



Report Submitted by
The National Centre for Human Rights – Jordan
Concerning the Third Cycle of the Universal Periodic Review of the Hashemite
Kingdom of Jordan

2018

Disclaimer

AI Translation Notice: This English version was produced using artificial intelligence (AI) technology and has not undergone subsequent human review, linguistic editing, or verification against the original Arabic text.

In case of any discrepancy, misstatement, omission or error appearing herein, the Arabic version shall prevail as the authoritative version.

Profile of the National Centre for Human Rights: The National Centre for Human Rights is a national institution of public utility, enjoying financial and administrative independence and legal personality. The Centre exercises its functions and all activities and undertakings relating to human rights, including monitoring and the receipt of complaints, by virtue of Law No. (51) of 2006 and the amendments thereto; and it enjoys "A" status accreditation from the Global Alliance of National Human Rights Institutions' international accreditation body.

The mandate of the Centre comprises the protection and promotion of human rights, including monitoring, the receipt of complaints and their follow-up; the taking of the administrative and legal measures necessary to bring violations of and transgressions upon human rights to an end, to limit and halt them and to remove their effects; the dissemination of a culture of human rights; the monitoring of the situation thereof; the provision of legal advice and assistance to those in need thereof; the preparation of studies and research; the provision of information; the holding of seminars and training courses; the conduct of campaigns; the declaration of positions; the issuance of statements and publications; and the preparation of the requisite reports, including the issuance of a comprehensive annual report on the situation of human rights in the Kingdom. All of this is in addition to the monitoring of elections and the preparation of shadow reports.

The National Centre for Human Rights

Telephone: (00962-6-5932257)

Fax: (00962-6-5930072)

Toll-free number: (080022320)

Website: www.nchr.org.jo

E-mail: mail@nchr.org.jo

Introduction

The National Centre for Human Rights submits its report to the Office of the High Commissioner for Human Rights in implementation of United Nations General Assembly resolution No. 60/250 of 15 March 2006 concerning the Universal Periodic Review, through which the Centre monitors the extent of the implementation of the recommendations accepted by the Jordanian Government upon the adoption of the recommendations of the second report of the Universal Periodic Review relating to the Hashemite Kingdom of Jordan, and up to the date of the preparation of this report. The Centre welcomes the consultations undertaken by the Government with the stakeholders within the framework of the preparation of the third Universal Periodic Review report.

The Centre has observed that the Jordanian Government has, during the past years (2013–2018), sought to achieve progress in the situation of human rights within the country. The authorities have demonstrated responsiveness to the recommendations of the National Centre in consequence of the directives of the Head of State, and among the most prominent outcomes thereof was the formulation of a Comprehensive National Plan for Human Rights. The Government has likewise proposed the introduction of amendments to a number of items of national legislation which have contributed to the promotion of human rights, and in particular the amendments affecting the Judicial Independence Law, the Juveniles Law, the Penal Code and the Code of Criminal Procedure, so as to render them consistent to some extent with international standards. The amendments likewise comprised the Law of the National Centre for Human Rights, with a view to strengthening its role and empowering it in the field of the protection and promotion of human rights.

Notwithstanding the official efforts exerted to advance the situation of human rights, there remains a set of challenges which impede the achievement of the progress hoped for in this field. First, and among the most prominent of these challenges, is the failure to incorporate the international human rights conventions into national legislation. Secondly, the continuation of practices and violations — albeit limited — which affect the rights of citizens in one manner or another, and which have resulted in a marked increase in the number of complaints received by the Centre, in particular against law-enforcement agencies in the course of dealing with activists of the protest movement. Thirdly, the policies pursued by the authorities towards questions of public freedoms generally, and freedom of opinion and expression and freedom of assembly and association in particular. The official handling of the complaints received by the National Centre for Human Rights and transmitted by it to the competent official bodies is likewise at times attended by certain forms of deficiency, such as the failure of certain official bodies to reply to such correspondence, or the delay in the arrival of such a reply, or partial responsiveness thereto. Among the most prominent fields in which weakness of response at times appears is that relating to the question of achieving a balance between considerations of

national security and respect for human rights. The question of countering terrorism and extremism has come to constitute a challenge to freedom of opinion and expression, to respect for privacy, and to the requirements of a fair trial — with the observation that certain practices relating to freedom of opinion and expression have exceeded the permissible limit, in such manner as has affected the dignity and reputation of persons and has constituted an infringement of the public order of the State. There is likewise an increase in the allegations relating to torture and inhuman treatment, to the provision of fair trial safeguards, and to the trial of civilians before special courts, the Centre having observed the existence of cases (albeit limited) of such treatment which emerged during the monitoring of the conditions of correction centres and places of temporary detention. It must, however, be affirmed that such cases remain limited and do not constitute a common practice or a settled approach on the part of the security institution, which has taken measures — albeit insufficient — to hold those responsible to account in many cases. This is in addition to the economic challenges facing the Kingdom, which have had a negative effect upon the enjoyment by citizens of all their economic rights, thereby increasing the difficulties of poverty, unemployment, and the low standard of health and educational care and other matters. The problem of Syrian refuge and its repercussions have perhaps been the manifest causes which have led to the aggravation of this problem.

First: Compliance with and Implementation of the Recommendations of the Universal Periodic Review

1. Jordan accepted the recommendations bearing the numbers (118/1, 2, 6, 3, 10, 11, 12, 13, 16, 17, 20, 21, 26, 27, 28, 29, 57), which are **of a general character** and call for the dissemination of awareness of human rights, the amendment of laws and their harmonisation with international standards, and support for the National Centre for Human Rights, etc. The Jordanian Government has implemented activities and initiatives, most of which came within the context of the application of these recommendations, albeit partially. A number of laws were amended so as to become more consistent with international standards; the Comprehensive National Plan for Human Rights was adopted; the financial grant provided to the National Centre for Human Rights was increased; and certain provisions of its Law were amended in 2017 by conferring upon it the powers of monitoring and of following up the compensation of injured parties, by renewing the mechanism for the appointment and the termination of the membership of the members of the Board of Trustees, and by granting the Commissioner-General immunity in respect of the acts falling within his competence by virtue of the Law. With a view to the implementation of these recommendations, the National Centre considers it important that the financial grant provided to it by the Government be increased so as to enable it to implement awareness-raising projects in the various fields of human rights, to open branches in the governorates, and to build wider networks and alliances with civil society in order better to discharge its functions; and to work towards the incorporation of the international human rights standards into national legislation.

2. Jordan accepted the recommendations bearing the numbers (118/5, 37, 38, 42, 60, 61, 62, 63, 64), which relate in their entirety **to the protection of the right to life, to physical integrity, to liberty and personal security, to access to justice and to fair trial safeguards**. The amendments introduced to each of the Penal Code No. 16 of 1960 and the amendments thereto, and the Code of Criminal Procedure No. 9 of 1961 and the amendments thereto, have contributed to conferring further protection upon the right to life, to liberty and to physical integrity. Among the most prominent of these amendments are the adoption of the principle of alternative penalties; the express provision for the right to the assistance of counsel in felonies the minimum penalty for which is ten years or more; the commencement of the institutionalisation of legal aid within the judiciary; the investigation of at least more than one action concerning torture by the regular public prosecution; the establishment of a national register of torture cases at the Civil Public Prosecution Department; the training and education of judges and law-enforcement agencies in the field of human rights; and the introduction of the Administrative Judiciary Law No. 27 of 2014. The most recent amendments to the Code of Criminal Procedure comprised express provision for the provision of fair trial safeguards during the stages of initial detention (the assistance of counsel, presentation to a physician, contact with the outside world, and others).
3. Jordan accepted the recommendations bearing the numbers (118/4, 66, 65, 67, 69, 71, 70, 72, 74, 76, 78) relating **to the right to freedom of expression, to the press and the media, to the right of access to information, and to participation in the conduct of public affairs**. Notwithstanding the amendment of a number of the articles of the Penal Code, those amendments did not comprise the articles which constitute a restriction upon freedom of expression, and the challenges facing freedom of the press and the media, and freedom of expression, have persisted. Nor has the Law Guaranteeing the Right of Access to Information been amended in a manner consistent with international standards.
4. Jordan accepted recommendation No. (81) relating **to the right of peaceful assembly and to the holding of peaceful public meetings freely**. Challenges continue to exist in the exercise of this right, and the Centre has monitored difficulties in the holding of events, having regard to the restrictions contained in the Public Meetings Law No. 7 of 2004.
5. Jordan accepted the recommendations Nos. (118/100, 101, 103, 104, 107, 112, 125, 126) relating **to the right to an adequate and appropriate standard of living and to the right to water**. The Government sought, through the National Strategy for Combating Poverty for the years 2013–2020, to work towards containing and reducing poverty, so as to reduce the rate of poverty to 6% by the year 2020 from the present rate, estimated at approximately 14.4%. There have, however, been external factors which have affected progress with what the Strategy provided for, and which have contributed to an increase in the rate of poverty, such as the question of Syrian refuge and the rise in the numbers of Syrian refugees until they reached one fifth of the number of the population in Jordan; in

the context of rising prices and taxes, falling wages, and a rise in the rate of unemployment in the fourth quarter of the year 2017, recording an unprecedented figure never previously registered, reaching (18.5%); and the Government's pursuit of fiscal policies consisting in the raising of taxes and duties and the lifting of subsidies from certain commodities such as bread, in order to close the deficit arising in the public debt. With a view to improving water services, the Government has worked since 2013 to tighten control over water resources, and the Water Authority has adopted new instructions to limit the wastage of water.

6. Jordan accepted the recommendations Nos. (118/23, 32, 101, 107, 108) relating **to the right to health**. Notwithstanding the efforts exerted by the Ministry of Health to develop and improve the health and medical services provided to citizens, this sector continues to suffer from numerous difficulties and challenges which require further concerted efforts for their treatment, in order to improve the quality of services of all kinds (primary, secondary and tertiary) in such manner as ensures the safety of the recipients and the providers of the service.
7. Jordan accepted the recommendations Nos. (118/15, 39, 40, 95, 96, 97, 98, 99, 120, 121, 122, 123, 124) relating **to the right to work and to the rights of migrant workers**. No amendment has been made to the Labour Law No. 8 of 1996 so as to strengthen this right. A regulation was issued on the obligatory employment of Jordanian labour from among the inhabitants of the governorates in the reconstruction projects implemented therein. During the year 2016 the Ministry of Labour permitted Syrian labour to work within specified sectors, and a decision was issued by the Council of Ministers in the year 2017 providing for the raising of the minimum wage. The number of working children in the Kingdom has reached 76 thousand working children.
8. Jordan accepted the recommendations Nos. (118/18, 23, 32, 101) relating **to the right to education**. Notwithstanding the considerable challenges faced by the Ministry of Education in consequence of the steady and sudden increase in the numbers of students by reason of refuge, the Ministry has worked assiduously to open new schools, in particular within the refugee camps, and to convert a number of schools to the two-shift system, in order to address the problem of overcrowding, to accommodate all refugee students, and to improve access to education.
9. Jordan accepted the recommendations Nos. (118/5, 9, 15, 19, 22, 30, 31, 32, 33, 34, 35, 45, 48, 55, 82, 83, 85, 86, 88, 89, 90, 91, 92, 93) relating **to the rights of women**, and calling for the amendment of certain laws, the protection of women from violence, the promotion of their rights, the conferral by them of their nationality upon their children, and the strengthening of their role in participation in public and political life, etc. Article No. 308 of the Penal Code has been repealed; Article No. (10/b) of the Personal Status Law, however, continues to permit early marriage. No amendment has been made to the

Nationality Law so as to permit a woman to confer her nationality upon her children on the same footing as a man; the regulation on the maintenance fund has not been given effect; and rural women have not received increased attention as regards access to health and educational services. By contrast, the quota specific to women in the House of Representatives has been increased.

10. Jordan accepted the recommendations Nos. (118/8, 15, 24, 39, 40, 45) relating **to the rights of the child**. The Juveniles Law No. 32 of 2014 was enacted; there exist, however, challenges relating to the reduction of child labour and of the violence perpetrated against children.
11. Jordan accepted the recommendations Nos. (118/7, 19, 36, 110, 111, 112, 113, 114, 115, 116) relating **to the rights of persons with disabilities**. The Law on the Rights of Persons with Disabilities No. 20 of 2017 was enacted, and the Strategic Plan for the period 2017–2021 for the development of services in the voluntary sector for persons with disabilities was formulated. Persons with disabilities nonetheless continue to suffer from the weak availability of employment opportunities for them in the public and private sectors, in addition to the deprivation of women with disabilities of their rights, such as the right to education, the right to contact with the outside world, and their right to marry.

Second: Recommendations

1. To continue the study of the legislation prescribing the death penalty and to restrict its scope to the most serious offences, and of the legislation comprising the restriction of the application of the death penalty; and to establish more rigorous controls and conditions in respect of the investigation of criminal cases the penalty for which is death, and to ascertain the strength of the evidence of guilt against the accused.
2. To ratify the International Convention for the Protection of All Persons from Enforced Disappearance of 2006.
3. To accede to the Optional Protocol to the Convention against Torture and Other Forms of Ill-Treatment of 2006; and to accept the competence of the Committee against Torture to receive complaints from individuals concerning violations relating to torture and other forms of ill-treatment (Article 21 of the Convention against Torture and Other Forms of Ill-Treatment).
4. To amend the text of Article (208) of the Penal Code relating to the criminalisation of torture, in such manner as guarantees the obligation to attribute a felonious character thereto; in addition to expressly providing that it shall not be extinguished by general or special pardon or by prescription; and the criminalisation of the attempt thereof as a basis for prosecution in accordance with the Convention; and to provide for the compensation of victims and the conferral of subject-matter jurisdiction upon the civil courts to consider

cases of torture; and to establish a specialised centre for the rehabilitation of victims of torture and to establish a national fund for their compensation.

5. To repeal the Crime Prevention Law of 1954.
6. To expedite the amendment of national legislation in such manner as guarantees the contact of detainees with their families, their presentation to a physician, and the obtaining of the necessary legal assistance from the moment of their arrest and throughout the periods of preliminary investigation; and to modernise the places of detention in the existing security centres in accordance with standards guaranteeing the provision of care and protection to detainees consistently with the relevant international standards.
7. To amend the Penal Code No. 16 of 1960 and the amendments thereto, and specifically Articles (118/b, 195, 191, 150, 149/1), in such manner as guarantees the removal of unlawful restrictions upon freedom of expression.
8. To amend the Press and Publications Law No. 8 of 1998 and the amendments thereto, in particular as regards the abolition of the requirement of prior licensing for publications and electronic news websites, and in such manner as guarantees that journalists shall be tried thereunder.
9. To amend the Anti-Terrorism Law No. 55 of 2006, in particular Article 2 relating to the definition of terrorism; to repeal paragraph (b) of Article 3; and to amend paragraph (e) of Article 3 relating to the promotion of the ideas of a terrorist group, in such manner as guarantees the definition of the material element of the offence.
10. To amend Article (11) of the Cybercrime Law No. 27 of 2015 by the addition of a provision comprising the impermissibility of detaining journalists in cases of defamation and slander in respect of material published on electronic websites.
11. To amend the Public Meetings Law No. 7 of 2004 in such manner as guarantees the impermissibility of the prohibition of the right to hold public meetings by the administrative governors.
12. To work towards addressing the problem of unemployment through the introduction of employment programmes and the linking of the outputs of education to the labour market.
13. To reform the tax system and to control tax evasion, provided that taxes be imposed upon the basis of the principle of progressive assessment, while achieving equality and social justice.
14. To preserve water resources and to develop and implement water projects in order to reduce the wastage of water.
15. To increase the rate of expenditure upon the health sector; to accord particular attention to the nutritional situation of children and pregnant women in light of the rising rates of

poverty and unemployment; to expand the coverage of health insurance so as to attain comprehensive health insurance; and to attract specialised medical expertise.

16. To ratify International Labour Organisation Convention No. (87) concerning freedom of association and protection of the right to organise.
17. To amend the Labour Law No. 8 of 1996 in a manner consistent with international standards; to reconsider the determination of the minimum wage; and to expedite the issuance of the regulations necessary for the purposes of regulating the rights of agricultural workers in such manner as guarantees their subjection to health insurance and social security.
18. To amend the Anti-Human Trafficking Law No. 9 of 2009 in such manner as guarantees protection for victims and the provision of fair trial safeguards, and in particular legal assistance.
19. To amend the Education Law No. 3 of 1994 so as to guarantee the incorporation of the standards of respect for human rights and fundamental freedoms; to increase the rate of expenditure upon the education sector; and to modernise the infrastructure of schools. And to work towards the incorporation of a culture of human rights into university education.
20. To ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women; and to amend the Interim Personal Status Law No. 36 of 2010, and in particular to repeal paragraph (b) of Article 10 relating to early marriage; and to give effect to the maintenance advance regulation.
21. To amend national legislation in a manner consistent with international obligations in the field of human rights and within an approach having regard to equality between the sexes, including the Penal Code and the amendments thereto, the Personal Status Law, the Labour Law and the Nationality Law.
22. To increase the participation of women in decision-making positions; to improve the state of the services provided to rural women; and to disseminate awareness of the rights of women and to promote them.
23. To enact the draft Child Rights Law in a manner consistent with the international Convention on the Rights of the Child; to formulate a national strategy for the protection of children from the forms of violence, exploitation and labour; and to give effect to the national plans of action for childhood.
24. To formulate the regulations necessary for the implementation of the Law on the Rights of Persons with Disabilities of 2017; and to take the measures necessary to ensure the employment of persons with disabilities, and in particular women among them, upon the basis of equality of opportunity, equality and non-discrimination.

25. To implement inclusive policies for persons with disabilities in the education sector and in participation in political and public life; and to provide environmental facilities, reasonable accommodation and accessibility for persons with disabilities in all sectors.