



REFERENCE: GH/fup-133

1 December 2021

Excellency,

In my capacity as Special Rapporteur for Follow-up to Concluding Observations of the Human Rights Committee, I have the honour to refer to the follow-up to the recommendations contained in paragraphs 11, 19 and 25 of the concluding observations on the report submitted by Jordan ([CCPR/C/JOR/CO/5](#)), adopted by the Committee at its 121st session held between 16 October and 10 November 2017.

On 23 December 2020, the Committee received the reply of the State party. At its 133rd session (11 October 2021 to 5 November 2021), the Committee evaluated this information. The assessment of the Committee and the additional information requested from the State party are reflected in the Addendum 3 (see [CCPR/C/133/2/Add.3](#)) to the Report on follow-up to concluding observations (see [CCPR/C/133/2](#)). I hereby include a copy of the Addendum 3 (advance unedited version).

The Committee considered that the recommendations selected for the follow-up procedure have not been fully implemented and decided to request additional information on their implementation. Given that the State party accepted the simplified reporting procedure, the requests for additional information will be included, as appropriate, in the list of issues prior to submission of the sixth periodic report of the State party.

The Committee looks forward to pursuing its constructive dialogue with the State party on the implementation of the Covenant.

Please accept, Excellency, the assurances of my highest consideration.

Vasilka SANCIN

Special Rapporteur for Follow-up to Concluding Observations
Human Rights Committee

H.E. Mr. Walid Khalid Obeidat
Ambassador, Permanent Representative
Permanent Mission of the Hashemite Kingdom of Jordan
to the United Nations Office at Geneva
Email: info@jordanmission.ch



Evaluation of the information on follow-up to the concluding observations on Jordan

Concluding observations (121st session): [CCPR/C/JOR/CO/5](#), 6 and 7 November 2017

Follow-up paragraphs: 11, 19 and 25

Information received from the State Party: [CCPR/C/JOR/FCO/5](#), 23 December 2020

Information from non-governmental organizations: [Al Hayat Centre](#), August 2021

Committee's evaluation: Additional information required on paragraphs 11 [B][A], 19 [C][B] and 25 [C]

Paragraph 11: Violence against women, including domestic violence

The State party should:

(a) **Strengthen the legal framework for the protection of women against domestic violence by, inter alia, amending article 292 of the Penal Code to criminalize marital rape and removing the grounds for mitigating circumstances for honour crimes;**

(b) **Revise its policy of protective custody and take all appropriate measures to ensure that women fleeing domestic violence have access to shelter and support without jeopardizing their liberty;**

(c) **Develop and implement more effective training programmes for law enforcement officers, judges, prosecutors and lawyers, as well as for employees of the Administrative Governor's department related to family protection, and provide assistance to victims of domestic violence;**

(d) **Conduct awareness-raising campaigns to combat violence against women, including domestic violence, undertake research on the root causes of violence against women and use such research as a basis for enhanced awareness-raising efforts to prevent and eliminate violence against women.**

Summary of the State party's reply

(a) The State party amended the Penal Code in 2017 to ensure the punishment of all forms of sexual harassment under article 306, remove the provision from article 98 allowing a "fit of fury" to be considered a mitigating circumstance for an "honour crime", and the introduction of harsher penalties for violence against women under article 99.

(b) The State party opened the Amna centre in 2018 as an alternative to protective custody. The shelter provides accommodation, food, clothing and support services. It also offers training and rehabilitation programmes, psychological support, health services, counselling and legal assistance. The Department of Family Protection takes all appropriate measures to ensure that victims of domestic violence have access to the shelter. The Director of Public Security has ordered the restructuring of the Department of Family Protection and a review of the laws, regulations and instructions relating to the protection of women and children.

(c) The Judicial Council has provided members of the judiciary with training on a range of issues, including domestic violence and trafficking. Members of the judiciary have also received training on protection in domestic violence cases. The Family Protection Centre provided training courses and workshops for a significant number of its staff on a range of topics relating to violence against women in 2018, 2019 and 2020. The State party has worked with international organizations, including the United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Population Fund, to develop guidance on different issues relating to violence against women. A system for the protection of persons who report or witness cases of domestic violence is being developed.



(d) The State party has organized a range of awareness-raising activities to combat violence against women, including social media engagement and delivery of 754 lectures to 37,750 people in all governorates. Steps taken during the reporting period include the annual 16 Days of Activism against Gender-based Violence and in 2018, a campaign entitled “Speak up ... harassment is a crime”. Evaluation activities undertaken by the State party suggested that the campaigns had significantly increased awareness of sexual harassment and available remedies. The Department of Family Protection has contributed to numerous studies on violence against women conducted by partners and researchers.

Summary of stakeholder information

Al Hayat Centre

The Penal Code was amended in 2017 to punish all forms of sexual harassment under article 306. Article 98 was amended to ensure that perpetrators of “honour crimes” do not benefit from mitigating circumstances, if the act is committed against a female in a fit of fury. In addition, article 99 was amended to establish harsher penalties for “honour crimes”. Despite these changes, the annual number of incidences of violence against women has not decreased. Several civil society organizations announced an increase in cases of domestic violence against women during the pandemic. On 12th May 2020, the Department of Family Protection announced a 33% increase in domestic violence cases during the first month of the curfew in Jordan compared to the same period in 2019. Amendments to the law are not being effectively applied by the Courts.

The shelters “Family Protection” and “Amna” were built for women in danger and women in administrative detention to protect them in temporary accommodation. However, the policies governing the majority of these shelters are unclear, which can lead to protection gaps. These shelters are, in practice, no different than prisons.

Civil society organizations have undertaken a range of awareness raising activities and empowerment projects in the State party.

Committee’s evaluation

[B]: (a), (b) and (c)

The Committee welcomes the revisions to the Penal Code to strengthen the legal framework on violence against women, including the steps taken to remove mitigating circumstances for “honour crimes”. It requests information on how the State party has ensured the effective implementation of those measures. The Committee notes the lack of information on measures taken to criminalize marital rape and requests clarification on the current legal status of that practice.

The Committee welcomes the steps the State party has taken to improve access to shelters for women and children who are victims of or at risk of violence. It also welcomes the news that there are plans to review the laws, regulations and instructions relating to the protection of women and children. Nevertheless, the Committee regrets the lack of information on concrete changes to the State party’s policy of protective custody. It reiterates its recommendation in this regard and requests information on whether the State party continues to use protective custody to prevent violence against women, including honour crimes, and whether a review of that policy will be included within the scope of the activities ordered by the Director of Public Security. It also requests information about the conditions of the shelters provided.

The Committee welcomes the information provided by the State party on the training that has been provided to public officials, including the judiciary and staff of the Department of Family Protection. It requests additional information on the efficacy of those activities and on whether other State officials, including law enforcement officers, have been able to access such training. The Committee takes note of the information provided by the State party about the plans to improve protection to victims and witnesses of domestic violence and requests further information about the scope and status of those plans.

[A]: (d)



The Committee welcomes the information on awareness-raising campaigns to combat violence against women and commends the State party on those activities. It also welcomes the information detailing the State party's efforts to evaluate the efficacy of the activities and the positive results of the studies. The Committee requests information on any additional efforts that have been made to combat violence against women, including any activities specifically focused on domestic violence. It also requests more details of the studies to which the Department of Family Protection has contributed, including whether they address the root causes of violence against women in the State party and if the findings of the studies have informed awareness-raising activities.

Paragraph 19: Right to life, liberty and security of person and treatment of persons deprived of their liberty

The Committee reiterates its recommendation¹ that the State party amend the Act on crime prevention in order to put an end to the practice of administrative detention. In the meantime, the State party should take concrete steps to significantly reduce the number of people held in administrative detention. Moreover, the State party should ensure that those held in administrative detention have access to an independent and impartial court with the power to rule on the legality of their detention. It should allow increased access for independent visits to all places of detention, including the facilities of the General Intelligence Directorate

Summary of the State party's reply

The State party has a range of legal and institutional safeguards in place to ensure that administrative detention is applied in accordance with the law. The Act on crime prevention contains provisions that prevent the abuse of authority. Public instructions have been issued to administrative governors and field units stressing the importance of limiting the length of administrative detention and the circumstances under which it can be applied. The administrative courts are responsible for monitoring the legality of administrative detention decisions. There have been a number of cases in which administrative detention has been cancelled following court rulings. In addition, there are several oversight mechanisms in place to monitor administrative detention, including through the Government Coordinator for Human Rights in the Prime Minister's Office. The International Committee of the Red Cross and Directorate of Public Security also monitor the conditions in which detainees are held.

Summary of stakeholder information

Al Hayat Centre

Civil society organizations have called for a review of the Crime Prevention Act, which governs administrative detention. They stress that the law has been widely used to restrict the freedom of girls and women for long periods, under the pretext of protection from the possibility of being abused and killed. Civil society organisations have also advocated for immediate cessation of the use of administrative detention, and the release of all administrative detainees. They have also called for the issuance of directives and instructions that make clear Article 3 of the Crime Prevention Law does not allow for the arrest of women for reasons related to their protection. Data collected by the National Centre for Human Rights indicates that 37,683, 34,952 and 30,138 were held in administrative detention in 2018, 2017 and 2016 respectively.

The new Government has given serious attention to ending administrative detention. They have instructed governors to review the reasons for arresting administrative detainees and to release from prison those who do not pose a danger to themselves or society. The Minister of Interior stated publicly that 661 administrative detainees who met these criteria

¹ CCPR/C/JOR/CO/4, para. 11.



were released. The Minister also stated that no-one would be administratively arrested for drug use.

The Jordanian Government have regulations and rules to ensure oversight of the integrity and reliability of the administrative detention process. There are, however, different opinions about how effectively they are enforced.

Committee's evaluation

[C]: The Committee takes note of the information provided by the State party on the legal and institutional frameworks in place to prevent the abuse of administrative detention and monitor the conditions in which detainees are held. Nevertheless, it regrets the lack of information about steps taken during the reporting period to amend the law in order to put an end to the practice of administrative detention. It reiterates its recommendation and requests information on whether the State party intends undertake such legal reform within the reporting period.

[B]: The Committee welcomes measures to ensure judicial oversight of administrative detention. It requests more information about the steps taken to end administrative detention in practice, including the number of individuals released within the reporting period, as well as the number who remain detained. The Committee also welcomes steps to allow independent visits to detention sites and requests information about the number of visits undertaken within the reporting period.

Paragraph 25: Refugees and non-refoulement

The State party should take all measures necessary to ensure compliance with the principle of non-refoulement, including for Palestinian refugees regardless of their status in Jordan, and develop procedural safeguards against refoulement, including review by an independent judicial body and effective remedies. The State party should ensure that citizenship is not revoked, except in accordance with the provisions of domestic legislation that are in accordance with the Covenant and international standards, and under independent judicial review. It should also adopt measures to improve the status and living conditions of refugees in camps.

Summary of the State party's reply

The measures taken by the party State with respect to refugees comply with national legislation and the State's international obligations. Article 21 (1) of the Constitution establishes several categories of refugees and the principle of non-refoulement. The State party's 1998 memorandum of understanding with UNHCR also contains a commitment to the principle of non-refoulement. Asylum seekers may remain in Jordan pending the determination of refugee status and refugees are allowed to stay a maximum of six months after recognition of their refugee status, during which time a permanent solution must be found. The State party has put a number of policy and programme measures in place to meet the short-term and long-term humanitarian needs of Syrian refugees and host communities. These include the Jordan Response Plan for the Syrian Crisis 2017–2019 and the Rapid Response Programme 2020–2022.

Committee's evaluation

[C]: The Committee welcomes the information provided by the State party on the Jordan Response Plan for the Syrian Crisis 2017–2019 and the Rapid Response Programme 2020–2022. The Committee requests additional information on these programmes and their efficacy. The Committee takes note of the information on the national legal framework and the memorandum of understanding with UNHCR on non-refoulement. Nevertheless, it regrets the lack of information on measures taken during the reporting period to strengthen procedural safeguards against non-refoulement, including review by an independent body and accessible remedies. The Committee also regrets the lack of information on steps taken to ensure that citizenship is not revoked in circumstances contravening the Covenant and on measures to improve conditions in refugee camps. It reiterates its recommendation and



requests information on any specific steps that have been taken by the State party during the reporting period to strengthen protections in place to ensure citizenship is not revoked in circumstances contravening the Covenant.

Recommended action: A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested should be included in the State party's next periodic report.

Next periodic report due: 2025 (country review in 2026, in accordance with the predictable review cycle. See www.ohchr.org/EN/HRBodies/CCPR/Pages/PredictableReviewCycle.aspx).
