



**International covenant  
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HUMAN RIGHTS COMMITTEE

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 40 OF THE COVENANT**

**Third periodic reports of States parties**

**JORDAN\***

[12 March 2009]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

### **Preliminary information**

State:	Jordan
Capital:	Amman
Area:	89,213 square kilometres
Population:	5.9 million
Currency:	Jordanian dinar (JD)
Unemployment rate:	12 per cent
Population density:	56 (persons per square kilometre)
Population growth rate:	2.8 per cent
Life expectancy at birth:	69.8 years

### **Geography**

Jordan is an Arab country in the Middle East and is bordered by the Syrian Arab Republic in the north, by Saudi Arabia in the south, by Iraq in the east and by Palestine and Israel in the west. The Gulf of Aqaba is Jordan's only port and lies at the northern tip of the Red Sea.

### **Political information**

The system of government in the Hashemite Kingdom of Jordan is a constitutional monarchy. Executive power is vested in the Council of Ministers (the Cabinet), which is appointed by the King and is accountable to the House of Representatives and the Senate. The King appoints the 55 members of the Senate, while the 110 members of the House of Representatives are elected by universal, secret and direct suffrage. The Constitution defines the rights and obligations of Jordanian citizens and guarantees freedom of worship, opinion and the press, together with the right to own private property and to form associations.

### **Main economic indicators (in millions of Jordanian dinars)**

Gross National Product (GNP):	10,475.7
Gross Domestic Product (GDP):	10,108.5
GDP growth rate:	6.4 per cent

**Average currency exchange rate**

(United States dollar/JD): 1.410

Direct foreign investment in Jordan: 2,215.5

External debt (total estimated loans minus total repayments): 4,168.5

Total revenue and foreign assistance: 3,468.7

**Religion**

Islam is the main religion in Jordan, where most of the inhabitants are Muslims. Christians account for 2.6 per cent of the population and minorities less than 1 per cent.

**Introduction**

1. The Ministry of Foreign Affairs of Jordan has the honour to submit to the Human Rights Committee the third periodic report of Jordan under article 40 of the International Covenant on Civil and Political Rights. The report describes new developments that have taken place with regard to the rights set forth in the International Covenant on Civil and Political Rights. The Covenant was published in the Official Gazette and has become part of Jordanian law.

2. Since the consideration of its previous report in 1994, Jordan has done much to promote human rights principles and to disseminate a human rights culture throughout society through awareness programmes in general and the incorporation of human rights concepts in Jordanian school and university curricula in particular, together with the enactment of new legislation and the amendment of existing legislation to bring it into line with international human rights instruments. National human rights organizations have stepped up their activities in recent years, in particular by organizing large numbers of seminars and workshops on international human rights standards, including the International Covenant on Civil and Political Rights. Civil society organizations, trade unions and political parties in Jordan have also become actively involved in supporting and promoting human rights in line with international norms. In May 2004, Jordan ratified the Arab Charter on Human Rights, which had been adopted at the Arab Summit held in Tunis that year. The Charter entered into effect on 15 March 2008. In 2006, Jordan ratified the two optional protocols to the Convention on the Rights of the Child, namely, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Jordan was among the first 20 States to ratify the Convention on the Rights of Persons with Disabilities in 2008, and article 208 of the Jordanian Criminal Code was amended to bring it into line with the Convention against Torture, to which the Kingdom is a party. Jordan is currently preparing its periodic report on that Convention. A key development in the promotion and protection of human rights in recent years was the establishment of the National Centre for Human Rights in 2003. The Act by which the Centre was established takes account of the Paris Principles, adopted in 1993, relating to the

status of national institutions with competence to promote and protect human rights. The National Centre for Human Rights publishes annual reports on human rights in Jordan containing recommendations on the promotion and protection of human rights: the Government takes these recommendations seriously. The Centre pursues numerous activities, including receiving and processing complaints from the public and following up on them with the relevant authorities. The National Centre for Human Rights has set up a special unit to deal with issues confronting reform and rehabilitation centres in Jordan. It has submitted several reports to the Government with recommendations on improving conditions for persons in detention. Upon the Centre's recommendation, the Government drew up a comprehensive plan on improving conditions in reform and rehabilitation centres by constructing new facilities and creating better conditions for physical and mental health generally. In this connection, Al-Jafr reform and rehabilitation centre was closed down recently as part of the reform policy to which His Majesty King Abdullah II Bin Al-Hussein attaches the highest importance. Work was carried out on the construction of new reform and rehabilitation centres according to international standards.

3. The authorities at the highest level in Jordan take an interest in the situation of prisoners. Prisons are viewed as "reform and rehabilitation centres", based on the Government's philosophy that their purpose is to rehabilitate and reform prisoners, not to punish them.

4. Jordan has made major progress along the road to democratization and significant gains have been made as far as the laws on elections and political parties and the promotion of women's participation in political and parliamentary life are concerned. The principle of a women's quota has been introduced, with 5 per cent of seats in the House of Representatives and 20 per cent of seats in municipal councils being set aside for women. Women also have the opportunity to win seats through the competitive process.

5. Amendments have been made to the laws on capital punishment, the number of capital offences has been reduced and the penalty is confined to the most serious crimes. It should be noted that, further to instructions from His Majesty the King, no death sentences have been carried out in Jordan since April 2007.

6. As far as institutions are concerned, the Jordanian Government has established a large number of human rights departments and institutions in various ministries, including the Ministry of Foreign Affairs, the Ministry of the Interior and the Ministry of Justice. The Public Security Directorate has also set up a special human rights department which receives complaints about abuses, if any, committed by public security personnel. A grievances office was set up in the Directorate to deal with complaints from members of the public. In addition, the Ministry of Political Development was established to further the democratic process and to increase public awareness of democratic and human rights issues. Lastly, a standing human rights committee was established representing several ministries and authorities involved in promoting human rights in law-making, and legal practice and in public awareness activities in Jordan. Under a separate law, a grievances office was established to receive complaints directly from citizens and follow up on them with the government authorities concerned.

### **Article 1**

7. Jordan supports the right of peoples to self-determination, as it consistently stresses in its international dealings and as is evident from its voting record at the United Nations and from various other activities. The best illustration of this stance is Jordan's support for the legitimate rights of the Palestinian people, in particular their right to self-determination and to an independent State on their national soil.

### **Article 2**

8. In keeping with this article, which stipulates that all persons must be ensured their rights without distinction of any kind, the Jordanian Constitution (art. 6), provides that all Jordanians are equal before the law without any distinction as to their rights and duties, regardless of differences of ethnic identity, language or religion. The fact that the criterion of sex is not mentioned in this article is not a shortcoming; the Constitution is a general text which applies both to males and females. In addition, other laws guarantee women equal rights with men (the right to work, the right to education, the right to participate in political life, the right to occupy public posts, etc.).

9. Under the Jordanian National Charter, Jordanians, both men and women, have equal rights and obligations. The Jordanian National Agenda contains recommendations on applying a number of principles to achieve equality for Jordanian women and to ensure that they participate in legislative assemblies and in public office.

10. Jordan's membership of the United Nations Human Rights Council provided an incentive to ratify the treaties which further the rights of Jordanians and to publish them in the Official Gazette, thereby endowing them with the force of law. Hence, in recent years, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women were all published in the Official Gazette.

11. In civil and criminal proceedings before the Jordanian courts, nationals and foreign residents are afforded equality of treatment without any discrimination on grounds of colour, race, sex, language or religion and in keeping with the rights set out in article 6 of the Constitution. This point is underscored in several court judgements, including, for example, appeal court judgements Nos. 2040/2004 and 186/99 and Supreme Court of Justice judgements Nos. 27/97, 316/94, 212/89, 34/97 and 10/73.

12. The Anti-Human Trafficking Act was recently adopted to prevent violations of migrants' rights, to combat the phenomenon of human trafficking, which has re-emerged in many forms in the world, and to stop the phenomenon from spreading to Jordan.

### Article 3

13. Jordanian laws and legislation guarantee women the right to participate in elected bodies and in civil society institutions on an equal footing with men. There are no laws which curtail opportunities for women's participation. In order to make Jordanian women more aware of their political and civil rights, the Government established the National Committee on Women's Affairs in 1992 to support the advancement of women and the realization of Women's Equality in all spheres of life. It also set up the National Council for Family Affairs in 2001 to promote and preserve the Jordanian family. The Government furthermore amended a number of laws to increase the level of women's participation in political activity.

14. The Elections Act was amended to introduce a quota system that would allow women access to seats in the legislature. Women take part in general elections on an equal basis with men. In the most recent parliamentary elections held in November 2007 a higher proportion of women cast their vote and 54 women stood for election to the House of Representatives, with 6 winning seats on the basis of the quota and 1 through the competitive process.

15. The Provisional Elections Act No. 34 of 2001 helped to remove certain obstacles to, and to streamline procedures for, securing higher rates of participation among women. The lowering of voting age from 19 to 18 years offered more young women and men the chance to take part in public and political life.

16. Moreover, under the Provisional Act voters may vote at any polling station in their electoral district. This means that women can take part in elections without having to travel a long way from their homes.

17. With regard to women's participation, in the most recent municipal elections held in July 2007, women accounted for 51 per cent of the total number of voters. Women took 20 per cent of seats in municipal councils through the quota system and female candidates won 2.4 per cent of all the seats on a competitive basis. In the Senate, some 14 per cent of the current members are women.

18. Women have taken part in successive Governments and have occupied senior administrative positions as secretaries-general, general managers and ambassadors. Women have also taken up positions in the judiciary; there are now more than 40 women judges (the first ever Jordanian woman judge was elected by the United Nations General Assembly to the bench of the division of the International Criminal Court which is trying persons accused of war crimes in Rwanda). In early 2007, a woman was appointed to the post of governor by the Jordanian Ministry of the Interior in an initiative which was the first of its kind in Jordan's history. Women have also won positions for the first time as local mayors, public prosecutors, forensic doctors, senior army, public security and intelligence officers and as holders of important posts which used to be exclusively reserved for men.

19. In an initiative to support women's access to decision-making positions and to identify and remove institutional obstacles confronting women, the Government took up a suggestion from

the National Committee on Women's Affairs on mainstreaming the gender perspective in the socio-economic plan for 1999 to 2003. The entire plan made provision for women's participation in all sectors and for granting them equitable and equal access to resources. The plan was implemented in a number of government departments and institutions with a view to achieving gender equity in targeted institutions and in their rules and procedures.

20. Women have become active members of political parties and have succeeded in being nominated by them as candidates in parliamentary and municipal elections. Although there are no legislative or traditional obstacles to women's membership of political parties, women currently account for not more than 7 per cent of the membership of political parties. Civil society institutions urge and encourage women to join political parties.

21. The article of the Passports Act No. 5 of 2003 concerning a woman's right to obtain her own passport was amended and the provision requiring a husband's permission for a wife to obtain or to renew a passport was abrogated. Hence, the Act ensures that women are afforded equitable treatment and enjoy unhindered freedom of movement and the right to travel on their own.

22. Another article of law, concerning access to the family book, was amended to grant women married to foreigners, widows and divorcees the right to a separate family book.

23. As far as transmission of nationality to the children of Jordanian parents is concerned, Jordanian law grants fathers, and not mothers, the sole right to transmit nationality, for reasons which have to do with local and regional political factors. The law does make exceptions, however, whereby a woman may transmit Jordanian nationality to her children if the father is of unknown nationality or is stateless or if the children's paternity has not been legally established, provided that the children were born in Jordan. It is possible for children to acquire Jordanian nationality on the basis of residence in Jordan.

24. The Ministry of the Interior reviews humanitarian cases concerning the transmission of nationality to the children of Jordanian women married to non-Jordanians. Under article 5 of the Provisional Passports Act of 2003, the Minister for Internal Affairs is empowered, in specific humanitarian cases and with the agreement of the Prime Minister, to issue temporary Jordanian passports to the children of a [Jordanian] woman married to a non-Jordanian.

25. With regard to equality in education, the percentage of females in the different stages of education is comparable to that of males. Females represent 47 per cent of all schoolchildren and approximately 55 per cent of all university students.

26. Article 340 of the Criminal Code was amended (pursuant to Act No. 86 of 2001, as amended). In the past, a man who killed or injured a person on the grounds of defending his honour benefitted under the article from the right to a full pardon or from consideration of mitigating circumstances. The provision on a full pardon was repealed and the right to benefit from mitigating circumstances in connection with such an offence was extended to wives on the same basis as husbands. This right is granted subject to strictly defined legal conditions: the

perpetrator must prove, *inter alia*, that the elements of surprise and rage attended the commission of the act, that the other party was caught in the act and that the crime was done on the spur of the moment. The amendments introduced to the relevant provisions of the Criminal Code have tended to increase the length of prison terms for such offences.

27. According to the Jordanian Personal Status Code, marriage is a contract which a man and a woman enter into freely for the purpose of creating a family and having children. In other words, the man and the woman are the two parties to the contract. They have an equal right to choose their spouse freely and to enter the marriage only with their free and full consent. Article 5 of the Personal Status Code stipulates that men and women who become engaged to one another must be of sound mind and aged 18 or over. A judge may authorize marriage of a person below this age, provided that he or she is at least 15 years old. The judge must stipulate in the directions which he issues for the purpose the grounds on which the marriage is considered beneficial. In that connection, the Code grants women and men the same rights in the respect of conclusion of the marriage contract. Either partner may withdraw from the engagement and may add conditions to the contract. The Code allows a woman to stipulate in the marriage contract that the husband must allow her to handle her own affairs; thus, she may initiate a divorce, if she wishes to do so. If the husband does not abide by this condition, the contract will be annulled at the wife's request. In such an event, the wife is entitled to claim the rest of her rights in marriage (Personal Status Code, art. 19). Women also have the right to seek a separation on grounds of spousal discord, strife, the absence of the husband and non-payment of maintenance. They may also initiate a divorce at their own instance.

28. Although Muslim men are allowed more than one wife under Islamic law, polygamy is not widely practised in Jordan, where 93.2 per cent of husbands have only one wife. Jordanian law imposes restrictions on a man's right to take more than one wife, requiring the courts to verify the husband's financial status and stipulating that the second wife must be informed before marriage of the existence of the other wife and that the first wife must be notified of the marriage after it is concluded.

#### **Article 4**

29. With regard to a state of emergency in which the life of the nation may be threatened, article 124 of the Constitution states that if a situation calling for the defence of the nation should arise, an act, to be called "The Defence Act", may be passed vesting the person designated in the Act with the power, *inter alia*, to suspend the ordinary laws of the State as a means of guaranteeing the defence of the nation. The Defence Act will enter into effect further to a royal pronouncement pursuant to a decision of the Cabinet.

30. In 1992, martial law was ended with the approval and at the wish of His Majesty the King. There is no state of emergency in effect in Jordan. The Defence Act, which was published in the Official Gazette in 1992 and which allows for the declaration of a state of emergency, gives only limited powers to the Prime Minister and thus contains nothing which detracts in any way from the rights set forth in article 4, paragraph 2, of the International Covenant [on Civil and Political Rights].



### Article 5

31. Jordan takes the view that the rights in the Covenant are binding and that there can be no restriction upon or derogation from any right on any ground whatever, except in keeping with the body of rights recognized in the Covenant and with the public interest.

### Article 6

32. The number of capital offences has been reduced. In 2006, the Government transmitted four draft laws to the House of Representatives on the abolition of the death sentence for certain crimes and its replacement with a penalty of life imprisonment (Criminal Code, art. 38; the Firearms and Ammunition Act, art. 11 (a); and the Drugs and Psychotropic Substances Act, arts. 8 and 9). The draft laws were adopted and were published in the Official Gazette in 2006. The death penalty is not imposed on persons under the age of 18, pregnant women or the insane, and the Criminal Code (arts. 50-51) allows for the issuance of general or individual pardons. Under article 38 of the Constitution, the King is entitled to grant a general or an individual pardon and to commute a sentence. Moreover, the number of persons who are sentenced to death and executed is falling steadily, as shown in the table below.

#### Cases where a death sentence was handed down by the Criminal High Court - 1999-2006

Year	No. of cases where a death sentence was returned	No. of persons sentenced to death and executed	
		Males	Females
1999	25	14	0
2000	10	4	0
2001	13	7	0
2002	16	3	1
2003	13	7	0
2004	7	0	1
2005	5	9	0
2006	12	1	0
Total	101	45	2

33. The death penalty is reserved for serious crimes such as murder, terrorism and rape of a minor and is only carried out further to a series of procedures which are consistent with the norms set out in the International Covenant on Civil and Political Rights. Under the Jordanian Code of Criminal Procedures, the president of a court trying a capital offence must ask the defendant if he or she has appointed a defence lawyer. If this has not been done, the court must appoint a lawyer, whose fees will be paid by the State. Under the Code, death sentences are appealed before appellate courts, even if the condemned person does not seek leave to appeal (art. 275 (c)). Should an appellate court discover any flaws in the way that the law was applied or decide that the evidence is insufficient for a conviction, it will annul the death sentence and send the case back to the original court for a fresh trial. Once the death sentence becomes final, the Director of Public Prosecutions sends the case file to the Minister of Justice with a report summing up the facts of the case, the evidence on which the judgement was based and the

grounds for carrying out or commuting the death sentence. The Minister of Justice then transmits the case file and the report to the Prime Minister for referral to the Cabinet. The Cabinet reviews the file and the report of the Director of Public Prosecutions and issues an opinion as to whether the death sentence should be carried out or commuted. The Cabinet's decision and a statement of its opinion are then submitted to His Majesty the King for a decision. As mentioned above, no death sentences have been carried out in Jordan since April 2007, further to instructions from His Majesty the King.

### **Article 7**

34. Jordan acceded to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment in 1991 and the Convention has become part of Jordanian law. In the light of Jordan's ratification of the Convention against Torture, the following clarifications must be made:

- The Jordanian Government amended article 208 of the Jordanian Criminal Code to bring it into line with the Convention against Torture. The article as amended reads as follows:

“1. Anyone who subjects a person to any form of torture prohibited by law in order to extract a confession to or information about a crime shall be subject to a penalty of from six months to three years in prison.

“2. For the purposes of the present article, torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.

“3. Where the torture causes an illness or a serious injury, the penalty shall be a fixed term of imprisonment with hard labour.

“4. Notwithstanding the provisions of article 45 bis and article 100 of the Code, the courts shall not suspend the execution of a sentence handed down for the offences listed in the present article, nor shall they take account of mitigating factors.”

- A new complaints mechanism was created for inmates of reform and rehabilitation centres to regulate monitoring of these centres by the Department of Public Prosecutions, which reports to the Ministry of Justice, and visits to the centres by public prosecutors. A complaints register is now maintained by the Prosecutor-General's department. In addition, complaints boxes have been placed in each facility, under the direct supervision of the Grievances and Human Rights Bureau of the Public Security Directorate, which follows up on any complaints in a diligent manner.

- The Ministry of Justice received a number of complaints from the National Centre for Human Rights and the Arab Organization for Human Rights about ill-treatment of inmates in a number of reform and rehabilitation centres. The complaints were forwarded to the Prosecutor-General.
- The Grievances and Human Rights Bureau of the Public Security Directorate, in conjunction with the National Centre for Human Rights and civil society organizations, organizes regular visits to detention and custody centres to ascertain whether any violations have been committed and to make sure that anyone found to be involved in torture or ill-treatment is brought to book.
- The Public Security Directorate established a project for the development of reform and rehabilitation centres, based on the design of modern strategies, plans and mechanisms to improve the way that inmates are treated, in these centres as well as the performance and skills of the staff of these centres.
- A state-of-the-art centre with a capacity to accommodate up to 1,000 inmates was constructed to end the problem of overcrowding, and Juwaydah Prison will be closed down once the new prison in Umm al-Lu'lu' province in the Mafraq governorate opens.
- The Public Security Directorate devised a strategic plan for transferring responsibility for reform and rehabilitation centres to the Ministry of Justice following the completion of the relevant legislative and administrative procedures. The plan envisages the construction in the centre, north and south of the Kingdom of three large, modern centres providing decent conditions in accordance with international standards, including relevant humanitarian conditions.
- The Department of General Intelligence has no evidence that any of its agents have been involved in acts of torture or ill-treatment. The Department's regulations prohibit the use of physical, verbal or mental abuse against any detainee and prescribe harsh penalties for breaching the regulations. The Department's military tribunal, which was set up pursuant to the General Intelligence Services Act and which applies the Code of Criminal Procedures, is competent to try personnel of the Department for offences or violations.
- The Department of General Intelligence has done a great deal to improve conditions for inmates in its detention centre. A medical clinic, a dental clinic, a pharmacy and a library have been opened up and records are kept on inmates' health and other details. The Department allows international and local human rights organizations to organize visits to the centre and interviews of prisoners on their own.
- The Public Security Directorate offers its staff training and instruction in, and raises their awareness of, human rights issues and the importance of compliance with the Convention against Torture. The Department has incorporated the Convention into the training offered to public security personnel and establishes training and restructuring projects jointly with European and United States organizations and specialized agencies. The Ministry of Justice has held training courses to sensitize judges to the issue of combating torture in prisons.

35. As soon as it was ratified and published in the Official Gazette, the Convention against Torture became part of Jordan's legal system and acquired the force of law. Hence, if a related case is laid before the domestic courts in Jordan, the definition set out in article 1 of the Convention against Torture is the one to which the courts must refer.

36. Prevailing Jordanian laws, in particular article 208 of the Jordanian Criminal Code, classify the practice of torture as an offence. In addition, under article 333 of the Code, anyone who deliberately batters or harms a person, thereby rendering the victim unfit for work, faces a penalty of imprisonment. The Jordanian Constitution guarantees everyone the general and absolute right to seek a legal remedy. Under article 256 of the Civil Code, plaintiffs are entitled to seek damages for any injury they suffer.

37. According to article 159 of the Code of Criminal Procedures, any evidence or proof obtained by means of physical or mental coercion of any kind shall be deemed null and void and legally unsafe. Complainants may challenge statements taken down by criminal investigators in the presence of a public prosecutor or in court, if the statements were obtained under duress or as a result of physical and mental coercion.

38. There are several national non-governmental human rights organizations in Jordan which receive complaints from members of the public and follow up on them with the government authorities. The main such organization is the National Centre for Human Rights. The Centre has a monitoring mechanism which follows up on complaints from the public with the government authorities and carries out unannounced visits to all reform and rehabilitation centres and detention facilities in Jordan. The Centre recently set up a human rights office in Sawaqah reform and rehabilitation centre and intends to open up more offices in other centres, in cooperation with the Public Security Directorate. Liaison officers were appointed to facilitate communication between the National Centre for Human Rights and specific government departments such as the Ministry of the Interior, the Ministry of Justice, the Department of General Intelligence and the Public Security Directorate.

39. The Grievances and Human Rights Bureau was set up at the Public Security Directorate to deal with complaints from the public against the police. Recently, a human rights directorate was established at the Ministry of the Interior to follow up on human rights issues and complaints in general.

### **Ensuring the protection of detainees in security facilities from torture**

40. Jordanian law encompasses a range of statutes and legal procedures which guarantee inmates of security facilities protection from torture or ill-treatment. Some of these procedures are described below.

#### **Procedures**

41. Any allegation of torture by a member of the criminal investigation department must be recorded by a public prosecutor in an investigation report. The complainant must be referred to a medical examiner, if his or her condition warrants it.

42. Under the Reform and Rehabilitation Centres Act No. 9 of 2004, the Minister or his representative has the right to inspect centres to verify that the law is being applied correctly there. Wardens are required to submit regular reports each quarter on conditions in the centres, on inmates and on the services made available to them.
43. Under article 8 of the Act, court presidents, the Prosecutor-General and members of the Department of Public Prosecutions, each within their respective areas of competence, are entitled to enter reform and rehabilitation centres and to follow up any complaints from inmates about ill-treatment or torture.
44. The police prosecution service and the police court investigate complaints from victims of torture offences. The police court and the decisions that it takes are subject to scrutiny by the Court of Cassation.
45. Public Security Directorate figures show that a number of complaints were lodged against the police and were handled and investigated by the police prosecution service or the police court in accordance with the established legal procedures.

#### **Statistical information about these complaints**

- Between 1 January 2005 and 31 December 2005:

Total number of cases: 28

Convictions: 14

Did not go to trial: 14

- Between 1 January 2006 and 21 June 2006:

Total number of cases: 8

Convictions: 3

Did not go to trial: 2

Pending: 3

46. Under Jordanian law, it is possible to claim damages for an injury, no matter who caused it, even a person who is incapable of discernment.
47. Article 256 of the Civil Code states that “any damage done to another person, even by someone who is incapable of discernment, must be remedied by the party responsible for it”.
48. The Jordanian Constitution grants all persons who are residents in the Kingdom the right of judicial recourse and the right to bring an action in order to claim any of their rights.

49. The Jordanian courts have issued numerous judgements awarding damages to victims of ill-treatment - one example being Court of Cassation judgement No. 4433 of 2003.

### **Training of security services personnel**

50. The security services provide human rights training to their personnel to enable them to carry out their duties as effectively as possible in accordance with the applicable regulations and laws and with the obligations which Jordan has assumed under the human rights treaties which it has ratified.

51. Personnel of reform and rehabilitation centres receive the bulk of this training. Programmes and courses are held, some of them locally, some at the Royal Police Academy and some abroad. Officers and men are sent abroad to learn about and benefit from the experiences of other countries in this domain.

52. The security services, in conjunction with various training organizations such as non-governmental organizations and the National Centre for Human Rights, has run courses for officers of the Department for Reform and Rehabilitation Centres, the Criminal Investigation Department and the General Intelligence Department. Several courses have been held jointly with Penal Reform International on the management of reform and rehabilitation centres, care of inmates and the United Nations Standard Minimum Rules for the Treatment of Prisoners.

53. Other courses were held, in cooperation with the United Nations Development Programme (UNDP), on fair trial guarantees according to international norms. Officers of the Public Security Directorate and General Intelligence Department take part in courses inter alia on crime prevention, human rights protection and the Convention against Torture, in addition to courses held jointly with international agencies such as the International Committee of the Red Cross (ICRC), the Red Crescent Society, the Office of the United Nations High Commissioner for Refugees (UNHCR) and various non-governmental organizations.

### **Medical experiments on sick persons**

54. Article 5 of the Drugs Tests Act No. 67 of 2001 stipulates that “no drugs tests may be carried out unless the subjects have given their written consent and have undergone medical examinations to verify that they are in good health”.

55. Thus, Jordan guarantees the right of a person not to be subjected to drugs experimentation without his or her freely given written consent and without a medical examination to verify that the subject is in good health.

## **Article 8**

56. The phenomena of slavery and the slave trade do not exist in Jordan. There is a law prohibiting slavery which is known as the Slavery Abolition Act. The Constitution prohibits the use of forced labour in respect of any person, other than in exceptional circumstances. There are rules regulating work in such circumstances; the work must be supervised by a government

authority and the person sentenced to forced labour may not be contracted out to a third party or an enterprise. Jordan acceded to the Slavery Convention signed at Geneva on 25 September 1926 and to the Protocol amending the Convention signed at United Nations Headquarters in New York on 7 December 1953. Jordan is also a signatory to the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery and to the International Labour Organization (ILO) Forced Labour Convention, 1930 (No. 29) and the ILO Abolition of Forced Labour Convention, 1957 (No. 105). The Government is currently preparing a new draft law on protection from human trafficking.

## **Foreign labour and related procedures**

### **Procedures and directives pertaining to qualifying industrial zones**

57. The Ministry of Labour issued directives outlining the criteria and procedures for employing and recruiting non-Jordanian workers in qualifying industrial zones. The directives were issued pursuant to article 4 of the Work Permit Fees for Non-Jordanians Regulation No. 36 of 1997, as amended. They were published on 1 June 2006 in issue No. 4761 of the Official Gazette. Under the directives, factory owners are required to provide decent conditions for their workers, to deposit bank guarantees of JD 75,000 and to comply with other conditions on recruitment of foreign workers, the protection of their rights and ensuring that they are well treated. The directives also regulate working hours, overtime and paid leave and stipulate the obligation to provide suitable working, housing and health conditions and to guarantee workplace safety and humane treatment of employees. Employers are not allowed to confiscate the passports of their employees.

58. A committee comprising representatives of the Ministry of Labour, the Ministry of the Interior and relevant embassies was formed to improve conditions for migrant workers in qualifying industrial zones. The committee became a standing committee tasked with overseeing workers' conditions with the help of Ministry of Labour inspectors. Workplace inspections are carried out to check that all workers are provided with what they need, to listen to their comments and to provide response to the extent possible.

59. The Ministry of the Interior, in conjunction with the Ministry of Labour, ensures that companies and factories do not employ foreign workers without affording them their legal rights. A circular addressed to all companies and factories in the qualifying industrial zones was distributed through the Association of Foreign Investors and the Jordan Garments, Accessories and Textiles Exporters' Association. The circular informed the recipients that no non-Jordanian worker would be allowed to leave the country without permission from the competent labour department, which is required to ensure that the company concerned does not owe the worker any money or other legal entitlements.

### **Article 9**

60. Article 7 of the Jordanian Constitution states that "personal freedom is safeguarded". Article 8 stipulates that "no one may be detained or imprisoned except according to the law". These two articles articulate fundamental norms and a core principle of Jordanian criminal laws.

61. In this connection, article 63 of the Code of Criminal Procedures stipulates that public prosecutors must caution accused persons that they have the right not to respond to the charges against them without their lawyer being present. The caution must be recorded in the investigation report. Failure by a public prosecutor to issue such a caution will render the statement of the accused legally null and void. Public prosecutors alone are empowered to detain an accused person in custody for up to 15 days. Under article 114 of the Code of Criminal Procedures “after interviewing the accused, a public prosecutor may issue a custody order for a period of up to 15 days, if the alleged offence is punishable by up to two years in prison or a fixed-term criminal penalty and if there is sufficient evidence to link the person to the alleged offence. The public prosecutor may extend this period of custody, in the interests of the investigation, provided that the extension is not longer than six months in the case of a serious crime and two months in the case of a major offence. Thereafter, the accused must be released, unless the term of custody is extended in accordance with paragraph 4 of the present article”. The public prosecutor must proceed immediately with an interview of an accused person served with a summons to appear. As for accused persons who are brought in further to a warrant, interviews must be conducted within 24 hours of placement in custody. If a person is held in custody beyond the 24-hour time limit without being interviewed or presented to the Department of Public Prosecutions in accordance with the foregoing, the detention shall be deemed arbitrary and the officer in charge will face prosecution under the Criminal Code for deprivation of liberty.

62. There are specific judicial and administrative procedures which regulate administrative detention, the payment of a security bond, petitions for release and related matters. Any person placed in administrative detention may appeal the detention decision before the Supreme Court of Justice, which is empowered to overturn the decision, at its discretion. Under Jordanian law, persons are entitled to claim damages for unlawful detention.

63. Under article 256 of the Jordanian Civil Code, plaintiffs are entitled to claim damages for any injury that they may have suffered. Under article 113, holding a person in custody for more than 24 hours is classified as an arbitrary act.

64. Article 3 of the Jordanian Criminal Code states that “no penalty shall be imposed for an act which was not a legally designated offence at the time of its commission”. Judgements of the domestic courts, including Supreme Court of Justice judgements Nos. 64/85 and 143/88, show that this principle is being applied.

65. A joint information campaign entitled “Know your rights during the search, arrest and detention stages” was launched by a local non-governmental organization (Mizan for Human Rights), the Public Security Directorate and the National Centre for Human Rights to raise public awareness of the guarantees set out in the Constitution, Jordanian laws and the international human rights treaties to which Jordan is a party, including the International Covenant on Civil and Political Rights. The campaign involved the production and broadcasting, over a one month period, of three radio and television advertisements, and the distribution of publications containing guidelines on the rights of persons during an arrest or a search. The material was distributed via police departments, the courts and a number of human rights centres to get the information to as many members of the public as possible.



### Article 10

66. The task of reform and rehabilitation centres is defined in article 4 of the Reform and Rehabilitation Centres Act. It is to detain inmates, provide them with the care that they need and implement reform programmes which will facilitate their return to society. Article 4 of the Act stipulates that detainees must be separated from convicted criminals and that inmates must be categorized by age, type of offence and length of sentence. There is also a higher committee chaired by the Minister for Internal Affairs which carries out the following tasks and duties (Reform and Rehabilitation Centres Act, art. 32):

- (a) Formulating and overseeing the implementation of a general policy on the treatment, reform and rehabilitation of prisoners;
- (b) Liaising with the relevant authorities to create the conditions for the implementation of reform and rehabilitation plans;
- (c) Preparing the ground for programmes to train, employ and utilize the productive capacities of prisoners and drawing up the necessary directives for the purpose;
- (d) Creating a framework for monitoring the social welfare and follow-up care provided to prisoners and their families;
- (e) Creating a framework for monitoring health-care provision for prisoners.

67. There are no minors in adult reform and rehabilitation centres. There are five education and rehabilitation centres for juvenile offenders in Jordan. The centres, one of which is for girls, are found in different parts of Jordan and take in young persons who have committed major or lesser offences.

68. The Government devised a comprehensive plan for reform and rehabilitation centres in Jordan, focusing on the following areas:

- (a) The construction of new buildings for reform and rehabilitation centres to deal with the overcrowding problem, and the categorization of prisoners according to international standards and the Reform and Rehabilitation Centres Act;
- (b) Training the staff of reform and rehabilitation centres on subjects connected with the implementation of the Reform and Rehabilitation Centres Act, the Standard Minimum Rules for the Treatment of Prisoners and ways of caring for and reforming prisoners. Approximately 400 officers and non-commissioned officers attended weekly training courses;
- (c) Cooperation with experts who specialize in making full evaluations of conditions at reform and rehabilitation centres, and training trainers in reform and rehabilitation centres to use various types of modern devices and equipment for security surveillance and monitoring of the inmates of the centres;

- (d) Supplying reform and rehabilitation centres with advanced equipment, worth JD 4 million, for use by their personnel;
- (e) Completing the construction of rooms for private family visits in five reform and rehabilitation centres (Sawaqah, Qafqafa, Birayn, Juwaydah Men's and Juwaydah Women's); work on the construction of similar rooms in the other centres is under way;
- (f) Closing down Jafr reform and rehabilitation centre and construct another; the centre has been converted into a vocational training facility;
- (g) Closing down the Juwaydah centre and constructing a modern facility in the Muwaqar area at a cost of JD 7 million (work completed and the centre was started up recently);
- (h) Giving staff of reform and rehabilitation centres raises and additional allowances;
- (i) Separating and categorizing inmates according to the applicable laws and regulations;
- (j) Developing an organizational structure and a budget for reform and rehabilitation centres;
- (k) Creating a special training centre for staff of reform and rehabilitation centres.

69. The reform and development plan for the public security services includes the following measures:

- (a) Creating a complaints and human rights bureau in the Public Security Directorate to deal with abuses committed by security personnel;
- (b) Adopting a police code of conduct in accordance with international standards and professional ethics norms and distributing it to all ranks in the public security service;
- (c) The two International Covenants were incorporated into the training curricula for all public security personnel, together with other relevant international treaties ratified by the Jordanian Government (for example, the Convention against Torture);
- (d) Installing workshops in reform and rehabilitation centres and setting up recreational and educational facilities and other reform programmes;
- (e) Stepping up monitoring of reform and rehabilitation centres by senior officers in the Public Security Directorate, the Office of the Inspector General, the Complaints and Human Rights Bureau and the courts, in order to ward against abuse of inmates;
- (f) Allowing international and domestic organizations to conduct visits and to interview prisoners in the presence of centre staff or in private, depending on the wishes of the visitor or the inmate;

(g) Install complaints boxes in reform and rehabilitation centres, subject to supervision by the Complaints and Human Rights Bureau, and dealing with complaints received in accordance with legal norms and due process, ensuring that complaints are referred to the relevant authorities;

(h) Allowing any prisoner who wishes to do so to sit secondary school or university examinations.

70. With regard to minors, the Ministry of Social Development concluded an agreement with the Public Security Directorate on the creation of social services centres in reform and rehabilitation centres. Six social services centres were set up for inmates, minors and their families, delivering services based on identified needs and the socio-economic circumstances of families. Assistance is offered through the Ministry of Social Development and the National Aid Fund.

71. In early 2007, three new social services centres were set up in three reform and rehabilitation centres (Kerak, Ma`an and Aqabah). The centres were fitted out and staffed with social workers.

#### **Article 11**

72. No Jordanian laws prescribe imprisonment on the ground of inability to fulfil a contractual obligation. A penalty of imprisonment is imposed on anyone found guilty of committing deception or forgery in connection with a financial transaction.

#### **Articles 12 and 13**

73. Jordanian law is in conformity with the provisions of the article on freedom of movement. Article 9 of the Constitution stipulates that no Jordanian may be expelled from Jordan or forced to live in any particular part of the country. Article 6 of the Extradition Act stipulates that: (a) a fugitive from justice may not be extradited if the offence for which extradition is sought is a political offence or if a judge (before whom the fugitive is presented) establishes that the purpose of the extradition request is to try or punish the offender for a political offence; (b) a fugitive may not be extradited to a foreign State unless the law of, or an agreement concluded with, that State precludes the detention or trial of the person for an offence committed in that State prior to extradition which is not the offence for which extradition is sought and approved, unless the offender has been returned to Jordan or allowed to return thereto; (c) an offender may not be extradited if he or she has been charged with committing in Jordan an offence other than that for which extradition is sought. If the person is in prison further to a conviction handed down by a Jordanian court, he or she may not be extradited until he or she is released after serving the sentence or after being acquitted or on any other grounds; (d) wanted persons may not be extradited until 15 days have elapsed from the date of placement in custody pending extradition.

74. Foreigners who are legally resident in Jordan enjoy freedom of movement in the Kingdom, and everyone has the right to leave Jordan at any time they want, unless they are prohibited from travelling further to a court judgement issued in connection with an offence of any kind. A

number of Supreme Court judgements have annulled expulsion decisions taken by the competent authorities against foreigners, including judgements Nos. 49/2001, 386/2000, 445/99, 385/99 and 86/99.

#### Article 14

75. Article 97 of the Constitution provides: “Judges are independent and are subject to no authority in the delivery of justice other than the law”. The courts are open to all and are protected from interference in their affairs. Court hearings are held in public, unless a particular court decides that they hold them in camera in the interests of safeguarding public order and public morals. These principles are reiterated in article 71 of the Code of Civil Procedures. Article 147 of the Code of Criminal Procedures stipulates that accused persons are innocent until proven guilty. Public prosecutors must read out the charges to the accused and inform them of their right to remain silent in the absence of a lawyer of their own choosing. Interviewees have 24 hours to engage a lawyer. If a public prosecutor fails to abide by these conditions, then any statement given by the interviewee will be deemed legally null and void. The public prosecutor must give the accused a copy of the indictment decision and charge sheet and a list of the witnesses’ names, at least seven days before the trial (Code of Criminal Procedures, art. 207). In capital offences or crimes carrying a life sentence where the accused does not, or cannot afford to, engage defence counsel, the president of the court or his or her deputy must appoint a defence lawyer; the costs will be borne by the State treasury (Code of Criminal Procedures, art. 208). The defendant or his or her representative has the right to challenge and question the witnesses (Code of Criminal Procedures, arts. 173 and 221). Defendants also have the right to present their own defence and to call witnesses to refute the charges laid (Code of Criminal Procedures, art. 175). If a defendant or a witness does not speak Arabic well, the court president will appoint a sworn interpreter aged 18 or over to interpret for them (Code of Criminal Procedures, art. 172). The defendant is entitled to appeal to a higher court against a guilty verdict rendered by a lower court (Code of Criminal Procedures, arts. 256 and 270). A person may only be tried once for the same offence (Criminal Code, art. 58).

76. With regard to juveniles, the Jordanian Juveniles Act No. 24 of 1968, as amended, classifies juvenile cases as urgent cases and stipulates that juveniles must be tried by special juvenile courts which are separate from other courts. The State has set up juvenile courts in Amman, Zarqa’ and Irbid, areas with a relatively high incidence of juvenile delinquency. The Government has established social defence offices at these courts to conduct behavioural studies and to facilitate and accelerate trial procedures. In addition, two other offices have been set up in courts in Amman so that staff can accompany young persons at hearings which their guardians or lawyers are unable to attend and can assist them by presenting the case officer’s reports and any other information which the court requires.

77. In keeping with the Convention on the Rights of the Child and relevant international standards, the Ministry of Social Development and the Public Security Directorate established an agreement on the creation of social defence offices in security facilities to ensure that a social worker is present with a young person accused of an offence and the other parties in the case and that opportunities are explored for mediation and the resolution of the case by consensus between all the parties concerned, at the security centre rather than before a court. In this connection, four offices were set up in four security centres, three in the capital and one in the city of Zarqa’. The centres were staffed with qualified social workers.

78. To date, the Government has created seven social services offices (family protection offices) in the Family Protection Division of the Public Security Directorate. These offices deal, inter alia, with child abuse cases.

#### **Article 15**

79. The Criminal Code, in article 3, stipulates that no penalty can be imposed unless it is prescribed by law. Any law introducing a higher penalty for an offence will not apply to offences committed prior to its entry into force. A new law annulling an existing penalty or imposing a lighter penalty must be applied to offences committed before its entry into effect (the law most favourable to the accused). Under article 4 of the Criminal Code: "Any law which modifies the conditions on the classification of offences in a manner which furthers the interests of a defendant shall be applied to offences committed before its entry into force, unless a binding judgement has already been handed down in respect of these offences."

#### **Article 16**

80. According to the Civil Code, personality begins when a person is born alive and ends with death (art. 30). Every person who reaches the age of majority (18), is mentally competent and is not subject to any legal impediments enjoys full legal capacity to exercise his or her civil rights (art. 43) and may not be subject to deprivation of personal liberty or capacity (art. 47).

81. Article 119 of the Civil Code states that guardians, subject to authorization by the courts, may give minors capable of discernment an amount of money and allow them to use it in transactions as a means of gaining experience. The authorization may be unconditional or subject to restrictions. Transactions other than administrative operations in which the trustee uses money belonging to the minor concerned must be approved by a competent court and conducted in the manner determined by it (Civil Code, art. 126).

#### **Article 17**

82. Article 18 of the Constitution stipulates that personal freedom is safeguarded. Homes are inviolable (art. 10) and may only be entered or searched in accordance with the law. Moreover, correspondence is confidential and may only be monitored in accordance with the law. In this connection, the law states that a home may only be entered further to a warrant (Code of Criminal Procedures, art. 94), while surveillance of communications and telephone conversations is only permitted further to a court order and in the context of a criminal investigation.

83. The Postal Packages Regulation issued pursuant to article 2 of the International Postal Convention punishes any unlawful breach of the confidentiality of telegramme and telephone correspondence.

#### **Article 18**

84. The Constitution guarantees all Jordanians freedom of belief, religion and opinion (art. 14), in keeping with the International Covenant on Civil and Political Rights, and grants religious minorities the right to establish religious courts and schools.

85. Under article 273 of the Criminal Code, any person who violates this right is liable to punishment. Articles 274 to 278 of the Criminal Code lay down rules on offences against religion and the family. The Amman Message launched by Jordan on 9 November 2004 reflects Jordan's determination to portray an accurate image of Islam, a religion which advocates tolerance, dialogue and equality and which preaches moderation. The Amman Message seeks to bridge the gap between religions, to open up dialogue among cultures and to deepen the humanitarian principles which peoples share.

### **Article 19**

#### **Right to freedom of opinion and expression**

86. Article 15 of the Jordanian Constitution stipulates:

“Freedom of opinion is guaranteed. Every Jordanian may freely express his or her opinion orally, in writing, in images and by any other means of expression, subject to the limits established by law.”

87. The press and printing sectors are free to operate, subject to the limits established by law.

88. Newspapers may not be suspended or closed down except in accordance with the law.

89. In 2003, the Government abolished the Ministry of Information and established the Higher Council for the Media, a semi-independent institution, to contribute to the formulation of media policies and laws and to carry out oversight and vocational training functions, issuing reports, conducting media studies and investigating journalists' complaints.

90. The most important subjects taken up by the Higher Council for the Media in this regard are described hereunder.

#### **Periodic reports on press freedoms in Jordan**

91. The Higher Council for the Media issues periodic evaluation reports on press freedoms in Jordan.

92. The reports gave Jordan a rating of 56.08 per cent in 2005, meaning that Jordan's press is “relatively free” according to the criteria used in the study.

93. It is worth noting that in 2004 the rating was 49.2 per cent, also a finding of “relatively free”, and that the result for 2005 was 6.88 per cent higher than that for 2004.

#### **Media legislation**

94. The Access to Information Act of 2005 regulates the right of citizens and journalists to have access to information in a balanced manner that affords them an opportunity for scrutiny. The Act safeguards the right of the State to keep certain documents secret, particularly those pertaining to national security or public order.

95. The Act protects citizens by prohibiting the disclosure of information for reasons relating to public health, public morals, personal liberty or damage to the rights and reputation of others.

96. The following are the key amendments in the new Act:

(a) Government departments with various functions are given responsibility for disclosing information in line with the Act. The Director-General of the National Library was made Information Commissioner and tasked with liaising and facilitating the work of government departments in this area, in addition to establishing an information council to help regulate and oversee the correct application of information disclosure procedures;

(b) Under the Act, applicants may appeal to the Supreme Court of Justice against decisions denying their application for access to information or in cases where their application has received no response. Applicants are entitled to submit a complaint to the Information Commissioner, if a person responsible for providing information fails to do so;

(c) The Act stipulates that information and documents held by government departments must be catalogued, organized and categorized within a specific time frame in order to facilitate access to it, and that information must be stored in a professional and organized manner;

(d) The Act provides that a regulation must be issued allowing access to the classified documents specified in the regulation after the expiry of a 30-year time limit.

97. The Jordanian News Agency (Petra) Regulation issued by the Government on 6 July 2004 grants the Agency editorial freedom. The same principle applies to the Jordanian Radio and Television Corporation. The Act amending the Corporation Act also grants editorial freedom to the Corporation with a view to promoting press freedom and creating a wider framework for information flows encompassing all activities in society, including the presentation of news items and opinions that do not necessarily reflect the position of the Government.

### **Media training**

98. The Jordanian Training Centre of the Higher Council for the Media delivers journalism and media training. Its training courses focus on the legal aspects of journalism, providing journalists with a comprehensive overview of their rights and obligations. Instruction is also provided on the international instruments which help to protect journalists during the course of their work.

99. The following are some of the main topics covered in the training courses:

(a) Press and media laws and legislation in Jordan;

(b) Comparative judicial practices under the legislation of various countries;

(c) Publishing issues, in particular new issues that have never been discussed before;

(d) International standards on freedom of opinion and expression in general and freedom of the press and information in particular, as established in international treaties and instruments.

100. The Centre held a series of general and specialized training courses on journalism and broadcasting between 27 June 2004 and 8 December 2005. A total of 334 participants were trained and 26 trainees took part in broadcasting training courses.

#### **Article 20**

101. Article 118 of the Criminal Code prohibits propaganda for war, as does the Military Criminal Code. Article 130 of the Criminal Code prescribes a penalty of a fixed term of hard labour for anyone who, in time of war or the expected onset of a war, makes propaganda with the aim of weakening national sentiment or stirring up racial or inter-confessional strife.

#### **Article 21**

102. Article 16, paragraph 1, of the Jordanian Constitution states: "Jordanians have the right to freedom of assembly, subject to the limits set by law."

103. The Public Assemblies Act of 2008 regulates the mechanism for holding public gatherings and organizing other events such as demonstrations, marches and festivals for which prior authorization is required.

104. The basic aim of the Act is to safeguard and protect the safety of the organizers of these events, while also protecting lives and public and private property. The idea behind the Act was to curb the adverse effects on the Jordanian street of the political and security situation in the region and to control mass events such as marches and festivals by ensuring that they are not held in an unplanned and disorganized manner, without the knowledge of the authorities and by taking precautions to prevent public disturbances and to protect citizens or their property or public property from damage caused by troublemakers in society with a history of rioting, vandalism, breaching the peace or offending.

#### **Article 22**

105. Article 16, paragraph 2, of the Jordanian Constitution stipulates:

"Jordanians have the right to form assemblies and political parties, provided that they do so for a legitimate purpose and by peaceful means and their statutes do not breach the Constitution."

The Jordanian Constitution guarantees this right by allowing Jordanian citizens to establish and participate in associations, whether they are ordinary associations which regulate relations between groups with shared customs and traditions or charitable or cultural associations.

106. In addition, trade union freedom is guaranteed under article 23 (f) of the Constitution. Professional trade unions regulate the work of professionals such as doctors, lawyers, pharmacists, engineers and so on. There are 14 professional unions in Jordan and 17 trade unions which safeguard the interests of workers.



107. As for the right to form political parties, which, as stated above, is guaranteed under the Constitution, the first party - the Jordanian People's Party - was established in the Emirate of Transjordan in 1927, pursuant to the Ottoman Associations Act of August 1909. This was followed by the expansion of party political activities and the issuance of laws regulating these activities. There are now some 34 registered political parties in Jordan.

108. The Ministry for Political Development was set up to promote democracy, equality and the rule of law and to expand popular participation in public life, designing policies, strategies and programmes to expand participation at all levels in all domains (local communities, organizations and political parties; women and young persons; civil society organizations; educational and trade union institutions; and professional associations). The Ministry is also tasked with proposing draft laws and regulations on widening participation and with identifying the obstacles to participation and liaising with the relevant authorities to overcome them.

109. Jordanians have the legal right to join political parties. In furtherance of political participation, the Political Parties Act was issued (Political Parties Act No. 19 of 2007, published in the Official Gazette on 16 April 2007). The Act grants political parties greater freedom of action, including by allowing them to publicize their ideas and programmes in the official press or the private press and in public institutions. Parties also have the freedom to distribute their own newspapers and publications and to pursue their activities unhindered.

110. The guarantees and incentives provided for in the Political Parties Act include the following:

- The minimum age for founding members was lowered to 21 years
- Political parties are allowed to use public facilities of the State
- Financial support is made available to political parties
- Citizens are not subjected to discrimination on account of their party affiliation

#### **Articles 23 and 24**

111. With regard to article 23, concerning the right to marry, reference is made to paragraph 26 of the present report which deals with article 3 of the Covenant.

112. The Government established the National Council for Family Affairs by Act No. 27 of 2001. The Council is presided over by Her Majesty Queen Rania Al-Abdullah.

113. The Council contributes to the formulation of policies and strategies on the advancement and protection of families and supports public and private institutions and bodies that focus on family issues. The Council contributes to the design and elaboration of development policies, legislation and plans to benefit all families and their members and to improve families' quality of life.

114. The Council was a qualitative addition to the other official institutions concerned with family affairs and helps to improve the situation of the family as a fundamental unit of society.

115. The 2005 national strategy for the Jordanian family was completed and refined to take account of the requirements of the third millennium. It covers all matters which encompass and affect Jordanian family life. The strategy comprises eight core areas, each of them dealing with an aspect of family life, namely:

- (a) Forming a family and strengthening family cohesion;
- (b) The basic tasks of the family and ways to enable the family to perform its tasks;
- (c) The cultural role of the family as the guardian of cultural identity and values in the context of globalization;
- (d) Family policies and their integration into sustainable national development policies;
- (e) The status of the family and the regulation of family matters under domestic laws and legislation;
- (f) The family's fundamental rights and duties and its participation in public life;
- (g) Emigrant families and their links to the home country;
- (h) Social, health, environmental and security threats to the family.

116. In order to achieve the goals of the national strategy for the Jordanian family, a plan of action for the family for the period 2006 to 2010 was drawn up jointly by governmental and non-governmental organizations involved in family issues in various parts of Jordan.

117. A legal guide on marriage was published to inform prospective marriage partners of their rights and obligations, so as to safeguard the family when it is formed. The guide is handed out when the religious ceremony is performed.

118. The Jordanian Criminal Code (arts. 287 to 290) protects minors, prescribing a term of imprisonment for any parent, guardian or trustee who refuses or neglects to provide a minor with food, clothing, bedding and other necessities.

119. Under the Civil Status Act, births must be registered and birth certificates must be issued for each child (art. 13). A birth will also be recorded in the civil register once a newborn acquires nationality (Nationality Act, art. 13).

120. According to article 19 of the Civil Status Act, anyone who finds a child of unknown parentage must deliver the child to an institution or persons accredited by the Ministry of Social Development to report the matter and record it, after giving the child a new name.

## Article 25

121. In part III of the Jordanian Constitution, provision is made for the separation of powers and the exercise by citizens of their right to vote for members of parliament in free and fair elections held by secret and direct suffrage.

122. The Constitution guarantees Jordanians the right to participate directly in public affairs through the right to hold public office (art. 22).

123. The Constitution grants all Jordanian citizens the right to stand and to vote in elections for the House of Representatives on an equal basis, since all Jordanians are equal before the law.

124. The Elections Act No. 34 of 2001 contains further details on the exercise by Jordanians of the right to stand, to vote and to participate actively in elections of the people's representatives to the House of Representatives.

### **Main features of the Act**

(a) The minimum age for voting was lowered to 18 years, which is the age of legal capacity under Jordanian law;

(b) A personal identity card issued by the Civil Status Department was introduced for use in parliamentary elections. The card contains very precise personal information and is stamped with the holder's national identity number to prevent fraud;

(c) The courts and the Ministry of the Interior are involved in all stages of the electoral process from start to finish, as a guarantee that elections are conducted freely and fairly;

(d) Arrangements are made to make it easy for voters to cast their vote; voters can vote at any polling station in their electoral district. This marks a departure from the practice under the previous legislation, whereby voters had to vote at a specific polling station which had their name on a list;

(e) Votes are counted in the same place as they are cast and in the presence of representatives of the candidates, as a guarantee of transparency and fairness;

(f) In order to represent citizens more fully, effectively and fairly, Jordan was divided up into 45 electoral districts, instead of the previous 21. In keeping with the increase in the number of districts, the number of members of the House of Representatives was raised from 80 to 110.

125. In addition, the new Act guarantees that minorities and certain other groups have seats in the House of Representatives. A quota was established for Christians, Circassians, Shishans and Bedouins and six seats were set aside for women under the Act, in addition to the seats won by women candidates through the competitive process.

**Municipal elections**

126. With regard to municipal elections, the Municipalities Act grants the right to elect the presidents and members of municipal councils directly, by secret ballot and in fair elections. A women's quota of 20 per cent of seats is established under the Act to guarantee women access to decision-making positions. In addition, voting age has been lowered from 19 to 18 years to increase participation in decision-making. The most recent municipal elections were held in July 2007 and the results were encouraging as far as women's participation is concerned. Some 51 per cent of women voted in the elections and 24 women were selected on the basis of free competition, in addition to the quota.

127. The Government has launched awareness campaigns to inform the public of their constitutional rights in various ways, in particular through the media, schools, universities and civil society organizations.

**Communications programme and social participation issues**

128. The Government implemented a communications and participation programme in various governorates of Jordan aimed at capacity-building and empowerment of local communities using communication and interaction as a tool, and also at studying the realities on the ground, identifying needs, setting priorities and ensuring complementarity in the roles of the parties actively involved in the development process, namely, the Government and its partners, the media, the private sector and civil society organizations.

**Article 26**

129. Article 6 of the Jordanian Constitution stipulates that Jordanians are equal before the law without distinction as to their rights and duties. Jordanian law guarantees everyone living in Jordan equality of treatment in civil and criminal proceedings, without any discrimination on account of colour, for example, or of race, sex, language or religion. Several parts of the present report make this point (see paragraph 10).

**Article 27**

130. Article 14 of the Constitution stipulates: "The State shall protect freedom of worship and belief in accordance with the prevailing customs in the Kingdom, without prejudice to public order or public morals." All religious and ethnic minorities in Jordan enjoy all their rights, in particular religious and cultural rights. Most of the inhabitants of Jordan are Muslims and Islam is defined as the State religion under the Constitution. Christians account for around 2.6 per cent of the population and there are not more than 300 Bahais. As for other ethnic minorities, their numbers have not changed since the previous report. The latest figures show that Circassians, Shishans, Armenians and Druze account for not more than 1 per cent of the population, although they are represented throughout all sectors of the Jordanian State to a degree that surpasses their actual numbers.

131. The quota principle adopted for parliamentary elections gives minorities the chance to enjoy a greater degree of political representation than would be “warranted” based on the proportion of the population which they represent. Christians have nine seats in the House of Representatives, Circassians and Shishans have three and minorities are also represented in the Cabinet and in senior political and military positions in Jordan.

132. With reference to the inclusion of information on ethnic and religious background in personal identity cards, this is for electoral purposes; minorities are assigned specific quotas in the Jordanian House of Representatives and the identity card is used as proof of identity for candidates and voters in elections.

133. The Constitution grants religious minorities the right to establish their own religious courts to hear personal status (family) cases. These minorities are legally entitled to establish special courts to hear marriage, divorce and inheritance cases under their own special laws. Thus, the sharia is not applied to Christians; they have their own personal status code. The law also guarantees religious minorities the unrestricted right to build their own places of worship and schools. In this way, these minorities are guaranteed the right to worship and to teach their children in freedom.

134. As for the Druze, their communities are mainly found in the Azraq areas and the village of Umm al-Qatayn in the governorate of Mafraq. There are approximately 12,000 Druze and they enjoy freedom of worship and the full freedom to establish places in which to perform their rituals. Personal status cases (divorce, marriage, inheritance) are decided by the Druze community and decisions are registered with the authorities. Just like all other citizens, the Druze have the right to stand and to vote in elections.

135. In Jordan, there are approximately 300 Bahais. These persons are free to perform religious rituals in their own circles, without any impediments. They have a central meeting place in Amman and others in the areas of the country where Bahais live. No religious, political or civil restrictions are imposed on this community.

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