the Member States of the World Intellectual Property Organization (WIPO), guaranteeing persons with visual impairments access to published artistic and literary works in an accessible format. # Part Four: Rights of the Groups Most Vulnerable to Violations

publishing and distribution houses and printing presses referring to Articles (35 and 36) of the Press and Publications Law, which require that a copy of any book printed or published in the Kingdom be deposited with the Commission.

Recommendations

1. Increasing the services provided by public libraries outside the capital, as there is a shortage of programmes that activate the work of these libraries in the same way as the other libraries in the capital, and the role of libraries is confined to providing lending services only.
2. Putting in place programmes and policies aimed at ensuring that everyone, without discrimination on the basis of financial status or any other status, is able to access museums, libraries, theatres and cultural activities, to benefit from cultural services and to attend cultural events and book fairs.
3. Reviewing the legislation governing cultural work, particularly the Culture Promotion Law and the regulations issued thereunder, in order to meet the basic needs for supporting and invigorating cultural work.
4. Increasing the support provided to cultural associations.
5. Organising festivals, bazaars and State exhibitions to promote and market handicrafts and traditional craft products, and opening more kiosks at heavily frequented heritage sites with the aim of marketing heritage products.
6. The private sector and public institutions in the State should also provide adequate support to raise the standard of cultural works as a tool for achieving development, strengthening national identity and promoting virtuous heritage values.
7. Municipalities should expand the establishment of public libraries, supply them with books addressing contemporary issues, and enhance the holding of cultural events in order to contribute to supporting the cultural and developmental movement in the Kingdom.
8. Increasing the budget allocated to the Muhanna Al-Durra Centre and the Princess Salma Childhood Centre, and opening further branches in the governorates with the aim of reaching all segments of society, particularly in remote areas, and considering the possibility of relocating the Al-Durra Centre to another site, as the building is unsuitable and far from public transport routes.
9. Increasing the number of research papers published in universities' electronic databases, in response to the needs of researchers and the requirements of the information age.
10. Promoting among citizens a culture of visiting museums and archaeological sites, and the concept of cultural heritage.
11. Restoring and maintaining archaeological sites and making them accessible to persons with disabilities.
12. The Ministry of Education should partner with the Ministry of Culture in fostering a love of reading among students by developing its libraries and encouraging students to frequent libraries, particularly in remote areas.

13. Openness to subscribing to Arab and foreign scientific journals and making them available to universities in all disciplines.
14. Promoting the principle of partnership in conducting applied research among the various sectors.
15. The necessity of establishing a committee composed of a representative of the Department of the National Library, the Media Commission and other relevant entities, to monitor, follow up on and prevent the unlawful reprinting of books arriving from neighbouring countries.
16. Increasing the budgets allocated to scientific research, and reviewing the sabbatical leave programme for university professors.
17. Repealing Article Eight of the General Statistics Law of 2012.
18. The necessity of activating the unified contract, separately for each artistic profession, and subsequently registering these contracts with the syndicate in order to protect member artists from being subjected to injustice.

1. Women's Rights

Article (6) of the Constitution guarantees the principle of equality among all Jordanians, and affirms that the family is the foundation of society, founded upon religion, morals and patriotism; that the law shall preserve its legal entity and strengthen its bonds and values; and that it shall protect motherhood, childhood and old age, care for young people and persons with disabilities, and protect them from abuse and exploitation. It should be noted that Article (23) thereof refers to the necessity of laying down special conditions for the employment of women and juveniles.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was also published in the Official Gazette on 1/8/2007, thereby becoming part of the national legislative system. However, Jordan's reservation to Article (9, Paragraph (2)), concerning the granting to women of rights equal to those of men with respect to the nationality of their children, as well as to Paragraphs (c, d, g) of Article (16) concerning marriage and family relations, remains in place. It is worth mentioning that the Committee on the Elimination of Discrimination against Women received the sixth national governmental report under CEDAW in June 2015, in response to international obligations and pursuant to the provisions of Article (18) of the Convention. The Jordanian National Commission for Women undertook its preparation in cooperation with the National Centre for Human Rights and governmental and non-governmental bodies. The report reviewed the progress achieved in complying with international obligations regarding the observance of the human rights of Jordanian women since the submission of the fifth periodic report at the end of 2009, the most prominent of these obligations being the enhancement of women's participation in economic, social and political development and in public life. It also reviewed the relevant legislation, policies, strategies and national plans, as well as the efforts of the bodies working towards comprehensive sustainable development and the extent to which they take gender into account. To date, the report has not been discussed by the Committee.

The year 2015 witnessed several positive developments in support of women's rights, the most important of which were:

- a. The raising of women's share in the Council of Ministers to 18% under the ministerial reshuffle of the third Government of Abdullah Ensour, which took place in March 2015, after the rate of women's representation in the Council of Ministers in the second Government of Abdullah Ensour had been 11.1%.
- b. The raising of women's share in the Board of Trustees of the National Centre for Human Rights to 38%, after their rate of representation had been 14%.
- c. The commencement of the granting of privileges to the children of Jordanian women married to non-Jordanians in the fields of health, education, property ownership and investment, and obtaining a vehicle driving licence. This came following the publication in the Official Gazette, Issue No. (5320) of 31/12/2014, of the Privileges Instructions of 2014 concerning the implementation of the Council of Ministers' decision on granting privileges to the children of Jordanian women married to non-Jordanians, issued pursuant to the provisions of Item (5) of Council of Ministers' Decision No. (6415) of 9/11/2014. The National Centre commends the efforts of the Ministry of Interior in establishing a grievances and complaints office to receive any observations on, or obstacles impeding, the application of the instructions issued by the Council of Ministers, and to follow them up immediately with the relevant bodies so as to ensure their implementation. The Council of Ministers also emphasised to all departments and institutions the necessity of implementing the instructions; this emphasis came after complaints indicating that these privileges were ineffective owing to the lack of awareness of the said instructions among officials. However, the Council of Ministers' emphasis made it easier for the children of Jordanian women to benefit from these privileges in exercising their civil, economic, social and cultural rights.
- d. The Centre commends the Government's response to the National Centre's recommendation regarding the adoption of the Alimony Advance Fund Regulation No. (48) of 2015, published in the Official Gazette, Issue No. (5345) of 16/6/2015. The Personal Status Law No. (36) of 2010 had provided for the establishment of this Fund with a view to alleviating the suffering of women and children by meeting their needs, since a large segment of women do not receive alimony from their husbands even after obtaining alimony judgments for themselves and their children, and are unable to actually collect it owing to the absence of the judgment debtor, the lack of funds in his possession against which enforcement may be levied, his evasion, or his insolvency and inability to pay alimony as a result of the difficult circumstances he is going through. Under certain simplified procedures, the Fund pays the judgment creditor the adjudged amount so that she does not have to bear the burden of claiming it, and thereafter collects the amounts it has paid from the judgment debtor. In this context, the Centre hopes for the prompt implementation of the provisions of this Regulation in order to alleviate the suffering of women in this regard.
- e. The National Centre for Human Rights commends the Government's response to the Centre's recommendation to assign a female gynaecologist to the Women's Correction and Rehabilitation Centre, and hopes that she will work throughout the week rather than on a single day. It also commends the issuance of the Amended Military Retirement Law No. (12) of 2015, which included provisions that enhance women's rights, among them allowing a woman to combine her own pension with her entitlement from the pension of her deceased husband. Furthermore, both parents have become heirs of a deceased son, whereas previously only the father inherited from

his son. The procedures for heirs to obtain the pension of a deceased woman have also been facilitated by repealing the article which required, in the event of the mother's death, that the family provide the Retirement Directorate with a social study demonstrating that the mother had contributed to supporting her children in order for her pension to be granted to them. Article (14) of the same Law was also amended so that a divorced or widowed woman continues to receive her father's pension regardless of the number of instances of divorce or of the death of a husband; it now reads as follows: "[The pension] shall be discontinued for wives, daughters and mothers upon their marriage, and their entitlement shall be restored to them if they become widowed or divorced, provided that their entitlement shall be restored to them if they become widowed or divorced. Mothers and daughters who were married at the time of the death of their father or son and did not benefit from the pension of their deceased relative, and who thereafter became widowed or divorced, shall receive their share as of the date of widowhood or divorce." In this context, the National Centre for Human Rights urges the Government to expedite the amendment of the Civil Retirement Law along the lines of the Military Retirement Law. The National Centre for Human Rights had stressed the importance of amending both pieces of legislation in its previous annual and periodic reports.²⁶⁶

On the other hand, the Centre records certain shortcomings affecting women's right to participate in public life, the most important of which are:

- a. Jordan's failure to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, despite the recommendation of the National Centre for Human Rights to that effect in its previous reports and its correspondence with the Prime Ministry dated 14/11/2012.
- b. The right of Jordanian women to equal opportunities in assuming senior positions and in promotion, and in obtaining training opportunities inside and outside the country, remains remote; this includes the fact that no woman has been appointed to the Constitutional Court.
- c. The failure to appoint any female judge in the Sharia judiciary, and the absence of female employees in the Sharia courts and the General Iftaa' Department, despite the existence of qualified women holding high academic degrees in the fields of Sharia and law.
- d. The failure to amend the Civil Service Regulation to provide for the mandatory provision of nurseries for the children of female employees, and for the family allowance to be paid to female employees under the same conditions as the allowance paid to male employees.
- e. The failure to operationalise the Alimony Advance Fund Regulation.
- f. Erroneous customs and traditions continue at times to prevent women from enjoying their rights, particularly in the field of inheritance. Women's ignorance of laws and procedures, and their fear of being ostracised by their families or of being exposed to various forms of violence, often constitute an additional reason for depriving them of the rights guaranteed to them by law.

²⁶⁶ Reports on the State of Human Rights in Jordan for 2013 and 2014.

Women's Economic Rights:

In 2015, the Ministry of Public Sector Development issued a study on “The Status of Women in the Civil Service Sector”, which included an analysis of the situation of women in the civil service sector according to four variables: job category, job level, educational qualification and geographical distribution. The study covered the departments of the civil service sector, which number (103) departments, and showed that the number of females in civil service departments amounted to (92,522) female employees, constituting 44.95% of the total number of employees, which stands at (205,825) employees. If the Ministries of Education and Health are excluded from the study data, this percentage falls to 24.25%. According to the findings of the study, females constituted 29.19% of all holders of leadership and supervisory positions, at 37.90% of all leadership positions and 23.68% of all supervisory positions. The highest rate of female participation was in the Higher Council for the Affairs of Persons with Disabilities, at 59.75%, while the lowest rate was in the Aqaba Railway Corporation, at 0.98%. The Chief Justice Department and the Iftaa' Department had no female employees. As regards geographical distribution, the lowest rate for females was in the Central Region, where they constituted 43.85%, whereas the Northern Region had the highest rate, where females constituted 47.23%; in the Southern Region the rate was 44.49%.

Furthermore, the Jordan Governance House for Training, which specialises in corporate governance, issued a study on “The Impact of Women's Representation on Boards of Directors on the Economic Performance of Companies in Jordan”. The study, which covered (237) companies whose boards of directors comprise a total of (1866) members, showed that the rate of women's representation on the boards of directors of companies listed on the Amman Stock Exchange is approximately 22%; that (53) of these companies have female representation on their boards; and that women hold 21% of senior executive positions. The study also showed that, in the vast majority of sectors, the performance of companies with female representation is better than that of companies with no female representation on their boards. In addition, the study indicated that the weak representation of women on boards of directors is not attributable solely to the limited ownership of capital by women in Jordan, but that there are other reasons, the most important of which is the weak application of the election of independent board members; and that even where such procedures are applied by a limited number of companies, women are excluded from nomination for these positions on grounds other than skill, competence and knowledge, which ought to be the basis of the nomination process for board membership. The study calls for further enhancing the rate of women's representation on boards of directors, developing legislation or adopting a women's quota system on company boards, or for private sector institutions to take the initiative in developing business-sector policies that would enhance women's participation in senior management positions and on boards of directors, not only to enhance women's economic participation, but also because of the importance of such diversity for companies' financial performance and sustainability.

Women Inmates in Correction and Rehabilitation Centres

In 2015, the National Centre for Human Rights launched the study “Female Inmates of Correction and Rehabilitation Centres in Jordan: Between International Standards and Practical Reality”, which was prepared in 2014. The study aimed to ascertain the conditions of female inmates of

Correction and Rehabilitation Centres and the extent to which those conditions are consistent with international human rights standards in general and the international standards governing the rights of inmates of Correction and Rehabilitation Centres in particular. The study revealed the negative effects of the administrative detention policy and the adverse consequences it entails for the female inmate, her family and her children, as well as for the Correction and Rehabilitation Centres themselves, particularly in terms of burdening the State budget; not to mention that administrative detention lacks legal safeguards and constitutes a clear violation of the fair trial guarantees that must be ensured. Moreover, regarding Correction and Rehabilitation Centres in some cases as shelters — as is the case with women administratively detained to protect their lives — contravenes international human rights standards. The study also showed the weak role of the business sector in supporting the care services provided to female inmates, particularly aftercare services, and the shortage of staff relative to the number of female inmates, particularly social workers and medical and psychological personnel.

The study concluded with a number of recommendations, the most prominent of which were: raising the business sector's awareness of the concept of social responsibility and urging it to play a pivotal role in the field of human rights, particularly in providing aftercare services; finding radical solutions to the problem of administrative detention, particularly from the legal and practical perspectives; placing female inmates administratively detained for the protection of their lives in shelters that provide accommodation and the economic and social programmes needed by this category of detainees; institutionalising the aftercare programme for female inmates and implementing it on clear scientific foundations in a manner that ensures that female inmates benefit from it; and continuing to follow up on their circumstances in a manner that reduces their recidivism, with this task to be entrusted primarily to the Ministry of Social Development, as provided for in the Correction and Rehabilitation Centres Law, in cooperation and coordination with civil society organisations. In addition, the study recommended adopting the provisions of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, which urge States to resort to alternative penalties in lieu of custodial penalties, in view of the drawbacks of imprisonment and its negative effects on the female inmate's children and family and the stigma that follows her as a result of serving such a penalty; as well as the necessity of codifying these alternatives within a clear and applicable legislative framework, and of drawing on the experiences of countries that have resorted to alternative penalties, such as community service.

The Status of Women's Rights in Remote Areas:

The National Centre monitors the situation of women in remote areas deprived of services. For this purpose, it formed a team which visited several areas, as shown in Table No. (1), met with women residing in these areas and listened to them. It became evident that women continue to suffer from the challenges and violations that the Centre had monitored during 2014–2015, and which it had referred to in its report for 2014. Among these challenges:

Table No. (1): Visits to Remote and Service-Deprived Areas in Jordan

Governorate	Villages
Amman	Umm Al-Rasas, Irmeil, Northern Khashafiyya, Southern Khashafiyya, Ulayyan

Governorate	Villages
Madaba	Al-Nahda, Falha, Al-Shuqayq, Eastern Dhuhaiba, Western Dhuhaiba, Umm Shujaira
Balqa	Al-Karama, Al-Jofeh, Dirar, Northern Tawal, Southern Tawal
Zarqa	Al-Qunayya, Umm Rummana, Rujm Al-Shouk, Bani Hashem villages
Karak	Al-Lajjun, Jarra, Ghor Fifa, Ghor Al-Safi, Faqu' District
Tafileh	Jurf Al-Darawish, Ayma, Irhab, Irdeim
Ma'an	Dlagha, Bir Hamad, Al-Thughra, Abu Alaq, Al-Mahatta, Al-Naqab
Aqaba	Al-Risha, Al-Rahma, Al-Quwaira, Al-Disa, Al-Qurayqira, Al-Khazzan, Al-Shallala
Irbid	Al-Mashare', Al-Sheikh Hussein, Lower Mukhayba, Aqraba
Mafraq	Al-Ain, Al-Dajaniyya, Hayyan, Bal'ama
Jerash	Al-Majar, Souf, Al-Hawaya, Al-Mansoura, Al-Burj, Muqbila
Ajloun	Tayyara, Mahna, Balas, Al-Safina, Al-Sakhna, Al-Zira'a

a. In most of the above-mentioned areas, women had no effective role in the municipal and parliamentary elections other than exercising the right to vote under the direction of, and pressure from, their families to vote for a particular person of the families' choosing. In addition, women had difficulty reaching polling stations, which are usually located outside the village, and women were discouraged from standing for election in general, since in principle they lack an independent and free position. Thus, male dominance, the strength of prevailing customs, traditions and social heritage, and the poor state of services and means of communication prevent the realisation of women's right to stand as candidates in municipal and parliamentary elections. Women's lack of financial means is also considered a further obstacle to exercising their right to stand for election, in addition to the absence of awareness programmes on women's rights by either civil society organisations or official institutions.

b. Women's low awareness of their rights in general, and their lack of knowledge of how to claim those rights, resulting in their modest — if not non-existent — role in public life. This is attributable to: the failure of official institutions, particularly those concerned with women's affairs, to reach these areas and perform the role expected of them, and the weak role of civil society organisations in reaching rural and Badia areas.

c. The absence of places of recreation or entertainment, such as parks, public libraries and children's playgrounds, in most of the areas visited, which drives children to play in the street.

d. Women resorting to violence against their children as a result of the pressures they face, such as the hardship of material life and the absence of recreational places.

e. High unemployment rates owing to the absence of private sector investment projects in these areas, in addition to the scarcity or absence of transport from these areas to and from the cities and nearby areas where job opportunities are available.

f. The inadequacy of the health care provided to women, as manifested in the shortage of medical staff and medicines in health centres and the absence of obstetrics and gynaecology specialists.

g. The absence of markets, shops or bakeries in most of the areas visited, which adversely affects the health of women and their children owing to their lack of a varied diet.

h. The prevalence of flies, insects, reptiles, snakes, scorpions and rodents in most of these areas, as a result of the weak performance of local councils in combating these pests.

The Centre commends the Government's efforts in circulating the reports on visits to remote areas to the relevant ministries and bodies in order to work on improving the state of services in remote and service-deprived areas, and the issuance of the Council of Ministers' decision approving the National Employment Initiatives for 2015, under which new programmes are to be established focusing on employment in the governorates and remote areas with high unemployment rates and on the employment of females at various levels and in various jobs, as well as the Governorates' Executive Development Programme for 2016–2018. In this regard, the Centre hopes that these programmes will focus on remote and service-deprived areas.

Violence against Women:

The National Centre, in cooperation with CARE, implemented a project on protecting women and young girls from gender-based violence, "Himaya 2" (Protection 2), with the aim of promoting gender-based equality and building the capacities of service providers from the relevant official bodies and civil society organisations in eliminating gender-based violence. The project targeted remote areas in the Governorates of Mafrq and Zarqa through the implementation of six training workshops for (190) participants on the concept of gender-based violence, the protection of women from violence in accordance with international standards and national legislation, and the concepts of advocacy and leadership. The project also established six local coordination committees in the Governorates of Zarqa and Mafrq.

Furthermore, the Sisterhood Is Global Institute (SIGI) – Jordan issued a study on "Sexual Crimes against Women – Article (308) of the Jordanian Penal Code as a Model", which addressed the legal, social, psychological and health effects of sexual crimes on women and girls on the one hand, and on the family and society on the other. Among the findings of the study was that 62% of its sample believe that the perpetrator marries the victim in order to escape punishment, while 53% of the sample believe that exempting the perpetrator from punishment encourages him to commit sexual crimes. As regards the position of the study sample on the marriage of the perpetrator to the victim, 53% of them opposed such marriage, while 33% supported it.

In addition, the figures and statistics issued by the Family Protection Department of the Public Security Directorate indicate that crimes of violence committed against women during 2015 were as shown in Table (2):

Table No. (2): Crimes Committed against Women during 2015

Type of Crime	Number of Crimes	Number of Victims
Rape	39	40
Attempted rape	20	22
Indecent assault	176	182
Act contrary to public decency	50	50
Incitement to debauchery	3	3
Abduction	2	2
Miscellaneous sexual	6	6

Type of Crime	Number of Crimes	Number of Victims
Miscellaneous other	17	19
Physical assault against adult females	753	1751
Physical assault against adult females and children together	3	3
Total	69	2078

Recommendations

To enhance and protect women's rights, the National Centre recommends the necessity of taking a number of legal and practical measures, the most important of which are:

1. Ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.
2. Appointing women judges in the Sharia judiciary and the Constitutional Court, and appointing female employees in the Sharia courts and the Iftaa' Department.
3. Integrating women into the development process in a manner that enables them to serve society and improve the living conditions of themselves and their families, in a way that reflects their excellence at all stages of education.
4. Cooperation among all relevant bodies to combat violence against women through various legal, social, cultural and educational tools and means.
5. Urging the Government and the relevant bodies to work towards improving the level of services in municipalities, villages and elsewhere, so as to ensure the promotion of local development and the raising of the economic level of their inhabitants, with a positive impact on women's enjoyment of their rights.
6. Giving special attention to women in marginalised areas.
7. Finding a radical solution to the problem of holding women in places of detention and Correction and Rehabilitation Centres for the protection of their lives.

2. The Rights of Persons with Disabilities

Article (6) of the Jordanian Constitution guarantees the rights of persons with disabilities and protects their dignity from abuse and exploitation.²⁶⁷ Jordan has ratified²⁶⁸ the International Convention on the Rights of Persons with Disabilities, thereby declaring its commitment to implementing its provisions in fulfilment of its object and purpose, namely the protection of the rights of persons with disabilities and ensuring their full enjoyment of human rights and fundamental freedoms.

²⁶⁷ Article (6/5) of the Jordanian Constitution provides that "The law shall protect motherhood, childhood and old age, shall take care of young people and persons with disabilities, and shall protect them from abuse and exploitation".

²⁶⁸ Jordan ratified the International Convention on the Rights of Persons with Disabilities without entering any reservations on 31/3/2008, and signed the Optional Protocol.

In June 2015, Jordan participated in the Eighth Conference of States Parties to the Convention on the Rights of Persons with Disabilities, held at United Nations Headquarters in New York, at which the participants reviewed the progress made in promoting and protecting the rights of persons with disabilities, assessed the challenges facing their countries, and identified future steps.²⁶⁹

The report on the main results of the 2015 General Population and Housing Census, issued by the Department of Statistics, revealed the prevalence of functional difficulties among the population aged five years and over. Figure No. (1) shows that the prevalence rate of “severe or absolute” functional difficulties among the population aged five years and over in the 2015 Census reached 2.7%, a higher rate than in the 2004 and 1994 Censuses, in both of which it stood at 1.2%.

Figure No. (1): Percentage Prevalence of Disabilities / Severe or Absolute Functional Difficulties by Governorate, Censuses of 1994, 2004 and 2015

[Bar chart: percentage prevalence (scale 0.00–3.50) for each governorate — the Capital (Amman), Balqa, Zarqa, Madaba, Irbid, Mafrq, Jerash, Ajloun, Karak, Tafileh, Ma’an and Aqaba — for the 2015, 2004 and 1994 Censuses.]

The results showed that the Governorates of Irbid, followed by Mafrq and Ajloun, have the highest prevalence rates of severe or absolute difficulties, exceeding 3%, followed by Zarqa, Tafileh and Jerash, while the lowest prevalence rates were in the Governorates of Aqaba, Madaba and Ma’an.

Table No. (3): Percentage Prevalence of “Severe or Absolute” Functional Difficulties by Type of Difficulty

Type of Difficulty	Seeing	Hearing	Walking	Remembering and Concentrating	Self-care	Communication	Individuals with Difficulties
Percentage	0.88	0.58	1.50	0.64	0.66	0.54	2.69

It can be observed from Table No. (3) that difficulty in walking was the most prevalent compared with other difficulties, followed by difficulty in seeing, then self-care, then remembering and concentrating, and then hearing and communication. It is worth noting that self-care and remembering are the difficulties most closely associated with advancing age.

The Legislative Aspect:

The Higher Council for the Affairs of Persons with Disabilities prepared a draft amendment to the Law on the Rights of Disabled Persons No. (37) of 2007, as amended,²⁷⁰ which was drafted by

²⁶⁹ Jordan’s representative at the conference highlighted the urgent need for comprehensive development beyond 2015, affirming that the inclusion of the rights and issues of persons with disabilities would make it more inclusive and more deeply representative of those concerned, and urged the exertion of further efforts to achieve equal opportunities and justice and to protect the rights of children, women and persons with disabilities in general, particularly in the poorest and least fortunate areas.

²⁷⁰ During the preparation of this report, the Council of Ministers approved the Draft Law on the Rights of Persons with Disabilities, and it was referred to the House of Representatives.

the legal committee emanating from it. The National Centre for Human Rights had recorded its observations on the Law on the Rights of Disabled Persons, the most prominent of which are:

- a. The inconsistency of the definition of persons with disabilities in this Law with the provisions of the International Convention on the Rights of Persons with Disabilities, which affirms the rights-based approach to removing barriers rather than the welfare-based approach that previously prevailed.
- b. The failure of the amendment to include a provision requiring the enforcement of the application of the building code for persons with disabilities. The text of Article (4/e/2) of the Law provides that building permits shall not be granted to any party until compliance with the provisions set out in Item (1), namely the item concerning the application of the building code, has been verified. The Centre therefore proposes adding a paragraph concerning subsequent inspection of buildings and licensing.
- c. The necessity of increasing the severity of the penalties relating to the implementation of the employment code for persons with disabilities, and not confining them to the payment of a fine pursuant to the text of Article (12/a), which capital owners and large companies can easily pay; rather, in addition thereto, the violating establishment should be closed for a specified period of time until its situation is rectified.
- d. The flexibility of the text of Article (4/c/3) of the Law, which stipulates that the nature of the work must permit the employment of persons with disabilities in the establishment, thereby leaving wide scope for employers to invoke pretexts for not applying the code.
- e. The absence of provisions criminalising and holding accountable those who violate the dignity of persons with disabilities and/or exploit them and/or subject them to violence.

The National Centre for Human Rights hopes that the next Parliament will take its observations into consideration, so as to expedite the adoption of the Law in accordance with the provisions of the Constitution.

The Challenges and Obstacles Faced by Those Running Associations Working in the Field of Disability and by Persons with Disabilities Themselves

A specialised team from the National Centre for Human Rights carried out (12) field visits to all governorates of the Kingdom²⁷¹ to examine the conditions of associations working in the field of disability. It became evident that the associations and persons with disabilities suffer from a number of challenges, including the following:²⁷²

- The absence of an accurate database at several levels, such as the number of associations concerned with them, in addition to the absence of a database on students with disabilities to facilitate their integration and inclusion in schools.
- During its visits, the National Centre for Human Rights received several complaints concerning violations of the rights of persons with disabilities in all regions of the

²⁷¹ The visits were carried out in coordination and cooperation with the General Union of Voluntary Societies.

²⁷² For more information, please see the Centre's website: www.nchr.org.jo.

Kingdom, the most prominent of which related to the right to education, the right to work and the right to accessibility, followed by the right to health.

- Students with disabilities face difficulty travelling to and from school or the association, particularly in remote areas, owing to the scarcity of specialised transport buses for students with disabilities and for beneficiaries of disability centres and associations, resulting in increased expenses borne by families and centres alike.
- The problem of employers' poor acceptance of the employment of persons with disabilities, reflecting society's negative view of them, and their evasion of the application of the Law in two ways: either by paying the fines imposed on their establishments instead of employing this group, or by claiming that the nature of the work does not permit the employment of persons with disabilities.²⁷³
- Despite the Government having taken many positive steps to encourage the employment of women with disabilities and their integration into society, employers continue to refuse to employ this group on various pretexts, such as the lack (or scarcity) of job opportunities available to them, even though the Ministry of Social Development has requested the employment of women with disabilities in the initiatives it implements. According to the statistical indicators of the Higher Council for the Affairs of Disabled Persons, (83) women with disabilities applied to the Council for job opportunities in 2015 alone.
- The scarcity of disability health centres tasked with detecting and diagnosing diseases and early intervention, which compels the families of children with disabilities to travel with them, with difficulty, to and from centres providing similar services, particularly in the south of the Kingdom. This is due to the closure of the Prince Hassan Centre for Early Diagnosis in Karak Governorate, which does not receive any cases; cases requiring diagnosis are referred to government hospitals, where diagnosis is carried out inaccurately by non-specialised medical committees that rely on a sensory assessment of the case.
- Weak preparation of influential persons in the field of disability for their integration into decision-making positions, on the part of the bodies providing awareness and education services, such as civil society organisations working in this field.
- The urgent need to provide free shelter services to persons with disabilities who need them, such as orphans or those suffering from family breakdown, based on an in-depth social study; and, in the same context, the shortage of sufficient day-care centres and associations in the south.
- Persons with disabilities suffer from a lack of positive treatment by medical staff in health centres and, at the same time, from environmental barriers in a number of hospitals, and many of them lack knowledge of their right to health insurance.
- The lack of awareness among many segments of society regarding positive interaction with persons with disabilities.
- A team from the National Centre for Human Rights monitored the exposure of persons with disabilities to violence from within and outside the family. The most prominent of

²⁷³ The flexibility of the text of Article (4/c/3) of the Law on the Rights of Disabled Persons.

these cases was the killing of a child with an intellectual disability at the hands of his father. The child's father was interviewed on 31/3/2015, and following the investigation conducted by the National Centre it became evident that the main cause of this crime was family breakdown, the consequences of which extended to depriving the child of his right to life.

In the same context, the Centre monitored the exposure of a number of children to serious abuse, in the form of burns to parts of their bodies, at a private centre in Salt. A field visit was carried out on 12/2/2016, and a detailed report on the substance of the visit was submitted to the Ministry of Social Development, which proceeded to form a specialised committee to conduct an investigation inside the centre, and consequently referred the case to the Public Prosecutor for consideration and the taking of the necessary legal measures. ### The Right of Persons with Disabilities to Work

A study issued by the Phenix Centre for Economic and Informatics Studies, entitled "Employment of Persons with Disabilities in Jordan – Between Weak Job Opportunities and Dismal Employment Prospects",²⁷⁴ showed the low level of employment of persons with disabilities according to the official figures issued by the Ministry of Labour, which indicate that the number of persons with disabilities employed from the beginning of 2015 until October 2015 amounted to only (231) persons, of whom (189) were male and (42) female.²⁷⁵ The report added that a large number of persons with disabilities working in the private sector still suffer from difficult working conditions, represented in the low quality of their jobs and their low wages; many of them also suffer from not being covered by the social security umbrella and health insurance, especially women with disabilities, who face double challenges in the field of employment compared with men, owing to the existence of considerable difficulties that prevent them from obtaining suitable employment. The study included several recommendations, among them: redrafting the text of Article (4) of the Law on the Rights of Disabled Persons No. (31) of 2007, concerning the obligation to employ persons with disabilities, in a manner that ensures its actual and mandatory application by institutions; and encouraging private sector institutions to employ persons with disabilities by granting them incentives, such as exempting them from certain tax fees.

Recommendations:

1. Urging the various sectors of society to employ persons with disabilities, particularly women, on the basis of equal opportunity, equality and non-discrimination, in light of the relevant international conventions, especially since national legislation allows employers, during the probation period, to test the capacities and abilities of persons regardless of their physical or sensory conditions.
2. Forming a high-level ministerial committee to examine the forms and mechanisms of education at all its stages for students with disabilities, on the basis of gradual implementation, in order to achieve an inclusive educational environment for all children, including those with disabilities.

²⁷⁴ For more information, please see the website: <http://www.phenixcenter.net/ar/paper/>.

²⁷⁵ Pursuant to Article (4) of the Law on the Rights of Disabled Persons No. (31) of 2007.

3. Implementing inclusive policies for persons with disabilities by applying their effective participation from early childhood until they reach the highest levels of participation in public and political life. Accordingly, the Centre urges the allocation of a quota for persons with disabilities in parliamentary, municipal, professional association and other councils.
4. Endeavouring to develop a policy of gradual implementation for adapting roads and public places and those accessible to the public, especially outside the capital, Amman.
5. Endeavouring to resolve the problem of the difficulty of obtaining accurate diagnostic reports, as inaccuracy has been recorded in the examination conducted by the medical committees, which in many cases amounts to a case assessment rather than a specialised medical examination determining the degree, severity and type of disability.
6. Supporting associations that provide rehabilitation services and supplying them with specialised therapists, as they face great difficulty in providing this service to those in need of it owing to the high fees of therapists, which requires the intervention of the Ministry of Health to supply these associations with specialised personnel.
7. Supporting development and income-generating projects and facilitating loans and grants for persons with disabilities by the Ministry of Planning and international donors, with a focus on those residing outside the capital, Amman, and in remote areas throughout the Kingdom, in order to reduce poverty pockets and enhance the possibility of inclusion and participation in society.
8. Increasing the National Aid provided to persons with disabilities, owing to the high cost of providing medicines and health care for this group, particularly for poor families.

3. The Rights of the Child

The Jordanian Constitution guarantees the rights of the child; Article (6) thereof provides that “The law shall protect motherhood, childhood and old age, shall take care of young people and persons with disabilities, and shall protect them from abuse and exploitation”. Article (23) thereof also refers to the need to lay down special conditions for the work of women and juveniles. Jordan has also ratified the Convention on the Rights of the Child (CRC) and its two Optional Protocols, which have been published in the Official Gazette; however, Jordan still maintains its reservation to Article (14/a) concerning the right of the child to freedom of thought, conscience and religion, as well as to Articles (20 and 21) concerning the adoption system. At the international level, a development took place in the field of children’s rights, represented in the entry into force in April 2014 of the Third Optional Protocol to the CRC, which enables children or their representatives to submit complaints and communications; however, Jordan has not acceded to this Third Protocol. In this context, the National Centre for Human Rights recommends that the Government accede to this Protocol.

Legislation:

- (a) The issuance of the Amended Law of the Law on the Formation of Sharia Courts No. (20) of 2015, which provides for the establishment of the Supreme Sharia Court in order to entrench the principle of two-tier litigation. For the first time in the history of the Sharia judiciary in the Kingdom, this Law provided for the formation of a specialised Sharia

Public Prosecution for personal status cases and the functional jurisdictions of the Sharia courts, foremost among them matters relating to the affairs of minors and persons lacking legal capacity and the supervision of the acts of guardians and custodians. The Public Prosecution is composed of the Sharia Attorney General, who represents the Prosecution before the Supreme Sharia Court and supervises the Sharia Public Prosecution judges and their assistants, while the First Sharia Public Prosecutor represents the Public Prosecution before the Sharia Court of Appeal.

- (b) The publication of the Instructions for the Implementation of the Council of Ministers' Decision on Granting Facilities to the Children of Jordanian Women Married to Non-Jordanians of 2014 in the Official Gazette, Issue No. (5320) dated 31/12/2014, pursuant to the provisions of Item (5) of Council of Ministers Decision No. (6415) dated 9/11/2014, which called for commencing the granting of facilities to the children of Jordanian women married to non-Jordanians in the fields of health, education, ownership, investment and obtaining a driving licence. This development came to make it easier for the children of Jordanian women, especially minors, to exercise their health, educational and cultural rights.

On the other hand, a number of pieces of legislation related to children's rights still require prompt enactment and amendment, including: the Draft Child Rights Law, the Labour Law, and the amendment of Article (62) of the Penal Code, which permits forms of discipline inflicted by parents on their children in accordance with what general custom allows.

Child Labour:

In 2015, the Phenix Centre for Economic and Informatics Studies issued a position assessment paper on child labour in Jordan entitled "Social Justice as an Entry Point for Reducing Child Labour".²⁷⁶ The paper showed that no new statistical figures have been developed for nearly (10) years, and that the numbers of children widely present in the Jordanian labour market are sufficient to give a more realistic picture than the official and unofficial statistical indicators circulated among the concerned policy-makers, researchers and official and international institutions. It warned that the absence of an official database and recent survey studies on the reality of child labour in Jordan creates a problem whereby it is not possible to track the level of improvement or deterioration in the situation of child employment on a regular basis.

The paper concluded that the problem of the expanding number of children engaged in the labour market is constantly increasing, which led to dividing children into two categories: the first comprises children under the age of (16) years, whose employment is prohibited in any form whatsoever; and the second comprises children aged between (16 and 18) years, who are permitted to work in occupations that are non-hazardous and not harmful to health. The legal part of the paper points out that, despite the clear provisions of Jordanian legislation prohibiting the employment of children who have not completed (16) years of age and the employment of children between (16 and 18) years of age in hazardous work, reality is stronger than all such legislation and policies. Jordanian and Syrian child labour is concentrated among males and in the

²⁷⁶ The position paper is published on the website of the Phenix Centre for Economic and Informatics Studies.

informal sector, as large numbers of children work as street vendors and at traffic lights, and in many crafts such as carpentry, blacksmithing, vehicle repair, painting and car washing, as well as in restaurants and bakeries, in addition to many other sectors.

The study recommends that the international community assume its responsibilities towards Syrian refugees, in order to prevent families from being compelled to push their children into the labour market to help them cover their basic expenses; in addition to activating anti-poverty policies, poverty being the root cause of the problem; developing a fair social protection network that ensures a decent life for the poor of all categories; reviewing wage policies with a view to raising wages in line with the high price levels in Jordan; as well as developing the educational and teaching process during the basic stage in order to reduce school dropout among children. The study also recommends “tightening supervision by official institutions over places where child labour is concentrated, working to enforce the laws prohibiting child labour, and imposing deterrent penalties on violators instead of merely requiring them to pay minor fines, in addition to activating awareness campaigns in schools and families on the negative effects resulting from child labour.”

Children Born out of Wedlock:

The results of a study conducted by the Ministry of Social Development to calculate the rates of detected social cases of children of unknown parentage²⁷⁷ for the period 2003–2014 showed that this rate reached (75.5), while there was an increase in their detection during the years 2011–2014, reaching (99.5). This indicates an increase in the rates of children of unknown parentage as a result of population growth arising from the forced migrations to which Jordan is exposed, such as the Syrian asylum since 2011, the majority of whom are children and women. The study also showed an increase in the rates of children of unknown parentage in most of their categories, namely the category of foundlings and the category of children of unknown fathers. The annual rate for the foundling category of detected cases for the years 2003–2010 amounted to (26.87) cases, while in the period 2011–2014 it amounted to approximately (28.75) cases. The study showed a clear increase in the category of children of known mothers and unknown fathers, whose rate rose from (47.25) cases in the years 2003–2010 to (70.5) cases for the years 2011–2014. It also showed a decline in the rates of cases of children of unknown parentage in the category of incest, which stood at (1.3) for the years 2003–2010 and declined to (0.4) cases in the years 2011–2014. The increase in the rates of children of unknown parentage entails an increase in the financial costs of their upbringing and care, which the Ministry of Social Development has no means to meet other than its financial budgets through the Family and Childhood Programme, whose allocations need to be raised through several sources, the most important of which may be the United Nations organisations concerned with the social repercussions of refugees.

Violence against Children:

In 2015, the National Council for Family Affairs issued a survey study on child and family helplines in Jordan,²⁷⁸ with the aim of identifying the extent of the spread of child and family

²⁷⁷ A news item published on the website of the Ministry of Social Development.

²⁷⁸ The study is published on the website of the National Council for Family Affairs.

helplines, the services they provide, their working mechanisms, and the obstacles and challenges they face, in order to build upon them in developing frameworks, policies and procedures for regulating and developing the work of these lines and sustaining their work at the Arab level. The lines covered by the study are: the Public Security emergency line (focusing only on the study of calls received by the Family Protection Department), the Child Protection line at the Ministry of Education, the hotline at the Ministry of Labour, and the counselling line of the Cultural Centre affiliated with the Greater Amman Municipality, while the remaining lines are affiliated with governmental bodies. The study revealed the absence of a regulatory framework at the national level governing the work of these lines at the level of legislation or policies, and called for establishing a governmental oversight body to regulate and support the work of the lines in order to ensure the safety of family members and their access to high-quality services; linking the helplines to the stages of the National Framework for Family Protection against Violence, whether at the detection and reporting stage or the intervention stage; and providing qualified and specialised personnel to run helplines for specific categories and to offer them integrated services to protect them from domestic violence.

On the other hand, the figures and statistics issued by the Family Protection Department of the Public Security Directorate indicate that crimes of violence committed against children in 2015 were as shown in Table No. (4).

Table No. (4): Total cases committed against children dealt with by the Family Protection Department in 2015

Type of assault	Number of cases committed against children	Number of male victims	Number of female victims	Total number of child victims
Rape	63	—	64	64
Attempted rape	6	—	6	6
Indecent assault	443	191	285	476
Act offending public decency	100	37	67	104
Abduction	10	—	10	10
Miscellaneous sexual offences	2	—	2	2
Other miscellaneous offences	26	8	31	39
Harm to children	174	82	114	196
Total	814	318	579	897

Children in Conflict with the Law

The year 2015 witnessed the entry into force of the Juveniles Law No. (32) of 2014.²⁷⁹ The Law aims to protect children and to regulate the affairs and situations of children in conflict with the law and of children in need of protection and care. The Law underlined the importance of providing distinguished care for these children, whether during their arrest, interrogation or trial, and affirmed the means of protecting them at the post-trial stage. The Ministry of Social

²⁷⁹ Published in the Official Gazette, Issue No. (5310) dated 2/11/2014.

Development also issued four sets of implementing Instructions under the Juveniles Law on 16/2/2016, comprising the following:

- The Instructions on Juveniles' Enrolment in Education and Training of 2015, which regulate the education or training of the juvenile inside the home, while giving priority to integrating the juvenile into society outside the home for the purposes of obtaining education or training, unless the juvenile's interest requires otherwise. All of this shall take place under the supervision of the enforcement judge, with due regard to the best interests of the juvenile.
- The Instructions on Determining the Requirements to be Met in the Reports of Probation Officers of 2015, which set out the contents of the probation officer's report and the data on the juvenile and the incident that must be included therein, as well as the bases for approving the report and follow-up, while recommending the adoption of special report forms.
- The Instructions on the Transfer of Detained or Convicted Juveniles of 2015, which regulate the cases, conditions and grounds for transferring a juvenile from one home to another and grant the home director the power to issue the transfer decision, while requiring that the court and the enforcement judge be notified of the transfer decision and that the best interests of the juvenile be taken into account.
- The Instructions on the Bases for Applying Non-Custodial Penalties of 2015, which set out a number of controls for applying any non-custodial penalty based on the best interests of the child. The Instructions provide that the measures must be proportionate to the personal circumstances of the juvenile in terms of sex, health condition, degree of maturity and social and environmental circumstances, and that the penalty must be proportionate to the type of offence in terms of the number of working hours and their type, and to the nature of the offence committed.

Despite the positive aspects of the Juveniles Law that are consistent with international standards on the rights of the child,²⁸⁰ the proper application of this Law requires the issuance of a number of Regulations by the Council of Ministers (the Dispute Settlement Regulation and the Aftercare Regulation) and a number of Instructions by the Ministry of Social Development, specifically concerning rehabilitation programmes for the parents of juveniles in need of protection and care, pursuant to the provisions of Articles (44 and 47) of the Juveniles Law. Up to the time of preparing this report, these Instructions had not yet been issued, and the Centre, for its part, calls for their prompt issuance.

Positive Developments Monitored by the National Centre for Human Rights Regarding the Rights of Juveniles

- The closure of the Ma'an Juvenile Education and Rehabilitation Home in late 2015, where dangerous juveniles from all governorates of the Kingdom had been mixed with other juveniles, which negatively affects the process of rehabilitation and reintegration into

²⁸⁰ See the Report on the State of Human Rights for 2014 on the website www.nchr.org.jo, which sets out the Centre's observations on the Law.

society through what is known as “criminal contagion”.²⁸¹ The National Centre for Human Rights had recorded observations and shortcomings regarding the Ma’an Juvenile Education and Rehabilitation Home. In this regard, the Centre affirms the need to establish a juvenile education and rehabilitation home in the Southern Region.

- The establishment of a home for the education and rehabilitation of dangerous juveniles in the city of Madaba on 15/12/2015, in order to provide psychological and social interventions appropriate to the nature of each individual case and to prevent the spread of criminal contagion. The construction of this home is expected to be completed by the end of 2016.

By contrast, in 2015 the National Centre for Human Rights monitored an increase in the number of crimes committed by juveniles compared with 2014, as the number of such crimes in 2015 reached (5276) crimes, compared with (5138) crimes committed in 2014, as shown in Table No. (5). Among the worrying matters revealed by the statistics of crimes committed by juveniles is the increase in the number of crimes against property committed in 2015, while the number of crimes against public morals committed in 2015 decreased, reaching (174) crimes compared with (241) crimes in 2014. The Centre affirms the need to work on raising children’s awareness in schools in order to prevent the commission of crime.

Table No. (5): Number of crimes committed by juveniles in 2014–2015²⁸²

Type of crime	2014	2015
Felonies and misdemeanours against persons	316	278
Crimes against public trust	11	4
Crimes against property	1659	1883
Crimes against public administration	194	165
Crimes posing a danger to public safety	141	126
Crimes against public morals	241	174
Other crimes	2576	2646
Total	5138	5276

Conditions of Juveniles in Care Homes in Jordan:²⁸³

A team from the National Centre for Human Rights conducted (21) unannounced field visits to juvenile centres and care homes throughout the Kingdom during the period from mid-December 2014 until mid-May 2015. The visiting team found that there are a number of challenges faced by children in conflict with the law, including the following:

1. Continued allegations of torture and ill-treatment by certain Public Security personnel during arrest and interrogation, with the exception of the Juvenile Police, who are trained in dealing with children.

²⁸¹ Criminal contagion: the acquisition by a law-abiding person of a certain criminal behaviour as a result of mixing with a criminal or habitual offender and attempting to imitate him.

²⁸² Criminal Statistical Report for 2015 / Public Security Directorate.

²⁸³ For more information, please see the Centre’s website: www.nchr.org.jo.

2. Juveniles (who were regularly attending school) suffer from the Ministry of Education's failure to count their absence from school as a legitimate excuse, which causes children involved in offences requiring their presence in the homes for relatively long periods to lose the opportunity of education.
3. The absence of on-duty public prosecutors to receive juveniles (particularly girls) in urgent cases, pursuant to the text of Article (19) of the Juveniles Law.
4. The failure of juvenile shelter homes to observe the principle of separation between categories on a preventive/therapeutic basis or on the basis of age group; rather, separation is mostly made on the basis of convicted and detained persons, which in most cases does not prevent mixing. This applies to all the homes with the exception of the Russeifa Juvenile Centre for Males, which receives detained juveniles only.
5. The health care provided to juveniles is considered insufficient, as most juvenile centres generally lack doctors, and cases are handled by the social worker, which is contrary to international standards regarding the need to provide health, preventive and curative care.
6. The weak availability of psychological care services in most care homes, such that civil society institutions are relied upon to fill the shortage in the provision of doctors and psychologists.
7. The weak specialised qualification of staff and supervisors of the homes' administrations, as they were observed to have poor knowledge of the disciplinary instructions laid down by the Ministry of Social Development for the purposes of addressing juveniles' problems, confronting them individually, involving them in solutions and redress of harm, or referring them to the judiciary if they commit offences.

Recommendations

1. Developing a national strategy to protect children from all forms of exploitation, trafficking, illegal labour and violence; activating the national plans of action for childhood; and developing a national system for monitoring cases of violence and abuse against children, in an attempt to determine the scale of the phenomenon of child abuse in its various forms.
2. Enacting the Draft Amended Law of the Protection from Domestic Violence Law, and taking the necessary measures to activate the text of Article (74) of the Labour Law concerning the prohibition of employing children in hazardous work and work harmful to health.
3. Enacting the Draft Child Rights Law in a manner consistent with the International Convention on the Rights of the Child.
4. The prompt enactment of the Dispute Settlement Regulation and the Juvenile Aftercare Regulation.²⁸⁴

²⁸⁴ During the period of preparing this report, the Council of Ministers approved the issuance of the Dispute Settlement Regulation of 2016.

5. The need for the Ministry of Education to introduce and/or amend educational programmes for children in order to prepare them as good and productive citizens in society and to ensure that they are kept away from intellectual and behavioural deviations.
6. Working to count the period during which children in conflict with the law are in juvenile homes as a legitimate excuse for completing their studies after their release.
7. The need to activate the role of the various Public Security personnel by training and qualifying them in the mechanisms for dealing with children in conflict with the law, rather than focusing on the Juvenile Police only.
8. Strengthening fair trial guarantees for children, particularly outside official working hours, by providing on-duty public prosecutors pursuant to the text of Article (19) of the Juveniles Law No. (32) of 2014.
9. The need for juvenile homes to observe the principle of separation between categories on clear bases (preventive/therapeutic, or according to sex and age).
10. The need to staff juvenile homes with doctors, nurses and psychologists around the clock.
11. The need to qualify staff in care homes and train them in understanding the Law and implementing the Instructions issued thereunder, so as to achieve, ultimately, the best interests of the juvenile.

4. The Rights of Older Persons

The Jordanian Constitution, in Article (6) thereof, guarantees the rights and dignity of older persons against abuse and exploitation.²⁸⁵ Despite the absence of a dedicated international instrument for older persons, most international human rights instruments have included implicit obligations towards them.²⁸⁶ The Committee on Economic, Social and Cultural Rights issued General Comment No. (6) on the economic, social and cultural rights of older persons, while the Committee established under the Convention on the Elimination of All Forms of Discrimination against Women issued General Recommendation No. (27) on older women and the protection of their human rights. In this context, the National Centre for Human Rights affirms the need to adopt an international convention dedicated to older persons in order to enhance and protect the rights of this group, as by 2050 the generation of older persons is expected to outnumber the population under the age of fifteen.²⁸⁷

As regards legislation, the Jordanian legislator has addressed the rights of older persons through the relevant national legislation, such as the Social Security Law, the Civil Retirement Law, the Personal Status Law, as well as the Instructions of the Ministry of Social Development concerning

²⁸⁵ Article (6/5) of the Jordanian Constitution provides that “The law shall protect motherhood, childhood and old age, shall take care of young people and persons with disabilities, and shall protect them from abuse and exploitation”.

²⁸⁶ Article (7) of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, as well as the Convention on the Rights of Persons with Disabilities in Article (13/1) concerning access to justice and Article (16) concerning age-sensitive protection services, and other international conventions.

²⁸⁷ The Twenty-First Report / United Nations Population Fund.

homes for the elderly. Although this national legislative system provides the required protection in certain areas, such as the right to social security and the right to alternative institutional care in lieu of the family when needed, it is nevertheless considered insufficient. There is therefore a need to approach the issue on the basis of the human rights system as a whole, which prompts the National Centre to affirm the need to adopt a special law for older persons.

The information of the Department of Statistics, as shown in the table, indicates that the illiteracy rate rises with age, reaching 17.9% among males and 48.9% among females, and 33.3% at the level of the total Jordanian population in the age group of (60) years and over, as shown in Table No. (6).

Table (6): Illiteracy rate among Jordanians aged (13) years and over, by age group and sex, 2015²⁸⁸

Age group	Males	Females	Total
13–19	1.7	1.5	1.6
20–29	2.4	2.5	2.5
30–39	3.7	4.2	4.0
40–49	4.7	7.8	6.3
50–59	5.9	16.0	11.0
60 and over	17.9	48.9	33.3

Most Important Positive Developments Regarding the Rights of Older Persons

- The General Iftaa' Department issued Fatwa No. (3138) dated 22/10/2015, whereby it considered that placing both parents or either of them in homes for the elderly, whether they are well-off or in hardship, constitutes an abandonment by the children of their duties towards their parents, and is a form of filial disobedience, as it entails severing the ties of kinship with respect to the parents.²⁸⁹
- In 2015, the National Council for Family Affairs issued the “Analytical Report on the Evaluation of the National Strategy for Older Persons for the Years (2009–2013)”²⁹⁰ in cooperation with the members of the National Committee for Following up the Implementation of the Strategy, noting that the National Centre for Human Rights is one of the members of this Committee. The analysis aimed to determine the extent to which the legislation and plans (national strategies, policies and executive programmes) meet the needs and rights of older persons in Jordan in light of the achievements and what has been implemented by the bodies concerned with older persons. The report showed, as illustrated in Table (7), that the proportion of the Strategy implemented is estimated at 65%. The evaluation of the “Older Persons and Development” orientation obtained the highest rate of implementation of the Strategy, reaching 70%; the reason for this is the increase in the rate of participation of older persons in the Council of Ministers from 28% in 2009 to 52% in 2013, as well as the reduction of poverty among older persons through the enactment

²⁸⁸ Department of Statistics: www.dos.gov.jo.

²⁸⁹ General Iftaa' Department: www.aliftaa.jo.

²⁹⁰ For more information, please see the website of the National Council for Family Affairs.

of the Social Security Law. The national retirement umbrella for older persons receiving retirement pensions from the Civil and Military Retirement Directorates and the Social Security Corporation recorded a marked improvement between 2009 and 2013, with an increase of 5.8%, whereas social care for older persons recorded the lowest rate of implementation of the Strategy, at 60%, owing to the shortage of personnel in charge of health and social aspects in homes for the elderly. The report set out the challenges relating to issues of older persons, the most prominent of which are the shortage of financial allocations earmarked in the budgets of the bodies concerned with older persons, and the shortage of qualified health personnel in the fields of medicine, nursing and geriatrics. The report concluded with a number of recommendations, the most prominent of which is the need to build and strengthen national working capacities in the field of older persons' issues, in all its developmental, health and social aspects, to include, first and foremost, planners and policy-makers, as well as academics, specialists and analysts concerned with older persons' issues.

Table (7): Comprehensive evaluation of the National Strategy for Older Persons

Evaluation	Percentage
Comprehensive evaluation of the National Strategy for Older Persons	65%
Evaluation of the orientation: Older Persons and Development	70.5%
Evaluation of the orientation: Health Care for Older Persons	61.9%
Evaluation of the orientation: A Supportive Physical Environment for Older Persons	69.2%
Evaluation of the orientation: Social Care for Older Persons	60%

Moreover, and perhaps the most prominent achievement reflected in the findings of this report, the proportion of older persons covered by national retirement schemes under the legislation in force has risen to 75%.

- In 2015, the number of cases filed by parents against their children relating to claims for maintenance decreased compared with 2014, as shown in Table No. (8). The National Centre for Human Rights hopes that children will commit to supporting their parents financially without the need to resort to the courts.

Table No. (8): Number of cases and average maintenance award for the past five years, according to the Supreme Judge Department²⁹¹

Year	Total maintenance claims	Total value of maintenance (fils)	Total value of maintenance (dinars)	Average maintenance award (fils)	Average maintenance award (dinars)
2011	494	0	20551	601	41
2012	757	141	33591	374	44
2013	530	0	28781	304	54
2014	747	150	31526	204	42
2015	577	150	30932	609	53
Total	3105	300	145381	822	46

²⁹¹ Supreme Judge Department: www.sjd.gov.jo. # Annex: Analysis of Complaints and Requests for Assistance

Problems and Challenges Monitored by the Centre in 2015, including the Following:

- The lack of health and social services for older persons in remote areas, and the difficulty faced by older persons residing in villages and remote areas in obtaining medicines, which are often not available within government insurance coverage, and their inability to purchase them from the local market owing to their high prices.
- The absence of a unified and special law protecting the rights of this group of society, and the absence of legal provisions criminalising or holding accountable children who fail in their duties towards their parents, particularly in cases of abandonment and neglect of parents. The National Centre had received a complaint revealing that an elderly woman was suffering from abandonment and neglect by her nine children and had almost lost her life; the Ministry of Social Development took up her case and supervised it, including transferring her to one of the care homes for the elderly.
- The marked shortage of medical specialisations dealing with older persons, such as geriatric medicine and geriatric nursing, in addition to the absence of free home health care.
- The shortage of financial allocations earmarked in the budgets of the bodies concerned with older persons.
- The weakness in providing data specific to the category of older persons showing their numbers, social status, sources of income and classifications.
- The weak availability of assistive facilities in public and recreational facilities, such as crossings or bridges adapted for their use, which impedes their mobility and their participation in society in a manner befitting their social standing as pioneers for future generations.

Recommendations:

1. Enacting a special law protecting older persons in their old age in all respects, whether economic, social, cultural or health-related.
2. Raising awareness and implementing specialised programmes by the concerned government institutions, as well as by civil society organisations working in the field of human rights, for the purposes of supporting the rights of older persons set out in international instruments and the divine laws.
3. Criminalising and holding accountable children who fail in their duties towards their parents through abandonment and neglect, by means of the Penal Code, rather than confining matters to what is provided in the law regarding the general handling of cases of harm, since moral and psychological violence is, in many cases, more severe in its impact than physical violence.
4. Providing employment opportunities for older persons who are able and willing to continue working, through flexible employment conditions for the period after the age of sixty, and making the best possible use of their expertise at all levels.

5. The need for all government institutions and other sectors, such as restaurants, libraries and squares open to public use, to comply with the Building Code.

6. The need to increase and support the financial allocations earmarked in the budgets of the bodies concerned with older persons.

Complaints Received by the Centre during 2015

Total Number of Complaints Received by the National Centre for Human Rights, by Allegedly Violated Right, 2015

Right that is the subject of the request	Number of requests	Closed with a satisfactory outcome	Closed without a satisfactory outcome	Outside the Centre's mandate	No evidence of a violation	Non-cooperation of the complainant	Under follow-up
Recognition of legal personality (nationality)	6	0	1	0	0	0	5
The right to freedom of residence and movement	20	2	3	0	0	0	15
The right to obtain identity documents	10	1	0	0	0	0	9
The right to a fair trial	28	7	0	5	2	1	13
The right to liberty and security of person	17	8	0	2	5	0	2
The right to decent humane treatment	5	1	0	0	0	0	4
The right not to be subjected to beating and torture	17	1	2	4	0	0	10
The right to asylum	2	0	1	0	0	0	1
The right to equality and non-discrimination	5	0	0	0	0	2	3
The right to life	10	0	1	0	1	0	8
The right to physical integrity	72	10	0	1	5	4	52
Rights of inmates of Correction and Rehabilitation Centres	6	2	0	0	0	0	4
The right to freedom of opinion and expression	6	1	0	2	0	0	3
The right to vote and stand for election	1	0	0	1	0	0	0
The right to peaceful assembly	1	0	0	0	0	0	1
The right to join political parties and trade unions	1	0	0	1	0	0	0
The right of access to information	2	0	0	1	0	1	0
The right to health	15	1	0	1	4	1	8
The right to work	20	1	0	4	3	0	12

Right that is the subject of the request	Number of requests	Closed with a satisfactory outcome	Closed without a satisfactory outcome	Outside the Centre's mandate	No evidence of a violation	Non-cooperation of the complainant	Under follow-up
The right to an adequate standard of living	3	0	0	0	2	0	1
Rights of the child	2	1	0	0	1	0	0
Rights of persons with disabilities	6	0	0	1	4	0	1
Rights of juveniles	5	1	0	0	0	0	4
The right to education	10	1	0	1	2	0	6
The right to a healthy environment	6	3	0	0	0	0	3
The right to social security	2	0	0	1	0	0	1
The right to property	1	1	0	0	—	0	0
The right to development	2	0	0	1	0	0	1
The right to compensation	1	0	0	1	0	0	0
Family rights	3	2	0	0	0	1	0
The right to freedom of belief	1	0	0	1	0	0	0
Trafficking in persons	1	1	0	0	0	0	0
Grand total	287	45	8	28	29	10	167
Percentages		15.67	2.78	9.75	10.10	3.48	58.18

The number of complaints received by the Centre in 2015 totalled (287) complaints, compared with (387) complaints in 2014. Of these, (210) complaints related to civil and political rights and (61) complaints related to economic, social and cultural rights, while the number of complaints relating to the rights of the most vulnerable groups and those most in need of protection amounted to only (16) complaints. A total of (45) complaints were closed with a satisfactory outcome, i.e. 15.67%; (8) complaints, i.e. 2.78%, were closed without a satisfactory outcome being reached; and (28) complaints were also closed as falling outside the Centre's mandate, i.e. 9.75% of the total number of complaints.

(29) complaints were closed owing to the absence of any human rights violation, i.e. 10.10%, while the number of complaints still under follow-up amounted to (167) complaints, i.e. 58.18%. The high number of complaints closed as falling outside the Centre's mandate is attributable to the fact that most of them are pending before the judiciary, some others require the provision of legal aid and representation before the competent courts, or the subject of the complaint is a general demand of the complainant.

The Centre affirms that the increase in the number of complaints still under follow-up is due to a number of reasons, the most important of which are:

1. The absence of a provision in the Law of the National Centre for Human Rights obliging the concerned bodies to respond to the Centre's requests within a specified period, and the delay in responses, noting that Circular No. (1/11/5820) dated 22/3/2011 was issued by His Excellency the

Prime Minister providing that official bodies must respond to the Centre's requests within thirty days of the date of the request, so as to enable it to discharge the duties entrusted to it.

2. The non-cooperation of certain official or concerned bodies with the Centre with regard to a number of complaints.

3. The non-cooperation of certain complainants in some cases.

4. The shortage of competent staff at the Centre to follow up on these complaints.

5. The Centre still has complaints pending and under follow-up before official and unofficial bodies from the years 2013–2014.

Requests for Assistance Received by the Centre during 2015

Total Number of Requests for Assistance Received by the National Centre for Human Rights, by Allegedly Violated Right, 2015

Right that is the subject of the request	Number of requests	Closed with a satisfactory outcome	Closed without a satisfactory outcome	Outside the Centre's mandate	No evidence of a violation	Non-cooperation of the applicant for assistance	Under follow-up
Recognition of legal personality (nationality)	4	0	0	0	0	0	4
The right to freedom of residence and movement	39	5	6	6	2	0	20
The right to obtain identity documents	11	2	1	0	0	0	8
The right to a fair trial	28	5	0	4	4	2	13
The right to liberty and security of person	26	9	1	4	0	2	9
The right to humane treatment	3	0	0	0	1	0	2
The right to asylum	10	0	1	3	0	0	6
The right to equality and non-discrimination	2	1	0	0	0	0	1
The right to physical integrity	8	1	1	0	0	2	4
Rights of inmates of Correction and Rehabilitation Centres	11	3	1	0	1	0	6
The right to freedom of opinion and expression	1	0	0	0	0	0	1
The right to health	23	7	2	2	2	1	9
The right to work	42	5	3	7	3	1	23
The right to an adequate standard of living	24	2	0	4	3	0	15
Women's rights	1	1	0	0	0	0	0
Rights of the child	2	0	0	0	0	0	2

Right that is the subject of the request	Number of requests	Closed with a satisfactory outcome	Closed without a satisfactory outcome	Outside the Centre's mandate	No evidence of a violation	Non-cooperation of the applicant for assistance	Under follow-up
Rights of persons with disabilities	25	0	0	1	8	0	16
The right to education	6	2	0	0	1	0	3
The right to a healthy environment	3	0	1	1	0	0	1
The right to social security	7	0	0	0	2	0	5
The right to property	5			2	1		3
The right to development	4	1	0			0	3
The right to housing	7	0	0	1	2	0	4
The right to compensation	2	0	0	0	0	0	2
Rights of older persons	2	0	0	0	0	0	2
Family rights	11	3	0	3	0	0	5
The right to legal aid	4	2	1	0	0	0	1
Grand total	311	49	18	38	30	8	168
Percentages		15.7%	5.78%	12.21%	9.64%	2.57%	54.01%

The total number of requests for assistance received by the Centre in 2015 amounted to (311) requests for assistance, compared with (149) requests in 2014. Of these, (143) requests related to civil and political rights and (127) related to economic, social and cultural rights, while the number of requests for assistance relating to the rights of the groups most vulnerable to violation amounted to (41) requests. A total of (49) requests were closed, i.e. 15.7%, with a satisfactory outcome, while (18) requests, i.e. 5.78%, were closed without a satisfactory outcome being reached; there are (168) requests, i.e. 54.01%, still under follow-up. The Centre received (38) requests falling outside its mandate, i.e. 12.21%, while (30) requests were closed owing to the absence of evidence of a violation, at a rate of 9.64%.

The reasons for closing a number of cases without a satisfactory outcome are attributable to the failure of the body concerned to respond by ending the violation and/or providing a positive response in line with the Centre's recommendations and requests.

It is clear that there was an increase in the number of requests for assistance in 2015 compared with 2014, as shown in the following figure:

Chart: Complaints and Requests for Assistance, 2014–2015

Year	Requests for assistance	Complaints
2014	149	387
2015	311	287

The increase in requests for assistance is due to the increase in the proportion of requests submitted to the Centre relating to economic, social and cultural rights and the rights of the groups most vulnerable to violation, compared with 2014.

Receiving complaints orally and in person at the Centre ranked first among the various means; 78.3% of the total complaints were received orally through personal attendance at the Centre and by lawyers presenting the complaint. Receiving complaints by e-mail ranked second, at 8.01%, while receiving complaints by fax and through monitoring by the Centre of the press ranked third, amounting to 4.8% of the total complaints. The hotline ranked fourth, at 3.4%, while ordinary mail ranked fifth, at 3.13%, and receiving complaints through the liaison officers in the governorates ranked last.

Chart: Frequency of Means of Receiving Complaints

Means of receipt	Number
Fax	14
Hotline	10
Electronic	23
Monitoring	14
Liaison officer	1
Mailbox	9
In person	225

Chart: Means of Receiving Complaints

Means of receipt	Number
Fax	14
Hotline	10
E-mail	23
Monitoring	14
Liaison officer	1
Mail	9
In person	225

Meanwhile, receiving requests for assistance orally and in person ranked first among the various means, accounting for 83.92% of the total requests. Requests for assistance received through the hotline and e-mail ranked second, at 4.18% each; fax ranked third, at 3.2%; and monitoring ranked fourth, at 2.5%. Submitting requests for assistance through the liaison officers in the governorates and by ordinary mail ranked last.

Chart: Means of Receiving Requests for Assistance

Means of receipt	Number
Fax	10
Hotline	13
E-mail	13
Monitoring	8
Liaison officer	2
Mail	4
In person	261

As regards the distribution of complaints across the various governorates of the Kingdom, the following chart shows that the Capital continued to rank first in the number of complaints received

by the Centre, at 55.7% of complainants. This is attributable to the absence of branches of the Centre in the other governorates of the Kingdom, the high population of the Governorate, and the proximity of the Centre to citizens residing in the Capital Governorate.

Chart: Number of Complaints by Governorate

Governorate	Number
The Capital	160
Zarqa	24
Irbid	20
Karak	17
Madaba	16
Ma'raq	10
Ma'an	9
Tafileh	6
Jerash	6
Ajloun	6
Aqaba	5
Balqa	4
Outside Jordan	4

Zarqa Governorate ranked second, with complaints submitted by its residents amounting to 8.3%; Irbid Governorate ranked third, with complaints amounting to 6.9%; and Karak Governorate ranked fourth, with complaints amounting to 5.9%.

As regards requests for assistance, the Capital Governorate ranked first, at 53.6%; Zarqa Governorate ranked second, at 9.6%; Ma'an Governorate ranked third, at 6.10%; and the governorates of Tafileh and Karak ranked fourth, at 5.78% each.

Chart: Number of Requests for Assistance Received by the Centre, by Governorate

Governorate	Number
The Capital	154
Zarqa	30
Ma'an	19
Tafileh	18
Karak	18
Irbid	13
Ma'raq	10
Jerash	10
Madaba	10
Balqa	9
Ajloun	8
Aqaba	6
Outside Jordan	6

As regards the bodies complained against, the following figure shows the proportion of complaints by the governmental body against which the complaints were submitted; it is noted that the security bodies continued to account for the largest proportion.

Chart: Number of Complaints by Body Complained Against

Body complained against	Number
Public Security Directorate	122
Ministry of Interior	30
General Intelligence Directorate	25
Other bodies	15
Ministry of Education	14
Companies	11
General Command of the Jordan Armed Forces	7
Judicial Council	7
Ministry of Social Development	6
Ministry of Health	6
Universities	5
Civil Service Bureau	4
Aqaba Special Economic Zone Authority	4
Individuals	4
Prime Ministry	3
Ministry of Justice	3
Ministry of Municipal and Rural Affairs	3
Greater Amman Municipality	3
Gendarmerie Forces	2
United Nations High Commissioner for Refugees	2
Customs Department	2
State Security Court	2
Social Security Corporation	2
Royal Hashemite Court	1
Ministry of Higher Education and Scientific Research	1
Ministry of Labour	1
Embassies	1
Higher Council for the Affairs of Persons with Disabilities	1

Of the number of complaints received by the Centre, their proportion reached 65.5% of the total number of complaints, as the proportion of complaints submitted against the Public Security Directorate alone reached 42.5%, followed by the Ministry of Interior at 10.4%, and then the General Intelligence Directorate at 8.7%. This indicates that they have not taken the measures expected to end violations; the Centre stresses the need for the Centre to continue to grant them priority and to focus on them in order to reduce the number of complaints and promote human rights in the Kingdom. It is also noted that the Centre did not register this year any complaint relating to the labour offices or the Ministry of Foreign Affairs, and the proportion of complaints relating to labour and to the United Nations High Commissioner for Refugees decreased. This is attributable to the existence of specialised centres for the affairs of domestic workers, and to the

referral of those concerned to the United Nations High Commissioner for Refugees and the camp administration. A decrease is also noted in the proportion of complaints submitted against certain social ministries, such as the Ministries of Education and Social Development, compared with 2014.

Chart: Frequency of Bodies from Which Assistance Was Requested

[Translator's note: bar chart without printed data values (vertical axis 0–50). Labelled categories, in descending order of frequency as shown: Public Security Directorate; General Intelligence Directorate; Ministry of Health; Ministry of Foreign Affairs; Individuals; Legal Aid Centres; Ministry of Municipal and Rural Affairs; Ministry of Finance; Greater Amman Municipality; Embassies; Jordan Bar Association; Royal Hashemite Court; Chief Justice Department; Ministry of Justice; Judicial Council; Aqaba Special Economic Zone Authority; General Command of the Gendarmerie Forces; Ministry of Agriculture. Intermediate bars are unlabelled in the source.]

As regards the bodies from which assistance was requested, the following figure shows that the largest proportion of requests for assistance was directed to the security bodies, amounting to 45.19%. The proportion of requests for assistance received by the Ministry of Social Development rose to (29) requests this year, compared with (10) requests in 2014; requests for assistance directed to the Higher Council for the Affairs of Persons with Disabilities rose to (11) requests, compared with (3) requests in 2014; and requests for assistance directed to the Ministry of Health rose to (15) requests, compared with (4) requests in 2014.

The following chart also shows the numbers of complainants by the nationality of the complainant; the number of complainants holding Jordanian nationality amounted to 93.37%, while Syrian and Palestinian nationalities ranked second, at 2.43% each, and Egyptian nationality ranked third, at 1%.

Chart: Breakdown of Complaints by Nationality

Nationality	Number
Jordanian	268
Palestinian	7
Syrian	7
Filipino	1
Sri Lankan	1
Egyptian	3

As regards the nationality of applicants for assistance, the following chart shows that the proportion of complainants holding Jordanian nationality amounted to 85.8%, while Syrian nationality ranked second, at 8.36%, and Palestinian nationality ranked third, at (2.89).

Chart: Breakdown of Requests for Assistance by Nationality

Nationality	Number
Jordanian	267
Syrian	26
Palestinian	9
Iraqi	2

Nationality	Number
Sudanese	2
Filipino	2
Kuwaiti	1
Bahraini	1
Egyptian	1

The following figure shows an increase in the proportion of complaints submitted by males, which reached 76.3% of complaints, whereas it decreased in requests for assistance, at 42.4%. As for requests for assistance, the proportion of complaints submitted by females amounted to 23.6%, and the proportion of requests for assistance submitted by females rose to 57.5%.

Chart: Breakdown of Complaints by Sex

Sex	Number
Males	219
Females	68

Chart: Breakdown of Requests for Assistance by Sex

Sex	Number
Males	132
Females	179