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REFERENCE: cc/jmntf/jli/follow-up/CAT

1 December 2011

Your Excellency,

In my capacity as Rapporteur for follow-up on Concluding Observations of the United Nations Committee against Torture, I refer to the examination of the second periodic report of Jordan (CAT/C/JOR/2) by this Committee, at its 44<sup>th</sup> session, held from 26 April to 14 May 2010. At the end of that session, the Committee's Concluding Observations (CAT/C/JOR/CO/2) were transmitted to your Permanent Mission. In paragraph 37 of those Concluding Observations, the Committee requested, pursuant to its rules of procedure, that the State party provide, within one year (by May 2011) further information regarding areas of particular concern identified by the Committee in paragraphs 10, 11, 18 and 31 (see extracts annexed).

The Committee has adopted a follow-up procedure to pursue issues that are serious, that can be accomplished by the State party in a one year period, and that are protective.

The information sought by the Committee has not been provided yet, although more than one year has elapsed from the transmittal of the Committee's Concluding Observations. Accordingly, I would be grateful for clarification as to the current status of your Government's responses on the matters, and as to when the information requested will be forthcoming. A Word electronic version of the reply should be sent to the Secretariat of the Committee against Torture ([cat@ohchr.org](mailto:cat@ohchr.org)). Upon receipt of this information, the Committee will be able to assess whether further action is needed.

The Committee looks forward to pursuing the constructive dialogue it has started with the authorities of Jordan on the implementation of the Convention. In this context, the Committee seeks to receive your response to this enquiry.

Accept, Your Excellency, the assurances of my highest consideration.

Handwritten signature of Felice D. Gaer in black ink.

Felice D. Gaer

Rapporteur for Follow-up on Concluding Observations  
Committee against Torture

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COMMITTEE AGAINST TORTURE  
 Forty-fourth session  
 26 April – 14 May 2010

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
 UNDER ARTICLE 19 OF THE CONVENTION**

**Concluding observations of the Committee against Torture  
 (Extracts for follow-up of CAT/C/JOR/CO/2)**

**JORDAN**

(...)

**C. Main subjects of concern and recommendations**

(...)

**Impunity for acts of torture and ill-treatment**

10. The Committee is deeply concerned by the numerous, consistent and credible allegations of a widespread and routine practice of torture and ill-treatment of detainees in detention facilities, including facilities under the control of the General Intelligence Directorate and the Criminal Investigations Department. The Committee is further concerned that such allegations are seldom investigated and prosecuted and that there would appear to be a climate of impunity resulting in the lack of meaningful disciplinary action or criminal prosecution against persons of authority accused of acts specified in the Convention. The Committee is particularly concerned that, while no official has ever been prosecuted for having committed torture under article 208 of the Penal Code, there have been prosecutions under article 37 of the Public Security Law of 1965 as the *lex specialis*, calling solely for disciplinary action. The Committee is further concerned that article 61 of the Penal Code stipulates that a person shall bear no criminal responsibility for acts performed in accordance with orders given by someone of higher rank (arts. 2, 4, 12 and 16).

**As a matter of urgency, the State party should take immediate and effective measures to prevent acts of torture and ill-treatment throughout the country, including announcement of a policy that would produce measurable results in the eradication of torture and ill-treatment by State officials.**

**The State party should ensure that all allegations of torture and ill-treatment are investigated promptly, effectively and impartially, and that the perpetrators are prosecuted and convicted in accordance with the gravity of the acts, as required by article 4 of the Convention.**

**Furthermore, the State party should amend its legislation in order to explicitly provide that an order from a superior officer or a public authority may not be invoked as a justification of torture.**

**Complaints and prompt and impartial investigations**

11. The Committee expresses its concern at the high number of complaints of torture and ill-treatment by law enforcement, security, intelligence and prison officials, the limited number of investigations carried out by the State party in such cases, and the very limited number of convictions in those cases which are investigated. Additionally, the Committee is concerned that the existing investigative bodies lack the necessary independence to review individual complaints about

misconduct committed by security officials. The Committee also regrets the lack of detailed information, including statistics, on the number of complaints of torture and ill-treatment and results of all the proceedings, both at the penal and disciplinary levels, and their outcomes (arts. 11, 12 and 16).

**The State party should strengthen its measures to ensure prompt, thorough, impartial and effective investigations into all allegations of torture and ill-treatment of convicted prisoners and detainees and to bring to justice law enforcement, security, intelligence and prison officials who carried out, ordered or acquiesced in such practices. In particular, such investigations should be undertaken by an independent body. In connection with prima facie cases of torture and ill-treatment, the alleged suspect should as a rule be subject to suspension or reassignment during the process of investigation, to avoid any risk that he or she might impede the investigation or continue any reported impermissible actions in breach of the Convention.**

**The State party should prosecute the perpetrators and impose appropriate sentences on those convicted in order to ensure that State officials who are responsible for violations prohibited by the Convention are held accountable.**

(...)

18. The Committee notes with concern that violence against women, as a form of discrimination against women, is a deeply rooted problem in Jordan and, as a result, a culture of impunity towards domestic and gender-based violence has evolved. In this respect, the Committee expresses its serious concern that crimes, where a family's "honour" is thought to be breached, often go unpunished, and when they are punished, the sentences are far less than for equally violent crimes without this "honour" dimension (arts. 1, 2, 4, 13 and 16).

**The Committee calls upon the State party to amend, without delay, applicable provisions of the Penal Code to ensure that perpetrators of "honour" crimes do not benefit from a reduction of penalty under article 340; that perpetrators of premeditated "honour" crimes do not benefit from a reduction of penalty under article 98; and that article 99 is not applicable to "honour" crimes or other cases where the victim is related to the perpetrator. The Committee also urges the State party to ensure that "honour" crimes are treated as seriously as other violent crimes with regard to investigation and prosecution, and that effective prevention efforts are put in place.**

(...)

31. The Committee notes the establishment, in 2006, of the Directorate of Domestic Workers, to monitor and regulate the practices of employment agencies. However, it expresses its concern at reports referring to widespread abuse of women migrant domestic workers, of which the vast majority is from South and South-East Asia, and against whom physical, psychological and sexual abuse is common (arts. 13 and 16).

**The State party should strengthen its measures to prevent violence and abuse directed against women migrant domestic workers in the State party by ensuring their right to lodge complaints against those responsible, and by ensuring that such cases are reviewed and adjudicated in a prompt and impartial manner by a competent oversight mechanism and that all employers and representatives of employment agencies who abuse migrant domestic workers are brought to justice.**

(...)

37. The Committee requests the State party to provide, within one year, information on its response to the Committee's recommendations contained in paragraphs 10, 11, 18 and 31 above.

(...)

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