

JORDAN

NGO REPORT (unedited version)

On the implementation of the ICCPR

(Replies to the List of issues on the fourth

Periodic Report - CCCR/C/JOR/Q4)



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Amman & Geneva , October 2010

With the support of:



Measures to combat terrorism and respect for the rights guaranteed in the Covenant (Prevention of Terrorism Act No. 5 of Jordan for the year 2006)

Question 3: Please provide detailed information on the legislation against terrorism and its compatibility with the rights recognized in the Covenant

1) Article 3 of the Law stipulates the Prohibition of terrorist acts, which in its consideration is:

"I - Establishment of any group, organization, association or affiliation to it (terrorist)."

The text lacks a legal definition of what constitutes a terrorist organization and who is authorized to determine the criteria of this definition.

"II - To provide any support to terrorism by action or money directly or indirectly."

This is another article in the law that is not clear because "supporting terrorism" may mean supporting the planning and the implementation processes of the criminal acts or only idea of the creation of a group of terrorists. The meaning and scope of indirect support is unclear. For instance, if a person has provided financial support to a charity in good faith, but it has later been established that the charity has a link them with terrorist organizations, is the donor considered to have supported terrorism as well.

"III - To recruit people inside or outside the Kingdom to join terrorist groups."

No problem in this article if it defines the concept of terrorist groups with great accuracy, because we are in Jordan in dire need to stop the recruitment of young people to join al-Qaeda groups, and then turning them into weapons of terror against the Jordanian society. However the lack of definition of 'terrorist groups' in the legislation leaves it open to abuse.

2) Article 4 of the law stipulates that if the Attorney General (the Attorney General State Security Court) receives reliable information that one person or group of persons are linked to terrorist activity, he (the Attorney General) may issue any of the following decisions: monitor their residence, ban travel, inspect the location, and/or as a precautionary measure seize their funds. The Attorney General has absolute authority in to take these actions against any person "suspected of being linked to terrorist acts". This is an absolute and non-specific security power and can include under its framework the majority of Jordanian citizens as suspected terrorists. This represents a violation of the rights contained in Articles 9, 12, and 17 of the ICCPR.

3) The Act gives the State Security Court authority to consider terrorism cases. This is a special Court, which lacks neutrality for two reasons:

- 1- The members of the Court are all from the military environment.
- 2- The President of the Court is a military and not a lawyer

4) Article 4 (b) of the Act stipulates the possibility of appealing the decisions of the

Attorney General. The text of the law stipulates that the suspect may appeal against the decision (of the Attorney General) in State Security Court, which must investigate the appeal within three days. In other words, this article has made the prosecutor as the judge. That is a violation of the rights of the suspect in accordance with the provisions of Article 14 of the ICCPR to be tried by a competent, independent and impartial court.

Gender equality and violence against women (Articles 3, 7 and 26)

Question 4: Please indicate any measures taken to guarantee equality between men and women, in particular in legislation relating to marriage, polygamy, divorce, the custody of children, inheritance and the transmittal of nationality to children. Please also indicate whether the testimony of a woman carries the same weight as that of a man

Personal status law No. 61 from 1976 is still applicable, as amended. This law allows polygamy provided that the husband proves his financial ability to support all his wives and informs his first wife.

There is a draft personal status law (2010) still waiting for ratification in accordance with the legislative hierarchy. The new law was made public and published in the daily newspapers (30/9/2010). The most important of the amendments contained in this bill are:

1. Marriage: article 10 altered the minimum age of eligibility for marriage to eighteen years, with an exception allowing marriage at fifteen in limited cases which are in accordance with the controls and special procedures established by the bill.
2. With respect to the marriage of a married man, the bill obliges the judge before finishing the contract to explain to the fiancée that her fiancé is married to another in order to prevent the occurrence of damage, and necessitated informing the first wife of the marriage contract afterwards so that her unawareness of the marriage would not be the cause of the loss of her rights.
3. Article 38 of the draft law allows women to request a divorce for certain reasons. Article 80 stipulates that a woman is not allowed to get married after her divorce for a specific period of time.

Custody of children

5. The age until which a child remains in the custody of his or her mother had been raised to fifteen (previously the age had varied depending on the appearance of signs of puberty). For a female this custody can be extended to the age of eighteen by a judge, if that is seen in her interest.

Inheritance and the transmittal of nationality to children

Inheritance: a male still inherits double the portion of a female.

Equality in the granting of citizenship to children

The Government still maintains its reservation to article 9 § 2 of the CEDAW, on the granting women the equal right with men with respect to transmitting citizenship to their children, despite national legislation guaranteeing equality, such as the first paragraph of Article 4 of the Jordanian Constitution, which stipulates that Jordanians before the law shall have no discrimination between them in rights and duties on grounds of race, language or religion, and Article 9 of the Nationality Act, as amended, No. 6 (a) of 1954, which states that "children of a Jordanian are Jordanians wherever they were born," as the interpretation according to the indication of operative text "children of a Jordanian are Jordanians", the masculine form of words wherever it appears is general and it refers to both male and female alike.

Refusing to withdraw this reservation to Article 9 of the CEDAW on non-discrimination between women and men in the right to a nationality is contrary to the essence of international conventions, including ICCPR, and contrary to the Constitution of the country and of the Nationality Act. One effect of this reservation is to deprive the children of Jordanian women married to non-Jordanians of access to public schools.

Please also indicate whether the testimony of a woman carries the same weight as that of a man

7. The Procedural Law of legitimacy has not been amended nor is there a draft amendment under consideration. Therefore the testimony of individual women cannot be accepted except in the limited case of testifying in relation to the right of Allah in the issue of converting to a different religion.

Question 5: Please provide information on the legal framework to prevent and combat violence against women, and on redress and protection for the victims. Please indicate whether all forms of violence against women constitute a criminal offence, including domestic violence and marital rape. Please provide information, including statistics covering the last five years, on: (a) the number of complaints of violence against women, the investigations and prosecutions following those complaints, the types of penalties handed down and the compensation awarded to the victims and their families; and (b) the number of women in "protective" custody. Please provide information on the availability of shelters for women in order to replace "protective" custody for women at risk of violence.

Question 6: Please indicate whether there are any plans to amend the Criminal Code to ensure that honour crimes/criminal acts committed in the heat of passion are treated on a par with other violent crimes, and that they are investigated, prosecuted and properly punished.

Violence against Women

In the area of violence against women, posted statistics show an increase in registered cases of violence against women year after year. Figures from the Family Protection Department in 2009 show that there were 1764 cases on the issues of violence, 794 of which were referred to courts. 731 of these cases were of sexual abuse and (63) were cases of physical assault. Among the most important efforts that have been made to protect women from violence during 2009 was the opening of the integrated services for women victims of violence as "the Family Reconciliation" and another "House of Education and Rehabilitation of Girls."

In the area of marital rape, the Jordanian law does not criminalize forced intercourse with the wife, and this is not addressed in the articles on rape. As the act of intercourse with the wife against her will affects her human dignity and psychology, this should be criminalized in the legislation.

Honour Crimes

There is no indication that Government intends to amend the Penal Code regarding crimes of honour, while the last amendment stipulated that this should be treated as mitigating circumstances (article 340 of the Penal Code). In the area of the right to life official statistics show that in 2009, the crimes of murder or attempted murder under the name of "protection of honor" or "blood crimes" had reached 88 cases of murder and 283 cases of attempted murder (Annual Report of the National Center for Human Rights-2009, page 10).

A new law against domestic violence

The year 2008 witnessed a positive development: with the ratification of a new law on domestic violence. However, no instructions on the application of this law have yet been established, so that violations and the practice of domestic violence continue at the same high level.

The perpetrators of violence and murder within the family "of women and girls only" are not subject to ordinary trial as criminals, but benefit from the "mitigating circumstances" clause in the Penal Code (Article 98).

The women, whose lives were endangered by their families, are held in prisons for their protection and their release is conditional on the consent of a male relative. Several years ago, a shelter home for victims of violence, mistreatment and sexual abuse was established. As this shelter is run by the Family Protection Department (which is associated with the police) it does not allow non-governmental organizations to access any of the victims of violence.

Right to Life, prohibition of Torture and ill-treatment (Articles 6 & 7)

Question 7: Is there a system of independent visits to places of deprivation of liberty, and on what terms do non-governmental organizations (NGOs) have access to places of detention?

Jordanian legislation does not have any laws that regulate independent visits to places of detention by non-governmental organizations. However, it was customary for the non-governmental organizations to request access to places of detention

from the Public Security Department. If the Public Security Department agrees, the department designates the places to be visited, the number and names of visitors, the date and time.

However, for the last two years, the Public Security Department has not allowed the Arab Organization for Human Rights in Jordan to visit places of detention although the Arab Organization for Human Rights in Jordan addressed the Public Security Department more than once for this purpose. Perhaps the reason for the prohibition is that the Arab Organization publishes periodic reports on the conditions of prisons and centers of detention criticizing the conditions in these prisons and centers. It also makes recommendations contrary to the desires of the Public Security Department. It should be pointed out that since 1990, the Arab Organization has been making semi periodic visits to the places of detention and arrest and continued to do so until about two years ago before the time at which this report was being written.

Question 8: Please provide further information on the mechanisms in place to deal with complaints of torture or ill-treatment allegedly perpetrated by public officials at all stages of deprivation of liberty. In particular, please explain to what extent those mechanisms are independent.

The mechanism: for dealing with acts of torture during the period of detention is restricted to a complaint made by the public prosecutor or the *justice of peace* depending on the degree of torture and the evidence of such torture.

As for the mechanisms of the complainants in which the Public Security Department or police is the source of the complaint, the complaint itself should be submitted to the legal adviser of the Public Security Department or in the form of an administrative complaint addressed to the Public Security Director. These are in fact non-independent bodies which act as the adversary and the judge.

Question 9: Please indicate whether an order from a superior officer or a public authority may be invoked as a justification for acts of torture or ill-treatment. Please provide information covering the last five years on prosecutions for acts of torture and the sentences handed down, disaggregated by nature of the charge and the rank of the official concerned. Are those allegedly responsible immediately suspended from duty? In light of paragraph 49 of the report (CCPR/C/JOR/4), please provide detailed information and statistics relating to court decisions awarding damages to victims of ill-treatment.

Complaints pertaining to torture committed by the General Intelligence Service are submitted to the Director of the General Intelligence Service or the public prosecutor of the General Intelligence Service (both non-independent bodies). These are the bodies which undertake to make decisions on these issues from the beginning of the investigation until the issuance of the final decision. Paragraph (49) of the report CCPR/C/JOR/4: on the court of appeals: Decision number (4422/2003) does not relate to compensation for the acts of torture and maltreatment, but relates to the crime of opening live fire causing the death of one person.

Right to liberty and security (Article 9)

Question 10: Please indicate the maximum length of time a person may be held in police custody before being brought before a judge. Please indicate if persons held in custody have a legal right to an independent medical examination and how this right is implemented in practice. Is the right to legal counsel guaranteed immediately upon arrest, or at a later stage? Please indicate the specific conditions which apply to detention at facilities of the General Intelligence Directorate and specify whether and to what extent they are compatible with the provisions of the Covenant.

The Code of Criminal Procedure does not allow the detention of any person for more than 24 hours before he is referred to the judge. However, what is really done is contrary to the law. Members of the judicial police commit a clear violation by detaining the person for a period longer than the aforementioned duration. The judicial police play the trick of releasing the person from the police station after 24 hours and referring him to another police station to keep him for the same period, and he is then transferred to a third police station. Thus the person may spend a long period of time in detention before he is referred to the judge.

Members of the judicial police may violate their legal powers, which are limited to hearing the statements of the defendant, collection of evidence, and referral to the competent judge. Excesses are committed when the defendant is questioned by the judicial police, which is a clear violation of the guarantees that are offered by a fair trial.

Moreover, members of the judicial police may postpone sending the information to the competent judge, which constitutes a violation of Article 49 of the Criminal Procedures Law. The person in this case remains in detention without being referred to the judge pending the receipt of the information by the judge.

Furthermore, a detained person is prohibited during his detention by the judicial police from communicating with the outside world or with his family, relatives and lawyer. The Jordanian legislation does not give the defendant the right to enlist the help of a lawyer during the period of detention and before his referral to the public prosecutor.

When the defendant is taken to the public prosecutor, the Code of Criminal Procedure gives him the right to enlist the help of one lawyer. Nonetheless, the same law has given power to the public prosecutor to interrogate the defendant in the absence of a lawyer.

The arrested persons are not entitled to request to be referred to the doctor for any reason whatsoever, whether the doctor is a government or private doctor.

Moreover, places of detention are overcrowded and they are short of necessary resources such as bed covers, beds, detergents, and food. Several forms of maltreatment were monitored, such as beating, slander, and using abusive words against the detainees. Beating and torture are difficult to confirm in view of the long

period of detention and because those who are doing the beating and torture try to conceal these incidents, all the more so because the detained person is not allowed a medical examination and the defendant is isolated and cannot make contact with the outside world. Moreover, the victim cannot complain against those who beat or torture him because he does not know who beat or tortured him. It is noteworthy that there is poor judicial control over these prisons and detention places. Judicial visits to these prisons and detention centers are done in coordination with the parties in charge of the prisons and detention centers, and this makes these visits ineffective.

Also, the victim is afraid of reprisal in a variety of ways by his guards and torturers and their assistants. Moreover, some victims are convinced that it is futile to make complaints because the prison staffs are simultaneously the adversary and judge. The legal advisor in the Public Security Department is the person who is empowered to receive or turn down the complaint.

This is confirmed by the fact that human rights organizations have monitored many confessions attributed to the defendants as they were recorded in the detention centers. These confessions were made under pressure and physical and psychological coercion applied to the defendants and sometimes to their families. These human rights organizations have monitored cases of deaths among the detained persons. The security services have admitted these deaths but justified them on the ground that they were cases of suicide.

Centers of detention in the General Intelligence Services are impossible to enter to determine their conditions. It is also impossible to acquire a permit to visit these centers. Consequently, it is impossible to assess these centers. However, information leaked from these centers says that various forms of torture, beating and physical and psychological pressure are being exercised on the detained persons.

Question 11: Please elaborate on Act No. 7 on Crime Prevention, of 1954, and indicate whether it still empowers provincial governors to order the detention without charge or trial of anyone suspected of committing a crime or “deemed to be a danger to society”, without presenting any evidence. Please indicate whether detainees held in these conditions are entitled to request the review by a court of the lawfulness of their detention, in accordance with article 9, paragraph 4, of the Covenant. Please also explain how this right is implemented in practice.

The Prevention of Crimes Law Number 7/1954 gives the administrative governor the right to issue a subpoena, impose house arrest, request financial bails, restrict the freedom of movement, and require residence in a certain part of the Kingdom. The law gives substantial power to the administrative governor to assess the situation. It is noteworthy that the expression "administrative governor" may mean the governor of the governorate, the district governor, or the sub-district governor.

Appeals against the decisions of the administrative governor are filed with the Supreme Court. It is the only court in the kingdom that is headquartered in the capital city of Amman. Filing a lawsuit with the Supreme Court constitutes a heavy burden on the appellant himself and his family because they have to travel to the

capital city to follow up their lawsuit and pay for accommodation during the case. They are also charged expenses in the form of the high fees paid to the court which may be as much as \$500 in addition to the fees charged by the lawyer. Lodging an appeal therefore constitutes a financial burden.

It is noteworthy that the administrative governor exercises these powers without any objective or specific constraints determined by the law. While exercising this power, the administrative governor combines the powers of the judge and the public prosecutor and levels accusations against a person who has not committed any crime or misdemeanor. The administrative governor can exercise this power on the person whether his lawyer is present or not, including hearing the testimonies of witnesses under oath and threatening the defendant in a variety of ways. The mere presence of a person under suspect circumstances makes him subject to the pursuit of the administrative governor. Decisions of acquittal of responsibility do not make the defendant immune in his encounter with the administrative governor who can arrest this person or impose a bail on him or take other measures despite his acquittal of the charges leveled against him by a court decision. What is done in Jordan is something called "return", which means returning the person to the administrative governor after issuance of the court decision on his case.

It is noteworthy that the administrative governor has the power to restrict the freedom of movement of a person by deciding to prohibit him from leaving his home after sunset until the sunrise on the next day. This gives the police the right to enter the homes of these persons at any hour of the night to make sure that he is there. Police can enter these homes an unlimited number of times.

The figures related to the persons were arrested by administrative decisions are the following:

2010 (from 1 January 2010 until 30 June 2010)	6,965 persons ¹
2009	16'050 persons ²
2008	14'046 persons ³
2007	17'299 persons ⁴
2006	20'071 persons ⁵
2005	13'127 persons ⁶

¹ The 7th Annual report on situation of the rehabilitation / Centers in Jordan- National Center for Human Rights -2010, page 17

² The 7th Annual report on situation of the rehabilitation Centers in Jordan / Centers in Jordan- National Center for Human Rights -2010, page 18

³ The 7th Annual report on situation of the rehabilitation Centers in Jordan / Centers in Jordan- National Center for Human Rights -2010, page 18.

⁴ The report on situation of the rehabilitation Centers in Jordan- Arab Organization for Human Rights in Jordan- 2008

⁵ The report on situation of the rehabilitation Centers in Jordan- Arab Organization for Human Rights in Jordan- 2008

⁶ The report on situation of the rehabilitation Centers in Jordan- Arab Organization for Human Rights in Jordan- 2008

It should be recalled that the Arab Organization and the National Center for Human Rights monitored the number of foreign detainees who were arrested for more than three years because they could not submit the bail which was decided by the administrative governor, or awaiting the completion of the measures of deportation, or during investigations into their status.

The justification of keeping the law on the prohibition of crimes is that it aims to reduce the rate of crime. However, figures published by the Technical Office of the Ministry of Justice on number of cases demonstrate that the rates of crime have not dropped but increased. These figures show that the number of registered cases with the Higher Criminal Court in 2008 totaled 629, compared with 708 in 2009; an increase of 2 per cent. These figures prove that the Law on the Prohibition of Crime is not effective in barring or curbing crimes.

There is also the problem of the women detainees in the Center for the Rehabilitation of women in Al-Juwaydah prison. These women were detained in connection with "crimes of Honor." There are 13 of these women, some of whom have been detained for well over 10 years supposedly to protect their lives. Meanwhile the civil society organizations demanded the transfer of the administratively detained women to the care and protection of the Family Accord Home.

The most prominent incident of the violations committed by administrative detention was the arrest of 22 workers on 19 August 2009 by the Governor of Aqaba. The port workers were staging a peaceful protest when they were arrested. Two political activists were also detained on 9 June 2009 by the Governor of Zarqa in connection with the municipal elections.

Right to a fair trial (Article 14)

Question 12: Please provide detailed information on the competence of the military courts and the State Security Court and on the rules of procedure applied by them. Please specify to what extent such competence and rules of procedure are compatible with the provisions of the Covenant.

Military courts can consider all criminal cases involving members of the armed forces. Military courts do not have to apply the Law on the Procedures of Criminal Trials, but they are bound to apply the military penal code. Military courts are not subject to the control of higher courts. Their decisions are subject to the ratification of the Director of the Military Judiciary or the Chairman of the Joint Chiefs of Staff. Thus the defendants are denied the opportunity to appeal to a higher court or contest the decisions of the military courts.

As for the State Security Court, it consists of two military judges and a civil judge. The president of the Court is a military officer. Its decisions are subject to appeal to the Appeals Court. The State Security Court enjoys unlimited powers because the law gave the Prime Minister the power to refer any crime to the court. For example, the

tender of the Petroleum Refinery Company, which would normally fall within the jurisdiction of the regular courts since the charge in this case was bribery, was instead referred to the State Security Court.

This constitutes a danger to personal liberties since the case can be transferred on the whims of the prime minister.

Moreover, the State Security Court is not bound to comply with the criminal procedures. This may deprive the accused of the right to defense.

The advanced courts are extraordinary courts because their powers may exceed the jurisdiction of the original courts, and there is no guarantee of a fair trial, all the more so because they are subject to the political considerations of the executive branch of government.

Freedom of thought, conscience and religion (Article 18)

Question 14: In 1994, the Committee emphasized the need to take further measures to guarantee freedom of religion and eliminate discrimination on religious grounds (CCPR/C/79/Add.35, para. 17). Please provide information on the right to have or adopt the religion or belief of one's choice, including the freedom of Muslims to change religion or the freedom to be atheist.

There is no problem in Jordan in converting from any religion to Islam. But the conversion from Islam to other religions is considered apostasy from Islam, and may lead to a court order after being asked to repent apostate. There was a case a few years ago where someone insisted on converting to Christianity and the court sentenced him of being apostate from the Islamic religion without any other complications. The ruling on a Muslim converting from Islam has many religious consequences such as failure to inherit and his wife is forbidden to him, she may ask for a divorce accordingly.

Question 15: The State party report (para. 132) refers to the inclusion of information on ethnic and religious background in personal identity cards. Please indicate whether all citizens have to associate themselves with a recognized religion for the purpose of obtaining an identity card and whether measures have been taken to prevent identity cards from becoming a source of discrimination.

As for the identification card, there are only two religions which may be written in the ID card: Muslim or Christian, since there are no Jews in Jordan. The Baha'is are obliged to write 'Muslim' in the religion box in the ID card.

If someone was a Christian and converted to Islam and then returned to the Christian religion, 'None' is written in the box.

But it is not permissible if he wants to register that he is without a religion or an atheist under the religion field in the ID card. After all, all of these cases are rare in light of the prevailing laws.

Freedom of opinion and expression (Article 19)

Question 16: Please provide information on the criminal responsibility incurred by journalists who write articles considered harmful to the country's diplomatic relations or to the royal family. Please provide statistics on the number of journalists prosecuted, as well as the reasons for such prosecution, over the past five years. According to the State party report (para. 87), the press and printing sectors are free to operate, subject to the limits established by law, and newspapers may not be suspended or closed down except in accordance with the law (para. 88). Please describe the legislative provisions regulating the operation of the press and printing sectors and permitting the suspension or closing down of newspapers.

Jordan has taken concrete steps towards approaching international standards of freedom of expression and press freedom. With the amendment of Publications Law of 2010 journalists cannot be arrested before a trial. The problem in Jordan was the pre-trial detention, rather than convictions, as there have been less than ten cases in which journalists have been detained after a definitive decision of the courts since the establishment of Jordan in 1921.

Cases involving the royal family still come under the competence of the State Security Court, which is a special military court. Recently, the king issued the directives to close 18 cases of this kind.

Article 118 of the Penal Code criminalizes to "disturb the Kingdom's relations" with other countries and there are dozens of cases every year where this elastic material is used in the trial of individuals before the State Security Court.

This Article 118 stipulates the penalty of imprisonment for not less than five years for whoever introduced a work, writing, or speech unauthorized by the government and jeopardized the Kingdom with the risk of hostile acts or disturbing its relationship with a foreign country or jeopardized the Jordanians to vindictive acts against them or their money.

The Court may decide to suspend the publication of a paper, but this is very rare and not relevant.

Article 19 - B of the Code of publications states that the Court may cancel the license of the publication if it violates the terms of the printed license including the content of specialization without obtaining the prior consent of the Minister, provided that publication has twice been suspended for violating the conditions.

Freedom of association (Article 22)

Question 19: With reference to the Societies Act of 2008, please indicate: (a) on what grounds an application to register an NGO may be denied; (b) on what grounds the Government can appoint a State employee to serve as temporary president of an NGO, refuse approval for an NGO to receive donations or shut down an NGO; (c) what remedies are available to contest such decisions; and (d) what type of activities NGOs can carry out.

The Jordanian Societies Law No. 51 of 2008 infringes human rights and public liberties, specifically in the provisions contained in Paragraph (A) of Article Three. These stipulations on the accountability of civil society organizations (CSOs) make them vulnerable to severe penalties provided for in the law. This is all the more concerning because CSO activities are a main and essential part of political life and climate and the living law regulating it.

The law as a whole is incompatible with the international criteria and the Jordanian constitution which have guaranteed the freedom to form societies. Moreover, the law as a whole allows the intervention of the executive branch of government in the work of societies, places restrictions on their independence, and obstructs their work and role in the service of civil society. Some stipulations of this law contradict the principles of human rights and public liberties. The requirements of this law will lead to civil society organizations, particularly those operating in the field of human rights, losing their dynamism and flexibility and turn them into stereotypes and bureaucratic institutions, consequently, obstructing and impeding their activity.

Comment on the Jordanian Societies Law No. 51 of 2008:

1. **Article 3, end of Paragraph A** about the Jordanian Societies, Law states as the definition of the society the sentence "*or the achievement of any political goals*". This paragraph is general and restrictive to the activities of the societies operating in the field of human rights and studies and the societies operating in the field of the defense of the rights of citizens. It is necessary to delete the sentence "*or achieving any political goals*" referred to the Article 3 to guarantee a freer space to the activities of the societies.

2. **Article 4, Paragraph B** states that "*the Controller of the Registry is appointed by a cabinet decision at the recommendation of the Minister and he should be attached to the Minister*". Since the Controller of the Registry has vast powers granted to him by the law, the civil society organizations and societies should have their say regarding his person, competence and understanding of the role of the civil society organizations. The Paragraph B should be deleted and replaced by the following text: "*The Controller of the Registry shall be appointed by a cabinet decision at the recommendation of the Minister in coordination and consultation with the civil society organizations and will be attached thereto.*"

3. **Article 5** gives a job description of the duties of the Controller of the Registry. **The Paragraph 3** of the same article states that any tasks or powers

entrusted to him in accordance with the provisions of this law and the regulations and instructions issued accordingly. The sentence "*regulations and instructions*" should be deleted and it should be introduced a clear legal provision of the components of the articles.

4. **Article 6, Paragraph A** fixes the number of 11 people involved in the registration of the society. We are not aware of the reasons to justify so many people. The sentence "*provided that their number is no less than 11 persons*" should be deleted and modified with a less number of people.

5. **Article 7, Paragraph A** states that the founding member must be Jordanian: this contradicts the internationalism of the voluntary work, particularly the one of that people that want to offer voluntary services in any place. Moreover, Paragraph D states that he should have a good attitude: The Paragraph A of Article 7 should be modified in this way "*He should be a legal resident of the Hashemite Kingdom of Jordan.*". The sentence of "*good attitude*" should be deleted from Paragraph D.

6. **Article 8** constitutes a clear intervention by the executive branch of the Government in the establishment of the society and its members as well as in its financial resources. The whole article 8 should be deleted. There is an excess of Government's powers.

7. **Article 9.** The aim of this article is to specify the registration's requirements of the foreign societies in Jordan. This article should be substituted by a provision that allows the registration of foreign societies in Jordan that seek to serve the local community.

8. **Articles 10 and 11** of the law contradict the International Covenant on the Civil and Political Rights, in particular the Article 22/2 which guarantees the right to form the societies in accordance with the international criteria

9. Moreover, **Article 6 of the Ottoman Societies Law** underlines the urgency to notify the Interior Ministry of changes in the society should be amended to become compatible with the Jordanian Constitution and the International Conventions by stating the right of citizens to form a society and to be content only with notification of the society's formation and registering.

Rights of the child (art. 24)

Question 20: Please comment on the existence of child labour in the State party, and any measures taken, including of a legal nature, to combat child labour.

1. The Jordanian Labour Law was amended in 2002 and raised the minimum age for employment to sixteen to prevent children from doing work that is dangerous and

harmful to their health and the Labour Code prohibits the granting of a license to employ children under this age. However statistics suggest that child labour is increasing, especially in tourist areas and garages. The statistics show that there were more than 32 thousand children between five and seventeen in work. 27% of children in the field of labour are working in agriculture, which is excluded from the provisions of the Labour Code. The Labour Code does not provide any protection for children working in family enterprises and agriculture.

Right to take part in the conduct of public affairs (art. 25)

Question 23: Please indicate what measures have been taken to guarantee free and transparent elections and if there is an independent electoral commission in the State party to supervise the electoral process and to ensure that elections are conducted fairly and impartially in accordance with established laws.

The Provisional Electoral Act No. 9 of 2010 and the system of electoral districts No. 26 of 2010 do not conform to the international standards for the following reasons:

1. The law did not take into account the principle of independent oversight by forming an independent national commission for this purpose.
 2. The ratio of the specific number of seats in each district with the number of people registered to vote shows that some provinces have a disproportionate number of seats for the number of registered voters.
 3. Jordan's election law made no reference to any involvement of political parties in the electoral process. The role of the parties is limited to nominating as individuals persons who may be loyal to certain political parties.
 4. The election law sought to achieve equality in weight of the vote of each citizen through the division of electoral districts into sub-chambers with one seat and permitting each individual one vote for one person to the one seat district. However, this equality is a formality in most Chambers, as it was adopted in the Sub-division circuit of the Grand Chamber without specifying their geographical boundaries of the electoral districts and without the organization of voters registration.
 5. The law doubled the number of seats allocated to the representation of women through the women's quota, however, did not make a law on the equality between candidates in different electoral districts, as the proportion of trade-offs among them to select the winners is calculated on the basis of the number of votes obtained by candidates divided by the number of voters in the constituency Subcommittee (PES Phantom) and not on the governorate's level, while the principle of justice and equality among them requires dividing the number of votes obtained by the candidate by the number of votes cast in the province.
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6. The principle of secrecy of the vote is still not achieved in the new law as it does not make provisions for the voting of the illiterate and visually impaired or improving the conditions provided in the voting booth, opting instead for developing the electoral paper to ensure strict confidentiality of the ballot.

7. The law did not stipulate the duty of the voting committee to record at the start of the polling process the number of ballot papers held by the Commission, and also did not include the need to count the ballot papers found inside the box before you start the vote count.

Recommendations:

1. Legislation against terrorism

- The legislation against terrorism should be compatible with the rights recognized in the Covenant; the criteria to determine what constitutes a terrorist organization should be clarified, as well as the meaning of the support to such groups.
- The power given to the Attorney General in case of suspected participation to terrorist activities should be subjected to appeal by a tribunal.
- The competence given to the State Security Court authority to consider terrorism cases should be consistent with – inter alia – article 14, especially with regard to the lack of independence of the State Security Court authority.

2. Gender equality and violence against women

- Polygamy should be abolished and the Personal status law No. (61) from 1976 should be amended accordingly. Educational measures to prevent polygamy should develop.
- Legislation should be reviewed to ensure that any gender-based discrimination in the areas of inheritance or divorce is eliminated
- The Procedural Law of legitimacy should be amended in order to ensure that the testimony of a woman carries the same weight as for a man.
- The reservation to article (9 / 2) of the Convention on the nationality should be removed in order to ensure that the sons of women married to foreigners have the same rights that the other children.
- Amend the Jordanian Nationality Law to stipulate the right of a Jordanian woman to confer her nationality upon her husband and children; on equal basis as applied onto the Foreign wife of a Jordanian man, as per Article 8, Chapter 2 of the Nationality Law.
- Amend the Residence and Foreigners Affairs Law to stipulate Issuance of a 5-year Residence Permit for Husbands and Children of Jordanian women; on equal preferential basis as applied onto the Foreign wives of Jordanian men.
- Issue a National Number to children of Jordanian women, as a special procedure regardless of their obtaining the Jordanian Nationality, to ensure their opportunities of enrollment in government educational institutes, health care services, and attainment of work permits on equal basis to other Jordanians .

3. Violence against Women

- Jordan should promote the recently adopted (2008) legislation concerning the protection of women against violence.
 - The provisions of the Penal Code related to the honour crime should be eliminated, in particular the provisions on the possible reductions in sentence for such crimes (Articles 98 & 99 of the Criminal Code)
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- Jordan should take immediate action to increase the number of accessible shelters and counseling services for women and girls who are victims of or at the risk of honour crimes. Women victim of honour crimes should not be held in prison for their own protection.

4. Right to Life, prohibition of Torture and ill-treatment

- NGOs and other human rights monitors should have access to places of detention and internment. A specific law should regulate this access.
- Detained persons should have immediate access to lawyer.
- Detained persons should have immediate access to doctor and ensure that doctors will be provided at request of detained persons without need to obtain permission of prison officials. The Code of Criminal Procedure should be amended accordingly.
- Ratify the Optional Protocol to the Convention Against Torture.
- Place all premises of detention and rehabilitation centers (prisons) under the authorities of the Ministry of Justice.
- Establish an effective and independent complaint system for torture and abuses leading to criminal investigations in order to put an end to torture and ill treatment, as well as to arbitrary detentions and secret incommunicado detentions.

5. Right to liberty and security

- Person under arrested should not kept in custody more that 24 hours as set in the Code of Criminal Procedure.
- Measures should be adopted in order to permit detainees' access to lawyer, doctor and family members from time they are taken into custody.
- Appeals against the decisions to detain administratively or limit the freedom of movement issued by the administrative Governor should not be limited to the Supreme Court, but also available in the regional Courts.

6. Right to a fair trial

- Special courts such as the State Security Court should be abolished.
- Detained persons should have immediate access to lawyers within 24 hours of his detention.

7. Freedom of association

- The Jordanian Societies Law No. 51 of 2008 should be amended to fully respect the provisions of the ICCPR (for the specific recommendations, see section under question 19).

8. Rights of the child

- The procedures to investigate cases of child labor should be reinforced and offenders should be adequately prosecuted. More severe penalties should be imposed on employers who use these children.
 - The age of criminal responsibility for juveniles should be raised from 12
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years to 16 years.

9. Right to take part in the conduct of public affairs

- The election law to the House of Representatives No. 9 of 2010 needs to be amended, to ensure compatibility with international standards relating to elections, and in particular the formation of an independent electoral commission.
 - The allocation of seats to the constituencies should be reconsidered to ensure justice in the distribution of seats compared to the total population. The representatives of all provinces and communities and minorities should be ensured access to Parliament without violating the principle of proportionality between the number of people with a number of seats allocated to be them.
 - The transparency of the elections should be improved by allowing local control of the oversight bodies of elections, and comment permitted on all stages of the electoral process, on the grounds that the reports of censorship contribute to strengthening confidence in election results.
 - Women's access to parliament should be strengthened by increasing the quota for women to 30% of the members of Parliament, so that this ratio is within the system of proportional representation, and that the quota of minorities be in the corresponding shares of the Chambers.
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