

**Report for the Universal Periodic Review Submitted to the
Human Rights Council**

Prepared by the National Centre for Human Rights

Amman – The Hashemite Kingdom of Jordan

August 2008

1. Pursuant to the law establishing it¹, the National Centre for Human Rights has prepared four periodic reports² on the situation of human rights in Jordan, the most recent being the report for the year 2007. Those reports contained a number of proposals directed towards advancing the state of human rights in the Kingdom and towards overcoming the obstacles which impede that objective. In submitting this report to the Office of the High Commissioner for Human Rights, with a view to giving effect to the international obligation of the Universal Periodic Review by the Human Rights Council in respect of Jordan's commitments in the field of the promotion and protection of human rights³, the Centre affirms the following:

2. **The right to life and to physical integrity:** notwithstanding the progress achieved in the protection of this right through the legislative and administrative measures taken by the Jordanian State, the strengthening of this right requires further effort and perseverance, and specifically as regards the following matters:

A. In order to protect the right to life, national legislation must be amended so as to restrict the execution of the death penalty and to confine it to the most serious offences, while at the same time establishing strict controls to guarantee the proper application of this penalty. It is to be noted that no death sentence has been carried out since May 2006 to the present date.

B. In order to strengthen efforts to combat torture, the deficiency of national legislation must be overcome, that deficiency being such as to permit — in most instances — the perpetrators of the crime of torture to escape deterrent punishment. This is to be addressed by the following means:

- The recognition by the Government of the competence of the Committee against Torture referred to in Articles (21) and (22) of the Convention against Torture of 1984; and accession to the Optional Protocol to the Convention against Torture.
- The amendment of national legislation so as to provide expressly for the jurisdiction of the regular courts to consider the crimes of torture; for the right of the victims of torture to direct compensation from the State where the crime of torture is committed by a public official; for the non-extinction of such

¹The Law of the National Centre for Human Rights No. 51 of 2006, published at page 4027 of Official Gazette No. 4787 of 1 October 2006.

²To view the annual reports of the Centre, see the electronic site of the Centre at the following link:
<http://www.nchr.org.jo/index.php>

³The National Centre for Human Rights addressed the civil society institutions operating in Jordan and urged them, by official letter addressed to them, to submit their own report in this field to the Office of the High Commissioner for Human Rights.

crimes by prescription; and for the establishment of specialised centres for the rehabilitation of the victims of torture.

3. **The right to liberty and security of person:** notwithstanding the efforts exerted to protect this right, there exist certain items of national legislation which restrict it, the most significant of which is the Crime Prevention Law⁴. That Law permits administrative governors and the security departments to disregard judicial decisions of acquittal and of non-responsibility, and to detain certain individuals after their release notwithstanding the issuance of judicial decisions in their favour. This calls the principle of the rule of law seriously into question, and permits administrative governors and the police to contravene the laws and to violate the rights of individuals.
4. **The right to a fair trial:** notwithstanding the progress achieved as regards the exercise of this right, national legislation has not guaranteed the complete independence of the judicial authority, in that the administrative and financial decision-making of the judicial authority remains contingent upon the convictions of the Government and its financial priorities; in addition to the slowness of litigation proceedings before the courts. Moreover, there exist certain items of national legislation, such as the Anti-Terrorism Law⁵, the Crime Prevention Law and the Economic Crimes Law⁶, which impinge upon this right and which contain provisions that derogate from human rights and conflict with the provisions of the Constitution and with the general principles governing the administration of justice. Such legislation likewise constitutes a continuing encroachment upon the jurisdiction of the regular judiciary, which is the judicature of general jurisdiction⁷. Particular reference must be made to the continued trial of civilians before special courts — "the State Security Court" — the majority of whose judges are of a military character, and the operation of whose law constitutes an encroachment upon the jurisdiction of the regular judiciary as the judicature of general jurisdiction. Furthermore, the administrative judiciary remains constituted at a single level rather than at two levels, which denies litigants the right to challenge the judgments of the court of first instance — a matter which fails to guarantee the protection of the rights of individuals and the provision of fair trial safeguards.
5. **Freedom of opinion and expression:** notwithstanding the development which has occurred in the exercise of this right through the enactment of a new Press and Publications Law⁸ and of the Law Guaranteeing the Right of Access to Information⁹, the reality indicates that

⁴The Crime Prevention Law No. 7 of 1954, published at page 141 of Official Gazette No. 1173 of 1 March 1954.

⁵The Anti-Terrorism Law No. 55 of 2006, published at page 4264 of Official Gazette No. 4795 of 1 November 2006.

⁶The Economic Crimes Law No. 11 of 1993, published at page 722 of Official Gazette No. 3891 of 17 April 1993.

⁷For further details concerning the fair trial, see the report of the National Centre for Human Rights for the year 2007, at the following electronic link: http://nchr.org.jo/uploads/Fourth_Annual_Report.pdf

⁸The Press and Publications Law and the amendments thereto, No. 8 of 1998, published at page 3162 of Official Gazette No. 4300 of 1 September 1998.

⁹The Law Guaranteeing the Right of Access to Information No. 47 of 2007, published at page 4831 of 17 June 2007.

the Penal Code¹⁰ and the Press and Publications Law continue to impose restrictions upon freedom of opinion, expression and the press. Those restrictions comprise a number of custodial penalties and the imposition of excessive financial fines, which in respect of certain contraventions may amount to (20) thousand dinars; in addition to the existence of certain legal and practical impediments to the exercise of the right to information and freedom of the press, such as: the requirement of prior approval for the issuance of publications — it being noted that a decision refusing approval may be challenged before the High Court of Justice — and the retention of the permissibility of the continued ownership of newspapers by the Government. The Press and Publications Law likewise continues to confer upon the Director-General of the Press and Publications Department the right to halt the entry of publications issued abroad, to prohibit their distribution, and to determine the number of copies permitted to be distributed, pending the issuance of a final judicial decision in that regard. Beyond this, the Press and Publications Law continues to confer upon the Director of the Press and Publications Department the power of prior approval in respect of the publications imported by governmental institutions, universities and scientific research centres, which constitutes a restriction upon the freedom of scientific research and deprives scientific institutions of the right of recourse to the judiciary.

- 6. Freedom to establish political parties and associations:** notwithstanding the adoption of the amendments to the Political Parties Law¹¹ and the approval by the National Assembly of a new draft law on charitable societies for the year 2008, it is to be observed that there remain certain legal and practical impediments which restrict the exercise of this right, foremost among them: the subjection of the establishment of a party to the approval of the Minister of the Interior, albeit with the possibility of a judicial challenge to a decision of refusal; the excessive requirement of a large number of founders; and the use of the instrument of penalties in Article (25) to impede and restrict party activity. As regards the draft Law on Charitable Societies, it comprised a number of provisions of such nature as to fetter civil society, both individuals and groups, in the exercise of the constitutional right to form associations and to join them. Perhaps the most significant of these provisions are those relating to the independence required of the Register of Societies, in that the Registrar is appointed by a decision of the Prime Minister; and further, the procedure of registration has constitutive effect, such that the exercise of the right to form associations has become contingent upon the will of the Registrar and of the competent Minister, and the enjoyment by the society of legal personality has become conditional upon approval and registration. The Law has likewise referred, to an excessive degree, the regulation of substantive matters relating to the formation of associations to the executive regulations. This is quite apart from the conferral upon the competent Minister of the right to dissolve

¹⁰The Penal Code No. 16 of 1960, published at page 374 of Official Gazette No. 1487 of 11 May 1960.

¹¹The Political Parties Law No. 19 of 2007, published at page 2234 of Official Gazette No. 4821 of 16 April 2007.

a society by a reasoned decision in specified cases; and the Law comprised various penalties which may be described as severe.

7. **The right to participate in elections:** the parliamentary elections¹² were held in 2007 in accordance with the provisions of a temporary law¹³ the constitutionality of which is open to question in light of the provisions of Article (94) of the Constitution. That Law comprises a number of provisions which have had a negative effect upon the soundness and integrity of the elections by reference to national and international standards, the most significant of which are: the division of the electoral constituencies by virtue of a regulation and not by virtue of the provisions of a law; the failure to regulate the manner of the use of public funds in the electoral process; the failure to regulate the conditions which must be satisfied in order to guarantee the secrecy of the ballot; and the entrusting of the supervision of the electoral process to the Ministry of the Interior, rather than charging an independent special body with the administration of the electoral process at all its stages, in which all the legal and objective conditions necessary to enable such a body to discharge its functions effectively, professionally and with complete impartiality are satisfied.
8. **The right to nationality:** notwithstanding that the Constitution provides in Article (5) thereof that nationality shall be determined by law, the legislative position and the practical application of the right to nationality continue to face numerous factors and influences which constitute an infringement thereof for local and regional political reasons. The most prominent of these are: the failure to harmonise the Nationality Law¹⁴ with the international conventions and standards ratified by Jordan, more than fifty years having elapsed since the enactment of that Law. Moreover, the Government continues to issue decisions withdrawing personal identity documents upon the basis of the instructions on the decision of legal and administrative disengagement from the West Bank, contrary to the provisions of Article 5 of the Constitution, which provides that the granting and forfeiture of nationality shall be effected by law and not upon the basis of instructions.
9. **The right to asylum and freedom of movement and residence:** Jordan has made distinguished efforts in receiving and caring for refugees over the past decades; it has, however, not yet acceded to the United Nations Convention relating to the Status of Refugees of 1951, which prompted it to sign a memorandum and a letter of understanding with the Office of the High Commissioner for Refugees in 1998 and 2002 for the resolution of the problems of refugees generally and of Iraqi refugees in particular. The most

¹²For further details concerning the violations and impediments which affected the electoral process, see the report of the National Centre for Human Rights on the conduct of the parliamentary elections for the year 2007, published at the following electronic link:

http://nchr.org.jo/ar/pages.php?menu_id=&local_type=5&local_id=24&local_details=1&local_details1=&localsite_branchname=NCHR

¹³The Temporary Election Law No. 34 of 2001, published at page 3023 of Official Gazette No. 4497 of 19 July 2001.

¹⁴The Nationality Law No. 6 of 1954, published at page 105 of Official Gazette No. 1171 of 16 February 1954.

significant of these problems are: the question of lawful residence; the expiry of the validity of most of their personal documents; and the failure to notify the Office of the High Commissioner for Refugees — in certain cases — of the arrest of a person who has obtained refugee status or who has applied for asylum. Furthermore, numerous Iraqi nationals have been deported from Jordanian territory notwithstanding their having submitted applications for asylum to the Office of the High Commissioner for Refugees and the fact that such applications had not been determined, although the statistics indicate a decline in the numbers over the last two years.

10. **The right to work:** notwithstanding the persistent efforts of the Government to enable the enjoyment of this right by citizens and residents alike, the most recent of which was the enactment of a law amending the Labour Law for the year 2008¹⁵, there remain certain impediments which impinge upon this right, the most significant of which are: the subjection of workers in the agricultural sector and of domestic workers to the provisions of a special regulation to be issued for that purpose, which may deprive these two categories of the rights prescribed for workers in the Labour Law. In addition, there is no health insurance for these categories and they are not covered by social security; and some of them have been subjected to verbal violence and physical harm, and at times to sexual assault. It has likewise been observed in recent years that the phenomenon of child labour has become entrenched, and that the circumstances surrounding the working environment of children contravene the provisions of the relevant international conventions: working hours extend from eight o'clock in the morning until six o'clock in the evening, and at times until eight o'clock in the evening; wages range between (40–100) dinars per month; no wages whatsoever are paid in respect of overtime hours; and there is no social insurance for the working child. In addition, these children work in hazardous and arduous occupations injurious to health. The phenomenon of child begging, being the worst of the forms of child labour, has likewise begun to assume the character of an "organised trade".
11. **The right to education:** notwithstanding the progress achieved in the field of the provision of the right to education to Jordanians and residents, there remain certain impediments which restrict the enjoyment thereof. Admission to university education continues to face the problem of the multiplicity of cases of exception, which constitutes discriminatory treatment as between the students themselves; and there is likewise discrimination between students enrolled under the competitive programme and those enrolled under the parallel programme as regards university fees. Moreover, the continuation of the phenomenon of violence in Jordanian universities constitutes a continuing source of concern for Jordanian society. This is quite apart from the imposition by the Government of the teaching of compulsory subjects within the study plans of all universities under the heading of "compulsory university requirements"; and the intervention of the Government in the

¹⁵The Law Amending the Labour Law No. 48 of 2008, published at page 3487 of Official Gazette No. 4924 of 17 August 2008.

appointment of university presidents, in the determination of their fees and of the numbers of students admitted thereto, and the marginalisation of the powers of their boards of trustees, together with other matters which restrict the independence of universities in leading society towards free and creative thought.

12. **The right to health:** Jordan has taken important and advanced steps in the field of the provision of health care; there nonetheless remain certain problems which confront the fulfilment of this right, the most prominent of which are: the shortage of medical and nursing cadres in many of the health centres; and the acute shortage of certain essential medicines, and in particular medicines for chronic illnesses, which compels patients to purchase them at their own expense from pharmacies. There is likewise a manifest weakness in the quality of ambulance and emergency services within the Kingdom, by reason of the limited nature of qualified human resources, the inability of this service to cover all the regions of the Kingdom, and the absence of an effective system of communication with hospitals. There is further a manifest neglect of preventive health in the field of the improvement of the health environment, water and air pollution, the treatment of wastewater, and the eradication of flies and mosquitoes which transmit communicable diseases.
13. **The rights of women:** notwithstanding the considerable progress achieved in the field of the promotion of the rights of women, and the ratification by the Government of the Convention on the Elimination of All Forms of Discrimination against Women ("CEDAW") and its publication in the Official Gazette, Jordan has maintained its reservations to Articles (9/2), (15/4) and (16/c, d, g) of the Convention. The participation of women in public life likewise remains limited, and in particular parliamentary participation: a single woman reached the House of Representatives by way of competition, in addition to six women who reached it through the mechanism of the women's quota, under the Temporary Election Law for the House of Representatives and the amendments thereto, No. 34 of 2001. In addition, there remain forms of violence practised against women; and there are demands from the women's sector for the amendment of a number of items of national legislation in order to strengthen the rights of women in Jordan¹⁶.
14. **The rights of the child:** notwithstanding the publication of the Convention on the Rights of the Child in the Official Gazette, there remain certain impediments which impinge upon the rights of the child, the most significant of which are: the absence of a national law which protects the rights of the child, limits the violations to which children are subjected, raises the age of criminal responsibility from 7 to 12 years, and curbs the spread of the phenomenon of child labour. There is likewise a delay in the completion of the

¹⁶The Jordanian women's associations have demanded the amendment of 12 laws in order to eliminate all forms of legal discrimination against women. The most important of these laws are: the Nationality Law, the Landlords and Tenants Law, the Penal Code, the Labour Law and the Personal Status Law.

constitutional procedures necessary for the adoption of the draft Juveniles Law in such manner as to render it consistent with the provisions of the Convention on the Rights of the Child, such as the expansion of the umbrella of the application of non-custodial penalties to children in conflict with the law.

15. **The rights of persons with disabilities:** Jordan was among the first States to ratify the Convention on the Rights of Persons with Disabilities, and it likewise enacted the Law on the Rights of Persons with Disabilities No. (31) of 2007. There are, however, a number of observations upon this Law, the most prominent of which are: that the Law did not devote a chapter or an article to the general obligations of the State so as to guarantee the fulfilment of the rights contained therein, it being insufficient to confine itself to general principles; in addition to the need to adopt the rights-based concept of disability in place of the welfare-based concept.