



**Seventh Annual Report
Of the National Center for Human Rights
Human Rights Situation
In
The Hashemite Kingdom of Jordan
For 2010**

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Seventh Annual Report on the Situation of Human Rights

In the Hashemite kingdom of Jordan

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* Arranged in alphabetical order.

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Introduction

The seventh annual report comes with a view to diagnose the situation of human rights in the Hashemite Kingdom of Jordan in 2010, and to point out the positive or negative changes that have occurred during that period. It proposes legislations, policies and measures that are believed to contribute to changing the current situation of Human Rights for the better, especially in the light of the rapid developments taking place in the Arab region and the demand by its people for a civil state and separate powers, as well as adopting and practicing democracy and its values as a way of governance. Furthermore, people demand rotation of political power, rule of the law, and promotion of human rights, especially that the prevailing climate of tyranny and corruption over many years has opened the door wide to serious violations of human rights, within which public freedoms are restricted and citizens are excluded from participation in public life and the process of making political, economic, social and cultural decisions pertaining to their lives.

The report for this year comprises the outcome of the accumulated experiences of the Center in the field of protecting civil, political, economic, social and cultural rights. It also comprises a qualitative addition represented in the devotion of an axis related to the assessment of how serious the Government is in taking appropriate legislative, judicial and executive measures needed to implement the recommendations by the treaty committees, such as those of the Convention against Torture

Committee in 2010 and the Civil and Political Rights Committee in 2010, in addition to the recommendations of the Periodic Universal Review mechanism for the year 2009 and the recommendations contained in the reports of the (NCHR). These recommendations have been classified, according to priority and importance, into three categories depending on frequency and recommending parties. Moreover, rather than being scattered in the folds of the report, the second qualitative addition was the compilation of all recommendations in one chapter, where they were classified on the basis of conceptual and logical correlation into eleven axes. The purpose of such compilation and classification is to facilitate reference for government agencies, human rights activists, civil society organizations, researchers and other interested parties.

The year 2010 has witnessed important developments and events that had an effect, in one way or another, on the enjoyment of various rights, most notably; public rights and freedoms. For Example, 48 temporary laws were issued in 2010, in a way that cannot be described but as a reflection of the increasing control of executive branch over the role of the legislative branch and an explicit and clear violation of the provisions of the Constitution, which stipulates that the issuance of such laws should be based on the requirements of necessity and urgency, especially that many of these laws are related to human rights and freedoms and may not be regulated, as the constitutional jurisprudence has concluded, within the category of temporary laws. In addition, the International Covenant on Civil and Political Rights stressed on the inadmissibility to restrict public rights and freedoms, unless under a law issued by a competent

legislative authority representing the will of the people and not under a temporary law that is incompatible with the conditions established by the Constitution. Moreover, the temporary laws that are issued by the executive branch emphasize that which has been stated in previous reports of the (NCHR) on the urgent need for the establishment of a constitutional court to monitor the constitutionality of laws.

The entity of the state of law cannot be maintained without the compliance of the public authorities and all individuals with the principles of respecting the Constitution, separation of powers, honoring the rule of law, and legislative stability. The year 2010 has witnessed the issuance of temporary laws that have affected the independence of the judiciary, such as the judicial independence and Public Prosecution Laws, which were rejected by the National Assembly, in addition to amendment of the legislation regulating the Higher Education and Scientific Research Law after being issued by the National Assembly few months earlier, which led to a legislative confusion and instability of legislative frameworks that govern the lives of citizens. This is in addition to the emergence of manifestations of infringement on the principle of the rule of law, either by public authorities or individuals, such as the spread of the values of favoritism, nepotism, and tribalism, as well as the growth of corruption and the resort of people to get their rights through illegal means, especially with the length of trials and the high costs of litigation, and the use of violence in its various forms as a tool to meet social, economic and political demands.

The year 2010 has also witnessed the issuance of a provisional election law, under which the elections for the sixteenth Parliament took place. Such a law was disappointing to the expectations of citizens and the demands of political, partisan, union and civil forces and activists, due to the fact that it had no contribution to the process of bringing political and partisan life in the Kingdom out from its depression, launching political reform, and prompting democracy. This is a result of the gap between the provisions of this law and the constitutional and international standards governing the right to free and fair elections. Consequently, there was a great reduction in the representation of political and public spectrums and powers in the said parliament.

Furthermore, no serious initiative to launch and promote public freedoms, especially Freedom of Opinion, Expression, Press and Media, as well as freedom of assembly and freedom to establish trade unions and associations, were introduced or proposed in 2010. In addition, the genuine popular participation of citizens in the formulation and adoption of policies related to their political aspirations and economic interests, as well as social justice, equality between individuals, equal opportunities in accordance with the Constitution, especially regarding the right to citizenship, admission to universities, appointments to public positions was caused to be absent. Therefore, the (NCHR) is required to reiterate the need to place emphasis on recommendations included in its previous annual reports, which aimed at strengthening the democratic approach and launching and promoting freedoms through the amendment of

legislations governing them and removing restrictions imposed by the executive branch on these rights and freedoms.

The year 2010 has been marked with organized and ongoing sit-ins for teachers in all governorates of the Kingdom for the purpose of establishing an association that ensures their rights, improve their living conditions, rehabilitate the teaching profession and raise the social status of the teacher. This demand was faced by rejection on the part of the executive branch, which tried to find alternatives that detract from the essence of this right by offering a federation formula for teachers on the basis that public servants are not allowed to establish associations. Therefore, the (NCHR) asserts that the right of teachers to establish a union is a legitimate right guaranteed by the Constitution and international standards of human rights, and calls upon the legislative and executive branches to quickly remove all the obstacles and to create all suitable conditions to pass a law that guarantees this right.

In terms of economic, social and cultural rights, the year 2010 has witnessed continuing poor economic conditions for the citizens and expansion of poverty pockets, as well as high unemployment rates and increasing costs of living due to higher prices of basic foodstuffs. This resulted in a significant impact on the lives of a large segment of the middle class and poor people, who became forced to spend more than half of their income on food on the expense of other needs in the areas of education, health and housing, in addition to being deprived enjoyment of cultural life and the fruits of scientific progress. Consequently, the middle class declined, social system disintegrated, and community violence and

crime of different forms increased, especially among young people, who make up the largest segment of the Jordanian society. In addition, there was an emergence of phenomena of child labor, spinsterhood, high divorce rates and family disintegration.

Furthermore, indebtedness and budget deficit have reached the red lines and should be dealt with firmly by taking quick and effective economic and financial measures to curb their increase. Otherwise, there will be a negative impact on the livelihood of citizens and the stability of the homeland.

Moreover, the (NCHR) records continued negative dealing with the rights of Jordanian and foreign workers, where workers still suffer from many problems, particularly those relating to wages, decent living, adequate housing, health insurance and social security, in spite of repeated recommendations by (NCHR) on the need to find radical solutions for those problems. It is enough to note the number of sit-ins and the size of participation and spread across the Kingdom and in all sectors to indicate the lack of equal opportunities and the marginalization of the rights of the most vulnerable to enjoy dignity and have access to their rights which are guaranteed constitutionally and internationally.

At the level of NCHR's work, this report comes after the accomplishment of the Center of three major tasks; First, monitoring the electoral process for the Sixteenth Jordanian Parliament, with the participation of more than (50) civil society institutions from various governorates of the Kingdom. Second, the re-accreditation of the NCHR within category «A» for the next five years by the accreditation Sub-Committee arising from

the International Coordinating Committee for National Independent Institutions of human rights. Third, the establishment of a new unit within the NCHR, which is called the Women's Rights Unit, that is also concerned with the protection of the rights of the most vulnerable.

In conclusion, this report is an outcome of the efforts of all staff at the (NCHR) during a whole year, as well as the fruitful cooperation of various institutions and individuals, as they did not hesitate to accurately answer the questions and inquiries of the NCHR. On this occasion, the NCHR emphasizes the need for concerted national efforts to entrench the principles of human rights and establish the rule of law in the Kingdom.

I pray the Almighty God to grant us success,,

Chairman of the Board of Trustees

Adnan Badran

Civil and Political Rights

Right to Life and Physical Safety

1. The right to life and physical safety is one of the basic rights guaranteed by international instruments¹ and national laws². Nevertheless, there is still a set of factors that negatively impact this right, most importantly, the death penalty which is still included in penal legislative enactments, despite the partial reduction of legal provisions applying this penalty. However, death penalty does not apply to those under the age of (18) and pregnant women, as well as those suffering from insanity. Moreover, the application of this penalty is confined to crimes which are most dangerous and serious (such as homicide, terrorism, and statutory rape). In addition, the possibility of general amnesty or a special pardon is available and provided for in the Constitution (Article 38) and the Penal Code (Articles 50-51). The death penalty is carried out only after a series of procedures³, which are consistent with the regulations approved by the International covenants and charters. Table No. (1) shows statistics relating to death sentences issued by the Grand Criminal Court and the State Security Court in 2010 compared to previous years.

¹ cf. Article (3) in the Universal Declaration of Human Rights, Article (6) of the international Covenant for Civil and Political Rights, Article (2) in the European Convention for Protecting Human Rights and Fundamental Freedoms, Article (4) of the African Charter for Human Rights and Peoples, Article (4) of the American Convention for Human Rights and Article (5) of the Arab Covenant for Human Rights.

² An example on this is the Jordanian Civil and Military Penal Codes.

³ The penal procedural law requires the chief of the court responsible for crimes punishable by penalty death to ask the accused whether he has assigned a lawyer to defend him. If not, the court shall appoint a lawyer for him where fees will be paid from the State treasury. Under the law, the death sentence is appealed before the Court of Cassation, even if the accused did not request that (Article 275 / c). If the Court of Cassation finds any defect in the application of the law or that the evidence is insufficient to convict the accused, it shall quash the ruling to death penalty, and return the case to the relevant court to reconsider its ruling.

Table No. (1) Number of Death sentences during 2008-2010			
Year \ Number	Grand Criminal Court	State Security Court	Total
2008	5	1	6
2009	7	--	7
2010	9	--	9

Among the positive developments in this domain in 2010 is that Jordan abstained from voting for the second time on the General Assembly resolution that recommends the abolition of the use of the death penalty, after it used to vote against such a resolution in the past. Also, Jordan has suspended the enforcement of this sentence since mid 2006. However, the government did not officially declare its decision to suspend or abolish this penalty to correspond with its abstaining from voting on the said General Assembly resolution. Therefore, the NCHR calls upon the Government to officially announce the stoppage of the enforcement of the death penalty in consistency with its voting in the General Assembly at the United Nations. There has also been a reduction in the number of legal provisions applying this penalty in the Penal Code after amendments were made to two Articles, in which the death penalty was replaced by hard labor for life, namely; Article (137/1) relating to the crime of Inciting armed insurrection against the existing authorities under the Constitution and Article (372) relating to the crime of arson leading to the death of a human being. The NCHR asserts the need to restrict the application of the death penalty on the most serious or dangerous crimes and under Legislative, administrative and judicial controls that ensure the reduction and sound application of the death penalty. The NCHR also asserts the need to enhance preventive measures to mitigate crime rates, in line with the process of reform adopted by the Kingdom, particularly in the field of human rights, since the death penalty does not achieve the intended personal deterrence as it is a harsh penalty that ends the life of

the offender and contradicts the objective of the penalty as a correction tool.

2. Among the most serious violations of the right to life and physical safety is torture and other cruel, inhuman or degrading treatment or punishment. Hence, a set of legislative, administrative and judicial procedures and measures should be adopted, in accordance with the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in order to achieve the principle of consistency between articles of the Convention and the measures taken at the level of legislation, judiciary and administration. On the top of these measures is changing Article 208 of the Penal Code, noting that the (NCHR) has previously noted in its annual and periodic reports about the conditions of the Reform and Rehabilitation Centers (RRSs) in the Kingdom and the need for the government to take a series of legal reforms which aim at resettling standards of human rights under national laws, in order to avoid the obvious failure in the overall national remedies available in cases of torture. In addition, there is an urgent need to review the complaint mechanisms, investigate complaints of torture and study their effectiveness to ensure that perpetrators are accountable for the this crime and do not escape punishment, as none of the national mechanisms to receive and follow-up complaints, such as those established by the (NCHR), the Ministry of Justice in cooperation with the public prosecution, or the Office of the Ombudsman and Human Rights in the Public Security Directorate (PSD), have proven their effectiveness and efficiency in terms of calling perpetrators for accountability or redressing and rehabilitating victims, which calls in return for a review of national mechanisms of remedies.

Table (2) How complaints submitted to NCHR during 2008-2010 concerning torture and ill treatment were handled				
2008	2009	2010	Settling Complaints	
7	5	15	Number of complaints kept upon the complainant's request	Number of complaints against the various police stations and security administrations
13	8	10	Number of complaints that were closed because the violation was not proved	
5	6	3	Number of complaints that were referred to police court	
16	32	57	Number of complaints that are still being followed-up	
9	1	-	Number of complaints kept upon the complainant's request	Number of complaints about violence and torture at RRCs
1	2	2	Number of complaints that were closed because the violation was not proved	
1	0	-	Number of complaints that were referred to police court	
4	3	2	Number of complaints that are still being followed-up	

3. The NCHR has received in 2010 (85) complaints against Police stations and security departments⁴, compared to (51) complaints in 2009. Moreover, it received (4) complaints about beating and torture in the (RRCs), compared to (6) complaints in 2009. According to statistics available at the NCHR, the year 2010 witnessed a rise in the number of torture and ill-treatment complaints at temporary detention centers in police stations and security administrations, while the number of similar complaints against (RRCs) has decreased in comparison with 2009, as illustrated in table No. (2). It is noteworthy that no person has been

⁴ According to the information and complaints received by the Center, workers in both the CID and drugs Administration of the PSD resort to beating in a marked way to solicit briefings and information from the defendants.

prosecuted in 2010 under Article (208) of the Penal Code, as amended. Furthermore, in the absence of amendment to Article (208) of the Penal Code, so as to be in line with the provisions of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the NCHR has been obliged to address the Speaker of the Lower House as of 16/1/2011, during the consideration of the Provisional Penal Code No. 10 of 2010 by the legal committee, to provide him with a proposal to amend Article 208. However, that proposal was not taken into consideration.

4. In 2010, the Jordanian government submitted its combined report (II, III and IV) to the Committee against Torture, where the committee confirmed, within its concluding observations, the existence of the following violations: (a) the absence of a specific provision to prevent torture and other types of ill-treatment in the Jordanian Constitution, while Article (208) of the Penal Code provides only for a definition of torture, (b) ambiguity of Article (208), which stipulates (any kind of torture that is not allowed under the law), and this implies the existence of forms or cases of torture that are allowed under the law (c) Torture is considered a felony not a crime and is not subject to a punishment equal to its seriousness, as perpetrators of such crime are punished by imprisonment from 6 months to three years (e) The Penal Code does not include any text that exclude the prescription of the crime of torture. Thus, the applicable laws of prescription in the provisions of the Penal Code may prevent the investigation, prosecution and punishment of such serious crimes. (F) that the investigations and trials of perpetrators of acts of torture before special police courts does not, from the legal and international standpoint, achieve the desired justice, due to the fact that these investigations and trials lack fair trial standards in terms of the

formation of the court and the prosecution and the ways to challenge their resolutions. The police administrator⁵ is the competent authority in charge of appointing and ending the services of judges and prosecutors in the police courts and is also responsible for approving most of the resolutions. In addition, victims are reluctant to lodge complaints because of their fear and conviction that such complaints would be useless because the security departments are themselves the parties involved in carrying out investigations and, consequently, their conviction that it is difficult for law officers to issue verdicts against their own colleagues or that police will waylay them later if they complain. (G) No provision for a right to direct compensation by the state for victims of torture when such crime is committed by an official employee. Moreover, reliance on the provisions of Article 256 of the Civil Code, which stipulates that «every harm by a person shall be a reason for compensation even if that person is not an adult», is inadequate and does not hold the state accountable for acts committed by its employees, especially that the Supreme Court of Justice did not consider compensation for the administrative decision, but only cancelled such decision (H) Article 208 of the Penal Code does not expressly provide for the exclusion of crimes of torture from prescription and exclusion from a general amnesty or special pardon.

5. On the other hand, the Committee against Torture expressed concern about the scarcity of investigation and prosecution of allegations of torture. As a result, it is clear that there is a climate of impunity resulting

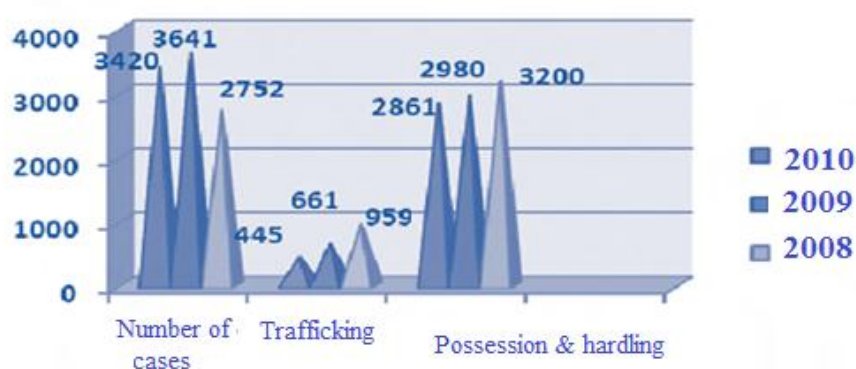
⁵ Under the amended law of the Public Security provisional Law of 2010, which provided for the involvement of regular judges in the formation of the Police Court to consider the crimes committed by employees of public security, the Police Court shall be comprised of a president with a rank not below that of a colonel and two members at least, provided that one of them is a regular judge nominated by the president of the Judicial Council.

from the weakness of disciplinary action or criminal prosecution against persons or authority accused of acts specified in the Convention. The Committee also expressed concern that, while no prosecution of any employee for committing torture under Article (208) of the Criminal Code has been made, prosecutions under Article (37) of the Public Security Act of 1965 were made, where the result was disciplinary actions only. The Committee is also concerned about the text of Article (61) of the Penal Code, which does not hold any person responsible in criminal terms for any acts that took place in accordance with the orders given by someone else with a higher rank- Articles (2, 4, 12 and 16). Therefore it stressed that Jordan is required on a quick and urgent basis to take immediate and effective actions and measures to prevent acts of torture and ill-treatment in all parts of the Kingdom, including the announcement of a policy leading to measurable results that would eliminate torture and ill-treatment by state officials. The Committee made the following recommendations to the Jordanian government: (a) the integration of the prevention of torture in the Constitution, in order to demonstrate a genuine acceptance, and the need to point out that torture is a serious crime and violation of human rights and to emphasize the principle of no impunity⁶, (b) The definition of the crime of torture, as provided for in Articles I and IV of the Convention, independently from other crimes, (c) Prosecution and conviction of the perpetrators of the crime of torture according to the seriousness of such crime, as required by Article IV of the Convention (d) Amending the Penal Code to toughen penalties, as may be appropriate, to prevent the commission of the crime of torture and review the rules and provisions on prescription to bring

⁶ The NCHR does not believe that integrating torture in the Constitution is a necessary step considering that the constitutions of many countries do not provide for the criminalization of torture. Thus, the NCHR believes that it is sufficient to amend Article 208 of the Penal Code to be in line with the Convention against Torture.

them into compliance with Jordan's obligations under the Convention (e) assigning the task of investigating and sentencing the acts of torture to an independent and impartial judicial party, (f) Ensuring that all allegations of torture and ill-treatment are investigated promptly, effectively and impartially, in addition to prosecuting and convicting perpetrators in accordance with the gravity of their acts, as provided for in Article IV of the Convention, (g) Amending legislations to expressly stipulate that no order from a superior officer or authority shall constitute a justification for torture."

6. During its visits to RRCs and temporary detention centers in 2010, the NCHR detected a decline in the number of individual complaints about mistreatment of inmates and detainees. The NCHR also detected violations by law enforcement officials at some security administrations during its visits to temporary detention centers and meetings with the detainees or their family members, as well as through complaints received by the NCHR in 2010.



It also detected forms of torture exercised against detainees and suspects like insult, humiliation, falanga, Strappado and other forms in order to

obtain confessions or statements. Furthermore, the NCHR detected incidents where several torture perpetrators have gone with impunity for several reasons including⁷, the lengthy duration of detention upon administrative detention orders, traces of physical violence fade over time, the difficulty of having witnesses, the lack of forensic reports⁸, and the difficulty for victims to identify the actual perpetrators among law enforcement officials. Moreover, the lack of effective judicial monitoring over places of administrative detention at police stations contributes to a significant extent to detainees being subjected to ill treatment and psychological and physical duress, let alone the fact of denying their right to seek remedy at competent authorities and filing complaints during the period of the police preliminary investigation. This is due to the secrecy in handling the investigation, in addition to victims' fear of police retaliation should they file complaints against them. Some, also, do not believe that filing complaint against security bodies is effective, since after all, they have the jurisdiction of handling and investigating claims. This requires review by competent parties, since the period of detention at police stations and security administrations is far from being under effective judicial control and restricts detainees from contacting their family, or even the physician. The legal period of detention, which is 24 hours, is rarely adhered to, as this period exceeds a week or more under arrest warrants issued by administrative governors at the request of the respective security departments, in a clear violation of the necessary legal measures to be taken in accordance with the Crime Prevention Law of

⁷ The NCHR had to re-emphasize what was stated in this paragraph, despite being stated in the 2008 report because there was no significant progress in this regard.

⁸ The National Center for Forensic medicine does not conduct medical examination for victims of torture unless the judiciary or the PSD requires that. As a result, this constitutes an obstacle to victims in proving torture inflicted upon them. Also, the NCHR finds it difficult to verify the validity of the complaints it receives about torture.

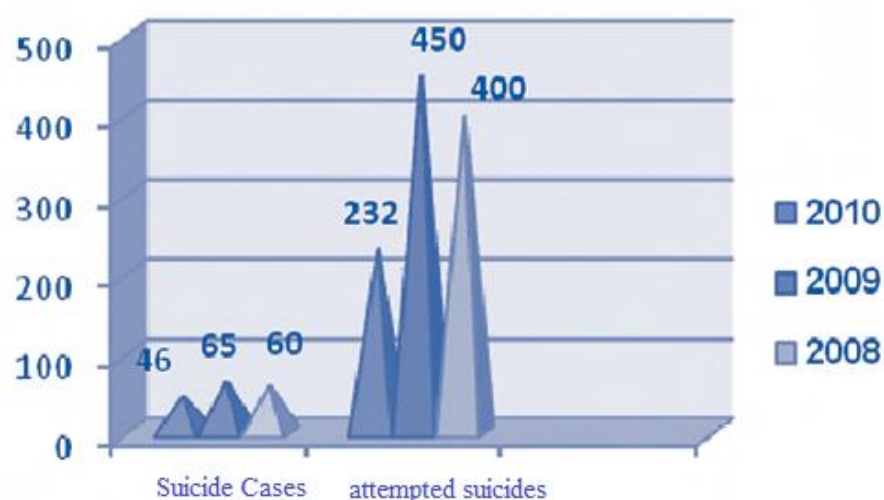
(1954). Hence, the NCHR asserts that the violations mentioned above against detainees and inmates are still continuing despite being referred to in previous reports by the NCHR and confirmed by the Committee against Torture when considering the combined report (II, III and IV) and submitting its concluding observations⁹. The NCHR calls upon the government to lend its recommendations and the recommendations of the Committee against Torture due attention and put the matter into real implementation.

7. The prevalence of narcotics, especially among young people, is still another factor affecting the right to life and physical safety. There has been no significant development in 2010 on the mechanisms adopted to face such prevalence in society, as the data issued by the (PSD) confirm that Anti Narcotics and Forgery Administration (ANFA) handled (3420) cases in 2010, compared to (3641) cases in 2009. The chart shows the number of cases seized by the Administration in 2010, compared to previous years.

8. Incidence of suicide is yet another factor impacting the right to life and physical safety. According to the statistics of the National Forensic

⁹ The Committee expressed concern about the high number of complaints of torture and ill-treatment by law enforcement officials and workers of public security, intelligence services, and prisons, in addition to the limited number of investigations by the State in such cases and the very limited number of convictions in those cases that were investigated. Moreover, the Committee expressed concern that the authorities conducting the investigation lack the independence necessary to consider complaints about the misconduct of State employees. The committee expressed regret over the lack of detailed information, including statistics on the number of complaints of torture and ill-treatment and results of the proceedings and results at the criminal and disciplinary levels. The Committee recommended that the State should strengthen measures to ensure prompt, thorough and fair investigations on all allegations of torture and ill-treatment of convicted prisoners and detainees and to submit to justice all law enforcement officials and workers of public security, intelligence services and prisons who conducted, acknowledged or colluded such practices. Such investigations should be conducted by an independent body, and the suspect «defendant» in cases containing torture or ill-treatment should be suspended from work during the investigation process to avoid the risk of obstructing the investigation or continuing the practice of any behavior that is contrary to the Convention. Finally, the State should prosecute perpetrators and impose appropriate penalties on those who are guilty in order to emphasize the accountability of State officials responsible for violations prohibited by the Convention.

Medicine Center, (46) persons committed suicide in 2010 in comparison with (65) in 2009 and (60) in 2008. The diagram below clarifies suicide statistics for the year 2010, compared to previous years¹⁰. Statistics show that the majority of persons committing suicide are males, as for every female committing suicide there are three males doing so.



A new phenomenon also appeared in the community manifested in threats to commit suicide in public places, some tried to burn themselves and others threatened to throw themselves from the roofs of high buildings in the event of failure to meet their demands. The NCHR is of the opinion that the persistence of cases and threats of suicide in Jordanian society during the past two years may be an expression of economic, political and social frustrations felt by those committing suicide and their inability to meet the demands of life. As for the suicide cases at RRCs, the NCHR recorded (42) suicide attempts in 2010 in different RRCs, two of which succeeded at Al Muwaqar prison and Al Balqa prison, compared to (117)

¹⁰ These figures are approximate due to the lack of a national database.

suicide attempts at RRCs in 2009, one of which succeeded at Al muwaqar² prison.

9. As for intentional and unintentional injuries affecting life and physical safety, statistics of the National Center for Forensic Medicine show that more than (20) thousand cases are exposed to different forms of intentional and unintentional injuries, including at least (10) thousand cases annually using sharps (i.e., razors or scalpels). To counter this phenomenon, the legislator amended Article (334) of the Penal Code as to stipulate that any person who strikes another person on the face or neck using blades, scalpels, razors or similar tools, or throw burning or maiming material on the face or neck to leave a marked impact on the victim is a felony punishable by temporary hard labor for a period not less than seven years.

Right to Freedom and Personal Security

10. International conventions have guaranteed the right of man to freedom and personal security.¹¹ The Constitution emphasized this right in its Article (8)¹² while the Penal Procedural Law No. 9 of (1961) further defined the cases in which judicial police may arrest the defendant and remand him in custody (crimes and in cases of being caught in the very act). It laid down a set of controls and formal restrictions that should be taken into consideration upon making the arrest. In spite of repeated demands by the NCHR to abolish the Crime Prevention Law, the year 2010 witnessed continuing resort to this Law, where citizens were detained in accordance with its provisions. (12345) citizens were detained in 2010 in spite of the evident decline in the number of administrative detainees in comparison to 2009 and 2008. The diagram shows the total number of the administratively detained over the past three years.

Number of persons detained during the years 2008-2010



¹¹ See article (9) in the International Covenant for Civil and Political Rights.

¹² The Article stipulated that No one may be detained or arrested except by the provisions of law

11. As being aware of the gravity of psychological, social and legal dilemmas resulting from administrative detention, the NCHR issued during 2010 a special report on administrative detention under the title (Judicial Powers in the hands of Executives)¹³ which tackled a number of violations and irregularities associated with the application of the provisions of this law. The report pointed out the problems associated with the submission of bails and periods of administrative detention¹⁴, as well as the reasons for administrative detention.¹⁵ Furthermore, the report paid special attention to the females who are administratively detained under the pretext of (honor cases), as some of them have been detained for ten years or more although efforts are exerted by civil organizations to release them or put them in a special shelter. Such a detention is criticized by the Committee against Torture which expressed concern that the Crime Prevention Law allows for the imposition of protective detention on the women at risk of violence. Thus, the Committee urged the State to replace the protective detention with other measures that ensure the protection of women without exposing their freedom to risk.

12. As for restricting freedom, the NCHR still records persistent encroachments of administrative detention orders on judicial decisions of acquittal and verdicts of not guilty issued by competent courts. Subjects of such verdicts are often re-sent to prisons upon administrative detention memoranda issued by administrative governors. The NCHR points out that the Committee against Torture expressed concern to the Government upon consideration of the combined report (II, III and IV) about the

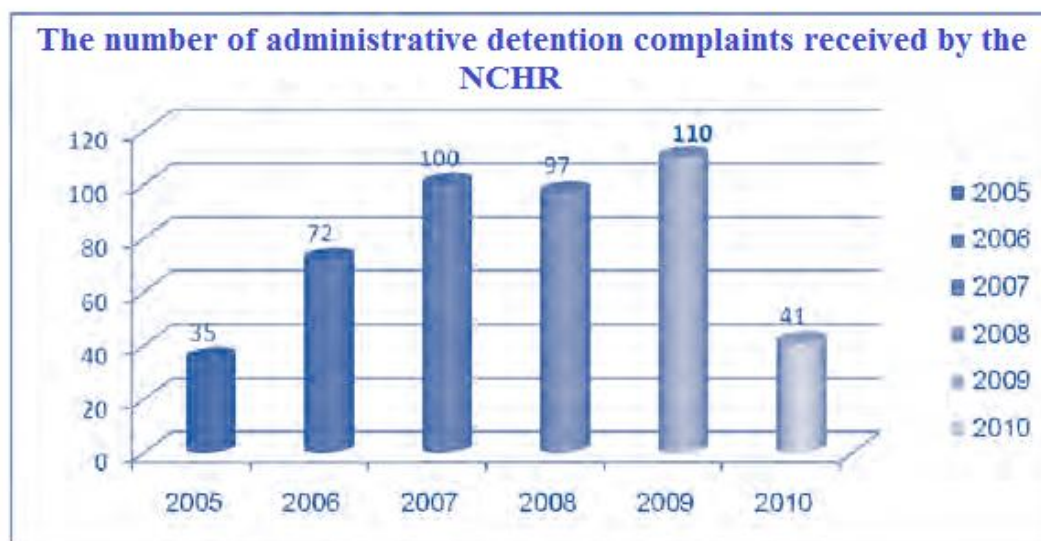
¹³ See the report "Judicial Powers in Executive Hands"

¹⁴ The average of administrative detention ranges between one week and 4 months.

¹⁵ Means inability of these individuals to pay the required bail amount, which ranges between 5-20 thousand Jordanian Dinars.

continued practice of administrative detention under the Crime Prevention Law for the year 1954.

13. The NCHR received several complaints and reports on administrative detentions and house arrests during (2007-2010) as shown in the diagram below, noting that most of the detainees were actually administratively detained after they had served their sentences.¹⁶



However, the number of complaints received by the NCHR regarding this issue has declined in 2010. It is important to point out that if the purpose of such measure is to prevent crime, practical experience does not indicate that this measure has managed to curb crime rates in Jordan. According to the statistics of the technical department at the Ministry of Justice, there has been an increase in the numbers of cases filed, as the number of cases filed in 2010 accounted to (1482) cases, compared to (708) cases in 2009 and (629) cases in 2008.

¹⁶ It came to our attention that there was no study conducted to produce statistics about this issue in particular, however most complaints submitted to NCHR confirm this.

14. As for judicial arrest, the NCHR notes a significant persisting increase in the number of judicial detainees,¹⁷ since there were (3027) detentions in 2010, as well as (5004) detentions for the sake of the State Security Court in the same year. This called concerned bodies to take a set of procedures to curb this phenomenon, especially that detentions outnumbered convictions¹⁸ between 2008-2010. Such measures included amendments to the Penal Procedural Amended Law number 19 of 2009 on crimes requiring detention and conditions of detention. As a result, the number of judicial detainees declined. Hence, the NCHR recommends examining reasons lying behind not expediting the adjudication of cases heard by the judiciary in the light of international standards and national laws. It is not uncommon to extend detention for lengthy periods that sometimes exceed the sentence duration, or even use the method of imposing or renewing detention to compel persons to seek to reconcile with adversaries. There have been cases where some persons were detained for very long periods exceeding 3 years, and eventually the competent court acquitted them or decided they were not guilty. Detention, in fact, cannot be a penalty; otherwise it will be a violation of the fair trial guarantees and the right of individuals to be brought before court without unjustified delay, as stipulated by Article 14 of the International Covenant on Civil and Political Rights and clarified by the comment No. 13 on Article 14 of the International Convention on Civil and Political Rights by the Committee concerned with human rights¹⁹.

¹⁷ The main reason behind such rise is the extended use of detention by public prosecutors, as detention order is issued in the preliminary stages of the investigation. It could also be due to other factors, like the dawdling trial procedures, delayed witness notifications, defendants' presence or some lawyers' intended stalling of trial duration.

¹⁸ We learnt that the number of convicts in 2008 was (24176) and (24129) in 2009

¹⁹ The General Comment of the Committee on Article (14) states that: "This guarantee relates not only to the time by which a trial should commence, but also the time by which it should end and judgment be rendered; all stages must take place "without undue delay". To make this right effective, a procedure must be available in order to ensure that the trial will proceed "without undue delay", both in first

15. As for temporary PSD detention centers,²⁰ the NCHR conducted (20) visits to these places in 2010 in cooperation with the Ombudsman and Human Rights' Office at PSD. Accordingly, the NCHR notes with appreciation the fact that PSD established several police stations with model temporary detention facilities consistent with international and national standards that designate places for women and juvenile detainees and waiting rooms for visitors. Despite this, the NCHR noticed the continuation of several passive practices and violation referred to in previous reports. Thus, there is an urgent need to generate prompt and effective solutions, starting from political will, stricter observation, and accountability to stop these passive practices and violations. Also, when considering the combined report (II, III and IV), the Committee against Torture indicated the same passive practices and violations cited by the NCHR, including the fact that the arrested person does not "have a right to consult a lawyer upon the moment of arrest, especially during the first stage between arrest and appearance before the public prosecutor, and that Articles 63/2 and 64 of the Penal Procedural Law allow prosecutors

instance and on appeal". Also, legislation should be amended so as to provide for the right to compensation for every person who is a victim of illegal arrest or detention. Hence, Article (14) of the International Covenant on Civil and Political Rights ensures this right, in addition to the general comment by the Committee on paragraph (6) of Article (14) of the International Covenant on Civil and Political Rights, as it provides for compensation "in certain cases of a miscarriage of justice as described therein. It seems from many states reports that this right is not often observed or insufficiently guaranteed by domestic legislation. States should, where necessary, supplement their legislation in this area in order to bring it into line with the provisions of the Covenant". Furthermore, the general comment of 1982 came to stipulate that "Also if so-called preventive detention is used, for reasons of public security, it must be controlled by these same provisions, i.e. it must not be arbitrary, and must be based on grounds and procedures established by law (para. 1), information of the reasons must be given (para. 2), and court control of the detention must be available (para. 4) as well as compensation in the case of breach (para. 5)". In conclusion, in order for preventive detention to be applied, justification and exceptional circumstances should be available, since it is not a rule, but rather an exception to that rule that no expansion in application or interpretation should be practiced. Also, judicial and exceptional detention should include fair trial guarantees that ensure no violation of rights. Article (10) of the International Covenant on Civil and Political Rights stipulates that: "All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human personality."

²⁰ Those include lock-up houses at police stations and detention locations at the Criminal Investigation Department (CID, the Anti-Narcotics and Forgery Department and the Family Protection Department.

exceptionally in cases of emergency to interrogate detainees without the presence of their lawyers. Also, the meetings between lawyers and their clients do not receive the required privacy. The committee recommended that the government immediately implement effective measures to ensure that the detainees practically receive all the legal guarantees upon the moment of arrest, including in particular the right to direct contact with a lawyer, an independent medical examination, notifying a relative, and being informed about their rights and charges against them at the time of arrest, as well as appearing before a judge as soon as practicable. Moreover, the Committee recommended that the government take effective measures to ensure that meetings between lawyers and their clients are conducted privately in special rooms". During 2010, the NCHR monitored the occurrence of (3) deaths in temporary detention centers, compared to (1) death in 2009 and (5) deaths in 2008.

16. As regards places of temporary detention at the General Intelligence Department (GID), the NCHR paid two announced visits to detention centers pertaining to the Department during 2010.²¹ The Center noticed a discrepancy in detention periods, which varied from one week to one year according to the arrest warrants issued by the State Security Court's public prosecutor. Complaints by GID detainees were the same as the complaints that have been reflected in previous reports of the NCHR and can be summarized in isolating them inside solitary cells in detention centers, the long periods of detention and preventing detainees from meeting their visitors in private during these visits. In fact, some of the detainees are sometimes deprived of the right to visits by a decision of the Prosecutor of the State Security Court, which make them isolated from

²¹NCHR team took notice of the conditions of the detention centers and the legal conditions of the detainees who were met in private and who were given the chance to present their claims and complaints. The team also took notice of the prison environment, quality of food offered and the level of health care and psychological health services.

their families and lawyers. The NCHR calls upon the Department to comply with the subject of notifying the detainees' families of their whereabouts. Table (3) presents a summary of the complaints received in 2010 by the NCHR against the GID, compared to similar complaints in 2009.

Table 3: Complaints received by NCHR against the GID During 2009-2010		
2010	2009	Type of Complaint
22	11	Reached satisfactory results
7	2	Complaints still being followed-up
6	2	Complaints beyond NCHR's mandate
5	0	Complaints stayed due to no violation
0	0	Complaints with no satisfactory results

On the other hand, the GID made several steps to improve the conditions of detainees at detention centers through the establishment of two medical and dentistry clinics, a pharmacy, and a library, as well as follow-up records on psychological health of the detainees. It also allows the NCHR to conduct visits to the detention center and meet the detainees in private. When considering the combined report (II, III and IV) and within its final conclusions on places of temporary detention at the GID, the Committee against Torture called upon the necessity for all security departments in the State, especially the GID, to be placed under, and controlled by, a civilian authority and the need for an independent review for these departments. It also called upon limiting the powers of the GID and ensuring the separation of powers in law and practice between the

authorities responsible for the arrest of suspects and those responsible for preliminary investigations.²²

17. As for RRCs, where the total number of inmates ranged in 2010 between (7500-8500) inmates, the NCHR carried out, in cooperation and coordination with the Ombudsman and Human Rights Office at the PSD, (35) visits included all RRCs in the kingdom. This year saw the host of a number of measures that have been taken in accordance with the development policy of RRCs, most notably: the opening of special visit gardens and yards in the RRCs of Um Lulu, Al Muwaqer1 and Al Balqa, the preparation and launching of comprehensive plans in the cultural, artistic, social, and sports areas, the opening of Knowledge stations in cooperation with the National Centre for Information Technology in some centers, and launching cultural seasons in cooperation with the PSD, civil society organizations and the NCHR to educate inmates about the social, religious, cultural and legal issues, as well as conducting eight performances by Jordanian artists in the RRCs of Al Muwaqer1, Um Lulu, Suwaqa, and Juwaidah/women, and implementing courses for teaching drawing in cooperation with the Ministry of Culture, in addition to establishing bazaars to present the work of the inmates. Furthermore, the measures include the completion of establishing new RRCs (i.e. Um Lulu, Salhoub, Ermemin and Ma'an), recruiting (29) university nurses by the PSD to work at RRC clinics with a view to improve health care in these centers, organizing five sessions in the field of eliminating illiteracy in five RRCs, where the number of beneficiaries from these sessions has reached (205) inmates, organizing (95) courses in the field of academic education for (2388) male and female inmates, and training (682) officers and members of the PSD to

²² Report of the Committee against Torture, 4th session, Geneva 26/4- 14/5/2010

work at RRCs and engaging them in specialized courses that include social, psychological and human rights-related topics, as well as allocating centers for the convicted and others for the detainees and starting to develop a plan for the classification of inmates. Finally, this year has witnessed the attainment of a Ph.D. degree by one of the inmates.

18. On the other hand, the NCHR noted in 2010 a host of problems that negatively impact the protection of the rights of inmates, their right to freedom and personal security. Such problems were referred to by the NCHR in its previous reports and in its report on the situation of RRCs, which was released in mid-2010. The most prominent of these problems that constitute a negative effect on the seriousness of relevant agencies in addressing these problems and improving the conditions of inmates, in consistency with relevant international standards, are: (a) Jweideh / men RRC was not closed although the NCHR had called in its previous annual reports for shutting it down, due to the difficult humanitarian circumstances resulting from the old buildings and deteriorating infrastructure,²³ (b) weak and limited legal aid services offered to inmates, with the exception of the women's prison in Jweideh. This is because the failure of CSOs and the Bar association to offer this service within the prison and the lack of a national body to provide legal aid, (c) weak and ineffective social care services offered to inmates and their families. (d) limited services of health care, including physiological care and counseling services, due to the shortage in psychological cadres working at RRCs and the unavailability of some medical specializations in prisons (orthopedics and gynecology, for example), in addition to the

²³ The deterioration of infrastructure, overcrowding of inmates, and shortage of services at the Center constitute a clear violation of the International Humanitarian Law. Therefore, there is an urgent need to adopt procedures that would improve the status of the Center.

maltreatment of inmates by physicians at hospitals providing the necessary medical service to them, (e) inmates' continued suffering during their transfer to hospitals in cases of illness as a result of the followed administrative procedures, namely transferring them in handcuffs in a manner that entails harshness and humility, and causing pain to persons suffering from chest diseases or problems in the spinal cord. Moreover, the method of handcuffing, "depending on the degree of offense or the security threat", inflicts bruises resulting from the cell car's movement and sudden stops or road bumps, (f) continued suffering of the inmates due to not receiving potable water, which they have to buy at their own expense, the insufficiency of breakfast and dinner meals offered to them, the severe shortage in blankets and heating in winter at some prisons and the lack of hot water for baths during winter, (g) continued suffering of inmates as a result of missing trial sessions, either because of the delayed arrival of notification writs or because they are not taken to these sessions on time because of the large number of inmates on the prison car distributing them among various courts and hospitals, (h) persisting crowdedness at some centers such as Juwaideh/men and Beirein in spite of building new centers, and the lack of well-considered criteria to identify prison capacities which take into consideration the prison total area, the area allocated for service facilities and the personal zone of every inmate. All of this led to the phenomena of "selling the right to use facilities", "selling services" and "bribery among prisoners" in addition to the spread of drugs and violence among prisoners, (i) limited judicial monitoring of prisons, which were restricted to (63) visits only, (j) high percentage of recidivism (33%) among men and women, and the lack of accurate statistics outlining types of crime, age groups, geographic area and reasons for recidivism, (k) lack of actual implementation of systems classifying prisons and prisoners, to guarantee

the realization of reform and rehabilitation objectives, on the one hand, and to safeguard inmates' enjoyment of their guaranteed rights, on the other hand, (l) lengthy judicial detentions and decreasing number of judicial detainees, which reached (23502) in 2010, compared to (29547) in 2009, noting that among these detainees are persons detained for more than seven months yet not indicted , referred to court, or had their cases heard. The NCHR also recorded (422) strikes among RRCs in 2010, compared to (606) in 2009, divided as shown in table (4).

Table 4 Distribution of the strikes at the RRCs		
2010	2009	Prison
74	51	Suwaqa prison
82	114	Jweideh prison/ men
24	80	Qafqafa prison
47	51	Beirein prison
23	73	Muwaqqar 1 prison
2	19	Kerak prison
21	82	Ma'an prison
3	20	Aqaba prison
49	67	Balqa prison
12	2	Um Lulu prison
6	30	Jweideh prison/ women
49	17	Muwaqqar2 prison
30	-	Ermemin prison

In spite of the decline in the incidence of such strikes, compared to previous year, the occurrence of these cases represents an indicator of problems inmates still suffer from. As for deaths inside RRCs, the NCHR recorded (17) deaths in 2010, two of them suicides, compared to (18) deaths in 2009 and (24) deaths in 2008. While (15) cases were considered natural deaths according to the forensic medicine reports, and the

decisions of the formal investigation committees, the death of one inmate is still being investigated by the civil public prosecutor. Thus, the NCHR stresses that the role of the Ministry of Health and the physicians at RRCs is to provide more attention to the inmates' health condition. It is necessary to deal with the inmate's health situation seriously, address any health condition appropriately and promptly, and give further attention to inmates afflicted with serious illnesses, elderly inmates, or those with illness history.

19. As for the excessive use of force, as well as police raids and arrests, the NCHR received 18 notifications during 2010 about breaking into houses and frightening residents and children in several areas within the Kingdom, during raids and arrests of wanted persons involved in security and drug cases in particular, as well as thefts and major cases of embezzlement and fraud, and during arrests of some suspects in the governorates of Amman, Zarqa and Irbid. There was also an increase in disproportionate use of force by the gendarmeries in breaking up tribal sit-ins, especially in the governorates of Al balqa, Jerash, Irbid, Kerak, Ma'an and Amman. The NCHR received (23) relevant notifications and complaints, concentrating on the gendarmerie's use of batons and tear gas, verbally insulting individuals, and kicking them with their shoes. This led to injuring many citizens, as seen at Al Hussein Public Hospital during the events occurring at Salt city and the disengagement of quarrels after sport matches, as well as breaking tribal protests following the results of parliamentary elections.

20- The NCHR has also recorded the spread of the phenomenon of societal violence, which threatens the right to freedom and personal security. The media was full of documented news on a daily basis on

cases of murder, robbery and physical assault, in addition to quarrels within universities and attacks on medical personnel, teachers, journalists and other social groups during their work. Among the unfortunate events monitored by the NCHR in 2010 was when a university student killed a colleague inside the campus of one of the public universities, which resulted in a tribal quarrel that spread to affect the entire governorate, and also there was a tribal quarrel in the villages of Amra' and Faqou' in Kerak governorate during the election day, resulting in the death of one woman and wounding of a man by a gunshot. The NCHR asserts that this phenomenon has spread remarkably in the past three years as a result of poverty, unemployment, low economic status, lack of equal opportunities, family disintegration, absence of controlling value system in society, weakness of religious commitment, and absence of the concept of rule of law and role of institutions from the minds of individuals as a way of restoring rights and resolving problems.

Right to Justice

21. Judiciary is the first and last line of defense for the rights and freedoms of people. It plays a major role in the dissemination and spread of safety and security among individuals and groups and the protection of public and private property. Furthermore, fair and independent judiciary has become one of the most important standards for measuring development and progress of states and communities. Therefore, it became a must to pay due attention to the judiciary, regardless of time and place, in order to protect human rights and freedoms and prevent any attempt by any party to gain power over them. Article 27 of the Jordanian Constitution stipulates that the judicial power shall be vested in courts of different types and degrees and courts shall issue all judgments in accordance with the law and shall be pronounced in the name of the King. Moreover, article 97 guarantees the independence of the judicial branch, clearly stating that judges are subject to no authority but that of the law.

22. Among the positive developments in relation to the judiciary in 2010 are; the increase in the number of judges, to reach a total of (798) judges by the end of 2010, creating a social solidarity fund for Judges and employees of the Ministry of Justice, and approving the development strategy of Jordanian Judiciary for the years 2010- 2012, which aims at strengthening the independence and integrity of the Judiciary, enhancing institutional efficiency, and attracting distinct human resources; as well as developing the services and infrastructure of courts in order to increase the effectiveness of services provided by courts, shorten the period of judicial proceedings through the computerization of all courts and linkage with all relevant parties, and improve the implementation of legal and

penal measures, as well as the procedures for notary publics and supporting operations.

23. Despite these positive developments, the NCHR observed some impediments, namely, (a) trials for citizens are still conducted at special courts "State Security Court" which is characterized by a military mark, in violation to the principle of independent judiciary and prejudice to the guarantees of fair trial. Also, the continued application of the State Security Law is a clear infringement upon the area of jurisdiction for the competent judiciary, especially that many crimes were transferred to State Security Court after they were in the area of jurisdiction of competent judiciary, (b) Litigation before the Supreme Court of Justice is still on one stage and this constitutes a prejudice to fair trial guarantees, (c) The issuance of 48 temporary laws in 2010, some of which related to a number of laws governing the right to litigation and judicial authority. Many judges were of the opinion that some of the provisions of these laws undermine the independence of the judiciary, and they raised many questions about the constitutionality of such laws. Thus, such laws led to strong objections by judges against the powers given to the Minister of Justice in this regard, not to mention that these laws have not contained conditions of necessity and urgency which were provided for in Article 94 of the Constitution as a ground for issuing temporary laws.

24. The Provisional Public Prosecution Law No. 11 of 2001 undermined the independence of the Public Prosecution when it re-emphasized what came in the Judicial Independence Law, as it stipulates that the appointment of members of the public prosecution will be upon recommendation by the Minister of Justice. Moreover, Article (19/A) of the same law grants the Minister of Justice plenipotentiary to appoint deputy public prosecutor, without reference to the Judicial Council.

Indulging in the attack on the independence of the judiciary²⁴, the Law expanded the powers of the Minister by giving him/her the power to intervene in the work of the public prosecution, as it stipulates that all members of the public prosecution and individuals engaged in the regular functioning of the work of public prosecution in the courts are bound in written transactions and applications to follow the written orders by their superiors or the Minister on administrative affairs and litigation. Article (5/c)²⁵

25. The Provisional Judicial Independence Law No (21) of 2010 kept the provisions that affect the independence of the Judicial Council, specifically in: (a) the mechanism of the appointment of judges, since the law states the recommendation by the Minister of Justice as a condition for appointing judges. Thus, if there is no recommendation by the Minister, the Judicial Council will not be able to utilize the services of new judges who would contribute to relieving the pressure on courts and filling the shortage of judges. Moreover, there could be personal factors and external influences that may interfere with such recommendations by the Minister, (b) the provisions of this law authorize the Judicial Council to refer any judge to early retirement or terminate his/ her services without giving reasons, which constitutes a clear violation of human rights and a threat to the independence of the judge and his/ her sense of job security. Hence, this requires the development of controls and valid justifications for the termination of the judges' services or referral to early retirement, such as listing causes based on inspection reports or observing the principle of gradual penalties, (c) the provisional law contained within

²⁴ Article 38/a/3 of the Provisional Public Prosecution Law.

²⁵ Noting that the Judicial Independence Law has provided the abolition of the text of Article (11) of the Penal Procedural Law, which limits the powers of the minister to administrative work of the public prosecution, with no power over judicial work.

its amendments articles providing for the supplementation of Judicial Inspection Body under the authority of the Minister of Justice after it used to follow the Judicial Council. Furthermore, judges who are to be upgraded from the fourth to the third degree will be interviewed to determine their eligibility for promotion. Such a procedure could open the door wide to personal judgments, noting that judges already follow a selection process prior to appointment in order to verify their efficiency and knowledge, in addition to the fact that they are appointed on a permanent basis only after three year of their first appointment based on inspection reports and decision of the Judicial council. Moreover, Judges are regularly subject to the supervision of the judicial inspection and are not promoted unless inspection reports confirm their efficiency, (d) Reduction of the judge's age upon appointment from 27 to 25 years old, which is inconsistent with the aim of appointing judges with intellectual and scientific maturity and accumulated experience to be qualified for considering large disputes affecting the rights of litigants, knowing that the best practices in many countries in this area require a much higher age than the said age.

26. Regarding the Provisional Administration of State Cases Law No. 14 of 2010, the most important reason for the enactment of such law is the inadmissibility for Judges to combine between the judicial work and defending the public treasury because they become, in this case, representatives of the litigants. Nevertheless, the Law gave the Minister of Justice the authority to recommend for the Judicial Council the secondment of judges to serve as agents for the administration of State issues under Article 17/b of the Law. It also gave authority to the Head of the Public Prosecution to nominate any of the members of the public prosecution to represent the cases of State within their duty stations, in

addition to the jobs assigned to them in accordance with article (4/b). This brings us back to the principle of inadmissibility to combine between the judicial work and the representation of litigants, noting that since the issuance of this law, all acts of state administration are exercised by seconded judges in a clear violation of the reasons calling for the enactment of this law.

27. In spite of repeated recommendations by the NCHR to reduce litigation costs, in compliance with the established principle that one of the major duties of the State is to bring about justice and that the original principle is based on the doctrine that the state dispenses justice free of charge, the year 2010 witnessed a raise in the fees of lawyers' powers of attorney under Article 9 of the Amended System for Fees, Stamps and Advocacy for the year 2010. Such a raise, amounting to triple, constitutes additional burden on the litigants and limits the ability for citizens to resort to the judiciary. This was a continuation of the same approach that started in 2008 when high fees were imposed on citizens under the amended court fees system No. 108 for the year 2008, in addition to not making adjustments to the legal system to ensure faster processing of legal issues through the introduction of rules that determine the time frame of the proceedings. An example of such issues reported to the NCHR is the so-called foreign exchange cases that have emerged in 2010, where citizens complained of prolonged litigation periods and bad treatment they faced when referring to State Security Court, which is the responsible body for considering these cases. It is worth mentioning that, during 2010, the NCHR received (119) complaints and (12) requests for assistance in the area of administering justice.

28. Among the issues that adversely affect the right to justice is the continuation of some legislations with provisions that violate human

rights and contradict the constitutional provisions and principles of justice²⁶, especially the Economic Crimes Law No. 11 of 1993, which granted the Prime Minister the power to refer any of the crimes contained in it to the State Security Court. It also became definite that the provisions of such law can be used to affect human rights, as seen in the so-called "Petroleum Refinery" case, where it was referred to the State Security Court by the Prime minister while being considered by the competent regular court. Such a step constituted undermining and marginalization to civil Judiciary in its area of jurisdiction.

29. The NCHR regrets the lack of any new development in the area of juvenile justice in 2010 despite repeated calls and numerous recommendations in this field by the NCHR. The challenges remained the same, especially at the legislative level, and the NCHR; therefore, reiterates the need to take its recommendations, contained in previous annual reports over the past years, seriously. It is noteworthy that the government is working on drafting a new law for juveniles, where the most important features include: (a) Raising the age of criminal accountability to (12) years, (b) The implementation of measures that are focused on the reform of the juveniles within the community, instead of being deprived from freedom and excluded from community, (c) Turning toward specialization in dealing with juvenile offenders through the creation of specialized juvenile police, activation of special courts for them, and establishment of such courts in all governorates of the Kingdom, (d) The adoption of the law of the judge who enforces the sentence, (e) Activating the role of civil society organizations to participate in the application of societal measures policy, (F) providing

²⁶ There are a lot of laws that contain provisions contrary to human rights conventions ratified by Jordan, which in addition to the aforementioned Economic Crimes Law are the Conservation of State Funds Act No 20 of 1966, Prevention of Terrorism Act, Crime Prevention Law and Customs Law No. 32 of 1998.

for the right to binding legal assistance for delinquent juveniles after this right was optional.

30. In the area of religious courts, challenges mentioned by the NCHR in previous reports remained, regrettably, the same. No major new changes occurred in 2010, with the exception of the approval of the Personal Status Provisional Law No. (36) for the year 2010. In spite of the fact that the NCHR has its reservations in principle on this law as being a provisional law, this law accompanied the developments of time and social developments that have occurred in the Jordanian society after 34 years of the previous law. The final draft of the law enjoyed national consensus after several dialogues enriched by religious and legal bodies and institutions, political parties, trade union and specialists in jurisprudence and law. However, the NCHR recorded a number of comments on this law, namely: absence of the requirement of 18 years of age for both husband and wife in civil marriage, non-existence of provisions relating to widows and divorcees in terms of dowry and equality of dowry in order to preserve their rights and not to be exposed to exploitation, the issue of housing owned in common between spouses, raising the age of custody for either males or females to the age of 18 years old, in line with the Convention on the Rights of the Child, and inequality between children of daughters and sons in due wills, in accordance with Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, which were ratified by Jordan. Therefore, the NCHR calls upon the National Assembly to take its recommendations into account when examining this law.

Right to Citizenship, Residence and Asylum

31. Nationality is one of the most important elements of legal personality that must be enjoyed by every human being, and this is well pronounced in many international instruments. Article (15) of the Universal Declaration of Human Rights states that: "Everyone has the right to a nationality. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality". Moreover, article 16 of the International Covenant on Civil and Political Rights stipulates that "everyone shall have the right to recognition everywhere as a person before the law". The Jordanian Constitution also recognized the right to nationality as the core of all other human rights in Article (5), which is the first article in the Constitution on the rights and obligations of Jordanians. In implementation of the Constitution's provisions, the Nationality Law No. 6 for the year 1954 was enacted and defined the requirements for acquiring nationality by origin, through affiliation or naturalization, and other related issues. The NCHR reassures that the Nationality Law needs to be amended to adapt with the relevant international standards, many of which Jordan has already recognized, and to cope with changes in the Jordanian society, especially after five decades of such law.

32. In practice, the exercise of this right during 2010 shows that it has not seen any positive change or progress and that it is still facing a multitude of detrimental obstacles that were asserted in the annual report 2009 by the NCHR, and reasserted in the current annual report due to its significant importance and great impact on human rights, mainly including: (a) Official authorities continue to adopt a reading that is

inconsistent with the Nationality Law for the year 1954 both in letter and substance as it discriminates, on the basis of Article (3/3) of the law, between Jordanian men and women in their ability to pass nationality to their children although Article (9) of the said law states that: “The children of a Jordanian are Jordanians wherever they are born,” and that the interpretation of this same provision in accordance with recognized interpreting rules means that the "Jordanian" includes both males and females. Accordingly, the children of the Jordanian mother have the right to enjoy Jordanian nationality, (b) Although the Constitution states that “the Jordanian nationality shall be defined by a law and may not be withdrawn without a law”, yet the nationality and identification documents (passports, ID cards, national numbers, residence documents, and driving licenses) are still being withdrawn by relevant competent authorities on the basis of vague interpretations of the regulations pertaining to the decision of Jordan’s administrative and legal disengagement with the West Bank since 1988, and in accordance with new unwritten requirements that lack clear legal reference, which constitutes a violation of the constitutional provision²⁷, specifically the text of Article (5) of the Constitution, which states that "nationality shall be defined by a law. Moreover, the Nationality Law No. (6) for the year 1954, as is known, does not include any text authorizing the withdrawal or loss of nationality, except as stipulated in Article (18) thereof²⁸. In

²⁷ The disengagement decision provides that: “Every person residing in the West Bank before 31/7/1988 is a Palestinian National and not a Jordanian”. Article 3 says: “The occupied West Bank residents shall be given temporary two-year passports”. Article 6 says: “passports issued before 31/7/1988 shall remain valid until their expiry date after which the period shall be amended to two years once their holders come to the Passport Department for any transaction on the passport.”

²⁸ Article 18 stipulates that "Any person who enters the military service of a foreign State without the prior permission or leave of the Jordanian Council of Ministers and refuses to leave the same when so directed by the Government of the Hashemite Kingdom of the Jordan shall lose his nationality. (2) The Council of Ministers may, with the approval of His Majesty, declare that a Jordanian has lost Jordanian nationality if: (a) He enters the civil service of a foreign State and refuses to leave the same when so directed by the Government of the Hashemite Kingdom of the Jordan; (b) He enters the service of an

addition, international standards of human rights do not provide such withdrawal, as stated in the covenants and charters ratified by Jordan.

33. The Centre points out that cases of withdrawal of the nationality of citizens of Palestinian origin, on the basis of instructions of administrative and legal disengagement with the West Bank, occur through transit centers to the West Bank or when referring to the Personal Status and Passport Department or Inspection & Follow-up Department on the basis of personal judgments and ambiguous interpretations that include stretching the interpretation of Article (2) of the Disengagement, which stipulates that "every person living in the West Bank before 31/7/1988 shall be considered a Palestinian citizen and not a Jordanian", to include the following categories; anyone who possesses a passport issued by the Palestinian Authority, works in its institutions, got a reunification permit under the procedures of the Israeli occupation authorities, or is not residing in the East Bank prior to the disengagement decision. However, due to the clear violation of these procedures of the right to a nationality, let alone the difficulties of life resulting from such procedures for those who faced withdrawal of nationality or identification documents, the NCHR sees the need to form a higher impartial fact-finding committee and returning the right to Jordanian nationality to any person who was arbitrarily deprived of this right.

34. Table No. (5) shows the number of nationality-related complaints received by the NCHR during 2010, compared to previous years. According to complainants, the Civil Status and Passport Department has withdrawn their Jordanian nationality documents or replaced them with other temporary identification documents.

enemy State; (c) He commits or attempts to commit an act deemed to endanger the safety and security of the State.

Table No. (5) Number of Nationality Complaints submitted to the NCHR	
Year	Number of Complaints
2010	148
2009	38
2008	64
2007	30

The NCHR communicated with the Ministry of Interior regarding (148) complaints received by the NCHR, but the Ministry of the Interior Responded only to (35) of the communications relating to those complaints, saying that these actions have been taken based on the application of the administrative and legal disengagement directives, without clarifying details of its decision. However, the Ministry returned the nationality for one complainant only.

35. As for the right of movement and residence, the NCHR did not record any new development in this area in 2010 and the challenges mentioned in previous reports remained the same, especially at the legislative and practical levels. The NCHR re-emphasizes its previous recommendations contained in its annual reports over the past years. It is noteworthy that the NCHR received in 2010 (67) complaints related to movement and residence, compared to (101) complaint in 2009, (89) complaints in 2008 and (166) complaints in 2007, as shown in Table No. (6). Respectively, most of those complaints pertained to confiscating passports of foreigners by employers, which restricts their movement, and the decisions of deporting foreigners married to Jordanian women taking no heed of their social and familial conditions.

Table No. (5) Number of Complaints on the Right to Movement and Residence	
Year	Number of Complaints
2007	166
2008	89
2009	101
2010	67

36. With regard to the right of asylum, there has been no change in Jordan's attitude towards the ratification of the UN Convention on the Status of Refugees of (1951), as well as the 1966 Protocol relating to the Status of Refugees. Furthermore, Jordan did not adopt a national law for asylum as recommended by the NCHR. In addition, the situation of Iraqi refugees did not witness, in practice, any changes in 2010, except for the relative improvement in their sense of security in terms of deportation from Jordanian territory or confinement, as the government has issued on 16/12/2009 a decision allowing Iraqis to work in the occupations permitted for non-Jordanians, which is an important step towards ensuring the rights of refugees to work, in addition to issuing a decision allowing Iraqis residing in Jordan to get a visa before Leaving Jordan, in case they want to visit Iraq and return back to Jordan. Furthermore, a decision was issued on 20/12/2009, in which it is not allowed for Judges of Sharia' courts to refer the residence documents of divorced foreign women to the Ministry of Interior in order for the residence permit to be cancelled.

37. It is noteworthy that the NCHR, with the support of the United Nations High Commission for Refugees (UNCHR), has continued in 2010 its role in building the capacity of workers in the official institutions

in the field of refugees and human rights' issues. Such an effort constitutes a model of national cooperation between all stakeholders. Table No. (7) shows the number of applications submitted by refugees for resettlement in a third country, which indicate a relative decline in the number of applicants who have been resettled. This may be due to the length of determining refugees' status, which may exceed in some cases the period of six months established by the memorandum of understanding signed Between UNHCR and the Government of Jordan²⁹. Hence, the process of registration with the UNHCR is no longer encouraging for some Iraqis.

Table No. (7) Comparison of Resettlement Applications Submitted by Iraqi Refugees		
Year	2009	2010
Resettlement Applications	8529	5057
Actual Resettlement	4852	3350
Percentage	56.9%	66.2%

²⁹ See item 5 of the memorandum of understanding between the Jordanian government and the High Commissioner for Refugees in 1997 published in the book of the training program for Refugees and Human Rights Issues, National Center for Human Rights, 2007, p. 90.

Right to Election, nomination and Legislative Performance of Parliament

38. The constitution³⁰ and international covenants³¹ affirmed the right to election as the main democratic tool for political participation and running of public affairs. Several laws were enacted since the establishment of the Kingdom to regulate elections, the last of which was the Provisional Election Law No. (9) for the year 2010. The year 2010 witnessed since its inception great interest in amending the election law and preparations in full swing for the elections, in implementation of the directives of His Majesty the King to the government to conduct elections characterized by integrity, impartiality and transparency. Based on the royal letter of designation, the NCHR devoted most of its time to work on developing a law that is credible and fair, in addition to monitoring the electoral process to ensure integrity and transparency.

39. The NCHR followed up with great interest the atmosphere which preceded the promulgation of the Provisional Election Law of 2010, and

³⁰ As stipulated in Article 67 of Jordan's constitution: "The House of Deputies shall consist of members elected by a secret ballot in a general direct election and in accordance with the provisions of an Electoral Law which shall ensure the following principles: (i) The integrity of the election. (ii) The right of the candidates to monitor the process of election. (iii) The punishment of any person who may tamper with the will of voters."

³¹ This is the provision of article (21) of the Universal Declaration of Human Rights, "1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. (2) Everyone has the right of equal access to public service in his country. (3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures."

Moreover, article 25 of the International Covenant for Civil and Political Rights provide for the following, "Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions, (a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; (c) To have access, on general terms of equality, to public service in his country."

the dialogues launched by civil society institutions and political parties, as well as the efforts exerted by the government prior the issue of the Royal Decree approving the law. It is noted that the government did not conduct any dialogues with civil society organizations, researchers, and academics, including the National Coalition led by the NCHR with a membership of about 200 institutions of civil society, as it did not take into account the suggestions and recommendations put forward by the Coalition to develop political life, expand the base of participation in the elections, and improve the procedures of the electoral process.

40. Despite the importance of the Election Law in organizing political life in the Kingdom, it is worth mentioning that parliamentary elections are carried out for the sixth time since the restoration of parliamentary life in Jordan in 1989, under a provisional law, which is not in conformity with the spirit of the Jordanian Constitution which made the “permanent” law issued by the legislative branch the rule and provisional laws an exception. Also, the NCHR recorded a set of notes on the provisional election law, notably: (a) lack of justice and equality in the electoral vote weight through the division of electoral constituencies into sub-constituencies and virtual constituencies in a way that did not take into account relative equality between them; in terms of population, geographical area, or the development dimension, (b) Constituencies, including sub-constituencies, are divided according to a system issued by the executive branch, while they should have been divided according to the law itself, as it was the case in the past. (C) Failure to achieve equality among female candidates in various constituencies, as weighing used to determine the winners was computed on the basis of the number of votes a candidate won divided by the number of voters in the sub-constituency, not the governorate, while achieving justice and equality among the

female candidates necessitated dividing the number of votes a candidate won by the number of voters in the governorate because allocating parliamentary seats for women was based on the number of governorates, not the number of sub-constituencies, in order to ensure that this text is in conformity with Paragraph (e) of Article 42 of the Law which stipulated that in case of a vacant seat allocated for women in the House of Deputies, this seat shall be filled by sub-elections at the level of the constituency instead of the sub-constituency. In addition, clause (1) of paragraph (b) of article (42) is ambiguous, as it indicates that "under the provisions of this article, the number of winners of seats allocated for women in every governorate and in any of the Badia electoral constituencies shall not exceed one winner". As understood from this text that the number of seats allocated to women amount to (15) seats and not to the number of governorates amounting to (12), (d) The law failed to provide for the preparation of voters' lists in each sub-constituency, which in turn led to a difficulty in acquainting voters and nominees with these lists. This is in conflict with their right to verify their authenticity and express their objection thereto, especially as the period granted for objection is only (7) days, which is not enough compared with the volume of the election lists and the names included therein, (e) No independent and permanent higher national commission, headed by a prominent public figure or a distinguished judicial personality known for its independence and impartiality, was established to monitor the efficiency and impartiality of the electoral process, (f) The new voting mechanism adopted by the law for illiterate people does not achieve the purpose of confidential voting, (g) The law failed to address the issue of halting election campaigns and publicity campaigns for a sufficient period before the day of voting. It did not also include provisions related to equality among nominees in using the media for sufficient and equal

periods. The Law did not also fix a ceiling for spending on election campaigns. (H) the law gave wide discretionary powers to the Minister of Interior in essential aspects concerning the fairness and transparency of elections, especially regarding the form and specifications of the ballot boxes, mechanisms and measures taken to ensure non-voting more than once, and the form and content of the ballot paper, even though such procedures and measures should be provided for in advance by the Law.

41. The parliamentary elections were held on 9/11/2010 under the provisions of the Provisional Election Law No. (9) for the year 2010. The NCHR formed a national team, in which (1260) representatives of civil society institutions and human rights organizations of Jordan were involved, to monitor the elections. As of 26/12/2010 the NCHR issued its report on the course of the electoral process and the conclusions that emerged from monitoring the process. The most prominent conclusions of the report³² were: (a) the prevalence of vote-buying incidents and the phenomenon of overt voting, whether illiterate or not, at some electoral constituencies, which negatively impacted the will of the voters and the integrity and credibility of the election process and violated the principle of secrecy of the election as stipulated in the Jordanian Constitution. Failure of the government to take the necessary measures to diminish and prevent such abuses aggravated the problem of the prevalence of vote buying, (b) Failure of the Election Administration, of its own accord, to revise and clean the election lists in accordance with Article (5/a/1) of the Provisional Election Law of 2010, (c) Failure of the Election Administration to post the preliminary and final election lists online and in including the names of all those entitled to vote in the final election

³² For more details, see the NCHR report on monitoring the course of events of the 2010 parliamentary elections in Jordan. See the report on the website of the NCHR www.nchr.org.jo

lists; persons who were transferred to new constituencies in accordance with decisions taken by the Civil Status and Passport Department (CSPD) and specialized courts were excluded. Most of these persons did not go to the (CSPD) to obtain a personal status card on which the electoral constituency is affixed. (d) Failure of the Election Administration to disclose the names of candidates of sub-constituencies on a regular basis, (e) Failure of the Election Administration to stop or prevent the candidates' election publicity outside the times identified by the law for publicity, including in polling and canvassing centers, (f) The majority of voter registration, polling and canvassing centers were not equipped to accommodate persons with disabilities, elderly citizens and sick people, (g) The polling and canvassing committees did not abide by all Ministry of Interior instructions and applying these instructions was not harmonious, not to mention that some technical aspects of the election process were not covered by the instructions. This opened the door for interpretive judgments by election committees and raised citizens' doubts as to the integrity of the election process, (h) Security officers were present noticeably with a large number of election committees during all the procedures followed on election day, which contravenes the supposed impartiality of the Executive Branch, which supervised the elections, (i) The results of a number of polling boxes in some sensitive and hot areas were late in arriving at collection centers. Furthermore, transparency was weak in terms of computing turnout percentages and tallying votes in such a manner that was difficult to verify.

42. In contrast, the NCHR noted the efforts of the Ministry of Interior in organizing and facilitating the electoral process, especially in relation to procedural aspects such as, (a) electronic dissemination of electoral lists, (b) utilization of modern technologies in organizing and implementing

the elections process, (c) allowing local and international observers to monitor the election process, (d) availing an adequate security atmosphere to facilitate voters' access to polling centers.

43. In Conclusion, the NCHR asserts what came in its report on the electoral process that most of the procedures governing the 2010 parliamentary elections have generally met the legal exigencies of the Election Law and, thus, the technical aspects of managing the election process are acceptable in terms of credibility and transparency. The NCHR is of the opinion, however, that the Election Administration committed some violations, which limited the credibility and transparency of the elections. At the same time, some provisions of this law have contributed to weakening the representation of political and grass root forces and factions in the Parliament and restricting the fairness and transparency of the elections. However, the NCHR would like to seize this opportunity to reiterate that democratic elections are considered to be free if they are based on the provisions of a just law, honest competitiveness, respect for citizens rights and fundamental freedoms, and guaranteed ways for equitable access to effective legal remedies in all the stages of the electoral process. Elections are fair and impartial if they are conducted by virtue of a just and efficient elections law and the supervising bodies are committed to credibility and complete impartiality in administering the process, transparency in registering voters, canvassing votes and announcing the results, which prove to be acceptable to the majority of the voters. The NCHR also reiterates all the recommendations referred to in its report issued on 26/12/2010 on the parliamentary elections, and recommends that government and parliament reconsider the election law and study the negative aspects mentioned in the report in order to overcome them

44. On the level of **legislative performance of the Parliament**, (6) sessions were held in 2010 after the issuance of the Royal Decree to convene the parliament on 28/11/2010 in its ordinary session, which is in line with the provision of Article (78) of the Jordanian Constitution³³. In the first session there was election for the position of speaker of the lower house and members of the Permanent Bureau. However, the NCHR is of the view that winning the speakership by acclamation detracts from the principle of competitiveness, which is fundamental cornerstone of democracy, especially that several deputies have declared more than once their wish to run for this office. After that, members of the Standing Committees were elected and selected, as members of six committees were chosen by consensus, while members of eight committees were elected. In this area, it has been noted that one of the parliamentary blocs was excluded from the membership of these committees, which indicates a determination to exclude MPs from this bloc from being active or influential on others from their colleagues or deputies. On the other hand, the government submitted its action plan and program to implement and translate what is stated in the speech from the Throne. The parliament debated this action plan over five days (19-23/12/2010) before voting on granting confidence to the government, which won by (111) votes of confidence against 8 votes of no confidence. Such unprecedented confidence created a state of popular discontent afterwards, especially that discussions at the Lower House on the government's action plan contained criticism of government policies and program. Also, the government referred (48) temporary law issued during the period of the

³³ Article 78/1 of the Jordanian Constitution states: "The King shall summon the National Assembly to an ordinary session on the first day of October of each year or, if that day is an official holiday, on the first day following the official holiday, provided that the King may, by Royal Decree published in the Official Gazette, postpone for a period not exceeding two months the meeting of the Assembly to a date to be fixed by the Royal Decree."

dissolution of the Lower House to the National Assembly, where it agreed to refer these laws to various committees³⁴.

45. The National Assembly endorsed in 2010 the Landlords and Tenants Law which was submitted by the government on an urgent basis. Under the said Law, lease contracts entering into force as of 12/31/1974 and before were postponed from 31/12/2010 to 12/31/2011. Perhaps this decision only delays the problem instead of finding a radical solution for it.

³⁴ The National Assembly referred (10) laws to the Legal Committee, (15) to the Finance and Economic Committee, (5) to the Education, Culture and Youth Committee, (5) to the Energy and Mineral Resources Committee, (5) to the Public Service and Tourism Committee, (3) to the Administrative Committee, (1) to the National Guidance Committee, (2) to the Finance and Labor Committees, and (1) to the Finance and Legal Committees.

Right to Freedom of Opinion , Expression, Press and Media

46. Article (15) of the Jordanian Constitution has guaranteed freedom of opinion, expression, press and media. In addition, it obligated various authorities of the State to do positive actions and refrain from negative acts which undermine these freedoms. International conventions have also guaranteed freedom of media as a fundamental right of human rights and the touchstone of all freedoms that the United Nations has vowed itself for.³⁵ The International Covenant on Civil and Political Rights explicitly included a text on the right to freedom of opinion, expression, press and Media, as well as exchanging information³⁶. In view of this, the NCHR follows up all developments that may have happened on the right to freedom of opinion, expression and media, and examines the extent to which this right is safeguarded as provided in the constitution and the international covenants.

47. On the legislative framework, the year 2010 witnessed an important amendment to the press and publications law³⁷ represented in the creation of a judicial chamber specialized for press and publication cases at the Courts of First Instance and Courts of Appeal. The Amman Court of First Instance will have jurisdiction over state internal and external security cases as prescribed by the Penal Code if committed by a licensed

³⁵ UN resolution for 1946 states: "The freedom of the media is a basic human right and the touchstone for all other freedoms for which the United Nations has committed itself." The 1948 Universal Declaration of Human Rights (Article 19) and the International Covenant on civil and political rights addressed this freedom in details in terms of concept and restrictions. Johannesburg principles also mentioned the exceptions for the freedom of the media.

³⁶ Article 19 of the International Covenant on Civil and Political Rights.

³⁷ Published in the Official Gazette issue 5022 dated 1/4/2010 on page 184.

publication or any of the licensed audio or visual mass media. The cases of publications were given urgency and must be settled during one month from their arrival at the court clerk's office, whether the court of First Instance or the Court of Appeal. The Prosecutor-General must conclude the investigation therein within fifteen days. The amendment also explicitly stated that no person shall be detained on the grounds of any such crimes³⁸, whether a journalist or any other citizen³⁹. Notwithstanding the amendments that meet some of the demands to raise the ceiling of media freedom, there are some articles in the press and publications law itself which still contain too general, loose and vague phrases when defining what constitutes a criminal act. In addition, the fines that are imposed by this law are as high as 20000 Jordanian Dinars. Furthermore, some laws on mass media are still in need for basic amendments to be consistent with the constitutional rights of the freedom to opinion and expression and the international standards of human rights. Ahead of these laws is the Penal Code, which provides for freedom-depriving sentences (imprisonment) for some cases pertaining to press and publications. In 2010, two amendments were introduced to Article (191) of the Penal Code, where the fine imposed on individuals who slander public servants was increased while maintaining the prison sentence, despite the abolition of prison sentence for defaming one of the persons contained in article (359). However, the common trend in the world is the abolition of imprisonment sentences for cases of dispraising public servants, due to the fact that it is not allowed to enact legal provisions or impose strict criminal penalties to prevent the defamation or criticism of

³⁸ Paragraph (H) Clause (21) of the Law Amending the Press and Publications Law No. 5 of 2010 stipulates that "No arrests shall be made as a result of an opinion expressed in speech, writing or other means of expression". Also, paragraph 2 of the same Article stipulates that "Arrests may not be made in the crimes referred to in paragraphs (a) and (b) of this article."

³⁹ Despite the many positives of this amendment, the centre still believes that the amendment of the state security law is needed to complete legal framework of this matter.

institutions, as this would restrict the right to discuss public policy, not to mention that it is also considered a contradiction to international standards which view laws of criminal defamation as unjustified restrictions to freedom of expression. It is also noted that there is an increase in fines on defamation cases which go to the treasury and not to the victims. There are also other laws that need to be revised including those⁴⁰ that impose upon defendant journalists to pay the compensation for civil liability to the claimant (the injured party) as a lump sum or else the convict will be subject to imprisonment.

48. The government has also issued at the beginning of August 2010 a draft Information Crimes Law (cyber crime Law), which faced objections by journalists, electronic news websites, and institutions of civil society. On 11/08/2010, the NCHR issued a statement in which it declared its position toward the said law⁴¹ as a law violating personal freedoms, as it authorizes the law enforcement officers to enter and search any place based on mere suspicion, as well as access to private correspondence and communication in a way that violates confidentiality, despite the Constitution's guarantee of this right in its Article (18). In addition, the said law gives loose and vague powers to law enforcement officers in terms of mere suspicion. It also included prejudice to the rights of freedom of opinion and expression guaranteed by the Constitution in Article 15, as article (8) of the said law stipulates that "anyone who intentionally sends or disseminates data or information via the Internet or any information system that involves defamation, contempt or slander of

⁴⁰ See the Enforcement Act No. 25 of 2007, specifically Article 22/b, which states that "the creditor may demand imprisonment of his debtor without the need to establish solvency in the following cases: 1.Compensation for damage resulting from a penal offense ..."

⁴¹ It should be noted that this law faced great criticism at the national and international levels.

any person shall be fined an amount not less than (100) one hundred Jordanian dinars and not exceeding (2,000) two thousand Jordanian dinars”, which means more restrictions on public freedoms, in general, and the freedoms of Internet users in Jordan, in particular. Furthermore the draft law uses loose, vague and flexible terms that do not have specific controls or standards, such as terms of «indecent» and "public order» which leaves ample room for generalization, personal discretion and abuse. The NCHR conducted a dialogue with the Minister of Communications and Information Technology and Government Spokesperson on the content and texts of this law that constitute a violation of international standards of human rights and freedom of opinion and expression, in particular. These dialogues resulted in amending the draft law and its explanatory note and the issuance of the Provisional Law No. (30) for the year 2010⁴². Hence, the NCHR appreciates the government's response and inclusion of some of the recommendations of the NCHR in the provisions of the law. However, the NCHR still has reservations on this law as a provisional law which included some provisions with vague phrases and terms that leave the door open to different interpretations and explanations, such as the terms of "national security" and "the national economy", as well as "promotion of the followers of the ideologies of terrorist groups".

49. On the law that guarantees access to information⁴³, which requires ministries, departments and public institutions to disclose the information they have in accordance with the mechanism stipulated by the law, the

⁴² Published in the Official Gazette issue No. 5056 dated 16/9/2010.

⁴³ It should be noted that the NCHR recorded a number of drawbacks of the law since its issuance, including: lack of independence of the information Council; as most of its members are from the executive branch, except the NCHR Commissioner, in addition to the absence of a clear mechanism for classifying government documents which may be exempted from disclosure. However, no intentions to amend the law in 2010 were recorded.

NCHR noticed that there are continuous complaints by citizens and journalists about the refrain by ministries and public institutions to provide them with the required information they need, although the Information Council announced that the number of public institutions that have completed the archiving and classifying of the information and documents available with them has reached 89 Ministries and institutions out of 111. Thus, the NCHR reiterates that keeping information inaccessible to reporters and citizens creates a state of “no-confidence” between public institutions and citizens. The NCHR, therefore, urges all of those who do not get their demands to accessibility of information satisfied in accordance with the aforementioned law to use all tools available to them by this law to get information, including filing a case at the Supreme Court of Justice. It should be noted that access to Information law is issued to serve all citizens at large, but can be used in particular by journalists who are preparing investigatory reports, by accessing documents or information relevant to their reports. It is important here to assert that the press and publication law incorporates some specific provisions that would help the journalist in performing his duties. The right of journalists to access information is granted by compelling all official and public authorities to furnish the journalist with such information and news in an expedient manner, depending on the nature of the story and the information required if they are of an urgent nature or otherwise within a period of no more than two weeks.

50. The NCHR calls upon the government to amend the Law on the Protection of State’s Documents and Secrets No. (50) for the year 1971, which classified information into strictly confidential, confidential and limited, in addition to listing various types of information under each category. Thus, there is an urgent need to establish clear and transparent

criteria for the classification of documents, that would ensure harmonization with the Law of the Right of Access to Information and the Press and Publications Law to ensure access to information, as the aforementioned Law on the Protection of State's Documents and Secrets is one of the obstacles to the application of the provisions of the Law of the Right of Access to Information because it makes confidentiality of information a rule while permission to publish is an exception to that rule.

51. It should be noted that the Council of the Jordanian Press Association has approved amendments to the Press Association Law No. (15) for the year 1998 to keep pace with developments in the Jordanian media sector, such as the expansion of the umbrella of membership in the Association, election of the Association's deputy president directly by the General Assembly, and increasing the percentage of the Association's fund from the value of advertising in the press institutions to 2%.

52. On the other hand, the NCHR distributed questionnaires to 110 journalists working for the daily and weekly newspapers and electronic news websites to monitor the rates of their exposure to violations of media freedoms in the year 2010. (64) questionnaires amounting to (4.57%) of total number of journalists working in the Kingdom⁴⁴ were filled in. Furthermore, 10 questionnaires were distributed to chief editors of daily and weekly newspapers and electronic news websites with the aim to report those events that their institutions were subject to. The results are shown in tables (8) and (9)⁴⁵.

⁴⁴ It is noteworthy that a large number of electronic media workers are at the same time working as staff members of dailies and weeklies and have filled in the questionnaire in their capacities as media people working in these newspapers. A number of the newspapers which received those questionnaires also have their own electronic websites.

⁴⁵ The respondent was asked if he was personally exposed to those restrictions for the period 1/1/2010 to 31/12/2010

Table No. (8): Percentage of violations of journalists' freedoms (total subjects of study are 100)		
Violations	Frequency	Percentage of total number of study subjects
Physical abuse	2	3.45
Administrative detention	4	6.90
Intimidation by an official authority	4	6.90
Intimidation by a non-official authority	5	8.62
Summoned by security agencies	5	8.62
Prevention from attending public meetings and events	5	8.62
Trial	0	0.00
Suspension	2	3.45
Layoff	0	0.00
Arbitrary transfer to another site	2	3.45
Inaccessibility to information	29	50.00

Table No. (9): Percentage of violations of media institutions' freedoms (total subjects of study are 10 chief editors)		
Violations	Frequency	Percentage of total number of study subjects
Physical abuse	1	3.03
Administrative detention	0	0.00
Intimidation by an official	1	3.03

authority		
Intimidation by a non-official authority	3	0.09
Summoned by security agencies	2	6.06
Prevention from attending public meetings and events	1	3.03
Trial	3	9.09
Suspension	0	0.00
Pre-publication censorship	1	3.03
Post-publication censorship	2	6.06
Obstructing distribution	0	0.00
Confiscation of equipment or documents	0	0.00
Exerting pressure by official authorities to disclose sources	3	9.09
Administrative obstacles by official authorities	2	6.06
Costs for continuing journalistic work	4	12.12
Interference in appointments	0	0.00
Exerting pressure by official authorities to conceal the opinions of the “others”.	3	9.09
Difficult access to information	3	9.09
Blocking or minimizing the size of advertisements	0	0.00

by official authorities		
Interference by owner in editing	1	3.03

The questionnaire revealed the following: (a) no homicide or abduction of journalists (Jordan in fact never seen such cases). This indicator is the most important in measuring journalistic freedom. No violation in the form of full or temporary close-out of any newspaper was recorded, neither any case of foreign correspondent deportation was recorded; (b) frequent cases were reported for some heavily weighted indicators pertaining to journalistic freedoms with varying degrees⁴⁶: physical abuse and administrative detention, layoff, provisional suspension of work, trial, and pre or post publication censorship; (c) several cases were reported of medium weight indicators: intimidation by an official authority, intimidation by a non-official authority, summoning by security agencies, obstructing distribution, confiscation of tools and documents, and administrative hurdles; (d) high frequent cases were reported for light weight indicators: inaccessibility to information, high costs for continuous work, pressure exerted for the promotion of a given opinion and lack of openness to others' opinions, interference in journalistic work, prevention from attending public events, arbitrary transfer from one work site to another, and government biased provision of information and publishing of advertisements.

53. The two tables show that the biggest obstacle facing journalists in their work is inaccessibility to information with (29) of the subjects (i.e. 29% of the sample) said they faced difficulty accessing information.

⁴⁶ The indices weight classification adopted is that of freedom of press measuring issued by the Media Higher Council for the years 2004-2007. The light indicator was between 2-4, the middle one between 5-7, and the heavy one between 8-20. For more details, refer to www.nchr.org.jo .

Some 5 journalists reported that they were prevented from attending public meetings and gatherings, which added to the problem of difficult access to information. (3) chief editors (i.e. 30% of the sample) said their institutions are facing difficulty in access to information. As for intimidation by non-official parties, it was rated high in comparison with the intimidation by official authorities and (5) of the subjects reported being intimidated by non-official bodies compared with (4) intimidated by official parties. This is a phenomenon that should be studied. It is also noticed that the main problem facing journalistic institutions according to chief editors pertains to high costs of continuing their work in view of the increasing costs of raw material and equipment required for the operation of this industry.

54. The NCHR monitored a number of violations of press and media freedom in the Kingdom, in 2010 which were published by newspapers and electronic new websites. Most prominent of those violations were the offensive remarks by the Minister of Environment against journalists during a workshop held in Amman. Such an event caused the resignation of the Minister later. The Jordan Press Association issued a statement that condemned the Minister's remarks against journalists; which they said offended the fourth estate⁴⁷. In addition, the publication of "Al Majd" newspaper was suspended due to pre-censorship which is still being practiced on the press. However, it was published only after one of the news items in it was deleted⁴⁸.

⁴⁷ To read the statement, please visit the link <http://www.jpa.jo/arabic>

⁴⁸ A statement was released by the editor of the "Al Majd" newspaper as of 11/10/2010 and the NCHR was provided a copy of the statement.

55. In detention cases, the NCHR received a complaint from a Journalist working for Al-Sabeel newspaper for being detained on 21/2/2010 for a day at the administrative center of the Zarqa governorate for taking photographs recording the overcrowding in the Licensing Section of Zarqa, on the grounds that taking photographs needs official permission. The NCHR also received a complaint about two journalists being detained and referred to the prosecutor of the State security Court on charges of disturbing relations with a foreign State, inciting racism, encouraging the change of government through speeches, and doing acts that would impair the prestige of the State, in the light of statements they mentioned on satellite channels⁴⁹. The NCHR also recorded the detention of the Egyptian writer, Abdel-Halim Qandil, at Amman Airport for seven hours by the GID on 15/5/2010 to prevent him from entering the kingdom to deliver a lecture in commemoration of 62 years of the occupation of Palestine, at the invitation of the Jordanian Writers Association

56. As for intervention in the journalistic work, the NCHR monitored the dismissal of the editor-in-chief of "Al-Ghad" daily newspaper on 17/7/2010 by the publisher of the newspaper, which constitutes interference in journalism and an assault on the right to work and freedom of expression. Previously, after pressure had been exerted on the newspaper by security agencies, Al Arab Alyawm daily newspaper suspended the writer Mwafaq Mahadeen from writing, following an interview with Nourmina TV channel on the subject of Khost bombing. However, he was allowed later to write again in the newspaper. In addition, the NCHR monitored also the resentment of a number of Jordanian journalists in several newspaper articles published in daily newspapers and electronic websites during July 2010, for what they

⁴⁹ See the link http://arabia.reporters-sans-frontieres.org/article.php3?id_article=31671

described as "governmental open and overt pressures that sets new restrictions on the work of the press."

57. In the area of withholding information, the NCHR monitored the issuance of a decision by the public prosecutor of the State Security Court on 10/3/2010 banning all media from publishing any news or comments regarding the case of "petroleum refinery expansion" without prior approval, noting that the such prevention is a clear violation of the provisions of Article 13 of the law guaranteeing the right of access to information, as well as Article 39 of the Press and Publications Law. In addition, the government issued a circular which blocked access to electronic websites by public employees during working hours. The government said, according to the State Minister for Information and Communication in a press statement on 10/08/2010, that this decision is not aimed at electronic websites, but rather for the government's desire to allow more time for public servants to provide services to the citizens. Following this decision, the owners of more than 30 electronic websites held a press conference at the headquarters of the Jordan Press Association, in which they announced their utter rejection of the actions taken by the government and called for abstaining gradually from publishing, as a way of protesting the government's decision⁵⁰. It should be noted that the NCHR issued a statement on 12/8/2010 in which it explained that the aforementioned circular is a breach of constitutional and international standards that guarantee the freedom of opinion and expression, and that this procedure clearly shows that there is a tendency by the government to return to the policy of information confidentiality and restrictions on media freedoms. The NCHR also received a complaint from the Community Media Network against one of the administrative

⁵⁰ See the link <http://www.anhri.net/>

governors for refusing a request by the "AlBalad" radio station to hold broadcasting debates among candidates running for parliamentary elections in one of the governorates. As a result, the NCHR addressed the Minister of Interior regarding this complaint, but has not received a reply so far.

58. On the prosecution of journalists, the NCHR recorded, according to the statistics of the Amman Court of First Instance in 2010, (86) cases of press and publications, in addition to (100) cases pending from previous years. It also recorded adjudication of (59) cases. Furthermore, it recorded referrals to trial in the following cases: (a) a journalist and publisher appeared before the court pursuant to a lawsuit against them over the publication of information deemed by the competent authorities to be contrary to the provisions of Article (5) of the Press and Publications Law and the principles of freedom and national responsibility⁵¹; (b) a judicial decision on 13/1/2010 by the Court of Cassation was issued and provided for subjecting websites to the Press and Publications Law, on the grounds that an «Electronic website is one of the means of publication in which ideas, meanings and words are recorded by any means." According to the decision, the website is one of the means that ideas and articles can be recorded and published through and, thus, it is classified in the category of publications, according to the definition of publications contained in Article 2 of the Press and Publications Law. Hence, the government is required to find legal means to ensure that the right of websites to exercise freedom of opinion and expression is not restricted.

⁵¹ see the link http://www.sahafi.jo/sart_info.php?id=c3cbcf0fdc25e18e404db8bc48c4d3fe4d769e43

59. The NCHR highlights the decline of Jordan's rank worldwide in the domain of media freedoms, as mentioned in international reports. The Organization of "Reporters Without Borders" ranked Jordan as (120) in its report on indicators of press freedom in 2010 after it had been ranked as (112) in the previous year. Moreover, Freedomhouse Organization indicated in its report that Jordan is not a free country, as it ranked Jordan as (140) internationally and (5) regionally⁵². Such facts call for identifying the causes of such retreat and addressing any violations occurring in terms of the right to freedom of opinion and expression.

⁵² http://www.sahafi.jo/nsart_info.php?id=c77d0fc2ae057370fef94d4bd7fe34504abecc3c52

Right to Form and Join Political Parties

60. The Jordanian constitution⁵³ and Arab⁵⁴ and international⁵⁵ covenants guaranteed the right to form and join political parties. This right was regulated by a number of laws, most recently the Political Parties' Law No. (19) for the year 2007, which was enacted, as had been said officially, to activate political life and enable parties to operate more effectively and efficiently. The NCHR addressed in its previous annual reports this law and clarified comments relating to it, as well as making several recommendations to amend it, but unfortunately none of those comments and recommendations were taken into consideration by the official authorities, in both legislative and executive branches. It is noteworthy that previous reports of the NCHR indicated that political parties cannot grow and do their required tasks unless there is a political, economic and social climate that guarantees the right to access to information, which is the first introduction of freedom of opinion and expression and freedom of assembly. The NCHR also asserted the need for an election law that activates the political life and stimulates citizens to join these parties.

61. After the Political Parties' Law No. (19) for the year 2007 came into force, there are now on the Jordanian arena (19) political parties, consisting of (11) centrist parties, (2) Islamic parties, (3) nationalist

⁵³ Article (16/2) of the Jordanian Constitution stipulates that Jordanians are entitled to establish societies and political Parties provided that the objects of such societies and parties are lawful, their methods peaceful and their by-laws not contrary to the provisions of the Constitution.

⁵⁴ Article (24/5) of the Arab Charter on Human Rights stipulates that every citizen has the right: " To freely form and join associations with others.. »

⁵⁵ See article (20) of the Universal Declaration of Human Rights and Article (22) of the International Covenant on Civil and Political Rights.

parties, and (3) leftist parties. The parliamentary elections, which were held on 9/11/2010, revealed the size of the legal and political obstacles hindering the parties from achieving their desired objectives. The parliamentary elections of 2010 were boycotted by two opposition parties, namely; the Islamic Action Front Party and the Jordanian Democratic Popular Unity Party, under the justification that there are no adequate safeguards in place to participate. Nine centrist parties agreed to coordinate to run for this election in one unified list consisting of (28) candidates, of which two candidates only won the elections. The first was from the Islamic Centrist Party and the other from the Freedom and Equality Party. Most likely, the reason for winning the elections for those two candidates is primarily due to regional and tribal reasons, rather than their party affiliation. As for the leftist and nationalist parties participating in the elections, (7) candidates were nominated, of which only the People's Democratic Party candidate won a seat quota allocated for women for the governorate of Amman. In contrast to the position taken by the Party to boycott the elections, two candidates from the Democratic Popular Unity Party participated in elections, where only one won for regional and tribal reasons most probably and not for his party affiliation. Similarly, out of eight candidates violated the decision of the Islamic Action Front Party for boycotting the elections, only one won. Also, the Popular Unity Party announced a list consisting of (9) candidates, but none of them won. On the other hand, the largest party in terms of candidates for these elections was the "National Current" Party, as it had 33 announced candidates, as well as unknown number of candidates running the elections without revealing their party affiliation, so that their chances of winning are not affected (such an opinion believed by the Party, which is not from the opposition parties, reflects the hostile public climate against candidates representing parties, or at

least unwillingness to accept them. Hence, there is a public opinion toward parties that the Laws of Political Parties, elections, and public freedoms, as well as governmental practices, did not succeed to change towards acceptance of parties as a way to engage the political life of Jordan. Among the (33) announced candidates, (8) candidates won. However, the Party said upon the announcement of election results that (26) candidates representing the Party have won; (8) from the announced list and (18) of the candidates who chose not to run under the banner of the Party. According to this announcement, the Party was supposed to be the largest parliamentary bloc in the sixteenth parliament and have a leading role in its performance. It is noteworthy that the Minister of Interior indicated when announcing the election results that (17) party candidates have won in the said elections.

62. The NCHR points out that government practices against parties remained the same in terms of restrictions on political parties and not allowing them to express their opinions through the means of communication and public meetings. For example, the Capital Amman governor refused on 22/3/2010 to permit a mass march organized by the Islamic Action Front after the prayers of Friday noon on 26/03/2010. Also, the said governor prevented a protest activity which the youth offices of opposition parties were intending to carry out in the courtyard of Al-Husseini Mosque to protest government economic policies and taxes imposed on Jordanian citizens. The security services still refrain from giving consent on appointments in some posts for some associates of the opposition parties, in violation of Article (20/A) of the Political Parties Law and Article (34/1) of the Arab Declaration of Human Rights, which both state that work is a natural right for every citizen ... and without any kind of discrimination on the basis of race, color, religion,

language, political opinion, or trade union affiliation. The NCHR believes that the government must change its approach towards parties in order to change the prevailing culture among citizens and develop political and partisan life in the required way.

63. The NCHR points out that the amount of money allocated to parties, in accordance with Article (89) of the regulation of financing political parties for the year 2008, is not enough and does not enable political parties to issue their own publications, pursuant to Article (16) of the Political parties' law providing for the right of parties to issue one or more periodical publications and use their means of communication to express their views, as the estimated amount of fifty thousand dinars annually to each party which has five offices and branches at a minimum, means that the share of each office is ten thousand dinars per year (Nearly eight hundred dinars per month) allocated to the rental of the office and the appointment of employees. Accordingly, this means that it would be nearly impossible for a party to issue and bear the expenses pertaining to one or more periodical publication.

64. The NCHR monitored also the continuing inability of parties to use the official media to demonstrate their point of view and explain their principles and programs, in accordance with article (20/B) of the Political Parties' Law, as well as the continuing control of the government over the space available for these parties in official media. A good example of this is when the government gave each candidate for the parliamentary elections of 2010 one minute to present his/ her program and (5) minutes for each party to do the same. So, how can a party introduce its programs to the public in five minutes only and once every four years?.

Furthermore, the NCHR monitored continued involvement by the governmental administration in freedom of expression for the parties when it suspended the publishing of one of the issues of (Al Majd) weekly newspaper on 10/11/2010 until one of the local news on the second page of that issue was deleted, in addition to what happened from harassment against "Al-Sabeel" newspaper, the mouthpiece of the "Islamic Action Front" Party.

Right to Form and Join Unions

65. National legislative enactments, with the Constitution in the forefront, had guaranteed the right to form and join Unions. Article (16/2) and Article (23) guaranteed this right for Jordanians⁵⁶. In implementation of item (f) of Paragraph (2) of Article (23) of the Constitution, several labor laws were promulgated, last of which was the Labor Provisional Law No. (26) for the year 1996, as amended. Furthermore, International legislative enactments guaranteed this right in Article (23) of the Universal Declaration of Human Rights, and in Articles (21) and (22) of the International Covenant on Civil and Political Rights⁵⁷. Article 8 of the International Covenant on Economic, Social and Cultural Rights supported this international trend in many of its provisions⁵⁸.

⁵⁶ Article 16/2 of the Constitution stipulates that "Jordanians are entitled to establish societies and political parties provided that the objectives of such societies and parties are lawful, their methods peaceful, and their by-laws not contrary to the provisions of the Constitution." Article 23 stipulates that i- Work is the right of every citizen and the State shall provide opportunities for work to all citizens by directing the national economy and raising its standard. ii- The State shall protect labor and enact legislation therefore based on the following principles:

- a) Every worker shall receive wages commensurate with the quantity and quality of his work.
- b) The number of hours of work per week shall be defined. Workers shall be given weekly and annual days of paid rest.
- c) Special compensation shall be given to workers supporting families and on dismissal, illness, old age and emergencies arising out of the nature of work.
- d) Special conditions shall be made for the employment of women and juveniles.
- e) Factories and workshops shall be subject to health safeguards.
- f) Free trade unions may be formed within the limits of law.

⁵⁷ Article (23) stipulated that 1- Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment 4- Everyone has the right to form and to join trade unions for the protection of his interests. Article (21) of the International Covenant on Civil and Political Rights stipulates that "the right of peaceful assembly shall be recognized". Article (22) of the Covenant stipulates that "1- Everyone shall have the right to freedom of Association with others, including the right to form and join trade unions for the protection of his interests. 2- No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of rights and freedoms of others."

⁵⁸ See Articles (4), (5) and (6) of the International Covenant on Economic, Social and Cultural Rights.

66. The year 2010 witnessed the promulgation of the Provisional Labor Law No. (26) for the year 2010, which included an amendment to the text of Article (116) that is inconsistent with Article (22/3) of the International Covenant on Civil and Political Rights which prohibits dissolution of Unions without a court decision. Article (36) of the said law⁵⁹ gives powers of dissolution to the Minister, while the previous law allowed the same action through a request submitted by the Minister to the Court of First Instance, if the union commits certain violations, provided that the union may appeal the decision of dissolution. However, the Union may appeal the Minister's decision in the current law before the Supreme Court of Justice. Hence, the powers of the dissolution have moved from the judicial branch to the executive branch, which constitutes a decline in the exercise of this right and violation of international standards.

67. On 12/10/2010, the seventh ordinary conference of the General Federation of Trade Unions was held with the participation of (139) out of (153) members. Several decisions were unanimously taken in the conference, of which the most important were the following: re-selection of the current President of the Union for a new four-year term and exerting all the endeavors and efforts to exclude the savings fund of the workers from income tax. However, the decision of the previous conference preventing members of professional associations to run for the presidency or membership of the administrative boards of trade unions still casts a shadow on trade unions and their members, as the Trade

⁵⁹ Article 36 of the Labor Law No. 26 of 2010 repealed Article 116 of the original Law and replaced it with the following: a. If the union, employer association, or the administrative body of any of them violates the provisions of this Law or the regulations issued thereunder, or if their bylaws include violation of the legislation in force, the Minister may serve a written warning requesting the removal of the violation within a period not exceeding thirty days from the date of its service. In the event that the violation is continued, the Minister may serve a decision to dissolve the union or employers association, or the administrative body of any of them, provided that the decision is appealed before the Supreme Court of Justice within thirty days from the date of its service.

Union of Workers in Air Transportation and Tourism and the Trade Union of Workers in Construction refused to accept members of professional unions. Moreover, the nomination of former President of the Trade Union of Workers in Air Transportation and Tourism has been refused for violating the consolidated system, which stipulates that the presidential candidate of the union should not be a member of professional associations. Due to the amendments to the consolidated regulation of trade unions which prevent members of professional associations to run for elections of the administrative board, the court decided to cancel the results of the elections of the Trade Union of Workers in Construction after three hours of announcing the results, until arriving to decisions relating to the appeals submitted by the candidates due to the amendments of the consolidated regulation.

68. 2010 also witnessed the host of elections for trade union workers. The NCHR recorded the persistence of the phenomenon of selection by acclamation in certain unions. Thus, there were no elections except in 6 out of 17 trade unions, which signifies the absence of the exercise of the democratic process within these trade unions and within the Federation itself. Also, there has not been an election to the presidency of the union, except in the Trade Union of Workers in mines and mining and the Trade Union of Workers in Electricity only, while the competition on the administrative bodies, in addition to these two unions, was in each of the trade unions of workers in textile and clothing, construction, air transport and railways. The higher committee for trade union elections received two interlocutory appeals relating to the elections of air transport and construction trade unions. However, the appeal submitted about the elections of the Trade Union of Workers in Construction was dismissed for violating the consolidated system of trade unions, which does not

allow members of professional associations to run for presidency or membership of administrative boards of trade unions

69. Despite the increase of the minimum wage from JD 110 to JD 150 in 2009, the workers called in 2010 for an increase of the minimum wage to JD 300 per month. The NCHR stresses the need for serious consideration of these demands, especially with the rising cost of living and the arrival of the poverty line to the level of JD680 per person/ year in 2008⁶⁰. The NCHR notes also that the exclusion of workers in textiles and clothing,⁶¹ amounting to (27) thousand workers, domestic workers and the like from the decision to raise the minimum wage is still in effect, which constitutes discrimination between the workers and a violation of international conventions committed to by Jordan.

70. The NCHR received a complaint relating to acts of physical beating and harm, as well as detention, of the head of committee of day laborers by public security personnel during a sit-in on 16/7/2010 in front of the Ministry of Agriculture following the decision to terminate the services of 256 day laborers. Hence, the NCHR team visited the head of committee of day laborers and addressed the director of public security regarding the complaint. As a result, he was immediately released the next day of the visit. The NCHR also recorded the resignation submitted on 25/10/2010 by the spokesman of the Port workers in Aqaba to the cabinet in protest against the arbitrary decision by the government to assign him to work at the vocational training center in the governorate of Ma'an, as well as the reduction of his salary by more than half, as a disciplinary action on the

⁶⁰ See the second national report to the Millennium Development Goals for the year 2010, the Ministry of Planning and International Cooperation, p. 17.

⁶¹ The NCHR Monitored continued exclusion of textile workers from the decision to raise the minimum wage approved by the Committee at the end of 2008. Therefore, this constitutes a discriminatory decision among workers in different production sectors.

background of arranging a sit-in for workers during August 2009. Such disciplinary action constitutes punishment for exercising rights to freedom of opinion and expression, as well as the right to practice trade union action and the right to assembly guaranteed by the Constitution and confirmed by the international charters of human rights.

71. The NCHR also monitored demands made by the trade unions; most importantly the demand by the Trade Union of workers in Construction to allow workers to form trade union committees in the workplace of two cement industry companies, in order to protect their rights and defend their gains. Trade unions continued to criticize the enactment of provisional social security, labor, and tax laws and called on the government to urgently refer the social security and labor laws to the Lower House to amend and return the clauses that protect workers, as well as the abolition of clauses that curtail the rights of insurance for workers.⁶²

72. As for the right to form unions, teachers are still deprived this right based on the decision of the Higher Council for the Interpretation of the Constitution No. (1) for the year 1994, which stipulates that constitutional provisions do not permit the formation of a trade union for public servants. During this year, teachers continued their strikes and sit-ins in most governorates calling for the revival and establishment of a union and improving their living conditions, as well as establishing an educational court to consider disputes between teachers and students. However, this movement was faced by rejection on the part of the government which blocked the way to places of sit-ins more than once and arrested and detained a number of protesters. Furthermore, more than

⁶² The two laws are submitted to the National Assembly for urgent consideration during the regular parliamentary session.

(38) teachers were referred to early retirement, most of which were members of the Committee for the revival of the Teachers Professional Association and activists in this area, before the Ministry of Education retreated later from its decision. Moreover, the Ministry arbitrarily transferred a number of teachers to places and governorates far away from their places of residence. As a result of the repeated sit-ins and strikes, the Cabinet decided at a meeting held on 30/5/2010 to improve living conditions of teachers by granting them an increase of 15% of the teacher additional allowance as of 1/6/2010, and to disburse the remaining annual allowance in installments so that the full allowance is disbursed by 01/01/2012. In return, the Committee for the revival of the Teachers Professional Association considered this step not enough. Hence, the NCHR calls upon the government to reconsider the decision by the Higher Council for the Interpretation of the Constitution through the authoritative source.

73. The certified accounting profession, with its accounting and auditing branches, is still organized through the Association of Certified Public Accountants, which is under the direct supervision of the Supreme Commission of Public Accountant Profession. Although this Association is dealt with as a professional association, it does not possess an essential part of the criteria for union work. Also, the category of Sharia' lawyers has not yet received the right to establish a union, similar to that of their colleagues regular lawyers. In addition, workers in pharmaceutical industries have not received the right to establish their own union, to be independent from the General Trade Union of Workers in Petrochemicals, as both professions are asymmetric. Thus, the NCHR recommends the necessity to reconsider the occupational classification for the formation of trade unions, so as to allow for any labor group to

organize itself with ease in accordance with a permanent law passed by the parliament, not under a regulation that can be modified at any time.

74. The NCHR appreciates the endorsement of the Press Association of amendments to the Association's law, in which new members can affiliate to the Association, as journalists working in the satellite channels, private radio stations and electronic websites are allowed now to join the Association. Such a step allows for the largest segment of journalists to be members of the Association. On the other hand, the Association called for an open dialogue on the Press and Publications Law and also expressed displeasure regarding the referral of four member journalists to the State Security Court in cases related to press and publications, saying that this court is a special court and that the concerned authorities dealt arbitrarily with journalists. Furthermore, the Public Freedoms Committee of the Bar Association demanded immediate release of one of its members who was arrested after a statement he issued during his candidacy for membership of the Lower House. The Committee considered what the member said was in the context of freedom of opinion and expression.

75. In 2010, the Pharmacists Association held its elections, where the results were appealed, by the Reform and Change Current, before the Supreme Court of Justice. The appeal focused on abuses in the electoral process that affected the final results, as stated in the appeal. Furthermore, the elections for the council of the Construction Contractors Association witnessed unprecedented turnout for voting where the "Change Bloc" won the elections. Regarding the elections of the Union of Artists, the Supreme Court of Justice decided on 17/3/2010 to cancel the results and dissolve the council on the basis that elections were conducted in October

instead of March as scheduled. Hence, new elections were conducted in April 2010.

76. In 2010, there were repeated cases of assault on unionists, whether doctors or nurses working at the Ministry of Health during the exercise of their tasks within the affiliated hospitals to the Ministry. However, the Ministry is unable to implement any measures that will contribute to the protection of doctors and nurses or resolve the dilemma of medical staff shortage, as it has shown no cooperation with the Medical Association in registering these attacks as complaints and following-up with the concerned authorities as being attacks against public officials in performing their jobs. In the meantime, the Penal Code has been amended to introduce more severe punishment for the crime of assaulting a public servant.

77. The NCHR received in 2010 two complaints; the first on the harassment suffered by a member of the National Committee for the Revival of the Teachers Association by the security authorities in order to dissuade him from continuing work with this Committee, while the second complaint was collectively made by a group of teachers, as a result of an administrative decision by the Ministry of Education to refer some of them to early retirement and transfer some others to other workplaces because of their involvement in the work of the aforementioned Committee.

78. During the year 2010, trade unions continued to criticize and protest against the adoption of two provisional social security laws in less than one year, emphasizing the absence of the requirements of necessity and urgency for the issuance of such laws in a short period. They also considered this step a negative indicator leading to a sense of legal

instability. Trade unions also confirmed their refusal of the government's violation against the gained rights in the social security law, especially early retirement and pension calculation. Furthermore, they condemned in various statements the provisional cyber crimes law, describing it as an infringement on freedom of opinion and expression and personal freedoms, in addition to the provisional election law of 2010 as a law that has been solely drafted and issued by the government without consultation with any of the civil society institutions. As a result, they demanded the government to postpone the parliamentary elections.

Right to Form and Join Societies

79. The right to form and join societies is guaranteed by the Jordanian Constitution⁶³, as well as Arab⁶⁴ and international⁶⁵ human rights conventions. The Constitution assigned the task of regulating the manner of forming societies and monitoring their financial resources to the law, with the need to maintain the essence of this right and ensure exercising it. Moreover, international covenants on human rights stressed that, when regulating this right, no law may impose restrictions leading to emptying this right of its content.⁶⁶

80. After continued attempts during 2007 and 2008, the Societies Law No. 51 of 2008 was passed. The NCHR has been effectively involved in all efforts and activities of government and civil society institutions to reach a law that reflects the objectives, preserves the essence of the constitutional right, and guarantees smooth exercise without any

⁶³ Article 16 of the Constitution stipulates: (i) Jordanians shall have the right to hold meetings within the limits of the law. (ii) Jordanians are entitled to establish societies and political parties provided that the objectives of such societies and parties are lawful, their methods peaceful, and their by-laws not contrary to the provisions of the Constitution. (iii) The establishment of societies and political parties and the monitoring of their resources shall be regulated by law.

⁶⁴ Article (24/5) of the Arab Charter on Human Rights stipulates that every citizen has the right: " To freely form and join associations with others.. »

⁶⁵ Article 20/1 of the Universal Declaration of Human Rights stipulates that "Everyone has the right to freedom of peaceful assembly and association", and Article (22) Of the International Covenant on Civil and Political Rights stipulates that "1. Everyone has the right to form associations with others".

⁶⁶ Article (30) of the Universal Declaration of Human Rights stipulates that, "Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.". Also, Article (22/2) of the International Covenant on Civil and Political Rights stipulates that, " No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.

restrictions. However, the law issued did not respond to many of the recommendations submitted by the NCHR in conjunction with civil society institutions. The NCHR cited in Its annual report for the year 2007 the general principles that must be contained in any law for societies. Also, it recorded in its annual report for the year 2008 comments on this law after it was issued. In addition, the NCHR re-emphasized in its annual report for the year 2009 the principles contained in the 2007 report, through which the new law should be amended. In spite of that, the minor amendments to the law in 2009 did not live up to the extent necessary to fulfill the requirements of a law committed to the Constitution, which confirmed this right and did not give any law any authority to interfere, except to the extent necessary to regulate the way societies should be formed through and monitor their financial resources without prejudice to the substance of this right.

81. As of 28/4/2010, the court of cassation rendered a definitive decision of non-responsibility relating to accusations against the members of the Union of Charitable Societies in Amman. Thus, when they tried to take over their responsibilities again in the management of the Union, the Ministry of Social Development refused to grant them that right although it was notified on 22/6/2010 by Amman public prosecutor of the abolition of his decision dated 22/06/2010 preventing them from exercising their responsibilities. Therefore, they complained to the NCHR, saying that this attitude by the Ministry breaches their right to return to exercise responsibilities entrusted to them. Accordingly, the NCHR addressed the Ministry on this matter, but it refused to respond to the request until it finally agreed after several months to allow these members to return to exercise responsibilities in accordance with the law. It is noteworthy that the NCHR records the failure of the Ministry to adhere to the application

of the Societies Law No. (33) for the year 1966, which was in effect at the time of its dispute with the Union, as Article (18) of that law stipulates that any temporary administrative body appointed by the Ministry shall call the general assembly for meeting within (60) days from the date of its formation to elect a new board for the society or union in question. However, the Ministry appointed a temporary administrative body that carried out the tasks of the union for a period of three years. However, when the Court of Cassation rendered its decision of non-responsibility relating to the members of the Union of Charitable Societies in Amman, they demanded to take over their responsibilities again. Accordingly, the Ministry violated the law by appointing a new administrative body on May 2010 for the management of the Union, claiming that the period of the elected members of the Union had ended.

82. The same thing was repeated with the management of the General Union of Charitable Societies, as well as the management of the Islamic Center Society. Thus, the NCHR re-affirms the need for the Ministry to comply with the text of the law, which does not allow the temporary administrative body to perform its tasks for more than the time set by the law, and that the Ministry should invite the general assembly of the society or union to elect a new administrative body during that period without any procrastination.

83. Based on the report of secretary-general of the registrar of societies, the NCHR noticed that 467 societies face the risk of dissolution by the end of 2010 for not having rectified their circumstances, pursuant to the provisions of Article (28) of the Societies law for the year 2008. It is not known whether this was due to failure of these societies to rectify their circumstances or lack of close follow-up of the relevant government body. Therefore, the NCHR, in its annual report for this year, cannot help

but to reiterate the need for concerted efforts by the government and civil society institutions to introduce the necessary amendments to this law, to be in line with constitutional and international standards that guarantee the exercise of this right, in the light of the following principles: (a) Freedom to form societies by notification alone, provided that the government administration has the right to resort to the judiciary. Moreover, the formation should not depend on the approval of that administration, (b) The right of every society to freely draft and amend its charters and articles of association, without any restrictions imposed other than those necessary in a democratic society to maintain national security and public safety, order, health, and morals, with no expansion in the interpretation of the concept of "public order", (c) The monitoring of societies should be through an independent body composed of representatives of government and civil society institutions, (d) Societies should enjoy full freedom to manage their affairs under the supervision of the aforementioned independent body, which has the right to resort to the judiciary to hold accountable any association that violates the law, (e) Societies should enjoy the right of freely electing their administrative bodies without the intervention of the government administration, (f) the law should regulate, as provided for in the Constitution, all matters associated with societies, and that not all organizational matters are referred to regulations and rules that were repeated in the Societies Law for the year 2008, (g) That the government stop abusing the right to appoint temporary administrative bodies to manage the societies and unions, as happened with the Islamic Center Society, Federation of Amman Societies and the General Union of Charitable Societies, (h) That all penalties contained in the Law are terminated and any irregularities committed by the society are referred to the Penal Code, (i) That no governmental entity be granted the right to dissolve societies, and

assigning this right to either the general assembly for each society with a relatively large majority or to competent courts, (j) To emphasize the right of societies to receive assistance and donations from Jordanian and foreign sources, provided that such assistance and donations are disclosed to the independent body supervising societies and shown in their annual budgets.

84. The NCHR monitored a set of internal challenges and obstacles that still limit the right to join societies and participate in their management, including the elite control over the majority of the activities and actions of the society and the absence of the principles of election and rotation of power, in addition to the absence of a specific period for leading positions in bylaws. Moreover, transparency and provision of information are absent from the work of societies and, thereby, depriving the beneficiaries and the public from access to this information.

85. Finally, the NCHR believes that reaching a law that stems from the foregoing principles needs a strong will for reform at the highest levels. It also needs coordination with the legislative authority, especially with the presence of a new Lower House, which is supposed, as a first step, to introduce the necessary amendments to the laws of public freedoms, including the Societies Law.

Economic, Social and Cultural Rights

Right to Development

86. The right to development represents one of the basic rights guaranteed by international human rights conventions. In 1986, the United Nations General Assembly adopted the Declaration on the Right to Development. In 2000, it adopted the Millennium Declaration, from which the eight Millennium Development Goals that are supposed to be achieved by 2015 were derived. The Millennium Development Goals reflect people's fundamental aspirations for a better life through a series of targets, specified in figures and clear timeframes. States agreed to reduce rates of poverty and hunger by half, apply primary education at a comprehensive level, promote gender equality, reduce the mortality rate of children under five years of age to two-thirds, reduce the mortality rate of mothers by three-quarters, combat HIV/AIDS, malaria and tuberculosis, ensure environmental sustainability, and build a global partnership for development⁶⁷. In this context, Jordan participated in the international conference convened by the United Nations in New York from 20-22 September 2010 to review progress made on the previous eight goals and determine the requirements for achieving these goals by the expected deadline of 2015. Jordan is also committed under the International Covenant on Economic, Social and Cultural Rights to work on ensuring

⁶⁷ In September 2000 UN Member States, including Jordan, met at the Millennium Summit and adopted the UN Millennium Declaration, which included a set of commitments crystallized in eight goals supported by (21) purpose and (60) measurable indicators, as well as a specified timeframe for implementation. On September 20-22, 2010, world leaders met in New York in the Summit on the Millennium Development Goals to see the progress that has been achieved and to agree on how to expedite the delivery process at best. The Summit ended with the adoption of a global action plan to achieve the eight goals for combating poverty by the 2015 deadline, and the announcement of major new commitments Regarding the health of women and children, as well as other initiatives to combat poverty, hunger and disease. However, the goals agreed upon in 2000 launched national and international efforts on a very large scale in this domain. For more information, see the UN Website on the link / <http://www.un.org/arabic/millenniumgoals/index.shtml>

the welfare of its citizens and promote their active and free participation in equitable sharing of basic resources. In addition, the Constitution contained what can be a reference to the principles of participation and equity although it did not directly mention the right to development.

87. According to the Human Development Report of 2010, which was issued by the United Nations Development Program, Jordan has achieved during the last decade noticeable progress towards achieving many of the Millennium Development Goals, as it ranked (82) out of (169) countries participating in this report, compared to its rank (96) in 2009, and thus showing an increase of (14) ranks. The report also showed that Jordan ranked (8) at the Arab world level. The value of human development indicator increased from 0.677 in 2009 to 0.681 in 2010, which transferred the Kingdom from the category of States with medium human development status to States with high human development status, as a result of a number of achievements reflected on the following key indicators, as shown in table (10), including: (a) Education index increased from 91.1 in 2009 to 92.2 in 2010, (b) Age expectancy index increased from 72.4 in 2009 to 73.1 in 2010, (c) Income per capita index increased from \$4901 in 2009 to \$5965 in 2010, according to purchasing power parity adopted during the preparation of the report. Such findings came as an outcome of measures and actions taken by the government during the last period.⁶⁸

⁶⁸ For more information, see Human Development Report for 2010, published on the website <http://hdr.undp.org/en/reports/global/hdr2010/chapters/ar>

And the Report of the Ministry of Planning and International Cooperation on the website http://www.mop.gov.jo/arabic/pages.php?menu_id=120&local_type=1&local_id=682&local_details=1&local_details1

Table No. (10) shows Jordan' rank in the Human Development Index (Subsidiary Indicators)			
Year	Expected age at birth	Education index	GDP per capita (USD)
2006	71.6	0.86	4.688
2007/2008	71.9	0.86	5.530
2009	72.4	91.1	4.901
2010	73.1	92.2	5965

88. As Jordan has participated in New York Summit in September 2010 to review progress made in achieving the Millennium Development Goals, and received an international certificate from the United Nations documenting the progress made in this regard on the one hand, as well as an international guarantee to support its programs in terms of achieving the first and seventh goals on the other hand⁶⁹, the NCHR devotes this year's report to refer to the factors of progress and challenge associated with achieving these goals⁷⁰. In the area of combating extreme poverty

⁶⁹ Jordan was chosen among ten pilot countries around the world to support the process of accelerating progress towards achieving the Millennium Development Goals over the next five years, through the development of «the framework to accelerate progress towards achieving the Millennium Development Goals». Therefore, an action plan for Jordan was developed to accelerate the progress by providing a systematic approach to identifying the obstacles that stand in the way of major initiatives in the area of the Millennium Development Goals. For more information, see the article of Luke Stevens, the Resident Coordinator of the United Nations in Jordan, on the implementation of the Millennium Goals and diagnosis of the economic challenges in Jordan as of 13/11/2010 on the link: <http://www.muslims.net/news/newsfull.php?newid=438775>

⁷⁰ The Ministry of Planning and International Cooperation, with United Nations support, prepared the "Second National Report 2010 to the Millennium Development Goals", which sets out the achievements and the challenges facing Jordan at the level of achieving these goals to reach a better standard of life and livelihood of citizens. In addition to that, The Ministry developed a mechanism to measure the extent of the verification made by adopting a plan for economic and social development for the years 2004 - 2006, and the Executive Program for the years 2007-2009, as well as the executive development program for the years 2011-2013. For more details see: the Ministry of Planning website on the following links:

<http://www.mop.gov.jo/uploads/Joradn%20MDGs%20Arabic%201420%11-low.pdf>

and hunger, Jordan had made significant progress, regardless of development challenges, global financial crisis and regional conflicts. It managed to reduce the proportion of extremely poor people during the years 1992 to 2008 from 6.6% to less than 1%. It also managed to reduce the poverty rate from 14.2% in 2002 to 13.3% in 2009. In contrast, the estimated rates of economic participation of the poor 39.5% and women's economic participation 14.9% still represent a serious challenge facing the achievement of this goal, especially with high unemployment rates among young people and women. Also, poverty is not equally distributed across the Kingdom, as there are 32 poverty pockets in 2010 resulting from ill-distribution of income. The NCHR asserts that poverty harms all human rights and high levels of social and political marginalization. This can be easily demonstrated by reference to the impact of poverty on the recent parliamentary elections, where the phenomenon of selling and buying votes was obviously seen.

89. On the right of all to basic education and ensuring the continuous involvement of children in it, as the second goal of the Millennium Development, Jordan has already achieved this goal, since the percentage of students outside the basic education framework, either for reasons of non-enrollment or dropout, has decreased from 13.5% in 1990 to 2.4% in 2009 and the net enrollment rates reached almost 98%. Equal opportunities in education for both genders are in place and the percentage of students who successfully complete the fifth grade has increased from 92% in 1990 to 99% in 2008. In addition, 99% of Jordanians in the age group 15-24 years read and write, not to mention that there is a current expansion in pre-school education programs, with a focus on remote and poor areas, by the establishment of more

Kindergartens in these areas due the proven positive impact of kindergartens on children, in terms of improving their education and keeping them from dropping out. Furthermore, there is an expansion of programs targeting students with disabilities to integrate them in the course of public education. In spite of these achievements, the NCHR believes that there is a number of challenges that undermine the gains achieved; namely, variation in the net enrollment rates in basic education from one governorate to another, the rental of 13% of school buildings, the continuation of about 4% of students to study in two-shift schools, high class room density, especially in the major cities, and the poor quality and weakness of harmonization between educational outputs and the labor market.

90. In the area of promoting gender equality and empowerment of women, Jordan had the highest rates of women's education in the region⁷¹ and opened up different areas of work for them, as well as amending several laws related to women and family, which contributed to the translation of efforts towards the elimination of discrimination against women into reality, in a way that enhanced the confidence in their capabilities and potentials⁷². However, the NCHR believes that the expected impact of increasing the proportion of educated women is still below the desired level, especially that the gender gap is still seen in the field of economic and political participation and positions of decision-

⁷¹ Zuhair Mohammed Abdullah, *Female Education in the Islamic world*, published by the Islamic Educational, Scientific and Cultural Organization - ISESCO, 2002.

⁷² Despite the many legal reforms that have been incorporated in a number of existing legislation such as the Labor Law, Social Security Law, Penal Code, Personal Status Law, Protection from Domestic Violence Law, and Anti-Human Trafficking Law, many of the discriminatory practices against women are still based on social norms and reveal systematic violence and discrimination against women. Some of them are considered criminal acts punishable by law, while others are justified in society without any religious or legal basis.

making⁷³ in a manner that is not commensurate with the literacy rates of women or achieve the objectives of national strategies for women, development plans, or national agenda. There is also an urgent need to review and develop many of the legislations affecting the principle of equality between women and men, such as those related to salaries and wages, as well as the provisions of nationality, civil and personal status, etc.⁷⁴

91. In the area of reducing mortality rates of children under the age of five years to 14 deaths per thousand live births, and reducing mortality rates of infants under the age of one year to 12 deaths per thousand live births by the year 2015, Jordan was able to achieve tangible progress on this front, as the mortality rate for children under the age of five years dropped from 42 deaths per thousand live births in 1990 to 28 deaths per thousand live births in 2009, and the mortality rate of infants from 37 deaths per thousand live births in 1990 to 23 deaths per thousand live births in 2009. The NCHR is of the opinion that this goal is achievable by the year 2015 if measures are taken to broaden the umbrella of the national immunization program for children, introduce new vaccines that protect children from emerging diseases that can be prevented, and protect the reproductive health of mother and child in the areas and categories that still contain high mortality rates.

92. The fifth goal of the of Millennium Development Goals relating to the reduction of mortality rates of mothers by three-quarters, Jordan has succeeded in achieving this goal before seven years of the specified

⁷³ The proportion of women's participation in the formal labor market does not exceed 14.9% and their representation in the House of Representatives is less than 11%. Moreover, the presence of women in the Judiciary is still weak despite the growing number in recent years and the appointment of a female public prosecutor in 2010. Furthermore, there is a complete absence of women in the sharia' courts.

⁷⁴ For more details, see the section on women's rights in the body of this report.

deadline, according to the study prepared by the Higher Population Council on mortality rates of mothers in 2007-2009, where the rate fell to 19.1 deaths per 100 thousand live births, which indicates a higher level of awareness, health services, and maternal care in all parts of the Kingdom, in addition to a higher education and economic level for women and empowerment of women legally on their reproductive rights. The NCHR stresses the need to maintain this downward trend in the mortality rates of mothers and ensure progress in reproductive health.

93. With regard to combating AIDS, the number of Jordanians living with the disease increased slightly in 2010 to 214 cases, compared to 211 registered cases till the end of 2009. Compared to 712 cases in 2009, the total number of infected people increased in 2010 to 723 cases, 509 cases of which were among foreigners. The number of deaths among Jordanians reached 90 cases since the first recorded case in 1986⁷⁵. It is noteworthy that free treatment for all registered patients is provided by the Ministry of Health at the clinic of the National Program for Combating AIDS. The NCHR believes that a number of initial indicators for measuring this goal is not available in the second national report on the Millennium Development Goals for the year 2010 because of the nature of the cultural environment, which may not reflect the true volume of the spread of the disease in Jordan. This calls for official and civil intensified efforts, particularly by civil society, to raise awareness of the disease and ways of its spread and prevention, especially among the most vulnerable groups.

⁷⁵ Dr. Bassam Hijawi, Director of the National Program for Combating AIDS in the Ministry of Health, during a lecture entitled "Population and Reproductive Health" in the First National Forum 8/2/2010, cited from the Al Arab Alyawm daily newspaper on the following link: http://www.alarabalyawm.net/print.php?news_id=210270

94. In the area of environmental sustainability, Jordan has achieved significant progress in a number of indicators, including: increasing the proportion of land covered with forests from 0.44% in 1990 to 0.90% in 2008 and reducing the consumption of ozone-depleting substances from 100% in 1990 to 0% in 2008, which reflect a huge success for Jordan. Furthermore, progress has been made in the proportion of the renewable energy contribution to the total energy consumption, rising from 0% in 1990 to 0.6% in 2009 with programs implemented to further raise this proportion to 5% by the year 2015. Moreover, great progress has been made in the proportion of wastewater used for agriculture, as it reached 91% in 2008, in addition to the fact that the proportion of the population not included in the improved water services decreased to half and the proportion of population included in the sanitation services increased to 70%. Further, proportion of protected areas increased from 0.14% in 2000 to 1.4% in 2008 and is expected to increase to 4% in case an integrated network of protected areas is implemented by the year 2015⁷⁶. Despite the marked improvement in the indicators of environmental sustainability, the NCHR believes that environmental challenges in Jordan are still present and, thus, require quick and effective measures to address the root causes, especially the emerging challenges like global warming, global financial crisis and rising energy prices, which added to the chronic challenges such as the lack of natural resources and the forced migrations that exceeded acceptable rates of population growth. The NCHR believes that the government should continue to develop and implement policies, legislations and innovative technical projects required to address key challenges.

⁷⁶ Eng. Fares Juneidi, Secretary General of the Ministry of Environment, the Millennium Development Goals: environmental sustainability in Jordan.. an achievable Goal, Al Ghad daily newspaper 20/10/2010, cited from the Link <http://www.alghad.com/?news=537371>

95. As for the eighth goal related to building a global partnership for development, Jordan has worked on creating an attractive environment for international funding instruments available for the national economy. Thus, it joined the World Trade Organization and signed free trade and partnership agreements with major economic blocs, such as: the European Union, the United States of America, Canada, and Turkey, in addition to the Qualified Industrial Zones agreement, in order to expand export prospects and provide employment opportunities for Jordanians. The Kingdom managed to lay down financial and monetary stability, which was reflected in increasing income per capita, exports, and local production, as well as achieving relatively high growth rates over the past few years. This reflected on combating poverty and the provision of health, educational and environmental services. However, the NCHR still believes that the external challenges of the global financial crisis, high oil and food prices, decline of exports, etc. act as barriers to achieving the Millennium Development Goals and Jordan still needs technical and financial assistance in the areas of energy, water⁷⁷ and infrastructure to achieve these goals before the 2015 deadline.

96. In spite of these positive assessments that emphasize Jordan's movement towards achieving many of the Millennium Goals, the NCHR points out that there are still many great challenges hindering progress, as the unemployment rates among youth and women are still high and the quality of education and mortality rates of infants and mothers still need improvement. Moreover, the prevalence of heart, blood vessels, cancer, tuberculosis, diabetes, and other diseases is in a steady rise, while water scarcity remains one of the most important sources of concern for the kingdom. The NCHR asserts that the global financial crisis, high oil and

⁷⁷ Jordan received a grant worth USD265 million from the Millennium Challenge program to develop the water sector.

food prices, water scarcity, and effects of climate change pose risks that can undermine the achievements of the past ten years, increase the likelihood of social tensions, and reduce the chances of achieving the Millennium Development Goals by the specified deadline. This highlights the need to intensify efforts to maintain achievements, promote opportunities for progress, and overcome obstacles, in addition to the adoption of actions and interventions that work to accelerate the achievement of those goals.

97. In spite of the repeated affirmation by the NCHR in its report for the year 2009 on the importance of the decentralization project in promoting the development dimension, especially in rural areas, and management of natural resources closer to the needs of local communities to reinforce broad popular participation in development programs, the year 2010 did not witness any tangible developments in this area. Unfortunately, the efforts exerted by successive governments in this area did not achieve any tangible results on the ground and the results remained locked in the drawers of the government. Moreover, the change in official positions regarding this subject by the change of governments indicates a kind of confusion and absence of a clear strategy in this regard.

Right to Decent Standards of Living

98. The Jordanian Constitution did not clearly and explicitly refer to the right to decent standards of living, but the Jordanian National Charter noted in Article (8) of Chapter three that: "Combating poverty and its effects must be made a strategic goal of the Jordanian State and a national responsibility requiring the provision of employment opportunities to all who can and want to work, with first priority to be given to the Jordanians. Also, there must be a just regional and social distribution of services and development projects with the objective of meeting basic needs, marginalizing poverty and reducing its impact on the individual and society." Jordan also ratified the International Covenant on Economic, Social and Cultural Rights of 1967, which included a provision on the right to a decent standard of living⁷⁸.

99. The repercussions of the economic and financial crisis still cast a shadow on the Jordanian economy, though to a lesser extent than the case in 2009. Due to the total deficit in the public budget⁷⁹, the government reduced public expenditure, both current and capital, to maintain financial and monetary stability in the kingdom and proceeded to improve the efficiency of local revenue collection, 83% of which are from taxes. This percentage reflects the reality of the tax burden on the citizens.

⁷⁸ The Universal Declaration of Human Rights admitted the right to adequate standard of living in Article (25/1) which stipulates that: "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control". Also, Article (11) of the International Covenant on Economic, Social and Cultural Rights reiterated this right, as the aforementioned article linked its second paragraph with freedom from hunger.

⁷⁹ Figures referred to in the daily newspapers indicate that the total deficit of the 2010 budget after receiving foreign financial assistance is estimated at about JD657 million, compared with a deficit estimated at about JD890 million in 2009.

Furthermore, job appointments are limited to meet the urgent needs in education and health sectors only, and capital expenditures are limited to projects with the necessary economic and social feasibility⁸⁰. The NCHR draws attention to the fact that the reduction of support allocations for the social safety network and food stuff in 2010 has deprived a wide low-income social circle from some services and expanded the circle of poverty. Furthermore, oil derivatives and some food commodities became subject to the general sales tax after they were previously exempted from⁸¹. The NCHR monitored through broadcast media increasing complaints by citizens with limited income against increasing tariffs of public transport resulting from fuel price adjustments. It is enough to indicate the status of the high cost of living by reference to the high rate of inflation by 5% in 2010, compared to the year before. Among most commodity groups that contributed to this increase are "Transport" by 12.9%, "rent" by 3.7%, "meat and poultry" by 5.9%, and "Education" by 6%.⁸²

100. The survey conducted by the Department of Statistics⁸³ in 2010 showed that the average annual household income and expenditure across the Kingdom is estimated at about JD6220 for income and about JD8516.5 for expenditure. Thus, the annual gap between the average income and expenditure of the family in the kingdom is JD2296.5, which

⁸⁰ A press release entitled: "Abu Hammour-future trends of financial and economic policies in light of the speech from the Throne" on 6/12/2010, Ministry of Finance <http://www.mof.gov.jo/ar/pages.php?page=newsdetails&id=24961&num=3>

⁸¹ The tax on gasoline octane (90) and (95) was increased and the special tax of 8% on mobile phones was modified, while the exemption on coffee was abolished.

⁸² The Department of Statistics issued its report on inflation in Jordan, in which it indicated an increase in average consumer prices during 2010. For more details, see A story headlined "4.9% inflation rate in Jordan for the first 11 months," AlRai daily newspaper, 12/12/2010, cited from the link: <http://www.alrai.com/pages.php?news=id=373305&select=inflation-rate-in-Jordan-for-the-first-11-months>

⁸³ Department of Statistics 29/12/2010

means that Jordanian families are either depleting their savings or drowning in debt. However, the average annual household expenditure varies among governorates; as Amman ranks first with JD8966, while Tafilah ranks last with JD5766, which means unequal distribution of poverty level across the Kingdom. The survey data showed that approximately 80% of the household expenditure is centered on food, housing, transport and communications, which is a higher proportion globally. The average total household expenditure on these requirements is JD6761.9 of the total annual expenditure amounting to JD8516.5. Moreover, the Jordanian household expenditure on food accounted for more than a third of total expenditures, as this proportion reached 37.6% in 2010, compared to 33% for the period 2006/2007. In addition, the expenditure on housing accounted for 24.7% slightly lower than the same period of comparison (2006/2007). However, this figure is expected to increase in case the new law of landlords and tenants comes into effect. Finally, the proportion of expenditure on transport and communications increased to 17% after it was 15.8% for the same period of comparison due to high fuel prices, while the total expenditure on education dropped to 5.1% for the period 2008/2009 after it was 7% for the same period of comparison.

101. The NCHR notes that the contribution of the private sector in combating poverty programs is still weak. One of the studies has revealed that (65.5%) of Jordanian companies do not include allocations for social responsibility in their budgets,⁸⁴ which requires activation of the role of the private sector in this area. The NCHR also points to a host of obstacles facing the Ministry of Social Development in addressing the

⁸⁴ A story headlined "New Jordan Center study reveals that 65.5% of Jordanian companies do not include allocations for social responsibility in their budgets," Al Arab Alyawm, 26/8/2010, cited from the link: http://alarabalyawm.net/pages.php?news_id=249188&select=

poverty problem, namely: (a) lack of financing for most strategic plan programs, especially that the 2010 budget of the National Aid Fund amounted to JD86 million, down by one million from 2009 budget, (b) focus of poverty programs on humanitarian aid and assistance to families rather than being linked to the production process, which promotes a culture of dependency,⁸⁵(c) lack of sustainability of fixed assets for the majority of productive projects as their owners can dispense with them. The NCHR notes that despite the raise in the financial aid⁸⁶ provided by the National Aid Fund from JD33 to JD36, it does not meet the basic needs of the individual under the shadow of the high cost of living.

102. With regard to unemployment, it reached (12.5%) in 2010 compared to (12.9%) in 2009. The unemployment among university graduates is about (16.2%),⁸⁷ which means that unemployment is one of the major challenges facing the youth. Therefore, a quick and effective treatment should be applied. NCHR also noted in 2010 a number of cases in which Jordanian workers were laid off from the industrial zones as a result of the global financial crisis, which necessitates taking measures to protect the rights of workers, urge the business sector to respect these rights and provide proper compensation to workers, and take measures to provide alternative work opportunities amid fears of escalating the unemployment phenomenon, in order to comply with the UN principles on human rights in the business field. NCHR also highlights the fact that Jordanian workers are still facing the same challenges in the labor market that were

⁸⁵ For example, the value of the loans of productive families projects totaled 3443.800 JD for about 238 projects in 2009, and the amount of emergency cash and in kind assistance totaled 409,887 JD in the same year, statistics of the Ministry of Social Development in its memorandum no 631/KT, dated 17/1/2010 to the National Center for Human Rights.

⁸⁶ The family that consists of two persons is paid 90 JD, JD 130 is paid to a family of three and JD 160 to a family of four.

⁸⁷ An interview in the Department of Statistics as of 29/12/2010

referred to in previous annual reports⁸⁸, most notably the extreme competition from the migrant workers and the large segments of workers in the private sector, especially in small enterprises and informal sectors, who are unaffiliated with the social security umbrella in spite of the amendments to the social security law in this regard. Furthermore, the majority of workers in the private sector do not enjoy any kind of health insurance, which requires the expansion of social security coverage in the social security law to include health insurance to subscribers and embrace workers of additional sectors under its umbrella.

103. As for rising cost of living, The NCHR noted that the government is still unable to control the prices of basic foodstuffs in the local market as meat, sugar and pulses in an effective manner, which causes the costliest damage for the lower and middle classes and open the way for many social strikes and tensions. The NCHR also noted the government's failure to follow a transparent mechanism for pricing oil derivatives, the imposition of widely varying taxes on citizens such as taxes imposed on the derivatives of benzene, which constitutes a distinction between Jordanians contrary to the constitution, and the adoption of a raising policy for prices of these products to address imbalances in the general budget. Such a policy opens the door wide for a rise in a long list of goods and other basic services. The NCHR monitored reports by the daily newspapers on complaints of citizens about the erosion of their purchasing power. The year 2010 also witnessed a decision by the government to raise the prices of clothing.⁸⁹ All these matters led to

⁸⁸ For more information, see: A study on the reality of the labor market in Jordan for the year 2010, the Ministry of Labor. Cited from the link <http://www.mol.gov.jo/Portals/0/Studies/labor20%market.pdf>

⁸⁹ Under this decision the tariff will be calculated based on the weight, by 1D1/kg of clothes, or a rate of 5% of the value of the goods, whichever is higher. However, according to the former system, the government used to charge 20% of the value of the goods regardless of weight.

increased tax burdens on the citizen, at the time which no meaningful increases on income occurred, leading ultimately to a declining standard of living and a right not guaranteed by the state, as was clearly evident in the aforementioned survey.

104. The NCHR noticed that many foodstuffs under offers or quotations, especially canned goods, ready-made foodstuffs and frozen food, in underprivileged areas were expired or were close to expiration within few days, which means exposing the health and safety of citizens to risk. Thus, the Ministry of Industry and Commerce is requested to tighten control over such Markets. Furthermore, the NCHR monitored through local newspapers complaints by inhabitants of many villages, towns and small cities on poverty, pollution, declining health services, and lack of projects that can contribute to improving the social and economic situation.

105. It should be noted that poverty and rising living costs have a negative impact on a number of health indicators. The Department of Statistics indicated that 34% of children in Jordan are suffering from anemia, which means that one out of three children is suffering from this disease. Also, children in rural areas are more vulnerable to chronic malnutrition than their peers in urban areas, as the proportion for those in rural areas reached 12% while it was 0.7% for children in urban areas. Moreover, the proportion of children suffering malnutrition in the South region of the kingdom was 13%, compared to 9% in the North region and 7% in the middle region, noting that students from kindergarten age to the age of 18 years represent about 35% of the Kingdom's population⁹⁰. As a

⁹⁰ Mahmoud Al-Tarawneh, A population survey: 34% of Jordan's children suffer from anemia, Al-Ghad newspaper. Cited from the link: <http://www.alghadcom/?news=493523AQ>

result, this indicates a rise in the total number of children infected with the disease.

106. As for the right to housing, despite the lack of statistics showing the housing poverty line for 2010, it could be said according to the poverty rate figures issued in 2008 that more than 53% of Jordanian households fall below this line and cannot afford purchasing housing units with minimum specifications and an area of less than 108 square meters.⁹¹ This problem aggravates among young people who have increasing social obligations that affect the rest of other rights, such as the right to marriage and starting a family. Also, the increase in the rent of housing units in the presence of more than 70% of housing units with contracts signed before the Landlords and Tenants Law of 2000 entered into effect, apt to increase further to unprecedented limits, which would inevitably affect the standard of living for individuals, young people in particular, especially with the expected increase in the prices of electricity and water, which may create a housing crisis where a large number of families find themselves unable to enjoy the right to decent housing. On another level related to housing, the apparent lack of sanitation services for about 35% of houses is not justified at both the health and environmental levels. The NCHR monitored complaints in the local media by citizens in cities and villages under severe strain due to the lack of infrastructure services, particularly the disruption of drinking water network and sanitation services, as well as the electricity grid. The

⁹¹ As per the price levels and conditions of lending in the market, according to figures from the housing information system in the Housing and Urban Development Corporation.

citizens demanded various government agencies to pay them attention and care.⁹²

107. Although the sixteenth Lower House approved the draft law of the amended Landlords and tenants Law as received from the government, under which the evacuation of housing lease contracts signed before 1974 was postponed till to the end of 2011 to avoid the negative economic and social implications of this step and allow further time for careful study of this law, The NCHR confirms that the Landlords and Tenants Law No. 17 of 2009 raises social and economic problems in society, especially since it sets the end of 2014 as a deadline for the conclusion of lease contracts signed before 2000, which constitute 30% of the rented homes as mentioned earlier. This will lead to the evacuation of many of homes and the signing of new contracts, which will entail additional costs to burden the citizens and an infringement of their rights⁹³. This necessitates differentiating between housing and commercial contracts to avoid the potential social crisis, as the amended law is flawed for not granting the tenants priority to remain if they agree to pay the equivalent rent,

⁹² The NCHR also monitored complaints reported by citizens through media about the flood of sanitation wastewater to their homes in Ramtha and Wadi Al-Ghafar in Irbid, which caused destruction of the contents of their homes, as well as the health risks they are exposed to because of bad odors and the proliferation of mosquitoes and flies. Moreover, the flow of wastewater from Abu Nasir purification plant threatens drinking water and springs in Birain. For example, see the news published in the Addustour daily newspaper on the following link:

http://www.addustour.com/PrintTopic.aspx?ac=%5CLocalAndGover%5C20105%C065%CLocalAndGover_issue976_day13_id243825.htm

⁹³ The amended Landlords and Tenants Law of 2009 was approved so that all lease contracts signed before 31/8/2000 will be ended with the end of 2015 for the housing units and the end of 2014 for the commercial and industrial contracts, at varying durations according to the date the contract came into effect. It also approved a new mechanism for litigation in the issue of evacuating leased property as a result of the contract expiry. All lease contracts signed before 1/1/1970 shall end on 31/12/2010, while housing lease contracts signed before 1/1/1975 will expire on 31/12/2011, housing lease contracts signed between 1/1/1975 and 31/12/1984 will expire on 31/12/2012, housing lease contracts signed between 1/1/1985 and 31/12/1989 will expire on 31/12/2013, contracts valid from 1/1/1995 until 30/8/2000 will expire on 31/12/2015. As for non-housing lease contracts valid from 1/1/1990 until 31/12/1994, they will expire on 31/12/2013, and the contracts signed during the period 1/1/1995 until 30/8/2000 will expire on 31/12/2014. See: <http://www.pm.gov.jo/>

especially in commercial areas in which tenants have practiced their commercial activities for long periods and have acquired a fame there⁹⁴. This means that many limited income individuals will be forced to leave their homes and most industrialists, merchants and other professionals will be forced to leave their work sites, especially the small and medium companies and institutions that constitute 98% of the commercial sector.

108. The NCHR monitored several collapses of ceilings and walls, of which the most prominent was the collapse of a seven-story building in the area of (Biader Wadi Sir) in Amman⁹⁵ on 10/3/2010, leading to five deaths and seven injuries. Such collapse signifies the likelihood of slackness on the part of the Greater Amman Municipality in processes relating to licensing and monitoring construction. Thus, there is a need to activate supervision by all agencies responsible for the safety of buildings and apply Jordanian approved construction codes to avoid commercial considerations that may victimize citizens for the benefit of illegal profits.

109. In the area of public transport, the NCHR refers to the (Master Plan for Public Transport) which assessed the general situation of departure and arrival points (complexes) in all governorates and pointed out to the need for a drastic improvement in terms of facilities available, instructions for passengers, level of service and location suitability. The NCHR calls on the government to adopt and implement its recommendations for the development of infrastructure and public transport services at departure and arrival points and the stops for loading and unloading on the paths of public transport network. The NCHR also noted complaints by citizens about the lack of a clear mechanism for

⁹⁴ Seminar entitled “The Right of Housing and the Landlords and Tenants Law”, National Center for Human Rights, on 18/6/2009.

⁹⁵ Al Arab Alyawm newspaper http://www.alarabalyawm.net/pages.php?news_id=216184

amending public transport fares. The NCHR calls on the Public Transport Regulatory Commission to expedite the execution of an annual mechanism for amending public transport fares that is tied to changes in oil prices, inflation rates, equity between operators and users of public transport vehicles and elevated standards for safety on roads.

110. In the area of the right to water, the NCHR record in 2010 suspension of water supply to houses in all governorates of the Kingdom⁹⁶ for periods exceeding two weeks, as a result of contamination of some wells and power outages that halted pumping operations, as well as some administrative obstacles that relate to the abuse by some distribution employees of the Ministry of Water and Irrigation to the scheduled distribution program for different areas. All of which forced citizens to bring water through water tankers at high prices, in a time some of them are experiencing difficult living conditions. Moreover, complaints through media escalated on the outflow of water from water supply networks in all governorates, and the need to update the networks in order to stop the waste of water and protect the safety of water transmitted through these networks to the citizen. The NCHR further monitored the cutting-off of water supply to many houses⁹⁷ under the pretext of the accumulation of water invoices, although the involved inhabitants said they were unable to afford paying these invoices. The Media also showed many complaints about cases of filling up unsuitable water for drinking by some water tankers labeled with «Potable Water», in exploitation of the high demand for water in the summer heat⁹⁸, as well as cases related to collecting water coming out from wells in plastic pools

⁹⁶ Such as residents of Aqaba Railway, Ma'an, Irbid, Jerash, Ajloun, Zarqa, Amman and other areas.

⁹⁷ In the area of the Azraq and the Jordan Valley, for example.

⁹⁸ «Albahath» River basin in Marj Al Hamam.

and then selling it to citizens. The NCHR points out that under the pretext of higher incomes, the water tariff in the Capital Amman is higher than the rest of governorates, which conflicts with the text of the Constitution and the universal principle agreed upon by all human rights conventions which prohibit discrimination among citizens.⁹⁹

⁹⁹ The price of the cubic meter in Amman starts from zero to 20 cubic meters at a total value of 5 JD and 121 fils, inclusive of the price of the meter, the additional increase, the price of the sewage use and the price of water. The bill then escalates with the consumption of 21 cubic meters in the single cycle (3 months), and with over 130 cubic meters of water consumption the bill is the amount of consumption multiplied by the price of the cubic meter, 124 piasters, added to the additional increase of 5 JD and 51 piasters and the meter price. As for the price of the cubic meter in the governorates it also escalates until the consumption of 185 cubic meters, after which the price of the cubic meter is fixed. The value of the additional increase imposed on the water bill years ago totals 5 JD and 150 fils after the consumption of 40 cubic meters, while in the governorates it is 4 JD and 650 fils. For details, see the Ministry of Water and Irrigation website:
<http://www.mwi.gov.jo/Arabic/WAJ/CitizenServices/Pages/tariff.aspx>

Right to Work

111. The Constitution guaranteed in Articles (6/2) and (23) the right to work for all citizens, and obligated the state to provide it to them by way of directing and improving the economy. To that end, Labor Law No. (8) of 1996 came to regulate the foundations of the contractual relationship between the employees and the employers, which led to the workers enjoying their rights, privileges and legal measures guaranteed in this law. The International Covenant on Economic and Social Rights, in Articles 6, 7 and 8 also addressed the right of individuals to the enjoyment of just and favorable conditions of work for all workers, fair wages and equal remuneration value without discrimination, a decent living, Safe and healthy working conditions and reasonable determination of working hours including paid rest and leisure time. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990, which came into effect on July 1st, 2003, has codified, fully and comprehensively all the rights and the guarantees for migrant workers that must be observed.¹⁰⁰ The International Labor Organization (ILO) also issued over (189) international conventions of which Jordan ratified (24), especially the basic conventions. However, Jordan did not ratify Convention (87) on the Freedom of Association.¹⁰¹

¹⁰⁰ Among the most important topics of these convention to protect migrant workers and their families are: right to work, right to fair and adequate pay, non-discrimination, equality before the law and legal protection, freedom from forced labor, protection from arbitrary measures, right to adequate standard of living, right to work in safe circumstances, right to work appropriate hours, right to rest, freedom from sexual harassment, right to form associations, right to freedom of religion and freedom of opinion and expression.

¹⁰¹ These are: ILO Convention (98) on the right to organize and collective bargaining, ILO Convention (29) on forced labor, ILO Convention 105 on abolishing forced labor, ILO Convention (138) on

112. With respect to national legislation, labor law was amended as of 8/6/2010 to include (39) Articles. The most important amendments included the following: (a) Article 15/A-2 of the said law stipulates the use of a language, other than Arabic, that the non-Arab worker understands in order to ensure that the worker is aware of his/ her rights and duties under the employment contract; (b) the omission of the maximum limit of compensation contained in Article 25 and the adoption of length of service as a basis to calculate compensation for arbitrary dismissal equal to the pay of half a month for each year of service, (c) the right of individuals under fixed-term appointments to obtain end of service remuneration at the same terms of the permanent appointments, (d) limitation of extra work to cases of necessity not exceeding 10 days per year in Article 31, (e) increasing the duration of paid sick leave to 28 days per year instead of 14 days in accordance with Article 65, (f) Articles 98 and 116-119 granted trade unions wide powers to freely organize and administer their internal affairs, exercise activities, and issue own statutes and regulations. In addition, the authority of the registrar to not approve the registration of trade unions was abolished. However, the NCHR notes that this amendment is inconsistent with international standards, especially those contained in Convention No. (87) on the freedom of association, as Article 116 empowers the Minister of Labor to dissolve the union contrary to that contained in the previous law, which granted this right to the judiciary.

113. As for the status of professional health and safety, the NCHR noted that it still needs more control, especially in the sectors of construction,

minimum age, ILO Convention (182) on worst forms of child labor, ILO Convention (100) on equality in wages, and ILO Convention (111) on discrimination in employment and profession.

allied health services, agriculture and electricity. It is noteworthy here that the electricity workers went on strike in 2010 to demand better professional health and safety status after an increase in work-related injuries among them.

114. The workers in the field of allied health services, whether employed by services companies that are engaged in nutrition or cleaning at hospitals, are still under the same old circumstances and conditions, where more than 80 thousand workers, according to figures announced by the General Union of Workers in Health Services, work in a harsh environment with long working hours, no payment of minimum wage, delayed payments, and huge deductions from wages. Thus, the NCHR reiterates the need for intervention by the Ministry of Health and Ministry of Labor, as well as the General Union of Workers in Health services to implement the provisions of the labor law and activate the control over companies in order to reduce these violations against this segment of workers.

115. As for agricultural workers, violations impacting them are still the same despite the reference to such violations in previous reports of the NCHR, especially those impacting women and children working in this sector and who lack legal protection due to the fact that no special regulations have been issued to regulate the rights of this group, pursuant to Article (3-C) of the labor law. In spite of the amendments to that law in 2008 to include agricultural workers in its provisions under special regulations issued for that purpose, the said regulations have not been issued as of the date of this report. The NCHR believes that the lack of legal protection for agricultural workers is contrary to the text of Article (6/2) of the Jordanian Constitution, as well as the international labor

conventions ratified by the Jordanian government. It is noteworthy that this segment is not included in health insurance and social security on the one hand, and suffers long working hours, sponsors' non-compliance with the provisions of the labor contract, low wages, and deprivation from official holidays, including weekends, on the other hand.

116. During the year 2010, the day laborers increased their strikes and sit-ins, the most important of which was the sit-in by day laborers working in the Ministry of Agriculture demanding inclusion within the third category of the civil service system, noting that they are denied the advantages of the civil service system in terms of pay, annual increases and various allowances although a large number of them have been working for more than ten years.

117. In the area of domestic workers, the NCHR received (54) complaints and (13) requests for assistance during 2010 relating to the recruitment and employment of workers. The NCHR noted the incidence of violations of terms of contracts signed between workers and office owners, as workers upon arriving to Jordan find that the terms relating to the nature of work and wages paid are different from what was agreed on prior to leaving their countries. In spite of the points raised by the NCHR in its annual report of 2009 on the problems facing domestic workers, unfortunately no tangible progress has been achieved, which necessitates reiterating the suggestions and recommendations submitted by the NCHR in this regard.

118. Regarding the workers in the qualified industrial zones (QIZs), the NCHR in 2010 continued to conduct field visits to these zones and noticed the continuation of violations and problems impacting those workers; including, lack of night inspections, non-compliance by

companies with professional health and safety conditions, lack of health insurance for the workers, and flight of foreign workers from the factories they work at, in order to work at other sites illegally. Moreover, the NCHR registered a number of cases in which a number of investors have fled and failed to give workers their wages before shutting down the factory. A sum of (32) strikes were conducted in different (QIZs) to protest against problems facing workers. The most prominent of such problems in 2010 was raised by the General Trade Union of Workers in Textile, Garment and Clothing, saying that (2000) Jordanians working in (QIZs) are paid less than the minimum wage of JD150 and where excluded from the minimum wage approved in 2009 on the grounds that this sector exports its products to global markets facing economic recession.

119. In the area of child labor, Jordan ratified the ILO Convention No. (182) of 1999 on the worst forms of child labor which identified the jobs in which children may not be allowed to work and the International Child Rights Convention which prohibits in Article (32) the exploitation of children in work. Moreover, the Labor Law No. 8 of 1996, as amended, provided for legal texts showing the mechanism and conditions for child work. The NCHR drafted a report on child labor from the viewpoint of human rights and concluded that: (a) Child workers work in jobs harming their health as a result of inhaling gases and fumes and/or work hazards, such as falling off scaffoldings or traffic accidents, (b) children stated that they were subject to battery and verbal abuse, (c) There were some sexual and immoral practices against children during work, (d) The NCHR monitored two cases of child trafficking which resulted in the death of two girls brought from one of the neighboring countries to work in remote farms in harsh conditions, (e) Working hours are quite long, and

wages do not match the minimum wage, (f) These children remain outside the scope of legal protection and the legislative framework of the labor and social security laws. It should be noted that these violations affect the rights of the Child to life, education, family care, and protection from economic exploitation and performing any work that is likely to be hazardous or harmful to their health or physical, mental, spiritual, moral or social development, as well as a violation of the right of the child to rest and engage in activities and games appropriate to the age of the child and the right to secure conditions of living necessary for the child to grow up. It should also be noted that the NCHR noticed in 2010 that the role of the Ministry of Labor is still weak and fragile in the area of inspection to reduce the phenomenon of child labor. Furthermore, the Ministry did not activate the work of the specialized unit to reduce child labor or provide inspectors for the purposes of inspecting child labor sites and violations by employers hiring them. Also, the NCHR draws attention to the study of the Statistics Department and the ILO which stated that the number of children working in the Kingdom is 32 thousand children of the age group 15-17 years old only, i.e., that the number of working children under the age of 15 years largely increases the total number.

120. In the area of anti-human trafficking, despite the promulgation of a law banning human trafficking and a national strategy for the same purpose, no shelter house for victims has been created up to this minute, in addition to the lack of a special anti-human trafficking unit or presence of coordination between the competent authorities. The NCHR records the absence of training programs for people involved in implementing the provisions of the law.

Right to Education

121. The Committee emanating from the International Covenant on Economic, Social and Cultural Rights stressed the right to education as a fundamental human right. This right had been classified in different ways relating to economy, society and culture, in addition to the fact that it represents a civil and political right due to its importance in the full and effective implementation of all other rights.¹⁰² The right to education was stipulated in Article (26) of the Universal Declaration of Human Rights, as well as Articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights which stressed that education is a guaranteed right for every individual, and must be directed towards the comprehensive development of their human character and promote respect of human rights. They also obligated the states to provide mandatory and free elementary education that is open to all, expand and make available secondary education in its various types, and provide higher education on an equal footing with a view to meritocracy, with gradual adoption of the principle of free secondary and higher education.

¹⁰² The Committee's General Comment No. 11 on article 14 of the Covenant, which stated that " The right to education, recognized in articles 13 and 14 of the Covenant, as well as in a variety of other international treaties, such as the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, is of vital importance. It has been variously classified as an economic right, a social right and a cultural right. It is all of these. It is also, in many ways, a civil right and a political right, since it is central to the full and effective realization of those rights as well. In this respect, the right to education epitomizes the indivisibility and interdependence of all human rights. Also the General Comment No. 13 by the same Committee stated that "Education is both a human right in itself and an indispensable means of realizing other human rights. As an empowerment right, education is the primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities. Education has a vital role in empowering women, safeguarding children from exploitative and hazardous labor and sexual exploitation, promoting human rights and democracy, protecting the environment, and controlling population growth. Increasingly, education is recognized as one of the best financial investments States can make.

The Constitution also guaranteed the right to education within the state capacities, and provided for the right to establish private schools and to mandatory education in articles (6/2) and (19).¹⁰³ The Law of Education also provided for free mandatory education.

122. On the infrastructure of school education, indicators of the Ministry's Statistics regarding the number of schools and number of students still show that the increase in the number of students does not correspond with the increase in the number of schools, which leads to overcrowded classrooms. The NCHR continues to emphasize that figures still reveal a higher rate than international standards in terms of the number of students per classroom and student-teacher ratio.¹⁰⁴ The reason behind the marked increase in classroom density is that the number of Iraqi students in public schools has increased during the past two years, in addition to the marked transference of students from private and UNRWA schools to public schools in the last three years¹⁰⁵. The number of students who are studying in schools that follow the two-shift system rates to (4%), while the proportion of rented school buildings is (13%). These schools are centered in the cities of Amman, Irbid and Zarqa. The Ministry of Education attributed the reasons behind the continued rental of school buildings to the lack of pieces of land on which permanent

¹⁰³ As follows: " the state shall ensure work and education within the limits of its possibilities, and it shall ensure a state of tranquility and equal opportunities to all Jordanians," and " "Congregations shall have the right to establish and maintain their own schools for the education of their own members provided that they comply with the general provisions of the law and be subject to the control of Government in matters relating to their curricula and orientation". Article 20 of the Constitution provides for " Elementary education shall be compulsory for Jordanians and free of charge in Government schools" .

¹⁰⁴ The international criterion for the average number of students in class is 25. The average student to teacher ratio in advanced countries is 14, in the developing countries it is 28 and in the Arab countries it is 22. As for Jordan, the average number of students in class is about 35 students, and reaches 45 students in the main cities, such as Amman, Zarqa and Irbid.

¹⁰⁵ Second National Report to the Millennium Development Goals - Jordan 2010

school building can be built, especially in areas of overpopulation, in addition to the lack of financial resources at other times. Schools with modern construction in some rural areas are characterized with better specifications and services than old schools, since they are built over large areas and through fully considered specifications. The NCHR asserts that there are schools in the Kingdom where students feel very cold in winter due to inadequate heating, if any. The NCHR actually monitored increased complaints by parents about the lack of heaters in classrooms and the difficulty for their children to withstand the biting cold, in addition to the existence of broken windows for which students share the cost of repair to shelter from cold.¹⁰⁶ However, in case kerosene heaters are used for heating, harmful gases emit, especially in small classrooms overcrowded with students, in addition to the fact that students play with these heaters, during the break between lessons, in a way that exposes them to danger. Moreover, students also suffer from the lack of hygiene in a number of schools, particularly in health facilities, which could pose a threat to their health. Hence, this calls for improving the physical learning environment and maintaining schools in need of maintenance, as well as providing requirements of adequate heating, distributing winter coats on students, and cleaning and sterilizing schools on an ongoing basis. In addition, the NCHR monitored that some schools in the southern governorates are located on main streets without the presence of iron barriers or nearby bumps. Moreover, water tanks in these schools were open and exposed to pollution, in addition to the presence of some cracked walls surrounding the schools and huge iron gates that need maintenance because of the potential threat they pose on the lives of students.

¹⁰⁶ See the link. <http://www.ammonnews.net/article.aspx?articleNo=55452>

123. Despite the fact that Jordan has achieved significant progress in quantitative indicators of education, there is an urgent need to pay more attention to qualitative aspects relating to teaching methods, which are mainly based on memorization. Also, there is still a proportion of students (about one third of students) who end the fourth grade without mastering the basic learning competencies in reading, writing and calculation, which calls for the development of curricula and textbooks to suit the learning needs of students, as well as the improvement of teaching methods and provision of qualitative specialized training for teachers.¹⁰⁷ The NCHR asserts that there is still a noticeable discrepancy in terms of educational level between students of private schools and those of public schools; where the majority of private schools' graduates are characterized with proficiency of foreign languages, especially the English language, and thus their chances for better jobs in the future are higher than students of public schools. Furthermore, some private schools focus on extracurricular activities that contribute to the refinement of the student's personality. In this regard, the NCHR believes that considerable variation between some private schools and the majority of public schools in programs, curricula, and potentials may lead to a clear cultural disparity within the same society, especially in light of the opportunities to some leadership positions available in the Kingdom, which require skills that may not be provided by public education, leading at the end to increased differentiation among Jordanians. In the area of human rights education, the NCHR asserts the need to continue the integration of the

¹⁰⁷ The Second National Report to the Millennium Development Goals 2010 – the Report also noted that « Upon analyzing Jordanian pupils' performance in national, international standardized tests, like PISA and TIMSS and General Secondary Education Certificate Exam (Tawjihi), it becomes evident that quality education is the most salient challenge at hand. Continued efforts will be required to develop education, and adopt non-conventional strategies which focus also on putting in place more effective strategies that bring quality improvement to the classroom and school level, while emphasizing performance monitoring.

concepts of human rights in school curricula and notes that although a memorandum of understanding (MoU) was signed on 8/4/2009 with the Ministry of Education and plans were laid down to integrate human rights into the school system, the contents of the (MoU) were not executed due to the lack of sufficient funding and the frequent change of Ministers and officials.

124. With regard to vocational education, art and sport lessons in schools, they are still inactivated in a large number of schools and are characterized by weakness and shortcomings in the systematic, organizational, and operational structure. These lessons are often used to compensate for other missed lessons such as mathematics, science, etc. or turned into a lesson of voluntary work, during which the students clean the school yards and facilities. Also, these lessons are placed most of the time at the end of the school day where the students had reached an advanced stage of fatigue and exhaustion. Accordingly, this raises the question about the use of including these lessons in the school schedule since they are neglected. The NCHR attributes this negligence for reasons associated with weak budgets allocated to such activities in schools,¹⁰⁸ lack of material capabilities such as playgrounds and equipped sports halls, and lack of tools used in arts, as well as the lack of basic skills for teachers of these subjects, non-holding of specialized training courses for teachers, and the limited time allocated for these activities. The NCHR stresses in this context that the Ministry should pay these lessons special attention as they help students to discover their potentials and talents, increase their self-confidence, and be equipped with various life skills. They also enable students to express themselves, positively

¹⁰⁸ A study on the professional problems faced by the physical education teacher in public schools. Researchers: Mu'een Awdat and Abdul Hakim Khasawneh.

release their energy away from aggressive behavior and violence. Finally, these lessons are closely linked to the right to play, cultural rights, and the right to health.

125. As for the increase in the cost of schooling, the NCHR notes that sales tax, ranging between 4-16%, is still imposed on the stationery required by students although education must be free in public schools.¹⁰⁹

It is noteworthy that for the second consecutive year, students of public schools were exempted from voluntary school fees by a generous royal grace, in recognition of the economic difficulties that families in Jordan face. In this context, the NCHR stresses the need for these fees to be completely cancelled, not just suspended, in line with the principle of free education. The NCHR also points out that students carry to school heavy bags filled with a large number of books, which makes them increasingly vulnerable to back injuries and muscle strain, especially those students living far from schools¹¹⁰.

126. The NCHR monitored repeated cases of shortages of teaching staff, especially among male teachers in the fields of science, mathematics, physics, earth science and English. Furthermore, this problem is highly centered in schools of the southern and middle areas of the Kingdom due to a number of reasons, notably; teachers refrain from working in the Ministry if there are better job opportunities in financial terms inside or outside the Kingdom, in addition to the fact that admitted numbers to universities to study these disciplines are insufficient. In order to resolve

¹⁰⁹ It should be noted that the Committee for Economic and Social Rights confirmed in its General Comment No. (11) that "Fees imposed by the Government, the local authorities or the school, and other direct costs, constitute disincentives to the enjoyment of the right and may jeopardize its realization. They are also often highly regressive in effect. Indirect costs, such as compulsory levies on parents can also fall into the same category."

¹¹⁰ An American study addressing the impact of school bags on the health status of children aged between 11 and 13 years, as the study indicated spine problems for some students, as well as muscle infections on the shoulder that holds the school bag.

this problem, teachers are directly appointed through the Ministry, and educational supervisors, or teachers with similar majors, are assigned the task of teaching in order to cover the shortage. In other cases, the Ministry assigns teachers to teach in more than one school. In practice, some teachers teach subjects that are far from their fields of specialization, in the event of shortage in a certain subject. Consequently, this affects the progress of educational process and the ability to teach subjects as required. The NCHR asserts the need for the Ministry, in coordination with other stakeholders, to take the necessary measures to radically resolve this problem.

127. With regard to private schools, data by the Ministry of Education shows that around (18) thousand students were transferred from private to public schools¹¹¹. The NCHR recorded some violations by private schools' administrations, such as: (a) Teachers are paid low salaries in many private education schools, while other private school pay teachers lower than the minimum wage defined by labor law, in breach to what was agreed on in signed contracts, (b) At the end of second semester, several private schools annul contracts signed with teachers and then sign new ones at the beginning of the first semester of the following year in order not to pay salaries during the summer vacation, (c) Some private schools pay salaries for 10 months only although the standard contract for private schools' teachers which is signed by relevant parties; namely, the Ministry of Education, Ministry of Labor, The General Trade Union of Workers in Private Education, and the Private School Owners Association, guarantees the right to full payment for the entire year by the second year of service, (d) Social security contributions are in some cases deducted in double format from teachers' salaries only, and in other cases

¹¹¹ The Labor Watch under the Phoenix Center for Economic and Political Studies shed the light on these violations in its report on the situation of teachers in private schools.

delayed even though teachers have already started working for private school, (e) Most private schools do not provide health insurance for teachers, leading to more economic pressure on them, (f) Many female school teachers are deprived the right for 10 weeks of maternity leave before and after giving birth; as the majority of private schools refrain from paying salaries for the maternity leave period, terminate the services of female teachers immediately after knowing that they are pregnant, or restrict the allowed maternity leave to two weeks or 20 days at maximum (some of them give unpaid maternity leave for 10 days only). However, if female school teachers do not agree to the specified period of leave, they will be forced to resign, (g) Many private schools deduct from the salaries of teachers who are late in the morning, and some teachers are deprived the right to payment for extra work when they are forced to work after the end of regular work time, contrary to Article (59) of the Jordanian Labor Law, (h) Some private schools continue to raise their fees. However, the government does not take any measures to control such increase in order to reduce financial burden on families. In this regard, the NCHR regrets the failure by the government to adopt any measures concerning the classification of private schools and issuance of a special regulation to regulate such classification in spite of repeated recommendations by the NCHR in this regard, noting that this special regulation is in line with the Education Law, which stipulates in Article (c) that the Ministry shall undertake the supervision of all private educational institutions to ensure compliance with the Education Law.¹¹² The NCHR also calls on the Private School Owners Association to carry out its national responsibilities and adopt effective measures to reduce these violations to

¹¹² The classification of private schools determine the maximum and minimum school fees to be charged by private schools, and sets the conditions for establishing such schools, the qualifications of administrators, as well as the minimum wage for teachers and the prices of books in private educational institutions.

ensure the teachers' enjoyment of basic rights and security, which results in more motivation to provide distinguished education, as it is a right for all students.

128. On the topic of kindergartens, despite the fact that they are free of charge in public schools and that the Ministry of Education has implemented some personality-shaping projects for this age group, such as "Steps" and "Development of Early Childhood" projects, it is noted that kindergartens are still not obligatory and lack the necessary requirements referred to by quality assurance standards for kindergartens, in addition to the fact that the implemented projects do not cover all schools across the Kingdom. Furthermore, the majority of kindergartens, either public or private, do not apply the "learn through play" system, but rather the traditional methods for teaching children. The NCHR emphasizes on the need to expand the programs of pre-school learning through establishing kindergartens, which are proved to reduce the rates of dropout and increase chances for successful learning at other learning levels, not to mention their impact on bridging the gap between underprivileged areas and areas with better capabilities. The NCHR believes that the areas which should be paid greater attention in this domain are (Mafraq, Southern Mazar, Jerash, Busaira, Southern and Northern Ghour, Northern, Eastern and Western Badia, Southern Shuna, Al Muwaqqer, and Kerak).

129. As for illiteracy rates, the NCHR notes the second national report on Millennium Development Goals, which indicted a decline in illiteracy rates among the (15-24) age group, since 99% of this age group acquired minimum basic reading skills and, thus, it could be said that illiteracy rate represents only (0.9%) in this age group. Moreover, illiteracy is centered

among females more than males and is higher in Mafraq, Ma'an, and Kerak governorates.

130. Regarding the problem of dropping out (truancy) from school, the rate reached (0.4%) for the period 2009/2010, as increased number of drop outs had been noticed in the past three years, especially in villages and rural areas in the Central Ghour and south of the Kingdom. Dropping out is attributed to social and economic reasons, such as family problems and family low income level, which forces children to work for economic assistance. The problem of dropping out is exacerbated in some touristic areas like Aqaba and Petra because these areas are considered economic areas where job opportunities are available.¹¹³ The NCHR reiterates the need for the government to take the necessary actions to return students in these areas to school and activate the Education Law in this regard. The NCHR stresses the need to link the database for the (6-15) year-old age group in the Civil Status Department with the database for the same age group in the Ministry of Education, in order to determine the actual numbers of drop outs, including those who never enrolled in study, in order to return them to school or integrate them in informal education.¹¹⁴ The NCHR will not miss this opportunity to assert that the State has a direct responsibility in ensuring the enrollment of students in basic education and taking action against parents who do not send their children to school. This constitutes an urgent matter in light of increasing child labor; especially that engaging in work does not only prevent them from the right to education, but also from other rights; such as the rights to play, rest and grow up.¹¹⁵

¹¹³ Children in these area work as tourist guides, in restaurants and hotels, on boats, in the port, etc.

¹¹⁴ The Second National Report to the Millennium Development Goals - Jordan 2010.

¹¹⁵ For more information, see the NCHR report on children labor in 2010.

131. On special education, there are several programs targeting students with special needs, as shown in table No. (11). The NCHR refers to a number of challenges relating to special education; most notably: (a) The lack of readiness in terms of facilities and equipments to receive physically challenged children and inability to introduce adjustments and amendments to rented school buildings because they are not owned by the Ministry, (b) The need for awareness programs directed to teachers, administrators, and parents on comprehensive integration of students with special needs into schools, since some parents, teachers, and administrators hold negative views towards the handicapped children,¹¹⁶ (c) Unawareness of programs designed for talented students, in order for parents, teachers, and administrators to direct students to join such programs, (d) The need for specialized training programs for teachers and administrators on how to deal with each of the groups with special needs, (e) Insufficient physical facilities, especially transportation for the physically challenged, or for the deaf and other talented students in the disabled group to carry them to places where the programs designed for them are held, especially in the Badia' and rural areas.

Table No. (11) shows the number of students and workers in special education programs in the Ministry of Education for the academic year 2010-2011				
Group	No. of schools/ Classes	No. of Students	No. of Teachers	Note
Physical disability	-	673	-	Integrated within ordinary schools
Blind and visually	3 schools	272	57	-

¹¹⁶ Some parents hold a negative opinion towards children with disabilities transfer their children from the class or school if they know about the existence of a disabled child in the class.

impaired				
Deaf and hard of hearing students	13 schools	768	177	-
Albino	-	103	-	Integrated within ordinary schools
Mental disability	7 classes	76	29	-
Learning difficulties	686	10503	688	More than one teacher in some classes
Acceleration	-	43	-	Integrated within ordinary schools
Pilot centers	18 centers	1712	170	-
Resource rooms for the talented	13 rooms	823	66	-
King Abdullah II School for Excellence	6 schools	1935	239	-

132. The NCHR noted in 2010 the continued phenomenon of school violence in all physical, verbal and psychological types and the increase in cases of violence among students themselves on the one hand, and between students and teachers on the other hand.¹¹⁷ However, the Ministry of Education was not able to reduce this dangerous phenomenon despite

¹¹⁷ The NCHR monitored the case of beating a ninth-grade student in Al Ma'monia Primary school by one of the teachers at the school. For more details, see Al Ghad newspaper: <http://www.addustour.com/ViewTopic.aspx>

the fact that such phenomenon has become worse, with the rise of sexual assault cases. The NCHR recorded a sexual assault by one of the female teachers in a private school against a number of kindergarten students¹¹⁸. In addition the NCHR noted through media increased complaints of parents about the phenomenon of sexual assault among students in some boys' schools, especially by secondary stage students against younger students, in addition to sexual practices appearing among some students in girls' schools, which stresses the importance of separating between secondary and primary stages. In this context, the NCHR also emphasizes the need for intervention by the Ministry of Education to address this problem and put an end to it because it is now becoming to worry parents and threaten the future of students. This could be achieved by increasing awareness of the consequences of these practices by focusing on sex education materials that would constitute a protection for students from falling victim to some of these practices, in addition to activating the educational and psychological counseling services in schools and urging students not to remain silent in the event of any sexual assault. The NCHR points particularly in this regard to the increasing complaints from people of the Aqaba governorate about the size of unethical practices in governmental boys' schools, in particular, which forces them in many cases to transfer their children to private schools regardless of considerable financial burden.¹¹⁹

133. The number of complaints submitted through the hotline of the Ministry of Education on cases of violence against students totaled in

¹¹⁸ The Family Protection Department referred a private school teacher to the Prosecutor of the Grand Criminal Court, on charges of "indecent assault" against students in the kindergarten stage. For more details, see <http://www.alghad.com/?news=507898>

¹¹⁹ The Ministry of Education denied the existence of this phenomenon in schools during a visit by the NCHR team to the Ministry, though the the NCHR received a complaint in this regard.

2010 to (14) complaints, in addition to (12) complaints through the line of family support and (5) complaints written directly to the Ministry. The NCHR asserts that some students and parents did not lodge complaints because of fear that teachers and school administration's treatment of the complaining student would change after the complaint.¹²⁰ The number of complaints against public schools reached (29) complaints while the number of complaints against private schools was (3) complaints, which suggests that the size of this problem is bigger than it really seems on the surface. On the nature of these complaints, they were centered on the existence of physical, verbal, and moral abuse against students. It should be noted that about half of the children are subjected to physical abuse from parents, teachers, school administrators, and brothers sharing the child's place of residence. Moreover, more than (70%) of children are exposed to verbal abuse by teachers and administrators working at the schools of the Kingdom,¹²¹ which leads students to lose the feeling of safety, fail to attend school, and undergo depression, sadness, shame, confusion, violence and desire for revenge. All these negative effects are contrary to the educational message of the teacher. In this context, the NCHR values amendments made to the Civil Service System, in which more severe punishments were imposed on teachers and administrators who resort to violence and physical assault as they deal with

¹²⁰ During a visit to the Child Protection Section of the Ministry of Education for the purposes of this report, the NCHR monitored a complaint by two students, stating that they were exposed to physical and psychological violence by a teacher in one of the boys schools in Al-Webdeh/ Amman, where the teacher hits students and hold them tight by the assistance of other students while warning them that resistance means challenging the authorities. Also, the teacher orders the student to sit for an hour in a squatting position in the school yard as a kind of punishment and flog the students three times if they refuse his orders. It is noteworthy that the complainants refused to disclose their names or write a complaint at the beginning because of their fear of the teacher and school administration.

¹²¹ See the study carried out by the UNICEF, in cooperation with the National Council for Family Affairs, on violence against children in Jordan in 2007. Also see Reham Fakhouri's reportage, entitled "press tour reveals the practice of corporal punishment on school students, AlRai newspaper. Cited from the link http://www.alrai.com/pages.php?news_id=372665

students.¹²² However, it is noted that the system did not explicitly provide for infliction of punishment against teachers and administrators who engage in psychological or verbal violence against students. Thus, the NCHR asserts the need for punishment to include violence experienced by students in all its forms. Furthermore, the NCHR notes that the Ministry, in cooperation with the UNICEF, implemented a project entitled “Together towards a safe school environment” to eliminate school violence in a scientific and educational method based on a formula that protects student from violence and, at the same time, maintains the prestige and image of school and teacher in case of any violations by students. This was approached by applying the slogan: “let us pause, talk and discuss, to make decisions collectively and peacefully”. However, according to statistics of UNICEF, which is the agency responsible for supervising the implementation of the campaign, only (10) out of (40) Directorates were literally committed to, and succeeded in, the application of the campaign. Hence, this calls for raising awareness among students, teachers and school administrations on the importance of rejecting violence and replacing it with modern educational methods, in addition to implementing regulatory measures and intensive follow-up to ensure that all parties involved are committed to this campaign if expected outcomes are to be achieved. The NCHR received a complaint concerning psychological and verbal violence¹²³ against students of a private school. The NCHR addressed the Ministry of Education, which in

¹²² Article 68 of the Civil Service System stipulates the following, "Subject to disciplinary responsibility, the employee shall be prohibited from committing any of the following acts: (1) impose corporal punishment on, or harm in any form whatsoever, any of the children who are in the departments, including educational, rehabilitation or training institutions, or care or shelter homes.

¹²³ The student is imprisoned in a room for 70 minutes, as a kind of punishment, or deprived from food, especially if the detention coincided with the break time. Moreover, the student is seated in a squatting possession in a specific small area, so as if this area is exceeded, the student will be forced to repeat the punishment all over again.

turn formed an investigation committee to determine the merits of the complaint, which is still under follow-up.

134. The NCHR observed with great interest the withdrawal by the Ministry of Education of the CD that contained the results of the General Secondary examinations for the winter session 2009/2010 from electronic websites, after only one hour of publishing these results, due to the presence of mistakes in the result statements of some students. The Ministry formed a committee to investigate the reasons of these mistakes and determine the responsible parties. However, the committee concluded that none of the Ministry officials is legally, administratively or technically responsible for these mistakes and that "what occurred and led to this problem is merely an unintentional human mistake. It cannot be avoided except through an established methodology that is based on further revision for CDs after being issued. The programmer is not responsible for the lack of a methodology for post revision for the contents of those CDs." The NCHR affirms the need to expedite the implementation of the recommendations by the cabinet¹²⁴ in this regard to prevent the reoccurrence of such mistakes, which affect the credibility of results issued by the Ministry of Education among students, parents, and society as a whole, and create a state of social and psychological tension among students.

¹²⁴ After examining the report of the investigation committee, the Cabinet decided to take a set of measures to address the imbalances revealed by the investigation, including (a) reviewing the organizational structure of the Ministry of Education, so that there is more coordination between different departments, (b) unifying points of reference for departments concerned with technology affairs in order to eliminate what appeared to be multiple points of reference and lack of departments knowledge of the work of other departments, (c) reviewing procedures for checking and re-checking information and verifying all the technical tasks and procedures prior to publishing. This applies to all information issued by the bodies and departments of the Ministry of Education, (d) assigning the task of publishing the results to the technology center and not distributing the CDs before the results are final and duly audited, (e) mandating the Minister of Education, in cooperation with the Ministry of Public Sector Development and the Ministry of information Technology and Communication, to work on reforming these structural and procedural imbalances, as soon as possible.

135. With regard to improving the living conditions of teachers in the public sector,¹²⁵ teachers have conducted several sit-ins, after calls by teachers' committees in all governorates of the Kingdom,¹²⁶ calling for the actualizing of their demands and allowing the establishment of a union for them, as well as improving their financial status by amending the salary scale for teachers, supporting teachers' housing fund, forming teachers' committees to supervise the fund, raising health insurance level, allowing teachers' children to enroll in public universities at the expense of the government, involving teachers in the drafting of educational legislation and receiving customs' exemptions and a number of bonuses. The sit-ins have caused the disruption of the educational process in a number of schools in the Kingdom. As a result of these sit-ins, 38 teacher members and activists of the National Committee for the Revival of the Teachers Professional Association were referred to provisional retirement,¹²⁷ but it was not long until the Ministry retreated from its decision and returned them back to work, after a series of protests by other teachers against these arbitrary measures which they considered a revenge on the members of the Committee. Also, the government decided to retroactively re-disburse the (5%) additional allowance for teachers

¹²⁵ In its General Committee No. (13), the Committee on Economic, Social and Cultural Rights noted that " While the Covenant requires that "the material conditions of teaching staff shall be continuously improved", in practice the general working conditions of teachers have deteriorated, and reached unacceptably low levels, in many States parties in recent years. Not only is this inconsistent with article 13 (2) (e), but it is also a major obstacle to the full realization of students' right to education. The Committee also notes the relationship between articles 13 (2) (e), 2 (2), 3 and 6-8 of the Covenant, including the right of teachers to organize and bargain collectively; draws the attention of States parties to the joint UNESCO-ILO Recommendation Concerning the Status of Teachers (1966) and the UNESCO Recommendation Concerning the Status of Higher-Education Teaching Personnel (1997); and urges States parties to report on measures they are taking to ensure that all teaching staff enjoy the conditions and status commensurate with their role..

¹²⁶ These sit-ins came as a result of statements made by the Minister of Education, which were described as derogatory to teachers, as the minister asked teachers to shave their beards and pay attention to their tidiness before requesting the establishment of a trade union.

¹²⁷ Pursuant to the Cabinet's decision No. 1954 as of 11/7/2010.

and educational supervisors and counselors as of the beginning of 2010. It should be noted here that the said allowance used to be disbursed in the past before it was suspended in 2006. Moreover, the regulations of the generous royal grace for university seats allocated to the children of military personnel and retirees were applied to the seats allocated to the children of teachers too as of the academic year 2010/2011, noting that the allocated seats for teachers' children amount to 5% of the total annual allocated seats in all public universities. The students admitted to university under these seats are awarded scholarships covering all costs associated with university study. The NCHR asserts that these measures and incentives are insufficient, since teachers suffer from hard living conditions that affect their ability to give and create, and as a result, affect the quality of education in Jordan. The NCHR points out that the increase in the number of teachers who refrain from working in the Ministry and the number of leave-without-pay applications to work abroad, especially by male teachers, reflects the hard economic conditions experienced by teachers in Jordan and the lack of financial and moral incentives granted to them. At the same time, the NCHR stresses that the lack of a teacher's association is a violation of the right to form and join unions which is guaranteed by the International Convention on Economic, Social and Cultural Rights, as well as the Jordanian Constitution which stipulates in Article 23/2 that the State shall protect labor and enact legislation based on a number of principles including the principle that free trade unions may be formed within the limits of the law. This necessitates the government's reconsideration of this issue.

136. In the area of higher education, the NCHR noted the large number of legislations governing higher education institutions in Jordan and the repeated amendments to these legislations. This leads to the instability of

the legal frameworks governing the educational process and, thus, influences the course of their work.¹²⁸ The higher education Law was amended twice in less than a year and legislations were issued under provisional laws without the existence of constitutional requirements of urgency and necessity for issuing such laws. The NCHR records the issuing of several instructions, standards and decisions by the Council of Higher Education and Accreditation Commission of Higher Education Institutions, which come to abolish, amend, or create legal positions. However, this created a legal confusion in the legislative process because the implementation of laws related to higher education should be through regulations not instructions, pursuant to the provisions of Article (13) of the applicable higher education and scientific research law,¹²⁹ which raises the question about the legality of tens of instructions issued by the Higher Education Council and the Accreditation Commission of Higher Education Institutions.

137. The NCHR asserts the need to exert more efforts in strengthening the autonomy of universities and academic freedoms as they constitute one of the most important guarantees for excellent quality education and an essential foundation of creativity. Also, there is a need to pay outstanding students more attention, either by supporting their study or providing scholarship opportunities for them to form the nucleus of an outstanding teaching faculty. The NCHR also emphasizes the fact that student representation is one of the most important indicators to measure the extent of academic freedom in universities although it is noted that there is no legal provision in the Provisional Universities Law or the

¹²⁸ Dr. Nawaf Nu'man Al-Khatib, a working paper on the legislation regulating higher education in Jordan.

¹²⁹ Article (13) stipulates that "The Council of Ministers shall issue the necessary regulations to implement the provisions of this law".

Higher Education Law binding universities to form fully elected student councils. Moreover, most of the student council elections are based on the "one-vote-system", which enhances the regional, sectarian, and tribal feud and, thus, contributes to the increasing phenomenon of violence. The NCHR also records cases of refusal to conduct elections in some universities and cancelling them in other universities¹³⁰. Also, some universities still appoint half the members of the student council, while most public and private community colleges and a number of branches affiliated to Al-Balqa Applied University, in addition to a number of private and public universities, still lack the existence of bodies that represent students¹³¹. Moreover, the NCHR notes the various methods exercised by some universities to impose a certain combination in the Student Council; where one university added a condition to the requirements to run for student council that leads to the exclusion of some students' forces from the electoral scene¹³². In addition, the instructions for student council elections in many universities still prevent candidates from distributing electoral programs and statements, attach any logos to their campaigns, form electoral lists, or establish any coordination among them, whether in the same faculty or in different faculties.¹³³ The NCHR received two complaints; the first was about the continuous refusal by one private university to allow the formation of a student council after it

¹³⁰ The administration of Amman Private University refused to hold elections, while they were cancelled in Zarqa and Jerash Universities, as the latter claimed that the quarrel which took place in Al-Balqa Applied University was behind cancelling elections at the University.

¹³¹ Such as the German, Middle East, Amman, Zarqa, and Jadara Universities.

¹³² One of the universities issued new instructions that added a requirement to the conditions of nomination for the Student Council. This requirement stated that the candidate should be "an active participant in the religious and national occasions, and cultural, scientific, social, artistic and voluntary activities inside the university ". Thus, approval of candidates will be based on the whims of the Deanship of Student Affairs.

¹³³ See the report of the National Campaign for the Rights of Students 2010.

dissolved the previous council eight years ago and refused to hold any elections since then. The second complaint relates to the suspension of one student and giving a final warning to another, as well as suspending a third for two semesters, following the distribution of patriotic publications inside one of the universities.

138. In the area of admissions to universities, the NCHR appreciates the decision of the Council of Higher Education to reduce the number of students admitted to the parallel program in proportion to (55%). The NCHR hopes that this reduction would be a step towards its recommendations in previous years regarding the cancellation of the parallel program, on the grounds that it is a discriminatory measure. The NCHR also values the increase in the number of grants and loans from the Student Support Fund in 2010, but it recorded the continuation of public and private universities to raise fees, which constitutes a burden on students and parents, especially in light of the difficult living conditions, and contradicts the international standards that provided for the gradual shift towards free higher education. The NCHR is aware of the financial difficulties faced by universities and believes that the solution is not through raising tuition fees and discriminatory admission, but rather in directing all allocations levied by the government for the benefit of higher education in universities instead of being reallocated to other items in the Budget.

139. Perhaps the most significant feature in Jordanian universities in 2010 is the spread of university violence in a striking and disturbing way. The NCHR monitored (22) quarrels in universities, mostly characterized by tribal dimensions¹³⁴ and included the use of sharp tools, knives, stones

¹³⁴ A study on university violence conducted by the AlRai Centre for Studies at the Jordan Press Foundation revealed that the most important reasons for this growing phenomenon are favoritism and

and sticks. As a result of these quarrels, a student was killed in one of the universities¹³⁵ and a large number of students and members of university security were injured in other different universities. The NCHR monitored the injury of a vice-president and one university professor during one of these quarrels¹³⁶, in addition to physical damage to public property, university furniture, and vehicles within the university campus in other cases. This led to the suspension of study in some universities for two days¹³⁷, which gives an indication to the seriousness and magnitude of this phenomenon, affects the image of higher education in Jordan, and creates social tensions between members of the community since violence moves in some cases outside the campuses of universities. This also reflects the limited effort exerted by universities to enrich the time of students with useful and national character-building activities. However, although some universities formed committees to investigate these events and impose disciplinary actions on perpetrators, instigators and participants, the NCHR asserts that the failure to deal with this phenomenon transparently, denial of the occurrence of such quarrels, failure to form committees to investigate and impose disciplinary actions,

nepotism, leniency in the application of penalties against perpetrators, presence of outsiders in the university environment, lack of strict security measures at universities, absence of real and active roles for student associations and councils, tribal differences, and misunderstanding of the terms of "magnanimity" and "courage".

¹³⁵ A university student died after he was stabbed by his colleague inside Al-Balqa Applied University campus. This led to a quarrel between the families of the victim and the offender outside the walls of the campus. Accordingly, the study was suspended in the colleges affiliated to the University - Amman, Polytechnic, and Princess Rahma Colleges. Moreover, security measures were imposed on other universities, especially the University of Jordan in Amman, which is attended by members of both families.

¹³⁶ The vice-president and a faculty member of the University of Jordan were injured in the quarrel that occurred at the end of last year. A number of university security guards and a pregnant woman were also injured in the same quarrel.

¹³⁷ The study in each of Al-Hussein University in Ma'an, Al-Balqa Applied University, and University of Jordan was suspended due to acts of violence that occurred between students.

leniency with the application of the law and infliction of punishment, continuation of the phenomenon of interference by third parties to resolve quarrels inside universities' campuses, and mediation to suspend the imposition of disciplinary actions, in addition to the participation of members from outside the university campus in the quarrels, lack of awareness among students of their rights and duties, failure to spread values of tolerance among students, and lack of belongingness to universities all lead to fueling university violence and prevent resolving this problem radically. In this context, the NCHR asserts the need for effective student councils and movements to carry social and intellectual objectives that reflect the true will of students and try to attract them, in addition to activating the extra-curricular activities to fill their free time. The NCHR also asserts that restricting students' freedoms leads to a situation of intellectual vacuum and waste of youthful energies, which will not find a way to express itself but through the promotion of tribalism, regional feud and racism¹³⁸. Moreover, the NCHR also stresses that what contributes to the increase of university violence is the lack of integrating human rights concepts into undergraduate courses and directing education towards the integrated development of human personality and dignity, promoting respect for human rights and freedoms, and enhancing understanding, tolerance, dialogue, respect for different opinion among different groups in society, as stipulated in the international conventions of human rights, contribute to an increase in university violence.

140. Among the unfortunate events occurring is the expansion of the phenomenon of violence to include faculty members in universities, as

¹³⁸ The report of the National Campaign for the Rights of Students was issued and it also addressed the issue of university violence.

the NCHR monitored a case where one of the faculty members at the Isra' Private University opened fire on a faculty dean after being dismissed from service at the university, alongside with (62) other faculty members, under the pretext of poor economic situation of the University. This indicates the hard economic and psychological situation experienced by many faculty members working under contracts not offering job security and a favorable atmosphere for work and creativity. It is not just physical violence, but also extends to verbal and moral violence practiced by some faculty members on students, according to some government reports.

Right to Health

141. The Jordanian Constitution does not provide for the right to health. However, international covenants have given this right special attention due to its significance to the lives of human beings, as enshrined in Article (25) of the Universal Declaration for Human Rights of 1948¹³⁹, and Article (12) of the International Covenant for Economic, Social, and Cultural Rights, which was ratified by Jordan on 28/5/1957 and published in the official gazette on 15/6/2006¹⁴⁰. Although the national laws are void of any stipulation about the responsibility of the state toward ensuring the necessary conditions for enjoying this right, the amended Public Health Law No. 47 of 2008 contained articles that confirm the state's responsibility toward providing health care in its various forms. The right to health did not witness any improvements in 2010, except the increase in the number of health centers, as well as the proportion of individuals covered by free civil health insurance.

142. The Ministry of Health provides primary, secondary and tertiary health services through a connected network of health centers and public and private hospitals distributed in all parts of the Kingdom. The primary health care services are based on the concept of comprehensive care that includes basic services provided through primary and comprehensive health centers¹⁴¹, in addition to promoting healthy lifestyles and avoiding

¹³⁹Article (25) of the Universal Declaration for Human Rights stipulates: "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services."

¹⁴⁰Article (12) of the International Covenant on Economic, Social and Cultural Rights states: The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

¹⁴¹Such as health education, reproductive health, water safety, food control, environment protection, early detection of diseases, school health, professional health, control of contagious diseases, dental

health risk factors in order to realize health promotion. Primary health care services are managed through an extensive network of primary health care centers of the government, Royal Medical Services and the UNRWA, in addition to the participation of the private and charitable sectors in this area. The year 2010 witnessed an increase in the number of health centers of various kinds throughout the Kingdom, as they reached (349) health centers, compared to (313) in 2009¹⁴². On the other hand, the secondary and tertiary health care are based on the provision of specialized services involving all health sectors, despite the fact that health care authorities providing this service differ in terms of quality and quantity. The total number of hospitals in the Kingdom reached (104) in 2010 after it was (103) in 2009, after the inauguration of Prince Hussein bin Abdullah II Hospital in the area of Ain Al-Basha. The total number of beds in Jordanian hospitals in 2010 was (11355) beds, that is 19 beds per 10,000 people of the overall population. This rate is acceptable in comparison with pertinent international standards¹⁴³. The number of practicing physicians in the kingdom reached (10623), a ratio of (18) physicians per 10,000 people. This rate is also considered acceptable according to international standards¹⁴⁴.

143. In spite of efforts by the Ministry of Health to develop and improve the health and medical services provided to citizens, some hospitals and health centers continue to suffer from problems that hinder the achievement of their objectives; most notably: shortages in medical staff

health, health of the elderly and people with special needs, the prevention of accidents, addiction, anti-smoking, etc.

¹⁴² Ministry of Health – Directorate of Information and Studies.

¹⁴³ Ministry of Health – Directorate of Information and Studies.

¹⁴⁴ Jordanian Medical Association.

and equipment at some hospitals and health centers and shortages in some essential medicines at some others, especially the medicines of chronic diseases, such as hypertension, diabetes, and cardio diseases, and so patients have to buy them at their own expense from pharmacies, as well as the length between scheduled visits to public hospitals. The NCHR monitored in 2010 the case of the closing of two hospitals proved to be taking advantage of Arab patients after repeated violation in this regard. The joint committee of the Ministry of Health and Private Hospitals Association received (32) complaints by Arab patients complaining about the increase in prescribed wages¹⁴⁵.

144. The NCHR noted that no new changes have been made to psychological care in 2010 despite the amendment made to the public health law in 2008, and the formation of a national committee responsible for setting up national policies and strategies aiming at integrating the psychological health services into primary health services and offering outpatient health services to psychiatric patients. Moreover, it was noted that the said committee has taken no practical measures in this regard.

145. In the area of non-contagious diseases, the NCHR noted that diarrhea, respiratory diseases, and hepatitis still constitute major diseases reported periodically by the health centers. With regard to diseases that can be prevented by vaccination, Jordan has witnessed a remarkable decrease in these diseases, as no new cases of diphtheria and polio have been registered in 2010 while few cases of whooping cough and tetanus were registered. This is because of the high vaccination coverage rates

¹⁴⁵ Addustor newspaper on 1/2/2010.

against these diseases¹⁴⁶. It is possible to see the progress made in the area of mother and child health by referring to the "Right to Development" section, particularly Articles 86 and 87 of this report.

146. In 2010, the NCHR received (41) complaints and requests for assistance on the right to health, compared to (44) complaints and requests for assistance in 2009. 24 complaints representing 59% of the total complaints received are still under follow-up and are mostly related to exemption from the costs of treatment or obtaining treatment in the public hospitals of the Ministry or hospitals of the Royal Medical Services.

147. The NCHR records a range of efforts exerted by the Ministry of Health in 2010 to curb the spread of diseases, both contagious and non-contagious, notably: the training of all medical and health workers such as doctors, nurses and technicians on the processes of monitoring contagious diseases and issuing awareness and educational leaflets on contagious and non-contagious diseases, such as the guide to monitor contagious diseases and guide to self-examination to detect breast cancer, for medical staff and the public, as well as the addition of vitamin (d) to flour, as this vitamin protects against osteoporosis.

148. The NCHR also records the increase in the proportion of the health-insured in 2010, as it amounted to (87.77%) compared to (86.24%) in 2009¹⁴⁷, due to the inclusion of many citizens in the poorest areas in the Kingdom under the umbrella of free civil health insurance to ensure the

¹⁴⁶ National Health Strategy for the years 2008- 2012.

¹⁴⁷ Ministry of Health / Department of Health Insurance.

realization of the right of individuals to obtain health insurance and social security, as stipulated in Article (9) of the International Covenant on Economic, Social and Cultural Rights.¹⁴⁸

149. The phenomenon of medical errors, although few, in public and private hospitals still threaten the lives of patients because of negligence and not following the customary procedures accepted by medical circles and therapeutic protocols, not to mention the lack of a standard definition for the term "medical error". In 2010, there was an agreement on a draft law on medical accountability by the national team formed for this purpose and included representatives from the Legislation and Opinion Bureau, judges, lawyers, doctors, experts, and relevant medical associations. However the draft law has not been submitted to the Legislation and Opinion Bureau. In addition, the NCHR also received in 2010 one complaint about medical errors and negligence in the follow-up by medical staff. The NCHR further monitored the death of seven civilians in incidents ranging between misdiagnosis and negligence in the follow-up by medical staff in a number of hospitals. The Ministry of Health formed special committees to investigate the complaints from the families of victims against the medical and nursing staffs in those hospitals before these complaints were referred to judiciary.¹⁴⁹

150. The phenomenon of assault against medical staff is increasing and varies between battery, insult, cursing, and humiliation by patients and their companions. The number of assault cases reached (38) cases in

¹⁴⁸ Article (9) of the International Covenant on Economic, Social and Cultural Rights states that, "The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance."

¹⁴⁹ AlRai newspaper on 8/3/2010

2010, occurring most of the time at emergency sections of hospitals, due to the presence of large numbers of patients in these sections with only one doctor doing the task of treating and referring them to other relevant sections. In 2010 the Penal Code was amended so as to reduce this phenomenon. Thus, the assault against medical staffs became punishable with one to three years of imprisonment, in addition to the inadmissibility of "stay of execution" of the sentence. However, if the act constitutes a felony, the text of the law permitted the commutation of the penalty by the court, in accordance with Article (187) of the Penal Code.

151. The year 2010 witnessed the closure of several food establishments and factories, and the issuance of warnings and fines against them by the General Food and Drug Administration, as shown in table (12), after quantities of expired food supplies were seized, in addition to the fact that those establishments and food factories did not comply with the health and public safety conditions.

Table 12 shows the number of visits and food control measures taken by the Food and Drug Administration in all parts of the kingdom in 2010, compared with 2009 and 2008				
Office/ Directorate	Number of Visits	Warning	Notice for (violation)	Closure
Total for 2010	242311	28558	2713	721
Total for 2009	222256	27892	2228	795
Total for 2008	274804	23408	2720	1039

Moreover, the number of cases of poisoning in 2010 was (96) cases in Kerak and Ajloun governorates after eating (Hummus and Falafel) meals. This year registered the return of swine flu, as the number of patients until the time of writing this report was (44) cases, (4) of which died.

152. On the other hand, the Food and Drug Administration lowered in 2010 the prices of (149) medicines. The price reductions included the prices of antibiotics, medicines for chronic diseases, such as heart diseases, hypertension, diabetes, and cholesterol. The NCHR also observed in 2010 the closure by the Food and Drug Administration of (35) pharmacies out of (1900) pharmacies operating in the kingdom, including (34) pharmacies caught in possession of smuggled drugs and (1) pharmacy caught in possession of counterfeit drugs, in addition one pharmaceutical factory was closed.¹⁵⁰

¹⁵⁰ General Food and Drug Administration

Right to a Safe Environment

153. This right is guaranteed by many international agreements ratified by Jordan.¹⁵¹ Also, the Jordanian Environment Protection Law No. 52 of 2006 confirmed this right. Among the positive legislative developments in 2010 the drafting by the Ministry of Environment of a number of legislations such as the legal environmental accountability system which was referred to the Legislation and opinion Bureau, the draft law on the general framework of waste, the nature system, and the instructions for environmental inspection¹⁵², in addition to the issuance of the instructions for the classification of various establishments in accordance with their impact on the environment.¹⁵³ Moreover, (40) studies on assessing the impact of several environmental projects on the environment were reviewed, including studies on cement plants, environmental, mining, tourism and purification projects, power generation projects, etc. In spite

¹⁵¹ The United Nations Convention on Biological Diversity, UN Convention to Combat Desertification, UN Framework Convention on Climate Change, Kyoto Protocol requesting industrial states to reduce their carbon emissions, Cartagena Protocol on Biosafety, Montreal Protocol on Substances That Deplete the Ozone Layer, Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, and the Stockholm Convention on Persistent Organic Pollutants.

¹⁵² These instructions included the development of accreditation criteria for environmental inspection studies and for the advisory body, which will prepare the study of environment inspection as an independent body to ensure transparency and neutrality in addressing development facilities, with all their facilities, in an attempt to identify the environmental reality, in terms of identifying the deficiencies and environmental abuses in these facilities and develop appropriate solutions.

¹⁵³ These instructions classified various establishments into three categories, namely:

First: the first category establishments with high pollution probability. They pose serious threats to the environment and human health and require special preventive measures.

Second: The second category establishments with medium pollution probability. They pose medium threats to the environment and human health and require regular preventive measures.

Third: The third category of establishments with low pollution probability. They are not expected to be one of the sources of pollution when operating and pose little risk to the environment and human health. They include establishments of non-productive nature.

of approving the establishment of a number of projects, there are some projects that have been rejected for various reasons, ranging from proximity to population centers and the limits of zoning, violation of the instructions of the Ministry of environment for investment projects and the system of land use issued by the Ministry of Municipal Affairs, and proximity to different sources of water. In addition to that, (16) environmental societies were registered in 2010 under the umbrella of the Ministry of Environment pursuant to the Societies Law No. 51 of 2008, as amended. The year 2010 also witnessed the issuance by the Ministry of Environment of the first report on the environmental situation in Jordan, which covered the time period 2006-2009 based on the methodology adopted by the United Nations Environment Program. The report contained important environmental information about the reality of the environment in Jordan and the status of sustainable development, as well as touching on the negative effects of industry on the environment, in terms of air pollution, noise, the production of solid waste, sewage water, and waste odors, in addition to their effects on the right to health and safety and distorting the beauty of the environment.

154. In the area of enhancing monitoring and inspection, the year 2010 saw the granting of (681) licenses by the Central Licensing Committee, compared to (670) licenses granted in 2009. On the other hand, the Committee rejected (274) requests for licensing industrial, agricultural and trade projects out of (955) requests, compared to (285) similar requests in 2009, for violating the environmental conditions for licensing investment projects. The Ministry also shut down (10) establishments in 2010, compared to (12) establishments closed in 2009, distributed as shown in table (13).

Table No. (13) shows number of closures according to type of establishment		
Type of establishment	Number of closures for 2009	Number of closures for 2010
Handicrafts	6	6
Agricultural	0	0
Industrial	5	3
Services	1	1

Moreover, the Royal Administration for Environment Protection received (348) complaints in 2010, compared to (1554) complaints in 2009. The Complaints focused on emissions from factories, craft facilities, and vehicles, dumping solid and liquid wastes in places other than those assigned to them, public health, and water sources. Furthermore, (7) citizens were referred by the Ministry of Health in 2010 to court on charges relating to "violation" of the Public Health Law on prohibition of smoking in the ministries, governmental institutions, and public places, bringing the total number of citizens referred to court to 42 since the decision entered into force on 25 May 2009. The mentioned citizens face imprisonment for a period of no less than one week and no more than a month, or a fine of no less than JD15 and no more than JD25. However, the NCHR asserts that the small number referred to the courts despite the high proportion of smokers in public places indicates the weak implementation of the law by the concerned authorities. Thus, they are required to activate their role and commit to what was stated in the law, especially in light of the prevalence of smoking in public places and government offices, in addition to the allocation of a place for smokers so as the decision is not breached by some smokers.

155. In the area of air pollution, the Ministry of Environment initiated the implementation of the national project funded by the (Agence Française de Développement) to control the concentration levels of air pollutants in major cities of the Kingdom (Amman, Irbid and Zarqa). The NCHR appreciates the existence of control over air quality and the concentration levels of air pollutants in industrial zones and cities, in addition to monitoring the air in hot zones and regions such as the Hashimiah, Fuheis and Rashadiya areas. The first report of the Ministry of Environment indicated the fixed sources of air pollution in Jordan, such as heavy and medium industries (Petroleum Refinery, phosphate, cement and other companies), which produce gases, such as carbon oxides and sulfur oxides, because they still rely on fuel oil for power production, and mobile means of air pollution such as the means of transport that have multiplied several times over the past decades.

156. The NCHR records the inability of Greater Amman Municipality to keep pace with the environmental health situation in Amman and hold those committing environmental crimes accountable. Health and environment departments at the Greater Amman Municipality supervise and protect environment under the prevention of nuisances and solid waste collection fees' regulations and the regulation of monitoring and inspection of public markets, handicrafts and industries,. However, sanctions contained in these regulations are limited to basic violation tickets and a maximum fine of only JD10. Hence, the NCHR believes that these legal measures are insufficient against the wrongdoers and do not resolve the problem and recommends that the Ministry of Environment, which does not have a sufficient number of inspectors to monitor the environmental situation in the capital, delegate part of its tasks and powers to the health and environment inspection staff at the Greater

Amman Municipality due to the presence of a large number of them who are able to follow up on these tasks, especially given that Article No. 23 of the Environment Protection Law No. 52 of 2006 stipulates that "The Ministry, upon the approval of the Council of Ministers, may delegate any of its duties and powers to any Ministry, corporation or volunteer organizations concerned with the field of environmental protection, provided that such delegation shall be specific and in writing".

157. The NCHR also monitored complaints of farmers and ranchers that the spread of large quantities of plastic materials from the residues of agriculture expose livestock to slow loss, where ranchers incur significant losses as a result of the ongoing drop in the number of livestock, in addition to the deteriorating effect of these plastic material on the environmental situation in the Kingdom.

158. With regard to the nuclear reactor to be established in Jordan for the purpose of generating energy, in spite of the vitality of this strategic project not only in the field of energy, but rather in the field of water for the benefit of future generations, the government is encouraged to reflect greater transparency and raise public awareness about health and safety issues and nuclear waste associated with this project. The NCHR points to the absent role of the Ministry of the Environment in monitoring the mining agreement signed between the Atomic Energy Commission, on behalf of the Government, on the one hand, and AREVA and Nabataean Energy companies, on the other hand, as the agreement did not include items that grant the Ministry the status of environmental supervision and control over all the work related to the process of exploration and exploitation of uranium in the Kingdom.

Cultural Rights

159. The Constitution does not include an explicit stipulation on cultural rights. However, according to Article No (15/1) of the Constitution, "The state guarantees the freedom of opinion and each Jordanian can express his/her opinion through speech, writing, photography, and all other means of expression provided that he/she does not violate the law." Chapter six of the Jordanian National Charter contains clear provisions on cultural rights, foremost of which is paragraph (4), which stipulates: "Attention should be given to raising the cultural level of Jordanian citizens in all areas of the kingdom. Efforts shall be made to develop their national culture through all possible means and in a manner that would lead to their engagement in the comprehensive cultural development." Paragraph (6) acknowledges cultural pluralism: "Attention will be given to various types of Jordanian popular heritage given that they represent creative contributions that would enrich national culture. These types of popular heritage shall be developed so that they can become in harmony with the spirit of the times and foster the cultural fabric of the nation." The international human rights charters include clear articles on cultural rights. These are led by the following: The Universal Declaration of Human Rights (Article 27) and the International Covenant on Social, Economic, and Cultural Rights (Article 15).¹⁵⁴

¹⁵⁴ 184Article 15 provides for the following, "The States Parties to the present Covenant recognize the right of everyone: a) To take part in cultural life; (b) To enjoy the benefits of scientific progress and its applications; (c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author. 2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture. 3. The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity. 4. The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields."

160. There has been no change in the legislative system governing cultural rights in the Kingdom during 2010, with the exception of the amendment to Full Time Jordanian Cultural Creativity regulation No. 22 of 2007, which reduced the duration of copyright to the ministry from three years to one year, or upon selling all the published quantity, which means giving the writer greater freedom and not to be restricted if he/ she wants to reprint or republish his/ her production¹⁵⁵.

161. The year 2010 witnessed increasing number of fully or partially supported publications by the Ministry of Culture, in comparison with 2009, as shown in table (14).

Table No.(14) showing the number of publications funded by the Ministry of Culture		
Year	2009	2010
Fully-funded publications	68	90
Partially-funded publications	184	96

Furthermore, the number of books that have been printed within the frame of "Jordanian family library" Project were reduced to half after printing (49) books in 2010, compared to (100) book in 2009¹⁵⁶. The

¹⁵⁵ Interview with the Ministry of Culture on 25/11/2010: the amendment was made after it has been noticed that some works require additional expenses that are not covered by the amount allocated for full time work. Moreover, it has been noticed that the quantity of printed full-time work does not serve the primary purpose in supporting and disseminating creativity, since this quantity "1000 copies" is sold in less than a year while the author is not entitled to re-print new copies except after 3 years.

¹⁵⁶ Jordanian Family' Library Project aims at "establishing a library at every Jordanian Household." The ministry sought to offer books of high technical quality at prices that all can afford, (25 piaster for children's books, and 35 piaster for other books). This will contribute to making knowledge accessible to all.

Ministry of Culture attributed this reduction to the insufficient time for printing books as they were received late.¹⁵⁷ The NCHR believes that the reduction in the number of supported publications is due to cuts made to the Ministry's budget in 2010 by JD5778100, in comparison with the year 2009; that is 43.91% of the budget, as shown in table (15).

Table No. (15) showing the budget of the Ministry of Culture	
Year	Budget
2009	13158100
2010	7380000

Such cuts affected the support offered to cultural rights of citizens. In addition, the Ministry continued to implement the cultural cities project¹⁵⁸, where the city of Zarqa was chosen as the cultural city for 2010. The NCHR noticed a decrease in the number of publications associated with the activities of the city of Zarqa¹⁵⁹, and a decline in the financial allocations to this project from one million Jordanian dinars to 750 thousand Jordanian dinars. However, despite the continuing affirmation by the Ministry of Culture that «this reduction did not affect the quality of work accomplished»¹⁶⁰, the NHCR believes that reducing the share of financial resources allocated to support culture in the

¹⁵⁷ Interview with the Ministry of Culture on 28/11/2010

¹⁵⁸ Jordanian cultural cities project, which started its activities in 2007, aims at achieving equitable distribution of knowledge development among regions and cities of the Kingdom, mitigating the centralized educational and artistic momentum at the capital Amman, and establishing the bases for sustainable educational development in the Kingdoms governorates and cities. The project was implemented in (4) cities during previous years, as well as this year, in (Irbid, Salt, Kerak and Zarqa), while next year it will be implemented in Ma'an.

¹⁵⁹ (30) publications were printed and issued under the cultural activities in Zarqa, compared to (40) in Kerak in 2009.

¹⁶⁰ See the link: <http://www.alghad.com/?news=514958>

operational plan for the work of the government limits its ability to support publication and encourage creativity. Moreover, the Culture Fund still faces pitfalls due to the cancellation of tax on advertisements, which used to be a key tributary of the Fund¹⁶¹.

162. The year 2010 also witnessed criticism by the cultural, literary, and artistic bodies, especially the Jordanian Union of Artists and the Jordanian Writers Association, to the administration of Jordan Festival for the "elite nature" characterizing this festival and the exclusion of literary, cultural and artistic bodies from organizing and participating in the events¹⁶². Also, there was a protest by artists of the «Daily Theatre» on being excluded from the support provided by the Ministry of Culture under the pretext of non-feasibility of a daily theatre in terms of social impact¹⁶³. The NCHR also monitored protests by intellectuals in Tafilah governorate on the centrality of the activities in the capital, stressing that the cultural movement in the governorate needs connection between cultural bodies to achieve a collective cultural action.¹⁶⁴

163. In the area of protecting intellectual property, there were no new changes to the legislation governing this area. Some (581) cases of violating of intellectual property rights were referred to the judiciary by the office on protecting the rights of authors in 2010 compared to (586) cases in 2009. It should also be noted that there has been an increase in depositing books at the National Library. Some (4875) publications were

¹⁶¹ Interview with the Ministry of Culture on 28/11/2010.

¹⁶² A joint statement by the Union and Association indicated that the "Jordanian and Arab participation is symbolic and the majority of events are for foreigners or have a western style isolated from the Jordanian and Arab cultural character. Accordingly, this indicates an elite nature that the organizers of the festival wish to promote."

¹⁶³ See the link http://www.alrai.com/print.php?news_id=323103

¹⁶⁴ See the link http://www.alrai.com/pages.php?news_id=357181

deposited in 2010 compared to (2367) in 2009. As a result, this will contribute to increasing prior protection.¹⁶⁵ The NCHR notes the weakness of the financial and human resources of the National Library Department when it comes to enforcing this law. Only (8) people are in charge of tracking violation of intellectual property rights in the kingdom. The NCHR also notes that no law for preserving national documents is drafted till the moment, which could lead to destroying the documents as they are not deposited at the National Library. Although, the importance of documents to be destroyed is evaluated by the government department only, no national document should be destroyed unless a representative of the National Library Department is present.¹⁶⁶

164. In the area of censorship of books, the Press and Publications Law still grants the Department of Press and Publications the right to refer writers and local publishing houses to the judiciary¹⁶⁷, in addition to the right to ban the entry of some books under the pretext of "protecting ethics, values, principles, and religion"¹⁶⁸. This could cause material and moral damage to writers and publishers, harm the value of literary works, and undermine the culture industry. It is noteworthy that no books were banned from entering the kingdom in 2010 for political, religious, and legal reasons compared to (58) books in 2009. In addition, no lawsuit was filed against a book published by local publishing houses inside the

¹⁶⁵ It is noteworthy that the materials that were granted deposition numbers in 2010 were (4875), while materials granted deposition number in 2009 were 4400. Books granted ISBN were (3268) in 2008 versus 2593 in 2009.

¹⁶⁶ Interview with the National Library on 29/11/2010

¹⁶⁷ In 2010, the Press and Publications Department banned the distribution of Walid Hosni's book "The Commandments of the slaughtered...the pious and the devil in the letters of Saddam Hussein" in the Kingdom under the pretext that the said book "harms Jordan's relations with some Arab countries."

¹⁶⁸ See Articles 38 and 46 of the Press and Publications Law .

kingdom while (2) lawsuits were filed in 2009¹⁶⁹. However, the NCHR monitored a court ruling against a Sudanese writer and the local publishing house responsible for publishing his book.¹⁷⁰ The NCHR believes that the issue of censorship should be left to the readers themselves, who read what suits their views and tastes, and reject what contradicts them.

165. In spite of the fact that expenditure on scientific research and development increased significantly during the last two years, to reach 0.5% of gross domestic product after the activation of the Scientific Research Support Fund of the Ministry of Higher Education¹⁷¹ and the system of laws governing the private sector's expenditure on research and development, the problems of scientific research are still emerging in many manifestations, most notably: the absence of a clear database on human and material research potentials within the research institutions, the lack of real cooperation between different research institutions, preoccupation of researchers in various administrative problems relating to their work, poor participation by private sector in financing the research process, the brain drain to outside the Kingdom, and absence of

¹⁶⁹ These figures represent official statistics of the Press and Publication Department, according to its letter to the NCHR on 2/2/2011

¹⁷⁰ On 21/2/2010, The judge of Amman Court of First Instance issued a rule to fine Sudanese writer and author, Al Neil Abdel Kader, and the Ward Publishing House the amount of ten thousand Jordanian dinars each, for charges of slander, libel, inciting sectarian conflict, and offending religious beliefs, for violating Article 38 of the Press and Publications Law.

http://www.ifex.org/jordan/201026/02/kader_fined/ar/

¹⁷¹ The Fund supports scientific research up to a maximum of half a million dinars for each research, including current expenditure on machinery, equipment and requirements of the researcher or the research team. The Fund has provided more than 13 million dinars over the past two years to research projects, of which 9 million dinars for national research in the areas of energy and water, as well as other health-related and health care researches. The Fund also supports 19 Journal of scientific research in Jordan, to encourage researchers to conduct and publish researches. For more details, see Hanan Kuswani's reportage, *scientific research swings between the infertility of support and fading of financial aid*, Al Ghad newspaper, 29/10/2010, page 8.

connection between scientific research and the development of local industries, which affect the quality and influence of scientific research on the Jordanian society. The NCHR calls for taking advantage of the financial allocations available in the Scientific Research Support Fund, developing programs aiming at linking research institutions with different industrial, agricultural, and productivity sectors, promoting the principle of participatory in applied research, delivering research findings in a smooth, easy and guaranteed way for the future, and highlighting the successful researches and their impact at social, economic and scientific levels, as well as emphasizing the importance of the contribution of various institutions in supporting scientific research and the utilization of research findings for researches taking place in universities and research institutions, and increasing scientific research allocations of the gross national product.

Rights of the Most Vulnerable

Women's Rights

166. Responding to the international commitment under the provisions of article (18) in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which was ratified by the government and published in the official Gazette on 1/8/2007, the Jordanian National Commission for Women, in cooperation with the NCHR and other governmental and non governmental entities concerned with women's affairs, submitted the fifth national report on the situation of women to the UN Secretary General on 6/6/2010. The report covered the period between July 2005 and November 2009 and addressed the developments in qualitative and quantitative progress made for women by way of enforcing the provisions of CEDAW in all areas including education, health, work, and economic and social development. The report concluded to the significant progress made by Jordan in a number of axes addressed by the convention vis-a-vis legislation and measures taken to realize equality between men and women and to improve the status of women according to the Constitution, state legislation and public policies. In addition to this, the report shed light on the efforts exerted to ensure gender equality at the level of public legislation, strategies and policies, and to measure the extent of the response to the concluding comments and indicators made by the committee of CEDAW on 2/8/2007 upon discussing the third and fourth reports of Jordan. It should be noted that that Jordan continues to have reservations on Article 9/2 concerning granting women equal rights to pass on their citizenship to their children, and on paragraphs (C, D, and G) of Article 16 on marriage and family relations.

167. A study conducted by the National Committee for Women's Affairs indicated that the political and economic participation of Jordanian women is very low and that the disparity in salaries between the two sexes is still very high. The study noted¹⁷² a gap of 24% in salaries between both sexes in the public sector and 44% in the private sector. It also indicated that the proportion of women in the job hierarchy decreases as we move up to senior positions and increases as we move down to the base of the hierarchy, that is 10% in senior positions, 18% in medium administrative positions, and 46% in executive positions. Another study conducted by the Irbid governorate branch of the Forum for Women in the context of the "Eye on Rights" project indicted that 76% of women in Irbid governorate did not receive their full rights of inheritance, 15% of which voluntarily waived their rights and in equal proportions in the various districts and rural areas of the governorate. The study also indicated that 76% of the women in the governorate did not receive their rights to inheritance, in spite of their eligibility, because the inheritance was never divided or they were forced to waive their rights.

168. With respect to national legislation related to women's rights, the Provisional Election Law No. 9 of 2010 was enacted with some progress, compared to the Provisional Election Law No. (34) of 2001, as amended, in terms of increasing the number of seats allocated for women to twelve seats. However, the NCHR believes that the drawback of this law is that it did not achieve equality between female candidates in different electoral constituencies, as the trade-offs among them were based on the number of votes obtained divided by the number of voters in the electoral sub-constituency and not on the governorate level while it was better to

¹⁷² The study is entitled "Investigating the Reality of Gender integration in the Public Sector in Jordan," and was issued in 2010.

be divided the number of votes obtained by the number of votes in the governorate to achieve justice and equality among them, since the allocation of seats was based in the first place on the number of governorates and not on the number of electoral sub-constituencies. However, the number of women deputies in the House of Representatives reached 13, where one of them won on competitive basis.

169. As for the Personal Status Provisional Law No. (36) for the year 2010, it has committed itself to the provisions of Islamic Sharia', but not with one particular school of Islamic jurisprudence while heeding the principle of selecting from amongst the diverse religious views that serve the public interest. Thus, there was a need to insert new chapters and sections that have not been included in the previous law, such as eligibility, custody over individuals and money, guardianship, wills, and inheritance, as well as detailed provisions relating to them. The law also contained a number of objective issues, which are considered much improved, compared to the case in the previous law, especially issues relating to the rights of women and children, such as foster care and child visits, in addition to other issues causing great suffering for families in general, and children and mothers in particular. The law also included the establishment of the alimony advance fund which aims to alleviate the suffering of those who deserve alimony including wives, divorcees, widows, parents and children. It also ensured the implementation of the financial maintenance ruling which cannot be enforced due to the absence of the defendant or lack of information about his address and because of unavailability of proposed funds to enforce the alimony ruling. The draft law of the alimony fund was co-drafted by the NCHR and the National Commission for Women, as well as women organizations, but the legislator chose to include the provisions of the alimony advance fund

within the 2010 Provisional Personal Status Law. It is noteworthy that this law was prepared by specialized committees of judiciary, legal jurisprudence and law bodies. The draft law was published across mass media to enrich the national discussion around it. The NCHR values the response by the Chief Islamic Judge Department to its recommendations submitted on 9/5/2010. However the NCHR believes that this law falls short in some points, such as: (a) Article (10/B) granted the judge, with the consent of the Chief Islamic Judge, the right to allow the marriage of girls aged 15 years old, pursuant to special instructions issued by the Chief Islamic Judge Department. The instructions specified the conditions for allowing the marriage of girls aged 15 years old, including that the husband is suitable for the wife and that the judge ensures the wife's consent, as well as verifying the benefit of marriage, whether economic, social, security or any other kind of benefit, provided that it is obvious, as the appropriate difference in age and not a repeated marriage or causes dropping out of school education. The court shall organize an official record that contains the court's verification of the things that were taken into account for allowing the marriage. Then, the marriage request is submitted to the Chief Islamic Judge Department for review and taking the appropriate decision regarding the marriage request. The NCHR asserts the need to adhere to the general rule contained in the law specifying the marriage age as 18 years old, and that no exceptions are made except in limited cases, especially in light of social and psychological problems associated with early marriage. In the same time, the NCHR stresses the necessity to increase the age of early marriage to 16 years old to comply with international labor conventions and the Jordanian Labor Law, which did not allow work for individuals under the age of 16 years old, as the current situation affects the wife's rights, as well as the husband's, in terms of household expenses, (b) Article (61/B)

stipulated that it is not allowed for the husband to withdraw his consent for the work of his wife, unless there is a legitimate justification that does not negatively affect the wife. The NCHR deems necessary to cancel this article in order to preserve the rights of women and increase women's participation in the labor market.

170. The Amended Penal Code No. (12) for the year 2010 raised the protection age for female children against sexual assaults and other offensive crimes to the age of 18, in line with the international conventions on the child rights. It also toughened the penalty for perpetrators of such crimes. Among these important amendments: (a) Article 279 which sentences to prison any person who concludes a marriage contract or is a party to a marriage contract that is in breach of the Personal Status Law or the provisions of any other applicable law. Before the amendment, the Article stipulated punitive action if the marriage occurred only without the consent of the custodian, (b) Article 304 of the Penal Code relating to the crime of seduction was amended. Thus, the protection age for females was raised to include the age of 18 after it was limited to the age of 15 in the previous laws. Furthermore, it toughened the penalty for this crime to become imprisonment for six months to three years, and expanded the range of evidence to be accepted in this crime, (c) Article 345 was amended so that the perpetrators of the crimes listed in section 8 of the first chapter of the Penal Code such as intentional crimes, crimes with premeditation, and crimes of harm against a female, no matter how old, and who did not complete 15 years old would not benefit from the mitigating conditions contained in Articles (340, 341 and 342) of the Penal Code.

171. As for the Provisional Social Security Law No 7 for the year 2010, it included provisions in Articles 44 and 45 that encourage employers to hire women in the private sector. However, the NCHR believes that determining the number of births as stated in Article 44 is inconsistent with community culture and is contrary to Article (19) of the Jordanian Labor Law No. (8) for the year 1996, which granted working women the right to maternity leave without specifying the number of births. These provisions contradict with the Convention on the Elimination of All Forms of Discrimination against Women, which confirmed in Article 11/2 the need to prevent discrimination against women because of marriage or motherhood and called upon States to take appropriate measures to ensure non-discrimination, including the introduction of paid or legitimate maternity leave with social benefits without restricting the number of births.

172. With regard to practical reality, the year 2010 saw the promotion of women's participation in political and civil life after appointing a female as public prosecutor and increasing the number of female judges to (60) judges in 2010, compared to (48) in 2009 and (42) in 2008. On the other hand, there are no women in the Grand Criminal Court and Sharia' judiciary despite the presence of qualified women with higher degrees in the field of sharia' and law. In addition, there are no female employees in the sharia' courts.

173. The NCHR points out that there are significant obstacles facing women in the labor market despite legal developments in this area. A study prepared by the (ILO) and National Committee for Woman's affairs on "Equity of Wages in Jordan" showed that there are existing obstacles facing the implementation of measures necessary to ensure equity for women in terms of wages, especially in the private sector where the wage

gap reached 44%, compared to 24% in the public sector, despite the fact that Jordan has signed international conventions that confirm its commitment to the principle of equity in wages, notably the Equal Remuneration Convention of 1966, as well as the Convention on Discrimination in Employment and Occupation of 1958. The Convention on the Elimination of All Forms of Discrimination against Women emphasizes the right of women to receive equal pay for equal work. Moreover, the NCHR asserts the importance of amending the legislation to confirm the principle of equal pay for work of equal value, taking into account the gender disparity in education and training, to combat discrimination in the labor market. It also asserts the need to amend the Civil Service System, which automatically qualifies males to receive a family allowance as they get married while females are qualified only if they are widows, married to a male suffering from disability, or if they can demonstrate that they are the basic supporter for their families. The NCHR also points out that the second national report on the Millennium Development Goals, which was issued in mid December of 2010, stressed that Jordan is moving towards achieving the goal of gender equality in spite of the presence of some of the challenges that still undermine the achievement of this goal and require serious efforts such as the low rates of economic participation by women and high rates of unemployment for them.

174. The NCHR points out that the Economic and Social Council prepared a paper on women's participation policies in the workforce in Jordan and concluded that there are a number of barriers to women's participation in the labor market; most important of which are the high rates of fertility and marriage, which largely prevents women from entering the labor market because taking care of children and household

responsibilities raise the minimum wage acceptable for women to enter the labor market, as well as wage differentials in favor of males. Women also suffer from low representation in the decision-making process in government positions and the discrepancy in non-wage benefits, as well as health and safety risks and social barriers that prevent many women from taking night Jobs, working longer hours, or working in a mixed work environment. The study also touched on other social and cultural reasons contributing to the low participation rate of women such as job discrimination, since there are few sectors in which women can work in Jordan, and thus they enter the crowded sectors dominated by females, where about three-quarters of women work in education, health, social, and manufacturing sectors.

175. The government is appreciated for changing the name of the Ministry of Social Development which was renamed the Ministry of Social Development and Women's Affairs. The NCHR hopes that this will be reflected positively on women's issues through a specialized ministerial platform. Furthermore, the NCHR calls upon the government to enforce the administrative structure of the Ministry to reflect this new reality.

176. As for violence against women, the NCHR asserts that violence against women is still being practiced widely in the Kingdom, in all its verbal, physical, sexual and economic forms, and that there is an apparent lack of official data and information covering such violence. The NCHR points to a study on the reality and measurement of violence in the Jordanian community, which indicated that 15% of pregnant women who refer to health centers have been subjected to violence, and that 78% of the women surveyed have been subjected to violence prior to

pregnancy¹⁷³. The NCHR also registered (14) complaints on domestic violence. Among the efforts exerted in the field of combating violence against women, the National Committee for Women's Affairs established six centers in the governorates of Mafraq, Irbid, Ajloun, Madaba, Kerak and Aqaba to receive complaints of violence against women. In addition, the Al-Wifaq Family Shelter was accredited in 2009 as a center for integrated services offered to assist victims of domestic violence.

¹⁷³ Prepared by the National Committee for Women's Affairs.

Child Rights

177. Jordan has been legally committed to protecting children's rights through the ratification of the International Convention on the rights of the child NO. (50) for the year 2006. However, Jordan expressed its reservation on Article 14 regarding children's right to thought , belief and religion and Articles 20 and 21 on the adoption system and the alternative custody of the children who are deprived, temporarily or permanently, of their family environment. In practice, the rights of children to education, health and social care, in particular, have witnessed positive developments in recent years. In particular, the year 2010 has witnessed several developments in the legislation relating to the protection of the child rights, including: (a) enactment of the Personal Status Law No. 36 for the year 2010, which included provisions on the accurate age of puberty and regulating alimony advance fund, as well as detailed provisions on custody, inheritance, wills, relinquishing inheritance rights, alimony and visitation rights¹⁷⁴. Appreciating these positive developments in the law, the NCHR calls on the parliament to endorse the law on a permanent basis and amend the text of Article (10/b) which grants the right to marriage at the age of 15 years old, if there is a benefit for such marriage, in violation of international labor agreements and the Jordanian Labor Law, which do not allow work for anyone under the age of 16 years old. Such contradiction may affect the rights of the wife, as well as the husband, in terms of household expenditure. The NCHR also calls for amending Article (110/A) which allows the mother to waive the rights to wage for breastfeeding her child, child custody, and alimony for

¹⁷⁴ On this topic, please refer to the chapter on women's rights

a specific period in cases of (*khuloe*)¹⁷⁵ while the husband is granted the right to claim alimony, as well as breastfeeding and custody wages for the remaining period not completed by the mother. The NCHR believes that the right to alimony, breastfeeding and custody are for the child, not for the mother, and, thus, she does not have the right to relinquish them because such thing breaches the child's best interest. Therefore, the legislator is requested to amend the text to guarantee the validity of (*khuloe*) without violating the child's best interest. The NCHR also demands amending Article (181/A), so that the custodian permanent (*Mahrams*) for both the mother and the father, in addition to the grandfather from the father's side, are added in the case of the father is not present to see, visit, or take the child under custody out once a week, as well as calling the child via available modern means of communication, when the child is under the custody of one of the parents or third parties who have the right of custody, in order to ensure the child's best interest. Furthermore, the NCHR calls for amending Article (279), which states that grandchildren of a deceased grandfather shall have the right to inheritance if their father passed away before their grandfather did. However, the children of a woman who passed away before her father did are deprived from the right to inheritance, which suggests the existence of discrimination between children of sons and those of daughters, (b) Enactment of the Provisional Penal Code for the year 2010, which amended article 289 to impose penalties on any one who abandons a minor under the age of 15 years old in such a way as to endanger its life or in a manner likely to permanently impair its health, while the previous text provided for imposing penalties on any one who abandoned in the same way mentioned above a child under the age of two

¹⁷⁵ Means the wife seeking divorce from her husband in return for a monetary compensation to be paid by her to him.

years old only. Moreover, the amended penal code toughened the penalty on a parent or custodian of a child if he refuses or neglects the provision of life necessities of that child. It also toughened the penalty for acts of kidnapping or beating to death of a child under the age of 15 years old. It also provided for the prohibition of benefiting from the mitigating excuse for intentional murder and murder with premeditation against those who did not complete 15 years of age, in addition to raising the age of protection with regard to sexual abuse and toughening punishment for such crimes against minors. On the other hand, the year 2010 witnessed no activities relating to the endorsement of a law for the child rights that is consistent with international standards, as well as no changes to the law of Juveniles and their special centers despite the fact that the government promised to approve such a law to enhance the protection provided to them.

178. As for national efforts to develop preventive protection for children, the NCHR monitored in 2010 a host of measures in this regard, including:

- (a) The preparation of the Ministry of Social Development and Women's Affairs of a comprehensive national strategy for orphans and disadvantaged children deprived from family care, in such a way that ensures improved institutional services provided to them and working on rehabilitating and helping them to build a better future. The NCHR finds it necessary to expedite the approval and implementation of this strategy,
- (b) 50% of visits for children in the guest house at the Jordanian Women's Union were turned into home visits in order for the child to feel more satisfied and psychologically secure, in a way that complies with the child's best interest and ensures his stability within the family, in spite of the conditions and circumstances resulting from the separation of the parents. The NCHR, in cooperation with the Network of NGOs concerned with child rights (Lend Me a Hand), implemented a series of

activities amounted to (17) activities within the project of protecting children from domestic violence for the purpose of educating children and their parents, in addition to community leaders and young people in all parts of the Kingdom, on the Convention on the Rights of the Child and how to protect children from domestic violence. Moreover, as the first book directed to children within the age group (8-11) years old, a storybook entitled "City of Children" was prepared to address a number of rights contained in the International Convention on the Rights of the Child.

179. The NCHR Monitored escalating cases of violence against children in 2010; most notably, (a) The Ministry of Education registered 30,000 cases of violence at schools across the Kingdom, whether among the students themselves or between them and their teachers. In addition the (Lend Me a Hand) Network monitored about 3000 cases of violence against children during the past two years. The NCHR values the devotion of the Ministry of Education of a hotline to receive complaints, which may help to understand the phenomenon and deal with the problems of students in appropriate educational methods, (b) An increase in communal violence, of which the most important was the case of two sisters aged 17 and 15 years who committed suicide by consuming a poisonous liquid to protest against poor treatment they receive from their father. In addition, a child at the age of (12) years died in Al-Rsaifa city as a result of severe beating by his father who accused him of stealing his wallet, (c) The issue raised by media on children of orphanages and the violations of their rights that are guaranteed by national legislation and international standards, such as the right to institutional best care, education, health care, and not to be subjected to physical, sexual and psychological torture. As a result, the NCHR verified the validity of such complaints, which reached (15) complaints, against the orphanages of

Madaba, Dar Al Hanan, Hussein Social Foundation, and Dar Al-Nahda for girls, where it was found that the Ministry of Social Development referred four complaints to court, while the rest of the complaints were closed because the violations were not proved. However, the NCHR reiterates the need for the Ministry of Social Development to expand and strengthen supervision and follow-up over these orphanages to ensure that such violations are not repeated in the future, (d) The continuation of children's nurseries to violate the regulations of the Ministry of Social Development governing their work, which led to the temporary closure of (28) of them for three months as a result of breaching the regulations and ignoring the Ministry's warning to correct their positions for the benefit of children who receive their services, (e) The occurrence of quarrels between girls at Al-Khansa' care home for females, leading to smashing the glass of windows there and transferring a group of girls involved in the quarrels to Um-Alasaker care home for a temporary period. This indicates the need to separate and classify convicted and detained girls on the basis of age group and type and repetition of crime.

180. In the area of the enhancement and protection of children's rights, the NCHR began coordinating with the representative of the International Coordinating Committee in Geneva on proposals relating to the contribution of the International Coordinating Committee in the preparation of an optional protocol to the Convention on the Rights of the Child. Accordingly, a meeting was held in Geneva on 17/9/2010 between the representative of the International Coordinating Committee in Geneva and the Chairman of the Drafting Committee of the Protocol in order to examine the role that national institutions can play in this area. The NCHR also provided a paper that included a set of comments on the draft Optional Protocol, where it was submitted to the Chairman of the International Coordinating Committee.

Rights of Persons with Disabilities

181. The international conventions on the rights of Persons with Disabilities paid special attention to this group. On 11/3/2008 Jordan ratified the International Convention on the Protection and Enhancement of the Rights of Persons with Disabilities. Also, the Rights of Persons with Disabilities Law No. 31 for the year 2007 regulated the rights of this category. The year 2010 has witnessed a number of positive developments aimed at protecting the rights of persons with disabilities, including the following: (a) The Ministry of Social Development and Women's Affairs, in cooperation with the Higher Council for Persons with disabilities, worked on the development of the curriculum provided to students with disabilities enrolled in special education institutions, in addition to opening and furnishing (15) classrooms in the Al-Manar Center for Intellectual Development affiliated to the Ministry of Social Development, (b) The Ministry of Labor employed (44) people with disabilities, (c) In addition to "My School" Initiative, the Ministry of Education signed a Memorandum of Understanding (MoU) with the Higher Council for Persons with Disabilities to improve services provided to people with disabilities in public schools, in line with national legislations and relevant international standards, as the (MoU) target (43) schools in various regions of the Kingdom, (d) The traffic Department organized several training and educational courses for its staff and other various units of the PSD to develop the skills of dealing with persons with various disabilities such as visual and hearing disabilities. Furthermore, the NCHR organized three specialized workshops on the participation of disabled persons in the public and political life.

182. On the other hand, the NCHR monitored a set of challenges that still hinder the disabled persons' enjoyment of their rights, namely: (a) Article (4/c/4) of the Rights of Persons with Disabilities Law No. 31 for the year 2007, which stipulated that the nature of the business should allow the employment of the disabled persons, still leaves the door open wide for employers to bypass this text under the pretext that the nature of the majority of businesses does not allow for hiring this group of society, (b) most schools and universities in the Kingdom still lack the necessary facilities to receive and facilitate the education of this category of students, (c) the participation of this category of society in public and political life is still low despite the fact that the text of Article (4/g) of the Rights of Persons with Disabilities Law No. 31 for the year 2007 stimulates this kind of participation. The elections of 2010 clearly revealed the low participation of this category, as the number of disabled candidates running for parliamentary elections did not exceed five people, three of which were visually impaired while the other two were physically disabled. The report on monitoring the course of events of the 2010 parliamentary elections, which was prepared by the NCHR, showed that the official authorities did not provide the physical environment to create conditions that enable the participation of such group in the electoral process. It was found that (71.4%) of the polling centers were not prepared to receive this group.¹⁷⁶ Also, a number of disabled people complained about preventing their companions from entering to the polling centers to help them cast their ballots. Furthermore, 29.41% of polling centers monitored by the NCHR had their ballot boxes in the

¹⁷⁶ Noting that the Ministry of Political Development, the Ministry of Interior, and the Higher Council for Persons with Disabilities have announced that (255) polling stations were accommodated for the participation of persons with disabilities in the electoral process. This included providing services and creating the conditions necessary to facilitate the voting process for various types of disabilities, such as the provision of sign language services and streamline corridors.

second floor, 76.92% of which had no elevator, (d) Children with disabilities living outside Amman lack adequate educational services. For example, children in the governorate of Kerak suffer from the weakness of educational services, since there is only one school for special education there. The said school looks after (53) disabled children and operates in a rented building that lacks the educational conditions suitable for the targeted disability categories. In addition, it lacks trained personnel who can deal with this category, (e) Children suffering from autism lack specialized centers outside Amman for follow-up cases, especially in the southern governorates. On the other hand, disabled children in the northern governorates of the kingdom do not have the service of early diagnosis of disability due to the lack of specialized centers.

183. In the area of enhancing and protecting the rights of persons with disabilities, the NCHR, in cooperation with the JUST Foundation, implemented two training courses for administrative governors and civil society organizations on reducing obstacles to enable persons with disabilities to exercise their right to vote. The NCHR also issued manuals that contained instructions dedicated to the disabled voters, as well as an awareness poster in this regard. In the same context, The NCHR, in cooperation with the Higher Council for Persons with Disabilities and the Ministry of Political Development, implemented a training workshop on the participation of women with disabilities in the public and Political life.

Rights of the Elderly

184. The International Covenant on Economic, Social and Cultural Rights does not include any explicit reference to the rights of the elderly¹⁷⁷ although Article (9) of the Covenant deals with "the right of everyone to social security including social insurances". Thus, States implicitly recognize the right to receive the guarantees of aging, and the provisions of this Covenant apply to all members of society, including the elderly who have the right to enjoy all the rights recognized in this Covenant. The United Nations attached special importance to the policies pertaining to the elderly since the mid seventies of the last century. In 1978, the General Assembly issued Resolution no.33/52 on the establishment of the World Assembly on Ageing, and in 1991 it adopted the UN principles for Older Persons.¹⁷⁸ However, in spite of the different terminology used in international documents to describe the elderly and linking it with those

¹⁷⁷ According to the General Comment No. (6) of the Committee on Economic, Social and Cultural Rights " Another important issue is whether discrimination on the basis of age is Prohibited by the Covenant. Neither the Covenant nor the Universal Declaration of Human Rights refers explicitly to age as one of the prohibited grounds. Rather than being seen as an intentional exclusion, this omission is probably best explained by the fact that, when these instruments were adopted, the problem of demographic ageing was not as evident or as pressing as it is now."

¹⁷⁸ This document is based on five principles which correlate closely to the rights recognized in the two International Covenants that should be adhered to by member states. The five principles are: "Independence", which includes the right of the elderly to access adequate food, water, shelter, clothing and health care. To these basic rights are added the opportunity to remunerated work and access to education and training. "participation", which means that older persons should participate actively in the formulation and implementation of policies that affect their well-being. "Care", which proclaims that older persons should benefit from family care and health care and be able to enjoy human rights and fundamental freedoms when residing in a shelter, care or treatment facility. "Self-fulfillment", which means that older persons should pursue opportunities for the full development of their potential through access to the educational, cultural, spiritual and recreational resources of their societies. Lastly, "dignity" which states that older persons should be able to live in dignity and security and be free of exploitation and physical or mental abuse, should be treated fairly, regardless of gender, race or financial situation.

who reached 65 years of age and over, the Jordanian legislator¹⁷⁹ defined the elderly from an age perspective and did not deal with associated biological factors and health conditions in the set of laws, regulations and instructions¹⁸⁰ which were legislated for the purposes of organizing work, entitlement to social assistance, and regulating and licensing nursing houses for the elderly. The elderly has been defined in such legislations as the person who is over (60) years of age for males and (55) years for females.

185. The Ministry of Social Development is considered the main umbrella under which care and attention are provided for the elderly in Jordan, through the division responsible for the affairs of the elderly. The division is responsible for supervising (11) nursing houses for the elderly, including five belonging to the voluntary sector and 6 to the private sector. These houses provide basic welfare, accommodation, health, social and entertainment services for their residents, but these services are still characterized by simplicity, limitedness, and weak spread outside the capital, Amman. The number of elderly beneficiaries of these services reached (373) in 2010, compared to (302) in 2009 and (231) in 2008, as

¹⁷⁹ See Article "2" of Financial Aid and Rehabilitation Regulations No. 1 of 2004 issued under Article "8" of the National Aid Fund Law No 36 of 1986.

¹⁸⁰ The Civil and Military Pension Law No. 34 of 1959, as amended, states in article 12 that upon completing 60 years of age or 40 years of service acceptable for pension calculation, the employee shall be referred to pension. Also, the Social Security Law No. 19 of 2001 states in article 41 that " Old-age pension may become due when the insured male reaches (60) years of age, and the insured female reaches the age of (55). Age shall be verified by an official birth certificate or any other official document issued by the competent authority when the insured subscribes to the insurance. Any change that may occur to the date of birth thereafter shall be disregarded. As for regulations related to old persons, the System of Charitable Endowment Programs No. 83 of 2005 states in Article 9 that subject to the conditions stipulated by endowers, the revenues of the needy aid program shall be spent, in coordination with *Zakat* Fund, on the following: the poor and the elderly care homes. In addition, the Rehabilitation and Aid System No. 102 of 1971 defined the elderly as the person who is above 60 years of age. Among the regulations that organized the rights of the elderly, there are the Instructions for Licensing Day Care Centers No. 1 of 1999 which addressed the definition of the elderly, and National Aid and Rehabilitation Instructions No. 1 of 2004, as well as the Elderly Nursing Houses and Day Care Centers System of 2006. However, these regulations have not been approved so far.

well as (213) in 2007. Also, among the elderly beneficiaries of these services in 2010 there were (13) elderly with various types of disabilities, including (2) with mental disability, (10) with hearing disability, and (1) with physical disability, compared to the year 2009 where the number of elderly people with a disability reached (93), including (74) with physical disability, (10) with visual disability, (3) with hearing disability, and (6) with mental disability. It is noteworthy that in 2010 the Ministry dealt with (10) complaints relating to the rights of the elderly.¹⁸¹

186. The year 2010 witnessed the launching of the Jordanian National Strategy for the Elderly, which is the first major document of reference dealing with the affairs of the elderly. The document identified the priorities to work with them as an active group in community that needs care and support to achieve sustainable development and the advancement of the Jordanian family, as a social unit taking care of its members. It included six axes represented by development and the elderly, health care in a supportive physical environment, social welfare, scientific researches and studies, databases, and legislation.¹⁸² However, the NCHR is of the opinion that applying the Strategy on the ground is difficult because of poor coordination between the institutions of civil society themselves and poor cooperation with the Ministry of Social Development, as the main umbrella under which the rights of the elderly are guaranteed.

187. During the four visits to elderly nursing houses and through the complaints received, the NCHR monitored a number of violations practiced on the elderly, including: (a) The physical environment of the

¹⁸¹ Statistics of the elderly section of the Ministry of Social Development in 2010.

¹⁸² Jordanian National Strategy for the Elderly- reference document 2008.

elderly nursing houses suffers from the lack of libraries within the houses, lack of yards and gardens for fresh air in most of the houses and the rare use of them if available, and disproportionality of health facilities, on the one hand, and the number of rooms and maximum capacity of beneficiaries, on the other hand, particularly nursing houses of the private sector. Moreover, the nursing houses are not equipped and fitted for ease of use by the elderly. For example, side hand supporters are unavailable in hallways to be used by the elderly to avoid slippage. In addition, there is the poor geographical distribution of the locations of the elderly nursing houses in the kingdom. They are mainly concentrated in the central region of the Kingdom; with 8 in Amman, 1 in Zarqa, and 1 in Al-Fuheis, (b) Elderly women at nursing houses receive no contacts or visits by anyone, which causes psychological and emotional suffering for them. Some of them were exploited economically and emotionally by their relatives and children, represented in compelling them to relinquish their property. This is in addition to the possibility of being deceived to obtain a court custody ruling for inheritance purposes. Moreover, they suffer from discrimination which is attributed to their failure to work, as they do not find a work that fit with their physical and health situation. This has compelled them to rely on low income in the informal sector or begging to support themselves. Furthermore, they suffer from inadequate monthly financial assistance¹⁸³ provided to poor families that support an elderly to cover his/ her food, water, shelter, clothing, and health care expenses.¹⁸⁴ On the other hand, the number of families that are supported by an elderly reached (26648) families¹⁸⁵. Moreover, the Ministry of Social

¹⁸³ See National Aids Instructions No. (4) of 2007, Article (10).

¹⁸⁴ The recommendations (19) to (24) of the Vienna International Action Plan for the Ageing asserts that housing for the elderly must be viewed as more than mere shelter. In addition to the physical, it has psychological and social significance that should be taken into account.

¹⁸⁵ Statistics of the National Aid Fund for the year 2010.

Development does not provide grants or renew fee exemptions for maids taking care of an elderly and does not recognize the decisions of the medical committees in districts, despite the fact that they are the competent authority to confirm the health status and need for assistance from others.¹⁸⁶ Also, the absence of cultural and educational programs for the elderly are noted, in spite of the Recommendation No. (44)¹⁸⁷ of Vienna International Action Plan for the Ageing, which urged the utilization of the experiences of older people as transmitters of knowledge, culture and spiritual values to future generations, (c) The elderly lack awareness of their rights and duties guaranteed by international standards. They also are unable to move between entities that receive their complaints. Finally, the media is absent from shouldering its responsibilities in terms of coverage of the rights of the elderly.

¹⁸⁶ Al Arab Alyawm daily newspaper/ issue No. 4922, Tuesday, 22 Muharram 1432 H- 28 December 2010.

¹⁸⁷ See Recommendation No. (44) and (50) of the Vienna International Action for the Ageing.

Complaints and Requests for Assistance Received by NCHR

Complaints Received by NCHR in 2010

Table (16) shows complaints received by the NCHR on alleged violations of rights in 2010

The right that is the subject of complaint	Number of complaints	Cases closed with satisfactory results	Cases closed with unsatisfactory results	Beyond NCHR Jurisdiction	Under follow-up	Complainant uncooperative	No violation established
Recognized juristic personality (Nationality)	148	1	2	3	131		11
The right to have Identification documents	43	10	1	1	29	1	1
The right to freedom of residence and movement	67	18		7	34	1	7
The right to asylum	5	1			4		
The right to life	2				1		1
The right to freedom and personal security	6	2		3			1
The right to humane treatment	90	12	6	11	48	2	11
The right to labor	79	33	1	13	27	2	3
The right to social insurance	9	1		1	6		1
The right to public service	7				7		
The rights of inmates	41	11		3	21		6
The right to health	25	6	5	4	7	1	2
The right to education	18	1	1		14	1	1
The right to equality	11		1	2	8		

and freedom from discrimination							
The right to fair trial	119	18	2	18	69	3	9
Women's rights	12	2		5	3		2
The rights of the Child	30	8		5	13	2	2
The rights of the disabled	11	1		2	7	1	
Family rights	7	2	1	1	2		1
The right to form societies	2				2		
The right to decent standards of living	9	2	1		6		
The right to housing	6			1	3	1	1
The right to freedom of opinion and expression	4	1			2		1
The right to property	1			1			
The right to a safe environment	4				4		
The right to join political parties	1						1
The right to election and nomination	4	1		1	2		
The rights of the elderly	1	1					
The right to compensation	6			1	4		1
The right to ownership	2	1		1			
Total number	770	133	21	83	455	15	63
Percentage %	100	17.27	2.73	10.78	59.09	1.95	8.18

188. The total number of complaints received by the NCHR in 2010 was (770) complaints, compared to (573) in 2009. The number of complaints relating to civil and political rights was (460) amounting to 59.74% of the total number of complaints, while the number of complaints relating to economic, social and cultural rights was (256) complaints, amounting to 33.24% of the total number of complaints. As for complaints relating to the rights of the most vulnerable, they reached (54) complaints representing 7.01% of the total number of complaints. (133) complaints representing (17.27%) of the total number of complaints were settled successfully while (21) complaints representing (2.73%) were closed without satisfactory results. Moreover, (15) complaints, that is 1.94% of total complaints were closed due to lack of cooperation on the part of the complainant. Significantly, the subject matter of (83) complaints (i.e. 10.78% of the total number of complaints) was beyond the NCHR jurisdiction. However, (63) complaints amounting to (8.18%) of the total number of complaints were closed due to reasons of non-cooperation on the part of the complainant or his desire not to pursue the complaint, as well as lack of positive response from the respondent entity to the recommendations and demands of the NCHR. In other events, they were closed due to the absence of a clear legal reference to stop and remove some of the violations and the lack of provisions in the NCHR's law that force respondents to respond to its demands within a certain period. Finally, there are (455) complaints representing (59.09%) of the total number of complaints still under follow-up.

Table (17) shows requests for assistance received by the NCHR on alleged violations of rights in 2010							
Right allegedly violated	Number of complaints	Cases closed with satisfactory results	Cases closed with unsatisfactory results	Beyond NCHR Jurisdiction	Under follow -up	Complainant uncooperative	No violation established
Recognized juristic personality (Nationality)	18	1		3	11		3
The right to freedom of residence and movement	41	1		7	29	2	2
The right to humane treatment and personal security	4			1	2	2	
The right to get identification documents	14		1	1	8	1	3
The right to asylum	7			1	4		2
The right to health	16	4		3	9		
The rights to labor	17	1	1	3	8		4
The right to social security	8		1	1	6		
The right to equality	4			1	1		2
The rights of the elderly	2			1		1	
The right to decent standards of living	17	2		6	8		1
The right to ownership	1			1			
Women's rights	14	2		2	9	1	
The rights of the child	26	6		7	11		2
The rights of the	5				5		

disabled							
The right to education	2	1			1		
The rights of inmates	9	2		2	4		1
The right to compensation	4			1	2		1
The right to public service	1				1		
The right to fair trial	12	1		7	4		
Total number	222	21	3	48	123	6	21
Percentage %	100	9.46	1.35	21.62	55.41	2.70	9.46

189. The total number of requests for assistance received by the NCHR in 2010 was (222) request for assistance, compared to (301) in 2009. The number of requests relating to civil and political rights was (110), amounting to 49.54% of the total number of requests for assistance, while the number of complaints relating to economic, social and cultural rights was (65) requests, amounting to 29.27% of the total number of requests. As for requests relating to the rights of the most vulnerable, they reached (47) requests representing 21.17% of the total number of requests. (21) requests representing (9.46%) of the total number of requests were closed successfully, while (3) requests representing (2.73%) were closed without satisfactory results. However, there are (123) request representing (55.41%) of the total number of request still under follow-up. Significantly, the subject matter of (48) complaints (i.e. 21.62% of the total number of requests) was beyond the NCHR jurisdiction. However, some cases were closed due to reasons of non-cooperation on the part of the complainant or his desire not to pursue the complaint, as well as lack of positive response from the respondent entity to the recommendations

and demands of the NCHR. In other events, they were closed due to the lack of provisions in the NCHR's law that force respondents to respond to its demands within a certain period.

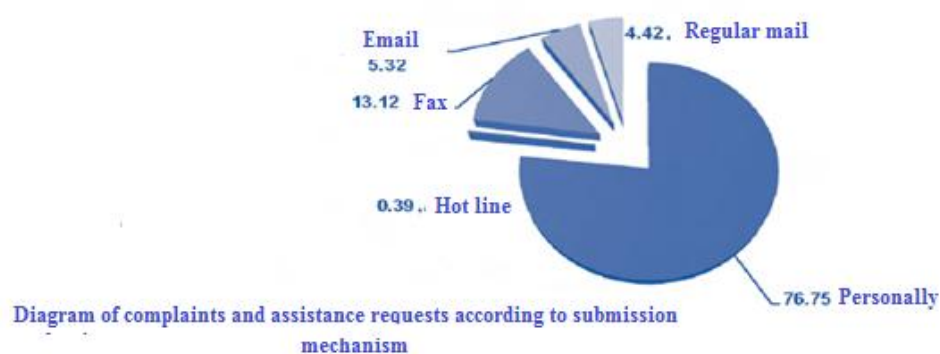
190. It is noted that the number of complaints received by the NCHR in 2010 is on the rise, compared to previous years, as shown in the following graph. The percentage of the increase amounted to (14.66%) and may be attributed to the following reasons: 1 - citizens' awareness about services that the NCHR extends through information campaigns being implemented, 2- raising the capacity of the NCHR staff to deal professionally with complaints and requests for assistance, as well as good reception and dealing with citizens, 3. continued activation of the hotline services to receive complaints and requests for assistance 24/7, in addition to diversified reception methods as per the diagram. 5- Citizens' confidence in the NCHR's services on the account of positive results achieved upon handling previous complaints.



Number of complaints & requests for assistance during the years 2003-2010

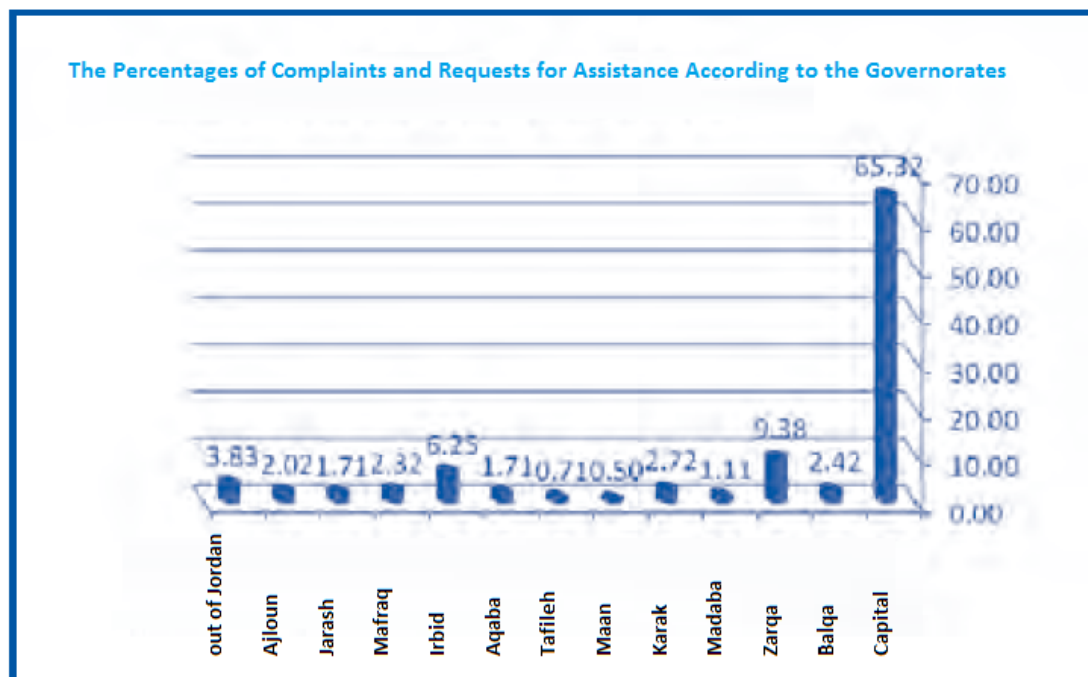
On the other hand, it is noted that there is a decrease of (15%) in the number of requests for assistance in 2010 compared to 2009, due to the fact the NCHR is focusing on monitoring violations against human rights

more than focusing on providing assistance, in addition to referring people to the competent authorities in relevant ministries before request for assistance are registered at the NCHR. Also, the development of many competent authorities of solutions to many of the issues that require intervention by the NCHR has contributed to the reduction of requests for assistance. Such issues include allowing children of Jordanian women married to foreigners, as well as children of Iraqi refugees, to study at public schools, in addition to the rise in the number of civil society institutions providing such assistance.



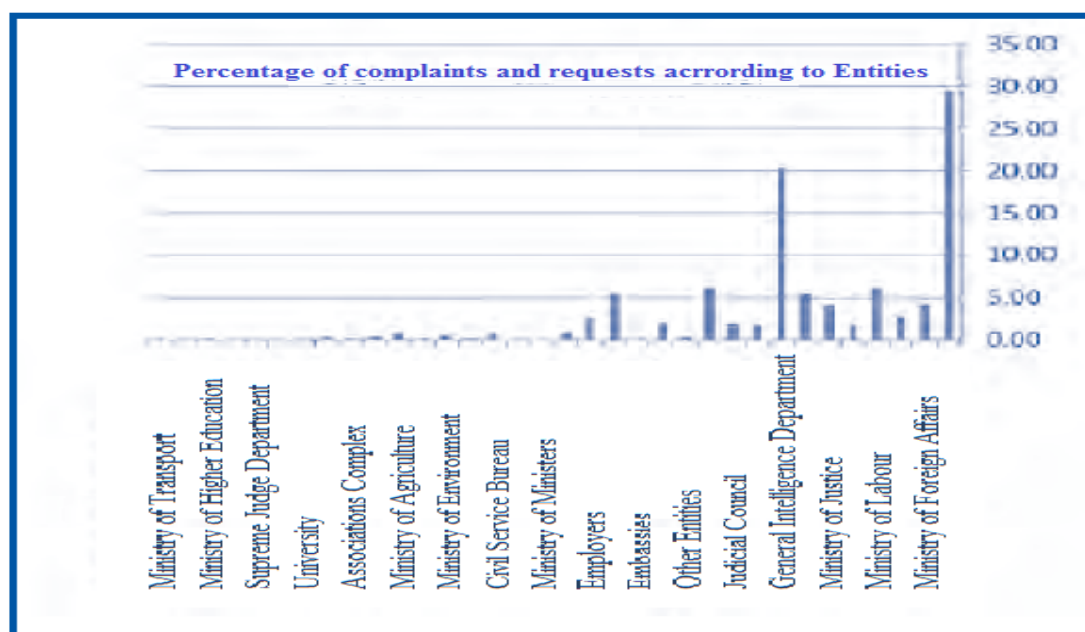
191. Receiving oral complaints and requests for assistance ranked as the most used method among others rating (76.75%) of total complaints and requests for assistance. They were filed through coming in person to the NCHR and explaining cases to the NCHR staff. The second most used method was via fax, being (13.12%) of all complaints and requests for assistance. The third rank is for complaints and requests for assistance via email, being (5.32%) of the total. As for the fourth-ranking method, it was via regular mail (4.46%).

192. As for the distribution of complaints and requests for assistance among the different governorates of the Kingdom, the following graph shows that complaints and requests for assistance in the Capital and major cities is still high, where (65.32%) of the complainants are residing in the Capital governorate. This is attributed to non-existence of branches for the NCHR in other governorates, the high population density at the capital, and proximity of the NCHR to Amman residents.



Also, complaints and requests for assistance from the three largest governorates in terms of population also represented the largest percentage, as Zarqa governorate came in second place after the Capital governorate with (9.37%) of the total number of complaints and requests for assistance, followed by Irbid governorate (6.25%) and Kerak governorate (2.72%). On the other hand, the lowest percentage of complaints and requests for assistance was in Ma'an governorate, where it amounted to 0.5% only.

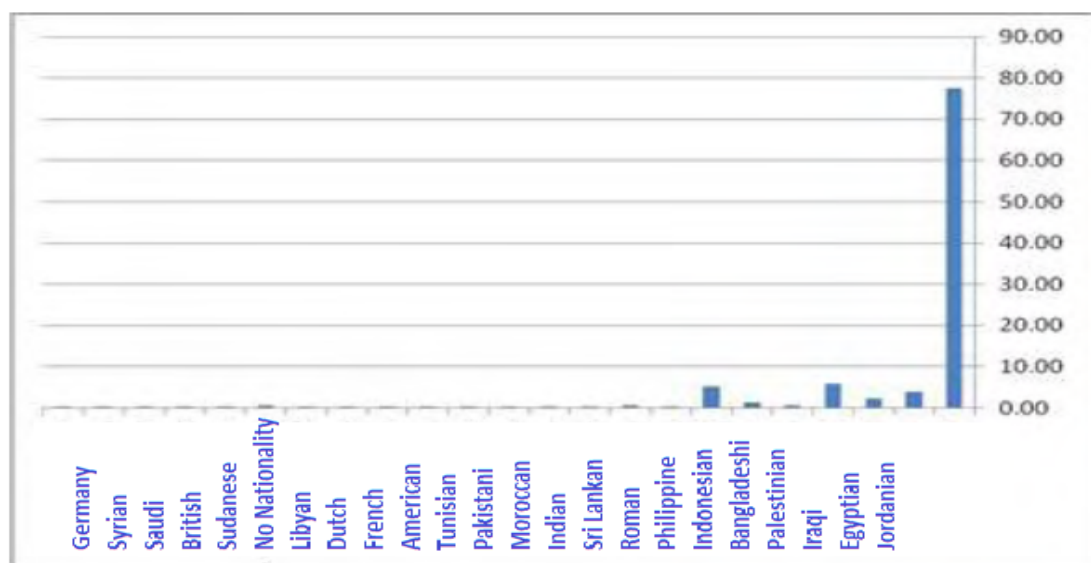
193. With reference to entities against whom complaints were filed, the graph below shows the percentage of complaints filed against each entity.



Notably, the Ministry of interior still take the highest percentage of complaints filed, rating (30.64%), followed by PSD (22.07%) and GID (5.97%). Furthermore, complaints filed against the Ministry of Social Development reached (5.19%) of total complaints, while complaints on violations experienced by Jordanians abroad formed (4.54%) and the Ministry of Foreign Affairs was addressed by the NCHR to follow-up these complaints. Furthermore, complaints against employers and recruiting agencies in 2010 reached (6.23%), compared to (14.31%) in 2009. It was noticed that complaints against the main Ministries, namely, Education, Health, Justice, Agriculture and Environment, increased as they represented (8.18%) in 2010, compared to (6.46%) in 2009. on the other hand, a decline in the number of complaints filed against the judiciary is noted, as they formed (1.94%) in 2010 while in 2009 they were (4.54%). The NCHR also received complaints against universities in 2010 as they were (0.51%). The abovementioned percentages show that

the same entities against which the biggest number of complaints are filed have not yet changed, indicating that they have not taken the required measures to eliminate violations, and that the NCHR should continue to focus its efforts on them and consider them as a priority so complaints eventually decrease and human rights thrive in the Kingdom. Regarding bodies from which assistance is sought, the graph shows that most requests for assistance were relating to the Ministry of Interior (22.07%), followed by The PSD (22.07%). Moreover, requests for assistance relating to the following ministries: Health, Foreign Affairs, Social Development, Higher Education, and Public Works and Housing rated (19.81%) of the total. The most significant was the Ministry of Social Development as it was the subject of (8.31%) of requests, followed by the Ministry of Health which was the subject of (6.75%) of requests.

194. The following diagram illustrates the number of people who submitted complaints and requests for assistance according to nationality. It clarifies that 77.6% of them hold a Jordanian nationality, (69.85%) of which are males while (30.15%) are females. Palestinians came next forming (5.95%). Thirdly came Filipinos with a percentage of (5.24%), followed by Egyptians in the fourth rank with a percentage of (3.93%).



Assessment of Jordan's Compliance with its Obligations Pursuant to International Human Rights Conventions

195. In its annual report on Human Rights Situation in Jordan for 2009, the NCHR devoted for the first time a chapter that included an assessment of Jordan's compliance with its obligations pursuant to international human rights conventions ratified by Jordan¹⁸⁸. That chapter described the nature of the obligations of state parties under international conventions, namely: taking the necessary measures for the realization and protection of the rights contained in these conventions and ensuring individuals' enjoyment of such rights at the national level. The present chapter of the seventh annual report on human rights situation in Jordan for 2010 comes as a complement to an important approach, from which the seriousness of the State to fulfill its obligations in the protection and promotion of human rights and the extent of efficacy of procedures and measures taken can be assessed in order to achieve that goal, which is reflected on human rights situation. It is noteworthy that the Kingdom has joined several international conventions on human rights. At the top of these documents are seven of the nine major conventions¹⁸⁹, as well as Jordan's ratification of a number of other agreements such as International Labor Organization Conventions, the Arab Charter for Human Rights and the Cairo Declaration on Human Rights in Islam, and a number of optional protocols attached to these conventions. It is known

¹⁸⁸ See the Sixth Annual Report of the NCHR on Human Rights Situation in the Kingdom for the year 2009, pp. 135-159.

¹⁸⁹ Jordan has not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in 2000 and the International Convention for the Protection of All Persons from Enforced Disappearance

that joining international conventions on human rights is not enough alone to ensure individuals' enjoyment of these rights; but rather the true will of the State to undertake necessary legislative, judicial and executive measures should be secured. These can be summarized as follows:

(A) In the area of legislation related to the rights contained in these conventions, the State should review the national legislative system and determine the sufficiency of the existing legislation to comply with applicable international standards. In addition, it should amend existing legislations and draft new ones if necessary to provide legislative safeguards for the protection and promotion of the rights set forth in international conventions. Moreover, there is a need for Jordan to join new international conventions. Table No. (18) includes national legislation that have been drafted and/or amended in 2010 to comply with international conventions:

Table No. (18) shows the legislation that have been drafted and/ or amended in 2010 to comply with international obligations				
No.	Name of Legislation	Relevant International Instruments	Type of Measure	Assessment
1	Provisional Press and Publications Law No. 5 of 2010	International Covenant on Civil and Political Rights	Issuing a provisional law amending the law no. 8 of 1998. It was published in issue no. 5022 of the official Gazette on 1/4/2010	Establishing specialized chambers for issues of press and publications under the amendment to Article 42, giving urgency to these issues to be considered within one month, and limiting jurisdiction to consider cases of press and Publications related to the internal and external security of the State contained in the Penal Code to the Amman Court of First Instance only (removing jurisdiction of the State Security Court)

2	Provisional Social Security Law No. 7 of 2010	International Covenant on Economic, Social and Cultural Rights	Issuing a provisional law. It was published in issue no. 5022 of the official Gazette on 1/4/2010	The law raised the retirement age, expanded the coverage of social security, and gave better guarantees for women
3	Provisional Election Law No. 9 of 2010	International Covenant on Civil and Political Rights	Issuing a provisional law. It was published in issue no. 5032 of the official Gazette on 19/5/2010	The law did not provide adequate guarantees for individuals to enjoy free and fair elections and was criticized by civil society institutions. ¹⁹⁰
4	Provisional Penal Code No. 12 of 2010	International Covenant on Civil and Political Rights. Convention on the Elimination of All forms of discrimination against Women Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment Convention on the Rights of the Child	Law amending the law no. 16 of 1960. It was published in issue no. 5034 of the official Gazette on 1/6/2010	Drafted a number of new provisions, but the NCHR has some reservations on certain articles of the law, such as Article 340 and that proposed amendment to Article 208 was not made. It is noteworthy that the Ministry of Justice formed a joint committee to discuss amendments, but many of the recommendations by the NCHR were not taken into account.
5	Prosecution Law No. 11 of 2010	International Covenant on Civil and Political Rights. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Issuing a provisional law. It was published in issue no. 5034 of the official Gazette on 1/6/2010	Incompatible with international standards for the public prosecution's independence, as the public prosecution is legally under the Judiciary Council and administratively under the Minister of Justice.

¹⁹⁰ For more details, see the report of the NCHR on the parliamentary elections of 2010 on the website www.nchr.org.jo

6	Judicial Independence Law No. 21 of 2010	International Covenant on Civil and Political Rights.	Law amending the law no. 15 of 2001. It was published in issue no. 5037 of the official Gazette on 16/6/2010	Insufficiently consistent with constitutional and international standards for the principle of independent judiciary and was subject to many criticisms by the judges themselves. ¹⁹¹
7	Public Security Law No. 27 of 2010	International Covenant on Civil and Political Rights. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Law amending the law no. 38 of 1965. It was published in issue no. 5042 of the official Gazette on 15/7/2010	Stipulated that a civil Judge is to be included in police courts, but the NCHR still believes that this is not enough
8.	Provisional Labor Law No. 26 of 2010	International Covenant on Economic, Social and Cultural Rights International Covenant on Civil and Political Rights	Law amending the law no. 8 of 1996. It was published in issue no. 5042 of the official Gazette on 15/7/2010	Amendment to Article 116 contradicts with Article 22/3 of the International Covenant on Civil and Political Rights which prevents dissolution of labor unions without a judicial decision, while the amendment grants the Minister the right to dissolve the trade union without requiring a judicial decision.
9	Provisional Cyber Crime law No. 30 of 2010	International Covenant on Civil and Political Rights	Issuing a provisional law. It was published in issue no. 5056 of the official Gazette on 16/9/2010	The law was discussed with specialists from the NCHR and all the proposed amendments by the NCHR were made to the law.
10	Provisional Personal Status Law No. 36 of 2010	Convention on the Elimination of All forms of	Issuing a provisional law. It was published	A number of positive provisions were drafted, but the NCHR has some reservations on certain

¹⁹¹ For more information, see the chapter on the right to justice in the body of this report.

		discrimination against Women Convention on the Rights of the Child International Covenant on Economic, Social and Cultural Rights	in issue no. 5061 of the official Gazette on 17/10/2010	articles in the law, such as exceptions contained in the law on marriage age. ¹⁹²
11	Landlords and Tenants Law No. 43 of 2010	International Covenant on Economic, Social and Cultural Rights	Law amending the law no. 11 of 1994. It was published in issue No. 5075 of the official Gazette on 30/12/2010	The law did not permanently solve the problem of evacuating leased property, but rather delayed the solution of the problem to the end of 2011
12	Jordanian Judicial Institute Regulation No. 6 of 2010	International Covenant on Civil and Political Rights	Issuing a system. It was published in issue no. 5014 of the official Gazette on 16/2/2010	Among the objectives listed for the establishment of the Institute, the Regulation did not include any item that addresses raising awareness of the judges in the area of international conventions on human rights.

It is noteworthy that the Prime Minister, at the request of the NCHR, directed all ministers in letter No. 1/ 11/ 17361 dated 22/9/.2010, with reference to circular No. 1/11/18/18659 on 10/12/2008 issued by the former Prime Minister, to invite representatives from the NCHR to attend meetings related to drafting or amending laws related to human rights, but the NCHR was not invited when discussing the Provisional Election Law No. 9 for the year 2010, for example. Moreover, provisional laws or amendments to the laws will be presented to the National Assembly for approval and hereby the NCHR recommends the need to open the door

¹⁹² For more information, see the chapter on women's rights in the body of this report

for dialogue and consultation between the competent committees in the Lower and Upper Houses on the one hand, and the NCHR and other national institutions, civil society institutions, and non-governmental organizations on the other hand, to discuss these laws and amendments.

(B) In the area of Judiciary, the State should seek to ensure a fair and independent judicial system with decisions based on the national legislation and international conventions to ensure that individuals enjoy the right to a fair trial and provide the effective remedy.

(C) In the area of operational measures, the State should seek to bridge the gap between the availability of national legislation and conventions relevant to international human rights, on the one hand, and the actual application of the provisions of these legislations and agreements on the ground, on the other hand, including the deployment of rights and raising awareness of them at the broader scope, as well as assuring that principles of equality and non-discrimination are achieved. This area also includes creating an institutional environment that supports and protects human rights at the national level and building cooperation with International bodies and organizations concerned with human rights.

196. The following are measures and actions taken by the government during the year 2010 in this area.

First: In the area of compliance to submitting reports and responding to the recommendations and comments of the treaty committees, NCHR noted the following:

(A) The government submitted its fourth report¹⁹³ to the committee of the human rights of the International Covenant on Civil and Political Rights on April 2009 (it should be noted that neither the NCHR, nor other civil

¹⁹³ CCPR/C/JOR/4 document of the Human Rights Committee.

society institutions were involved in the preparation of this report). However, the Committee discussed Jordan's report , which came about 12 years late from its due date, in its 100 session held during the period 11-29/10/2010, specifically 13-14/10/2010. The Committee highlighted a number of positive measures taken at the national level, namely:

- Publishing the International Covenant on Civil and Political Rights in the Official Gazette in 2006, which means that the Covenant has become an integral part of the national legislation system.
- Amendments made to the Jordanian Penal Code in 2010, which limit the use of so-called excuse or mitigating circumstances in the so-called honor crimes.
- A moratorium on executions since 2006.
- Establishing the Ombudsman and Human Rights Bureau of the Public Security Directorate in 2005
- Establishing the Ministry of Political Development in 2003.

The Committee also welcomed Jordan's ratification of a number of international conventions dealing with the protection of a number of rights set forth in the International Covenant on Civil and Political Rights (during the period covered by the fourth periodic report), most importantly:

- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and Pornography in 2006.
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts.

- International Convention on the Rights of Persons with Disabilities in 2008.
- Rome Statute of the International Criminal Court in 2002.
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime in 2009.

197. The following are the most important issues that the Committee raised as being the sources of concern, as well as the recommendations regarding them:

Table No. (19) shows the most important issues raised by the Committee			
No.	Subjects of Concern	Recommendation	Action taken by the Government
	The need to provide the NCHR with adequate human and financial resources in order to ensure its effective functioning	<ul style="list-style-type: none"> - Ensuring that the process for selecting the members and directors of the NCHR is transparent. - Providing the NCHR with adequate human and financial resources 	<p>N/A</p> <p>The government provides the NCHR with an operational budget, but it is not enough to develop the work of NCHR.</p>
2.	The vague and broad definition of "terrorist activities" in the prevention of Terrorism Law, which was passed in 2006	- Reviewing the Prevention of Terrorism Act and ensure that it defines terrorism and terrorist acts in precise language that is compatible with the International Covenant on Civil and Political Rights.	N/A
3.	Prevalence of stereotypes and customs in Jordan that are contrary to the principle of equality of rights between men and women and hinder the effective implementation of the Covenant, including: the Personal Status Law in matters relating to divorce, remarry, polygamy, inheritance and the transmittal of nationality to children of a Jordanian mother	<ul style="list-style-type: none"> - Reviewing and amending national laws and legislations, including the Personal Status Law, to ensure that women are not subject to discrimination, especially in subjects relating to marriage, inheritance, custody of children and nationality. - Intensifying efforts to 	<p>N/A</p> <p>N/A</p>

	and a foreign father.	reduce certain practices and customs that are discriminatory against women, such as polygamy, through awareness and education programs.	
4.	The persistence of domestic violence against women and inefficiency of measures taken by the State to protect women who risk becoming victims of so-called “honor” crimes in a form of involuntary “protective” custody pursuant to Articles 3, 7, and 26 of the Crime Prevention Law of 1954.	<ul style="list-style-type: none"> - Strengthening the legal framework for the protection of women against domestic violence, sexual violence and other forms of violence to which they are subjected. - Taking all protection measures and securing refuge in crisis centers for women without any restrictions or violations to their rights such as protective custody. 	<ul style="list-style-type: none"> - Article 304 of the Penal Code was amended under Provisional Penal Code No. 12 of 2010. - Women suffering domestic violence are transferred to Al wifaq Family Center and there are recommendations for additional branches in different governorates, but no positive developments are seen.
5.	The high number of reported cases of torture and ill-treatment in detention centers, particularly in the General Intelligence Directorate facilities, as well as the absence of a genuinely independent complaints mechanism to deal with cases of alleged torture or ill-treatment, since legal and medical assistance are not granted on a regular basis.	- Establishing an independent mechanism to deal with allegations of torture, ensuring that all such cases are properly investigated and prosecuted, that the perpetrators are sentenced by civil courts, and that victims receive adequate compensation, as well as ensuring that all detainees can have immediate access to a lawyer of their choice and an independent medical examination.	With regard to legislative amendments that allow the prosecution of perpetrators in civil courts, there are no positive developments in this area. However, a national team to monitor torture was formed by the NCHR to serve as a national mechanism. Moreover, the NCHER itself is an independent national institution for receiving complaints.
6.	NGOs are denied access to the (RRCs)	- Arranging independent visits to all detention centers and places of deprivation of liberty, including the facilities of the GID. In this connection, the Committee stressed on the need for Jordan to ratify the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading	N/A

		Treatment or Punishment.	
7.	Authority given under the Crime Prevention Law of 1954, which empowers administrative governors to authorize the detention and arrest (of anyone deemed to be a danger to society) without charges or trial.	The State should take necessary measures to end the practice of administrative detention, amend the Crime Prevention Law so as to make it consistent with the International Covenant on Civil and Political and release or bring to justice immediately all persons who are detained under this law.	The Ministry of Interior instructed administrative governors to improve the basis on which administrative detention is authorized, yet these instructions are not enough and are not to be considered a substitute for amending the law.
8.	The Committee reiterated its concern at the independence and performance of the State Security Court and the authority given to the Prime Minister to refer cases that do not affect State security to this court .	The Committee reiterated its 1994 recommendation that the State party consider abolishing the State Security Court.	N/A
9.	The Committee reiterated its concern at the restrictions on freedom of religion, including the consequences of apostasy from Islam such as denial of inheritance, and the non-recognition of the Baha'i faith in Jordan	The Committee reiterated its 1994 recommendation that the State party should take further measures to guarantee freedom of religion and belief.	N/A
10.	The Committee's concern that journalists continue to risk criminal sanctions if they write articles considered harmful to the State party's diplomatic relations or relating to the King and the royal family	The State should review its legislation and practice to ensure that journalists and media outlets are not penalized as a consequence of expressing critical views, and that any restriction on the press and media activities is strictly compatible with the provisions of Article 19/3 of the Covenant.	N/A
11.	The concern that the Public Assemblies Law (2008) requires any organizer of a public meeting on general State policy first to obtain the governor's written authorization.	Amending the Public Assemblies Law to be strictly compatible with the provisions of article 21 of the Covenant on the right to peaceful assembly.	N/A
12.	The Committee expressed its concern at the restrictions on NGOs with regard to their	Amending the Societies Law and taking appropriate steps to ensure that any	N/A

	establishment and certain aspects of their operation. It is particularly concerned that the government has full discretion in appointing temporary bodies for societies.	restriction on the right to form societies is strictly compatible with the provisions of article 22 of the Covenant.	
13.	Reports indicating that child labor is increasing, in light of inability of the labor law to provide protection for children working in family enterprises or agriculture	Taking all necessary measures to combat child labor, particularly by reviewing national legislation to ensure protection for all children, including those who work in family enterprises and agriculture.	N/A
14.	While welcoming the fact that international observation will be allowed for the first time during the elections in 2010, the Committee was concerned at reports that insufficient measures are being taken to guarantee free and transparent elections.	Taking adequate steps to further guarantee free and transparent elections, including the establishment of an independent electoral commission responsible for systematic election monitoring.	A provisional election law was issued, but it did not contain provisions for establishing an independent electoral commission to monitor the election. Moreover, neither the NCHR, nor other civil society institutions were involved in the discussions that preceded the issuance of the law. Also, the law did not consider many critical recommendations submitted by the NCHR to the government on behalf of the national alliance, which was formed by the NCHR in 2009 to reform the legal framework governing the electoral process.
15.	Insufficient participation of women in public life	Taking all necessary measures to increase women's participation in the various areas of public life, through raising awareness and increasing the minimum quotas for women in the lower house and municipal Councils	The quota for women was increased from 6 to 12 seats, pursuant to the provisional election law, in addition to the seats obtained by women through competition.

The concluding observations also included a number of general recommendations, namely:

16.	Acceding to the Optional Protocol to the International Covenant on Civil and Political Rights, which provides for a mechanism to deal with complaints from individuals, and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.	N/A
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17.	Publicizing the fourth periodic report submitted to the Committee on a large scale, as well the government's written replies to the list of issues drawn up by the Committee and its concluding observations.	Nothing by the government. The report was published on the website of the NCHR only.
18.	The State should provide, within one year, relevant information on follow-up to the Committee's recommendations in terms of supporting the NCHR, amending the crime prevention law, and considering the abolition of the State Security Court, in line with Rule 71 of the Procedural Rules governing the work of the Human Rights Committee.	N/A
19.	That the State provides in its next report, due to be submitted by 29 October 2014, information on follow-up to the recommendations of the Committee as a whole	

(B) Jordan also submitted the second periodic report, due since 1996, to the Committee against Torture on 3/7/2008¹⁹⁴. The report was discussed in sessions 947 and 948 of the Committee, which were held in the period 29-30/4/2010. It is noteworthy that the NCHR submitted to the Committee a parallel report (shadow report), which included a number of recommendations that were included later in the final report issued by the Committee. Two representatives of the NCHR also participated and made oral interventions in the sessions pertaining to the discussion of the report.

The Committee welcomed a number of positive measures taken by the Jordanian government, including:

- The ratification of and accession to a number of international conventions on human rights, such as the United Nations Convention against Transnational Organized Crime in May 2009, the Protocol to Prevent and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention in June 2009, the Convention on the Rights of Persons with Disabilities in March 2008, and the Optional Protocols to the Convention on the Rights of the Child on the Sale of

¹⁹⁴ For the report, see document No. CAT/C/JOR/2 of the Committee against Torture.

Children, child prostitution and pornography in December 2006 and on the Rights of the Child on the involvement of children in armed conflicts in May 2007, as well as the Rome Statute of the International Criminal Court in April 2002.

- Continued efforts in the reform of legislation and policies to ensure the promotion and protection of human rights; including the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment. This was realized by the establishment of the NCHR in 2002, as well as the Ombudsman Bureau as an independent entity responsible for receiving complaints as of 1/2/2009, and the adoption of a comprehensive plan for development and modernization of reform facilities and rehabilitation of detention centers, the closure of Jafer prison in 2006, and government support extended to the NCHR and other civil society institution to implement their project (Karamah "Dignity") against torture. Also, this was realized by the establishment of the family justice Center which provides integrated services within the Al-Wifaq Family Shelter, and moratorium of the death penalty since March 2006.

198. As for the sources of concern and recommendations made by the Committee, they were as follows:

Table No. (20) shows the sources of concern and recommendations made by the Committee against Torture			
No.	Source of Concern	Recommendation	Action taken by the Government
1.	Integration of the Convention into the national legislation	Extensive training to governmental authorities, law enforcement bodies, government officials, concerned entities, and the judicial system to raise awareness of the provisions of the Convention	No action was taken toward the integration of the Convention into national legislation. However, several ongoing training programs on the Convention were conducted for workers in the reform and rehabilitation centers within the project (Karamah).
2.	General	Collection of data related to monitoring the	Nothing at the official

	considerations relating to implementation	implementation of the Convention at the national level, divided by gender, age, and nationality, in addition to the collection of information on complaints related to issues of torture and ill-treatment, administrative detention, trafficking, abuse of migrant workers, domestic and sexual violence, and procedures for investigation, prosecution and conviction of the perpetrators, as well as the results of those complaints and issues. Moreover, the Committee should be informed immediately about the above information, including the number of complaints of torture made since 1995, the date of consideration of the previous report of the State party.	level. However, the NCHR has a lot of information related to such recommendation. As for the investigation, there are procedures to investigate cases of torture, but this investigation does not achieve the conviction under Article 208 of the Penal Code.
3.	Defining and criminalizing torture	<p>Including the prohibition of torture in the text of the Constitution, to reflect a genuine and significant recognition that torture is a serious crime and a violation of human rights and to reduce impunity from punishment.</p> <p>Defining the crime of torture in accordance with Articles 1 and 4 of the Convention, as a crime different from other crimes, and indicating the seriousness of torture, as well as enhancing the deterrent impact of the prohibition itself.</p> <p>Ensuring the prosecution and conviction of perpetrators in accordance with the gravity of the acts committed by them, pursuant to Article 4 of the Convention.</p> <p>Amending the Penal Code to toughen penalties, as appropriate.</p> <p>Reviewing the rules and provisions on prescription to comply with obligations under the Convention, so that it could be possible to investigate the acts of torture, attempts of torture, and any acts made by a person and constitute collusion or participation in torture, in addition to the prosecution and conviction of the perpetrators of such acts without the restriction of time limitations.</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>
4.	Torture and ill-treatment perpetrators escape with impunity	<p>Taking immediate and effective measures to prevent acts of torture and ill-treatment in all parts of the country. This includes the announcement of a measurable policy for checking results in order to eliminate the exercise of torture and ill-treatment by state employees completely.</p> <p>Investigating all allegations of torture and ill-</p>	<p>Nothing at the official level. However, The NCHR prepared a training manual for judges to monitor and investigate cases of torture.</p> <p>Investigation is being done</p>

		<p>treatment in an expedite, effective and impartial method, as well as prosecuting and convicting perpetrators of such acts according to the gravity of acts committed, as required by Article 4 of the Convention.</p> <p>Amending national legislation so as to provide expressly for the inadmissibility to use orders of a superior officer or a public authority as a justification to torture.</p>	<p>by the police public prosecution and cases are referred to the Police Court, but not pursuant to Article 208.</p> <p>N/A</p>
5.	Complaints vs. prompt and impartial investigation	<p>Enhancing measures taken to ensure a prompt, accurate, impartial and effective investigation in all allegations of torture and ill-treatment against detainees and the convicted, and the prosecution of law enforcement bodies and security, intelligence and prisons' employees who have committed, ordered, or accepted such acts, provided that investigation is carried out by an independent body. As for clear complaints of torture and ill-treatment, suspects should be, as a general rule, suspended from work or transferred to another workplace during the investigation process in order to avoid potential interference to block investigations or continue illegal violations that contradict with the Convention.</p> <p>Prosecution and conviction of perpetrators in order to ensure the accountability of government officials responsible for violations that are prohibited under the Convention.</p>	<p>Nothing at the official level. However, the NCHR, as an independent body, investigates the cases received although here is a need for an independent judicial body to investigate and ensure that torture perpetrators are referred to court and punished..</p> <p>N/A</p>
6.	Basic legal guarantees	<p>Taking effective measures to ensure practical access to all basic legal guarantees, from the moment of arrest, such as appointing a lawyer, having an independent medical examination, notifying one of the relatives, and informing them about their rights and charges against them, in addition to having the right to be brought promptly before a judge.</p> <p>Taking effective measures to ensure that "lawyers' room" provides confidential consultations between the lawyer and his client.</p>	<p>This is not always adhered to, especially the appointing of a lawyer or having an independent medical examination. However, the families of the victims are informed about arrest.</p> <p>N/A</p>
7.	Administrative detention	<p>Taking all appropriate measures to abolish administrative detention.</p> <p>Amending national legislation, specifically the crime prevention law, in line with international standards of human rights</p>	<p>N/A</p> <p>N/A</p>
8.	Special courts'	Taking immediate steps to ensure full compliance	N/A

	system	of the State Security Court and other special courts with provisions of the Convention and international standards for courts, particularly the granting of accused persons the right to appeal court decisions, as well as considering the abolition of special courts.	
9.	Monitoring and inspection of detention places	Establishing a national system for effective monitoring and inspection of all detention places, including GID facilities, and following-up to ensure systematic monitoring of those places. This should include regular and unannounced visits by both national and international observers, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.	The government did not take any action. However, a national team was formed to monitor cases of torture under the umbrella of the NCHR. The team called (Karamah) implements periodic visits to reform and rehabilitation centers, but not to GID (arranged visits)
10.	GID	Subjecting all the State security departments, particularly the GID, to civil authority and supervision, establishing an independent body to control these departments, reducing the powers of the GID, and ensuring legal and actual separation between powers of the bodies responsible for detention of suspects and the bodies responsible for preliminary investigations.	N/A
11.	Anti-terrorism measures	Implementing measures to combat terrorism within the framework of full respect for the International humanitarian Law, including the review of the Law on Terrorism Prevention of 2006 and amending it, if necessary, in line with international standards of human rights.	N/A
12.	Perpetrators of crimes of rape and honor escape with impunity	Amending the provisions of the Penal Code in force, to ensure that perpetrators of crimes of "honor" do not benefit from mitigated sentence under Article 340 and perpetrators of crimes of "honor" with premeditation do not benefit also from mitigated sentence under Article 98. In addition, Article 99 should not apply to any crimes of "honor" or other crimes in which there is a family relation between the victim and the offender. Moreover, it should be ensured that crimes of "honor" are treated as seriously as other violent crimes in terms of investigation and prosecution, and that effective preventive efforts are exerted.	The provisional penal Code is under consideration by the National Assembly and it is difficult to predict the form in which the new penal code will come out. However, according to the new amendment to the penal code, both women and men benefit of mitigating circumstances. Accordingly, the NCHR finds this an expansion of the benefit base from mitigation of sentence, contrary to the International standards.

		The withdrawal of the provision contained in Article 308 of the penal code allowing dropping the charges, as well as ensuring that marrying the victim will not be a reason for escaping with impunity.	N/A
13.	Domestic violence	<p>Strengthening efforts to prevent and combat violence against women and children and ensuring prompt, impartial and effective investigations in these acts, as well as prosecution and conviction of perpetrators.</p> <p>Involving directly in rehabilitation programs and legal assistance, running broader campaigns to increase awareness of officials (judges, jurists, law enforcement officers and specialized social workers), who have direct contact with the victims.</p> <p>Strengthening efforts in the areas of research and data collection on the scope of domestic violence, and that the next periodic report submitted to the Committee includes statistical data on complaints, prosecutions and sentences Issued in this regard.</p>	<p>N/A</p> <p>Nothing at the legal level. However, civil society institutions provide legal assistance depending on availability of funds.</p> <p>Nothing in this regard. However, it is expected to be realized in 2011 through the Office of Women's complaints of the National Committee for Women's Affairs.</p>
14.	Preventive custody	<p>Replacing "protective custody" with other measures to ensure the protection of women without restricting their freedom.</p> <p>Transferring all women held in "protective custody" to other secure rehabilitation centers</p> <p>Adoption of an action plan to protect women at risk.</p>	<p>A shelter house was established and some civil society institutions provide shelter services for women suffering domestic violence</p> <p>N/A</p>
15.	Human trafficking	<p>Strengthening efforts to prevent and combat trafficking in women and children, through the activation of existing laws relating to combating trafficking, providing protection for victims, and ensuring victims' access to medical, social and rehabilitative and legal services, including consultation services, as appropriate.</p> <p>Creating favorable conditions for victims to exercise their right to file complaints and conditions for carrying out prompt, impartial and effective investigations in all allegations of</p>	<p>The National Strategy to combat trafficking in human beings was launched and it includes four axes (prevention, protection, prosecution of perpetrators of crimes of trafficking, and local and regional cooperation).</p> <p>The Strategy has developed Draft instructions to establish a shelter for victims of trafficking.</p>

		trafficking, as well as ensuring that perpetrators are brought to justice and convicted according to the nature of the crimes committed.	
16.	Refugees vs. violations of Article 3 and the lack of investigations	<p>Developing and adopting local legislation to ensure the rights of refugees and asylum seekers.</p> <p>Including a legal text in national laws to implement Article 3 of the Convention.</p> <p>Not expelling, returning or extraditing any person to a state where there is a reason for believing that this person would be at the risk of being subjected to torture or ill-treatment.</p> <p>Conducting an independent investigation to examine and follow up on accusations of involvement in "exceptional extraditions" and report the results of this investigation to the Committee</p>	N/A
17.	Withdrawal of nationality	Ending arbitrary withdrawal of nationality from Jordanians of Palestinian origins.	N/A
18.	Defenders of Human Rights	Taking all necessary steps to ensure the protection of all persons, including those involved in the monitoring of the situation of human rights, from any intimidation or violence as a result of their activities and practices relating to the guarantees of human rights. Also, this is to ensure a prompt, impartial and effective investigation in these acts, as well as the prosecution and conviction of the perpetrators.	Nothing at the official level. However, the NCHR coordinates with civil society institution for intervention in cases of harassment targeting defenders and activists in the field of human rights.
19.	Detained children	<p>Lifting the minimum age of criminal responsibility to comply with the acceptable international standards in general.</p> <p>Taking all necessary measures to develop and implement a comprehensive system of alternative measures to ensure that juveniles are not deprived of their liberty except as a last resort, provided that such deprivation is for the least possible time and in appropriate conditions.</p>	<p>The draft Juvenile Law came to be consistent with international standards, as the minimum age of criminal responsibility was raised from 7 to 12 years.</p> <p>There are measures to implement the so-called punishment without deprivation of freedom, which is contained in the current law No. 24 for the year 1968. However, they are very limited and include taking a personal pledge from the parent or his legal representative that the act will not be repeated, in addition to placing the juvenile under probation for a certain period. The concept of alternative</p>

		Ensuring the prosecution of juveniles before competent juvenile courts.	measures was included in a comprehensive and extensive method in the draft juvenile law referred to above. N/A
20.	Conditions of detention	Taking effective measures to improve conditions in detention places and mitigating overcrowding in those places through many methods such as the application of alternative measures to imprisonment.	There are no alternative measures. However, a draft law amending the law on reform and rehabilitation centers aims at introducing alternative penalties.
21.	Training	<p>Developing and enhancing educational programs to ensure that all officials, including law enforcement officials and PSD, GID and prisons' employees are fully aware of the provisions of the Convention, and to ensure no toleration with violations reported and investigated and perpetrators brought before court.</p> <p>Ensuring that all personnel are involved in special training on methods of identifying signs of torture and ill-treatment, including methods of investigating and documenting cases of torture and ill-treatment, provided that this training includes the method of using the manual on effective investigation and documentation of torture and other cruel, inhuman or degrading treatment or punishment (Istanbul Protocol).</p> <p>Assessing the effectiveness and impact of these training/ educational programs.</p>	<p>There are educational programs implemented by the PSD. As for the GID, no such programs were implemented.</p> <p>Members of the national monitoring team and relevant staff of the NCHR were trained.</p> <p>N/A</p>
22.	Remedies, including compensation and rehabilitation	<p>Strengthening efforts to provide remedies for victims of torture and ill-treatment, including fair and adequate compensation and full rehabilitation as much as possible.</p> <p>Amending legislation to include explicit provisions on the right of victims of torture to obtain fair and adequate compensation for the damage caused by torture.</p> <p>Providing information on the measures of remedy and compensation ordered by courts for victims of torture, or their families, during the period covered by the report. Such information should include the number of applications submitted, applications approved, amounts awarded by the court's decision,</p>	<p>There is no rehabilitation and remedies are not effective</p> <p>N/A</p> <p>There are two compensation cases by court for the damage caused, but decisions have not been issued yet.</p>

		amounts actually disbursed for each case, and any ongoing compensation programs.	
23	Forced confessions	Taking necessary steps to ensure that courts never accept confessions extracted under torture, in line with the provisions of Article 15 of the Convention, prohibit accepting confessions extracted under torture in any of its procedures, and provide the Committee with information on prosecution and conviction of officials who extracted confession under torture	Nothing. (There are decisions by courts on confessions extracted under torture, but they are terminated without bringing the perpetrators of torture before the court.
24.	Migrant domestic workers	Strengthening measures to prevent violence and abuse against women migrant domestic workers by ensuring their right to lodge complaints against those responsible, as well as ensuring that these cases are reviewed and settled in a fair and expeditious manner through a specialized mechanism for supervision and that all employers and representatives of employment agencies who cause harm to those workers are brought to justice.	The regulations for private offices working in the recruitment and employment of non-Jordanian domestic workers were issued, where Article 12 provided for the closure of the office in the case of exercising any irregularities violating the rights of domestic workers. Furthermore, the committee responsible for domestic workers' affairs, pursuant to Article 9/A of the aforementioned regulations, which includes representatives of the Ministry of Interior, Ministry of Labor, the PSD (Foreigner Affairs Department), and the Association for the Owners of Domestic Workers Recruitment Offices, follows-up all cases related to domestic workers.
25.	General recommendations	<p>Considering the ratification of the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment</p> <p>Issuing the two declarations provided for in Articles 21 and 22 of the Convention.¹⁹⁵</p> <p>Considering the ratification of the two remaining</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p>

¹⁹⁵ Article 21 recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under this Convention, while Article 22 recognizes the competence of the Committee to receive and consider communications from or on behalf of victims or their families.

		<p>UN major conventions that are not acceded to yet by Jordan, namely, the International Convention for the Protection of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance.</p> <p>Distributing reports submitted by Jordan to the Committee, in addition to these concluding observations, in appropriate languages, through official websites, the media and non-governmental organizations.</p> <p>Providing additional information on measures taken to implement the recommendations on torture and ill-treatment perpetrators escape with impunity (Article 10), the need for independent and effective investigations (Article 11), and perpetrators of crimes of rape and honor escape with impunity (Article 18) by 31/5/2011.</p> <p>Submitting the third periodic report before 14 May 2014.</p>	<p>The NCHR partially implemented this through the publication of reports on its website.</p> <p>The NCHR will submit a report in this connection.</p>
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It is also noteworthy that Jordan has prepared and submitted its fifth formal report, due in July 2009, to the Committee on Eliminating All Forms of Discrimination against Women on 6/6/2010 and is expected to be discussed in February 2011. The National Committee for Women's Affairs supervised the preparation of this report, with the participation of the NCHR and other relevant governmental and non-governmental organizations. Moreover, the findings of the report were announced on 6/7/2010.¹⁹⁶

It should be noted that the Committee on Eliminating All Forms of Discrimination against Women discussed the combined third and fourth reports submitted by the government in its 805 and 806 sessions held on

¹⁹⁶ For more information about this report, please visit the website of the National Committee for Women's Affairs at the following address:
http://www.women.jo/ar/news_details.php?news_id=1724

2/8/2007, and provided a set of recommendations to the Jordanian government.¹⁹⁷

199. The Committee on the Elimination of All Forms of Racial Discrimination was supposed to receive the government's report in June 1999, but the report has not been submitted so far.

200. The due date of the periodic report to be submitted to the Committee on International Covenant on Economic, Social and Cultural Rights was on 30/7/2003 and has not been submitted so far.

201. In the same context, the due date of the Jordanian National Report to the Persons with Disabilities Committee was December 2010. However, due to the fact that it was not completed on time, the government made a request to extend the deadline for submitting the report to April 2011. The NCHR formed a joint committee comprising representatives of civil society institutions, academics and experts in the field of disability, and people representing the four forms of disability (hearing, visual, physical, and mental) to prepare a report parallel that of the government. The draft report has been completed in order to be reviewed and approved before being submitted to the CEDAW Committee. The joint committee formed pursuant to the provisions of Article 33/2 of the Convention based the preparation of this report on field monitoring and results of a survey conducted by the same committee.

202. The High Commissioner for Human Rights visited the Hashemite Kingdom of Jordan in December 2010. During the visit, which came at the request of the NCHR, the High Commissioner met His Majesty King Abdullah II Ibn Al Hussein and discussed with his Majesty a number of

¹⁹⁷ For information on the recommendations, see document CEDAW/C/JOR/CO/4 of the CEDAW Committee.

issues aimed at improving the situation of human rights in Jordan, including:

- Ratifying the Optional Protocol to the Convention against Torture.
- Amending the nationality law to allow Jordanian women married to non-Jordanians to pass their nationality to their children.
- Considering the possibility of raising the age of legal accountability from seven years to twelve years
- The importance of teaching human rights education at various levels.
- The importance of supporting and empowering the NCHR to carry out the tasks entrusted to it.

203. To assist the authorities in prioritizing their work in order to implement the recommendations of the treaty committees and the NCHR, all the recommendations of the Committee on the Convention against Torture (2010), Human Rights Committee on Civil and Political Rights (2010)¹⁹⁸, and the Universal Periodic Review mechanism (2009), as well as the reports of the NCHR, were compiled and classified according to priority and importance,¹⁹⁹ as follows:

- Most urgent recommendations issued by three sides at least.
- Medium urgent recommendations issued by two sides at least.

¹⁹⁸ In the discussion of the official reports of Jordan during the year 2010

¹⁹⁹ The criteria was based on the number of bodies that dealt with these recommendations in their reports.

- Least urgent or specialized²⁰⁰ recommendations issued by one side only.

The aim of this classification is to be able to identify action priorities for all concerned governmental and civil society institutions and non-governmental organizations, as well as being able to develop a national action plan to respond to those recommendations and provide a model for evaluating the response of the Jordanian government to the recommendations issued by international committees and the NCHR.

Most Urgent Recommendations

Table No. (21) shows the most urgent recommendations				
No.	Recommendation	Relevant Committee	reoccurrence in annual reports of the NCHR	Achievements
1.	Amending legislation which contain discrimination against women	Universal Periodic Review mechanism Committee on the Convention against Torture Human Rights Committee on Civil and Political Rights NCHR	6 times in general 3 times in relation to nationality	There are some amendments to the personal status law, but they are not up to the NCHR's expectations and do not achieve international obligations
2.	Amending crime prevention law, reducing administrative detention, and releasing detainees or referring them to court	Universal Periodic Review mechanism Committee on the Convention against Torture Human Rights Committee on Civil and Political Rights NCHR	6 times	The Ministry of Interior instructed administrative governors to improve the basis on which administrative detention is authorized, yet these instructions are not enough and are not to be considered a substitute for amending the law.

²⁰⁰ These recommendations may be specific for one particular Convention and this classification does not intend to lessen their importance.

3.	Amending the penal code to ensure that perpetrators of crimes of "honor" do not benefit from mitigated sentence, finding effective and independent investigation mechanisms, and prosecuting perpetrators.	Universal Periodic Review mechanism Committee on the Convention against Torture Human Rights Committee on Civil and Political Rights NCHR	5 times	Article 340 was amended and the amendment is under consideration.
4.	Continuing and strengthening efforts in combating torture and ill-treatment and ensuring that perpetrators are brought before civil courts	Universal Periodic Review mechanism Committee on the Convention against Torture Human Rights Committee on Civil and Political Rights	5 times	The presence of the Office of the Ombudsman and human rights and the NCHR to receive and follow-up complaints, alongside with the national team to monitor cases of torture. However, with regard to bringing perpetrators of torture before special courts, there are no positive developments in this area.
5.	Organizing independent visits for non-governmental organizations to prisons, including unannounced visits	Universal Periodic Review mechanism Committee on the Convention against Torture Human Rights Committee on Civil and Political Rights NCHR	5 times	the NCHR formed a national team to monitor cases of torture, comprising representatives of relevant official and civil society institutions. The team works on the implementation of periodic visits to reform and rehabilitation centers.
6.	Amending the societies law and taking necessary measures to ensure the harmonization of national legislation with the international standards	Human Rights Committee on Civil and Political Rights Universal Periodic Review mechanism NCHR	5 times	N/A
7.	Taking additional measures to ensure the right to free, fair and transparent elections, including the establishment of an independent body to manage the electoral process in order	Human Rights Committee on Civil and Political Rights Universal Periodic Review mechanism	5 times	A provisional election law was drafted, but it did not provide for national and international monitoring of elections, nor did it provide for the creation of an

	to ensure organized control of the elections	NCHR		independent body to manage the elections.
8.	Amending public meetings law to conform with international standards for the right to peaceful assembly	Human Rights Committee on Civil and Political Rights Universal Periodic Review mechanism NCHR	4 times	N/A
9.	Ratifying Optional Protocols to the International Covenant on Civil and political rights.	Universal Periodic Review mechanism Committee on the Convention against Torture Human Rights Committee on Civil and Political Rights NCHR	3 times	N/A
10.	Strengthening the legal framework to reduce domestic violence and other forms of violence against women.	Universal Periodic Review mechanism Committee on the Convention against Torture Human Rights Committee on Civil and Political Rights NCHR	3 times	N/A
11.	Considering the abolition of the State Security Court	Universal Periodic Review mechanism Committee on the Convention against Torture Human Rights Committee on Civil and Political Rights NCHR	Twice	N/A
12.	Reviewing and amending the Terrorism Act to ensure that it defines terrorism and terrorist acts in precise language that is	Universal Periodic Review mechanism Committee on the	Once	N/A

	compatible with the International	Convention against Torture Human Rights Committee on Civil and Political Rights NCHR		
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Medium Urgent Recommendations

Table No. (22) shows the medium urgent recommendations				
No.	Recommendation	Relevant Committee	reoccurrence in annual reports of the NCHR	Achievements
1.	Enhancing measures to prevent violence against and abuse of domestic workers, and ensuring that perpetrators are brought to Justice	Committee on the Convention against Torture NCHR	6 times	N/A
	Developing and adopting local legislation to ensure the rights of refugees and asylum seekers.	Committee on the Convention against Torture NCHR	6 times	
2.	Reviewing national legislation on freedom of opinion and expression, and eliminating practices which would inflict punishment on journalists and the media, in addition to imposing restrictions on the media that are compatible with international standards.	Human Rights Committee on Civil and Political Rights NCHR	5 times	N/A
3.	Taking all necessary measures to combat child labor, particularly ensuring protection for all children, including those who work in family enterprises and agriculture.	Human Rights Committee on Civil and Political Rights NCHR	5 times	N/A
4.	Ratifying the International Convention for the Protection of All Migrant Workers and Members of Their Families	Committee on the Convention against Torture NCHR	5 times	N/A
5.	Strengthening efforts to	Committee on the	5 times	Nothing. Remedies

	provide remedies for victims of torture, including fair and adequate compensation and full rehabilitation.	Convention against Torture NCHR		available are not effective. Also, there are two compensation cases by court for the damage caused, but decisions have not been issued yet.
6.	Ending withdrawal of nationality unless under the law	Committee on the Convention against Torture NCHR	5 times	N/A
7.	Raising the minimum age of legal accountability to be consistent with international standards	Committee on the Convention against Torture NCHR	5 times	A draft juvenile law was prepared to raise the age of legal accountability from 7 to 12 years old, but it has not been passed yet.
8.	Taking effective measures to improve conditions in detention places and mitigating overcrowding in those places through many methods such as the application of alternative measures to imprisonment.	Committee on the Convention against Torture NCHR	4 times	Nothing, except that a draft law amending the law on reform and rehabilitation centers stipulates applying alternative penalties.
9.	Ratifying the Optional Protocol to the Convention against Torture	Committee on the Convention against Torture NCHR	3 times	N/A
10.	Taking effective measures to ensure all basic legal guarantees for detainees, from the moment of arrest, such as appointing a lawyer, having an independent medical examination, etc.	Committee on the Convention against Torture NCHR	Twice	N/A
11.	Signing and ratifying the International Convention for the Protection of All Persons from Enforced Disappearance, as well as accepting the jurisdiction of the committee established under this Convention.	Universal Periodic Review mechanism Committee on the Convention against Torture	/	N/A
12.	Taking all necessary measures to increase women's participation in the various areas of public life, through raising awareness and increasing the minimum quotas for women in the lower house.	Human Rights Committee on Civil and Political Rights NCHR	/	N/A

13.	Publicizing official reports submitted to treaty committees, as well the government's replies and concluding observations, on a large scale.	Committee on the Convention against Torture Human Rights Committee on Civil and Political Rights	/	N/A
14.	Protecting the freedom of religion and belief.	Universal Periodic Review mechanism Human Rights Committee on Civil and Political Rights	/	N/A
15.	Committing to submit official periodic reports to treaty committees in a timely manner	Human Rights Committee on Civil and Political Rights Committee on the Convention against Torture	/	
16.	Enhancing measures to prevent violence against and abuse of domestic workers.	Committee on the Convention against Torture Universal Periodic Review mechanism	/	Issuance of the regulations for private offices working in the recruitment and employment of non-Jordanian domestic workers

Least Urgent or Specialized Recommendations

Table No. (23) shows the least urgent or specialized recommendations			
No.	Recommendation	Relevant Committee	Achievements
1.	Ensuring that the process for selecting the members of the Board of Trustees of the NCHR is transparent, and providing the NCHR with adequate human and financial resources	Human Rights Committee on Civil and Political Rights	Nothing at the official level. However, the NCHR is visualizing transparency in the process of selecting members of the board of trustees
2.	The State should provide, within one year, relevant information on follow-up to the Committee's recommendations in terms of supporting the NCHR, amending the crime prevention law, and considering the abolition of the State Security Court, in line with Rule 71 of the Procedural Rules governing the work of the Human Rights Committee.	Human Rights Committee on Civil and Political Rights	N/A
3.	Approving the visit of the Special	Universal Periodic	The NCHR addressed the Ministry of

	Rapporteur on the issue of violence against women and seizing the opportunity to conduct transparent consultations with all stakeholders	Review mechanism	Foreign Affairs in this regard, but has not received a response from the Ministry up to the date of the preparation of this report.
4.	The State must provide, within one year, an assessment of the implementation of the committee's recommendations on torture and ill-treatment perpetrators escape with impunity, the need for independent and effective investigations, and perpetrators of crimes of rape and honor escape with impunity.	Committee on the Convention against Torture	N/A
5.	Not expelling, returning or extraditing any person to a state where there is a reason for believing that this person would be at the risk of being subjected to torture or ill-treatment.	Committee on the Convention against Torture	N/A
6.	Conducting an independent investigation to examine and follow up on accusations of Jordan's involvement in "exceptional extraditions" and report the results of this investigation to the Committee	Committee on the Convention against Torture	N/A

The Recommendations of the NCHR for 2010

204. This year, The NCHR deemed appropriate to include all its recommendations in one chapter, rather than being listed after each one of the rights included in the report, so as to facilitate reference by government agencies, human rights activists, civil society institutions, researchers, and other stakeholders. Also, this year the NCHR sought to classify recommendations into eleven axes, according to their conceptual and logical correlation, instead of being scattered in the folds of the report. These eleven axes are:

1. Axis of legislation enactment and amendment, (and include all the recommendations that contain analysis and review of legislation, harmonization of national legislation with international standards, and commitment to implementing the legislation established ...)
2. Axis of commitment to international conventions: contains recommendations on accession to international conventions and application at the national level, including the call for adherence to acceptable standards in certain areas and reporting to international bodies.
3. Axis of developing plans, designing policies and adopting strategies.
4. Axis of training staff (law enforcement officials).
5. Axis of establishing and strengthening institutions.
6. Axis of awareness and education.
7. Axis of education and higher education

8. Axis of protection measures: includes recommendations relating to activating the mechanisms of justice and equity, inspection systems, monitoring, accountability, punishment, administrative reform, fight against corruption and abuse of power.

9. Axis of funding: includes recommendations that require allocating and spending allocations from the budget, as well as securing funding from international and national sources and reforming public finances, including the possibility of introducing the principle of allocation in expenditure for the purposes of protecting and promoting human rights.

10. Axis of special measures: includes the development of the concepts of rights and the expansion of the recognition scale of these rights, as well as the rights that require special or different measures than measures developed to ensure the freedom of enjoyment against any breach or exposure.

11. Axis of the priority of rights: includes immediate enforceable rights, rights of the most vulnerable, and rights related to life and safety of soul and body.

206. The following are the recommendations of the NCHR for the year 2010, noting that a significant number of these recommendations have been repeated this year because of their importance and the strong belief that the government has done little to take these recommendations into account.

First: Axis of legislation enactment and amendment

1. Putting in place legislation to ensure the establishment of a constitutional court in Jordan.

2. Emphasizing the independence of the judiciary and the inadmissibility to issue temporary laws governing the work of the judiciary. Thus, this requires:
 - a. Reviewing the Provisional Public Prosecution Law No. 11 of 2010, to ensure the judicial and administrative integration of the Public Prosecution within the Judicial Council.²⁰¹
 - b. Amending the Judicial independence Law No. 21 of 2010, so as to ensure the independence of the Judicial Council, especially in terms of judges' appointment, in addition to setting controls and justifications when ending the services of judges or referring them to provisional retirement, the supplementation of Judicial Inspection Body under the authority of the Judicial Council, reconsidering procedures for upgrading the judge from the fourth degree to the third, and raising the judge's age upon appointment to ensure intellectual and scientific maturity and accumulated experience that qualify them for the consideration of large disputes affecting the rights and liabilities of litigants.
3. Amending the law of the Supreme Court of Justice, so that the litigation becomes on more than one level to guarantee the right to a fair trial.
4. Asserting the jurisdiction of competent courts to consider all crimes, regardless of the charge, and the abolition of State Security Court and its public prosecution and referring its powers to the regular courts. Until that is achieved, the law of state security court should be amended to ensure the removal of its military mark and curtailing its area of jurisdiction.

²⁰¹ Before the issuance of this report, both Upper and Lower Houses rejected this law.

5. Abolishing the Crime Prevention Law No. 7 of 1954.
6. Amending the Public Meetings Law No. 7 of 2004, to guarantee the right of individuals to peaceful assembly without restrictions or conditions, and cancelling the requirement of prior approval of the administrative governor to hold public meetings.²⁰²
7. Amending the election law and adopting it on a permanent basis, to strengthen the democratic orientation in the Kingdom, expand the base of participation, and achieve fair representation, according to the report of the NCHR on monitoring the 2010 parliamentary elections.²⁰³
8. Amending Article 208 of the Penal Code to comply with the definition of torture in Articles 1 and 4 of the Convention against Torture, and entrusting the task of investigating the acts of torture and issuing sentences to an independent and impartial judiciary, as well as Amending legislations to expressly provide for that no order from a superior officer or authority shall constitute a justification for torture or hold perpetrators unaccountable.
9. Amending Article 37 of the Residence and Foreigners Affairs Law that gives administrative governors and other executive officers the authority to issue deportation decisions, which must not be issued except by a judicial decision.
10. Re-examining the fees, stamps, and procedure system for the year 2010, to ensure free litigation in line with the conditions and guarantees of a fair trial.

²⁰² Before the issuance of this report, local press reported that the Interior Minister submitted a request to the Prime Minister to amend the law.

²⁰³ See Appendix No. (1) for full details on the NCHR's recommendations contained in this report.

11. Amending the Jordanian Judicial Institute System No. 6 of 2010, to include among the objectives listed for the establishment of the Institute an item that addresses raising awareness of the judges in the area of international conventions on human rights.
12. Amending legislations that contain provisions that adversely affect human rights and contradict constitutional provisions and principles of justice, especially the Prevention of Terrorism Act No. 55 of 2006, Economic Crimes Law No. 11 of 1993, the Conservation of State Funds Act No 20 of 1966, and Customs Law No. 20 of 1998, as amended.
13. Amending the juveniles law, so as to raise the age of criminal accountability to 12 years of age instead of 7 years, prevent administrative governors from arresting juveniles, bring juveniles to justice as soon as possible, and set a maximum limit for judicial detention of juveniles rather than applying the same general rules applicable to adults.
14. Re-considering the restrictions contained in Articles 37, 38 and 39 of the Press and Publications Law to (a) avoid using broad terms that give wide discretionary powers to the concerned authorities to view any act as contrary to the provisions of these Articles and, thus, impose restrictions on the exercise of the right, (b) Abrogate the imprisonment penalty stipulations against journalists in relevant laws of the press and suffice the punishment to proper compensation for damages, (c) Cancel the prior licensing condition for the establishment of newspapers under the Press and Publication Law and replacing it with a notice to be submitted to

the competent authority, (d) review the high financial fines against publications where they reach JD20 thousand in some cases.

15. Amending the Law on Protection of State's Documents and Secrets No. (50) for the year 1971, to comply with Article (19) of the International Covenant on Civil and Political Rights and the law of the right of access to information.
16. Amending the law of the right of access to Information, in order to avoid problems and irregularities contained in this law that would hinder access to information, in addition to the need for all measures relating to access to Information to be marked with simplicity and convenience without procrastination and delay in providing the information²⁰⁴.
17. Amending the Cyber Crime Law No. 30 for the year 2010 by replacing broad terms contained in Article (11) with clear and specific terms in order not to leave the door open to different interpretations and explanations.
18. Amending Article 102 of the Labor Law to make the establishment of trade unions through notification only and after the deposit of supporting documents of the union with the Registrar of trade unions, without the need for the trilateral committee's approval.
19. Amending Article 116 of the Labor Law, which gave the Minister the authority to dissolve the union without a judicial decision, noting that the dissolution in the former law was through a decision by the court of first instance at the request of the Minister.

²⁰⁴ See the part on freedom of opinion and expression concerning the difficulties faced by citizens and journalists to access to information.

20. Issuing a law that guarantees the right of teachers to form a union, as enshrined in the International Covenant on Economic, Social and Cultural Rights and the Jordanian Constitution, which stipulates in article (23/2) that the state shall protect work. Hence, this calls the Higher Council for the Interpretation of the Constitution to reconsider its earlier decision, so as to allow for this group of citizens to exercise this right.
21. Amending the political parties' law to ensure the establishment of parties by way of notification to the administration, with no approval needed from any administration, provided that this administration, if it has any objection to the establishment of any party for any reason, has the right to resort to the relevant court which alone has the final say in this regard. In addition, the general assembly of the party has the right to draft its articles of association, charter, or by-laws in complete freedom, without intervention by any government entity, provided that the administration has the right to resort to the relevant court if it has any objection to such articles of association, charter, or by-laws. Moreover, the law needs to include rules of financing political parties by the public treasury of the State.
22. Amending the societies' law, so as to form and register societies only by way of notification, provided that the administration, if it has an objection to the establishment of a society, has the right to resort to the judiciary. Every society has the right to draft its articles of association and manage its affairs freely without intervention by any government entity. The administration has the right to monitor the work of societies, and cases of violating the law are addressed by resorting to the judiciary, which has complete

jurisdiction over this matter. No society may be dissolved without the approval of its general assembly or upon a judicial decision. No society may be suspended unless upon a judicial decision. The term of the temporary board of any society is (60) days, during which the society's general assembly is invited to form a new board. This term may not be extended under any circumstances, except for one time to achieve this objective.

23. Amending the Income Tax Law of 2010 to ensure compliance with Article 111 of the Constitution, which affirms that the government shall be guided by the principles of progressive taxation, coupled with the attainment of equality and social Justice, provided that taxation shall not exceed the capacity of tax-payers.

24. Amending the personal status law to ensure (a) raising the age of exceptional marriage from 15 to 16 years old, (b) repealing article 69/c, which allows the husband to retract consent for the wife's work if there is a legitimate reason, (c) amending Article (110/A) which allows the mother to waive the rights to wage for breastfeeding her child, child custody, and alimony for a specific period in cases of (*khuloe*). Hence, the husband is granted the right to claim relinquishing alimony, as well as breastfeeding and custody wages for the remaining period not completed by the mother, (d) amending Article (181/A), so that the custodian permanent (*Mahrams*) for both the mother and the father, in addition to grandfather from the father's side are added in the case of the father is not present to see, visit, or take the child under custody out once a week, as well as calling the child via available modern means of communication, when the child is under the

custody of one of the parents or third parties who have the right of custody, in order to ensure the child's best interest, (e) amending Article (279), which states that grandchildren of a deceased grandfather shall have the right to inheritance if their father passed away before their grandfather did. However, the children of a woman who passed away before her father did are deprived from the right to inheritance, which suggests the existence of discrimination between children of sons and those of daughters.

25. Amending the landlords and tenants law, to ensure radical and lasting solutions that take into account the stability of the legal status and balance between the interests of the two contractual parties (landlords and tenants).

26. Expediting the approval of the Consumer Protection Act.

27. Adhering to the text of Article 13 of the Higher Education and Scientific Research Law that stipulates implementing relevant higher education laws under regulations and not directives, as well as amending the Universities' law, so as to include provisions requiring universities to form fully elected student councils.

28. Drafting a legislation to establish the General Federation for Jordan students on the basis of independent and direct election.

29. Amending the text of Article 4/c/4 of the rights of persons with disabilities law, which stipulates that the nature of work is such that it permits the employment of persons with disability. Accordingly, employers bypass this text under the pretext that the

nature of the majority of businesses does not allow for hiring this category of society.

30. Adopting the medical accountability law, while taking into account the rights of patients and providers of health and medical service, in a way that does not increase the medical costs.

31. Amending Article 44 of the social security law, to be consistent with Article 19 of the labor law, which approved the right of working women to maternity leave without specifying the number of births.

32. Passing the child rights law, in a way that comes in line with the International Convention on the Rights of the Child.

33. Enacting a law to protect the rights of the elderly, in a way that comes in line with the relevant international agreements on the rights of the elderly.

34. Approving the classification regulation of private schools to ensure the supervision of private educational institutions and the compliance with the education law.

35. Issuing a regulation for agricultural workers and including them, alongside with domestic workers, under health insurance and social security coverage.

36. Amending the environment protection law to criminalize the emission of foul smells and impose deterrent penalties on the

sources causing emission, on the one hand, and criminalize arbitrary burning of various types and impose deterrent penalties for those violations.

Second: Axis of commitment to international conventions:

1. Accession to the Convention Relating to the Status of Refugees of 1951
2. Accession to the Special Protocol on the Status of Refugees of 1966
3. Accession to the Optional Protocol to the Convention against Torture.
4. Accession to the Optional Protocol to the International Covenant on Civil and Political Rights.
5. Accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.
6. Accession to the Optional Protocol to the Covenant on Economic, Social and Cultural Rights.
7. Accession to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the removal of the reservation on Article 9/2 of the Convention.
8. Accession to the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

9. Accession to the Optional Protocol to the International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities.
10. Accession to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity.
11. Accession to the International Convention for the Protection of All Persons from Enforced Disappearance.
12. Accession to International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
13. Accession to the International Convention on the Reduction of Statelessness.
14. Accession to the Convention 87 on Freedom of Association and Protection of the Right of Union Organization.
15. Accession to the Convention 151 on Labor Relations in Public Service.
16. Ensuring the application of UN minimum standards, such as the safeguards guaranteeing protection of the rights of those facing the death penalty, as well as the application of decisions by the General Assembly of the United Nations.
17. Activating Article (4) of the Convention against Torture by prompt and effective investigation of all allegations of torture to ensure the prosecution and conviction of the perpetrators of the crime of torture, in accordance with the gravity of their acts.

Third: Axis of developing plans, designing policies, and adopting strategies.

1. Developing a national plan for human rights to ensure the presence of a scientific methodology that leads the government and civil society institutions towards the protection and promotion of human, civil, political, economic, social, and cultural rights within a specified time frame.
2. Developing a national strategy to curb the growing phenomenon of social violence, in its various forms, in accordance with the recommendations of the Economic and Social Council.
3. Building and developing rehabilitation and aftercare programs for drug addicts in order to ensure integration in society.
4. Taking effective measures to reduce the problem of dropping out (truancy) of school, particularly in tourist areas in the Kingdom which witness an increase in the number of drop outs.
5. Gradual shifting to apply "decentralization" in the process of local development management at the level of governorates and municipalities. This could be realized through: (a) involving citizens in the development of their localities, (b) providing detailed databases and information on development in different areas of the Kingdom, (c) encouraging the private sector and civil society institutions to establish productive and development investment projects in the localities, (d) increasing funding opportunities available to support small and medium-sized businesses for individuals and institutions, especially in the poorest areas, (e) increasing the level of awareness of population issues and their impact on local development.

6. Expediting the implementation of the national strategies aiming at increasing development rates and reducing economic problems, especially poverty and unemployment problems.
7. Developing a national strategy to protect children from all forms of exploitation, trafficking, illegal employment, and violence.
8. Expediting the implementation of the anti-human trafficking national strategy.
9. Expediting the implementation of the national higher education and scientific research strategy.
10. Expediting the implementation of the national strategy for the elderly.
11. Increasing the number of female judges in the sharia' judiciary and appointing female employees in the sharia' courts.
12. Forming a national committee to prepare a plan for gradual replacement of migrant workers with national labor workforce, within a specific time schedule, through the development of national policies for employment, social protection, and inspection.
13. Developing an action plan for waste management in the Kingdom.
14. Adopting uniform standards for medical diagnosis and early diagnosis of disability.

Fourth: Axis of staff training

1. Raising professional competence of workers in the field of combating Narcotics to improve the quality of preventive and curative services.

2. Developing training programs to raise the efficiency of people involved in the enforcement of the provisions of anti-human trafficking law.
3. Rehabilitating and training labor inspectors to be able to perform their duties efficiently and effectively.
4. Increasing awareness of the media workers and activating their role in monitoring and protecting the rights of children, women, persons with disability, and the elderly.
5. Rehabilitating and training persons working with children on an ongoing basis, in order to address and eliminate abuses against children.
6. Rehabilitating and training persons working with the elderly on an ongoing basis, in order to address and eliminate abuses against this group.

Fifth: Axis of establishing and strengthening institutions.

1. The establishment of trade unions for teachers, faculty members at universities, sharia' lawyers and certified accountants.
2. Establishing a center affiliated to the Ministry of Health for treatment, rehabilitation and follow-up of suicide attempters and developing the necessary policies to deal with them.
3. Establishing a specialized center, in coordination between the Ministries of Health and Social Development, to rehabilitate victims of torture and establishing a national fund to compensate them for physical and moral damages caused by torture.

4. Giving importance to the court buildings and solving the problem of rented premises, as well as ensuring easy accessibility.
5. Accelerating the construction of the judiciary detention center in hospital of the National Center for psychological Health, as well as restructuring the Psychological Rehabilitation Center (Karamah) and transferring cases of mental retardation from this Center to the centers of the Ministry of Social Development because it is the responsible body for taking care of this group.
6. Developing mechanisms for effective inspection and control by the Ministry of Health and the General Food and Drug Administration to ensure that all institutions, food factories, and restaurants scattered throughout the kingdom comply with the requirements for health and public safety.
7. Establishing an electronic system that allows inspectors of the Ministry of Environment to conduct all inspections in establishments with environmental impact through mobile devices.
8. Involving the Royal Administration for Protecting the Environment in the Central Licensing Committees and the committees in charge of evaluating the environmental impact.
9. Supplementing shelter houses for girls with psychological counseling to follow up the girls' situation and working on separating them according to age groups, as well as focusing on academic and vocational education for girls, intensifying extra-curricular activities, and communicating with the local community.
10. Establishing a shelter for domestic workers, in the event of exposure to violations affecting their rights or in the case of

violating the law of residence and foreign affairs. Moreover, providing expedite litigation procedures and ensuring the minimum of social services and medical treatment.

11. Establishing a national register for qualified old people to utilize their expertise, intellectual competence, and professionalism in community service and participation in social, economic, cultural and political affairs.
12. The need for opening a specialized center within the Ministry of Social Development for cases of autism in the south of the Kingdom, especially that early intervention contributes to curing these cases.

Sixth: Axis of awareness and education.

1. Intensifying the efforts of the Ministries of Education and Higher Education in the field of human rights education and dissemination.
2. Developing a plan and a scientific methodology to raise awareness of the importance of the abolition of the death penalty.
3. Conducting awareness and education sessions, in collaboration with relevant stakeholders, on the importance of psychological assistance when needed.
4. Activating the awareness role of public and private institutions in order to raise the awareness level of workers in the medical, scientific, and academic institutions on human rights, in general, and those working with them, in particular.

5. Preparing training manuals for environmental inspectors and investigators, in addition to manuals for training of trainers and training industrialists.
6. Calling on the media to raise awareness of the negative impact of violence on society as a whole, when children are rebuked in school and at home.
7. Calling on the media to raise awareness of the right and problems of the elderly.

Seventh: Axis of education and higher education

1. Improving the physical learning environment by improving the infrastructure of schools. This can be achieved by building new schools with high quality specifications, maintaining of old schools in such a way that ensures the safety of students, and providing schools with adequate heating system, as well as resolving the Shortage of teachers in scientific disciplines and in some literary disciplines.
2. Adhering to international standards regarding the number of students per classroom, canceling the tax imposed on stationery, exempting students from school donations, and taking special measures with regard to school bags which cause health problems for school students.
3. Working on opening more kindergartens in public schools, adopting modern methods in education, and making kindergarten stage mandatory.

4. Improving the quality and methods of education in public schools, focusing on foreign languages acquisition, and activating extra-curricular activities and vocational education in schools.
5. Improving material and moral conditions of teachers in public and private schools and promoting the teaching profession.
6. Supporting the independence of universities, and finding a formula to secure stable resources for universities in order to support outstanding and poor students, as well as paying their university fee and increasing scholarships for outstanding students.
7. Promoting academic freedom and forming fully elected student councils that reflect the true will of the students without intervention by university administrations or security authorities.
8. Integrating human rights concepts into all school curricula and university courses.
9. Equipping schools and universities in the Kingdom with necessary facilities to enable students with disabilities to complete their education.

Eighth: Axis of protection measures

1. Implementing effective measures to ensure that the detainees practically receive all the legal guarantees upon the moment of arrest, including in particular the right to direct contact with a lawyer, an independent medical examination, notifying a relative, and informing detainees about their rights and charges against them at the time of arrest, as well as appearing before a judge as soon as practicable.

2. Forming a higher committee to look into the complaints submitted by citizens on the withdrawal of their national numbers with all grave bearings this act will have on them, try to seek just and fair solutions for those citizens with special attention given to humanitarian cases, and ensure that welfare services, including education, health and social care, will not be affected by the revocation of national numbers.
3. Redeveloping existing detention centers at police stations according to criteria that comply with the relevant international standards and guarantee care and protection for the detainees.
4. Expediting litigation procedures and the enforcement of rulings with clear timelines that take into consideration the right of citizens to a fair trial.
5. Re-assessing Ecclesiastical Courts in view of the developments and reforms that have been taking place in the Jordanian judicial system.
6. Until the Crime Prevention Law is abrogated, administrative governors must be made to comply with the procedures to be followed upon administrative arrest, pursuant to article 4 of the Crime Prevention Law with regards to issuing arrest warrants, hearing statements and issuing administrative arrest warrants.
7. Monitoring the performance of ministries and public institutions in terms of appointments and promotions. The Anti-Corruption Commission, Audit Bureau, and the Ombudsman Bureau have to implement special programs that would contribute to the reform of the Public sector and activate the Anti-Corruption Convention ratified by Jordan

8. Ending the requirement for prior approval of security authorities on appointment in any government jobs for reasons related to political views of the job seeker.
9. Allowing political parties to work among all segments of society, especially young people, and the opening of official media (radio and television) to all intellectual and partisan points of view to allow the public to know the positions of various parties and decide whether to join or oppose any of them.
10. Ensuring the right of trade unions to choose their representatives through free and fair elections, without interference from the government administration, and stipulating the inadmissibility of intervention by the government in the membership or presidency of governing bodies of such unions.
11. Refraining from increasing the tax burden on citizens in view of the negative effects on the living of citizens, and relying instead on alternative procedures that guarantee controlling public expenditures and reforming the tax system to achieve the principle of tax equity that is proportionate to the ability of individuals to pay
12. Establishing a specialized directorate under the Ministry of Labor for inspection, professional health and Safety, in which all official bodies are represented (health, environment, civil defense, municipalities, PSD) to coordinate with each other and supervise professional health and safety.
13. Tightening control over the owners of water tankers and specifying a unified rate for the sale of water meters, as well as supervising

unlicensed wells by the Ministry of Water and Irrigation and all wells in the Kingdom by the Ministry of Health.

14. Reviewing and Adopting Environmental impact studies on facilities and assigning some of the powers of the Ministry of Environment to the health and environment inspection staff of the Greater Amman Municipality and various municipalities of the Kingdom.
15. Activating the articles of the Climate Change Convention of 1992 and the Kyoto Protocol of 1997 on the principle of shared and cooperative responsibility, which requires the developed countries to help Jordan in the issues of environment.
16. Abiding by the provisions of the law to return child workers to schools, and activating article 389 of the Penal Code on crimes of begging.
17. Listing arts and culture among the government's priorities in the process of cultural, economic, political and social development and generalizing the experience of the Ministry of Justice, where a committee for Cultural Affairs was formed, all over the Kingdom.
18. Taking the necessary measures to activate article 74 of the Labor Law on prohibiting the employment of juveniles in hazardous jobs and jobs harmful to health.
19. Activating the instructions issued under the regulations of domestic workers, making sure that workers get their rights, especially in the issue of withholding of passports to restrict their movement, and preventing coercive work in sectors that are not permitted, in addition to intensifying supervision over recruitment offices.

20. Increasing the number of staff responsible for the prosecution of violations relating to intellectual property rights in all parts of the Kingdom.
21. Reconsidering the professional classification of the formation of labor unions, so that any worker group may organize itself easily.
22. Taking deterrent legal measures against doctors (or those claiming to be so) who take advantage of the patients by using herbs without any sound scientific grounds and who charge very high prices for that.
23. Developing and updating waste water plants, so that they can cope with the increase in population in cities and villages. This applies particularly to those plants the waste of which flows into the Zarqa River, which feeds the King Talal Dam with polluted water.
24. Expanding the filtering basins inside the Zay Station. There should also be a common mechanism for disposing of the carbon that is accumulated on the sides of the valley into which water flows from the filtering basins. This should be done through cooperation between the municipalities of these areas and the Ministries of public Works, Environment, and Water and Irrigation, and the owners of damaged lands.
25. Striving to lower the prices of medicines according to pricing standards in order to provide medicines at the lowest possible prices for citizens.
26. Enhancing emergency and aid services.

Ninth: Axis of funding:

1. Providing the necessary funding to develop and implement a national plan for human rights in the Kingdom.
2. Increasing financial allocations for scientific research and providing material and moral incentives for researchers in all areas.
3. Allocating sufficient funds in the general budget to cover the citizens who are not covered by health insurance and improving the quality of health services in accordance with international standards.

Tenth: Axis of special measures

1. Working of the government to promote a climate of intellectual freedom that permits the discussion of all government policies, especially the defense, security, and external policies, without accusing those who have different opinion of harming the country or the individuals responsible for implementation, pursuant to Articles (45) and (51) of the Constitution.
2. Taking effective measures to ensure the availability of private rooms for secret consultations between lawyers and their clients.
3. Expanding the application of case management system, whether through the application of this system in all courts in the Kingdom, or through some amendments which can increase the ability of civil case management to complete provided or required evidence in the case before forwarding it to the trial judge, so that the civil case management judge is eligible to refer the completed case to the trial judge.

Eleventh: Axis of the priority of rights

1. Providing a comprehensive and effective social security system for the poor in order to empower the economically poorer segments, creating sustainable local economies, providing and improving social welfare services, activating the role of public and private sectors in the field of empowerment of the poor, improving the mechanism of targeting the beneficiaries of the programs and projects of social care to combat poverty, developing local economies of the poverty pockets, promoting popular participation in those programs, and reducing duplication and redundancy in programs, projects and similar activities in the area of combating poverty.
2. Raising the minimum wage, in line with the rising cost of living, to save the right to a decent standard of living and linking wages and salaries with inflation rates and the poverty line.
3. Linking the financial assistance provided to the poor with conditions relating to empowerment of the poor and improving their standard of living, and improving quality of housing and infrastructure services provided to poor areas, as well as activating and increasing the level of coordination between institutions working in the area of combating poverty and focusing on productive projects in small and medium enterprises.

Appendix (1) NCHR Recommendations for Amendments that should be Introduced to the Election Law.

The Board of Trustees of the NCHR issued a report on the course of events of the 2010 parliamentary elections, which included a set of recommendations to reform the legal framework governing the electoral process, in line with the provisions of the Constitution and international standards for Human Rights, namely:

First: to guarantee the representation of, and equality between all citizens, it is inevitable that the election law be amended and the constituencies re-distributed. In this regard, the NCHR would like to propose the following:

- a. Amend the one vote system and replace it with a mixed elections system (one vote for a candidate in the sub-constituencies and another vote for an electoral slate at governorate level). This system could be applied gradually in order to avoid any infringement upon the gains acquired by certain groups or categories of Jordanians over the past years.
- b. Re-consider the division of constituencies on the basis of more equitable principles that observe guaranteeing relative equality between the constituencies in terms of population size, geographic area and developmental dimensions. The division of the country into constituencies should be achieved by virtue of a law, not a bylaw.
- c. Regulate the use of money in the electoral process and enact the necessary controls to guarantee equality among candidates; protect the voters' will; guarantee the transparency of information related

to funding sources and identify ceilings and ways of expending these funds; and control, stop and remove all aspects of electoral publicity campaigns at least 24 hours before the polling starts, subject to penal responsibility. Also, there is a need to stop encroachment upon public and private property, as well as direction and traffic signs, and maintain public and traffic safety against any harm inflicted by publicity materials.

Second: in order to guarantee fair and transparent management of the election process, the NCHR would like to emphasize the following:

- a. It is necessary to establish an independent, permanent, impartial and unbiased higher national body, headed by a prominent public personality or a judicial personality known for his independence and impartiality to supervise all stages of elections process.
- b. It is important to include in the law an appropriate framework for monitoring the elections by independent national institutions, civil society institutions and international organizations known for their credibility and professionalism.

Third: In order to guarantee the universality of election and candidature, the NCHR would like to suggest the following amendments to the law:

- a. Identifying the voter's age so that the right to vote shall be enjoyed by anyone, who has completed 18 calendar years of his/her age on the first day of the third month preceding the date set for the elections to take place.

- b. Allowing any Jordanian, in harmony with Article 75 (1-e) of the Constitution, who was sentenced to a term of imprisonment exceeding one year for a non-political offence and was subsequently pardoned by virtue of a general or special pardon, to run for election to the House of Deputies.
- c. Creating suitable mechanisms to open the way for Jordanians residing abroad to exercise their electoral right.
- d. Creating suitable mechanisms to enable administratively or judicially detained Jordanians to exercise their right to vote on the basis of the principle that an accused person is innocent until proved guilty.
- e. Including the names of all citizens who are eligible to vote in the voters' lists, without due regard to the condition that they have to be registered.
- f. Subjecting the voters' lists to periodic annual revision so that all information related to voters are correctly updated and organized in a precise manner that allows reference to the lists by any eligible voter or stakeholder.
- g. Adopting the voters' lists of each polling center in a manner that guarantees that no voter is registered in more than one list.

Fourth: In order to guarantee the integrity of the election, polling and sorting processes, the law should include the following:

- a. Activating the principle of secrecy of the election through emphasizing the conditions set for the booth and developing the shape and content of the polling paper, so that it includes the name and picture of the candidate or any unambiguous symbol that indicates him/her, for the voter to mark as his/her choice. Thus, the problems associated with voting of illiterate persons will be

overcome. Other measures may include the use of “smart” identity cards and electronic voting, provided the necessary arrangements are taken to guarantee the secrecy of the voting for persons with visual disabilities.

- b. Abolishing voters’ lists that adopt the constituency as one unit and replacing them with sub-lists for voters in each polling center within the constituency or with geographically-defined voters’ lists and not allowing a voter to vote except in the polling center, where his/her name is included in its voters’ list, thus eliminating the possibility of recurrent voting.
- c. In the area of transferring votes, the Center would like to suggest the following:
 - Banning all vote-transferring operations except for voters who actually reside in the constituency including banning transfers during the year preceding the election, subject to penal responsibility of the voter and the person who facilitates such transfer in violation of the above-mentioned principles; both will be considered as principal offenders.
 - The transfer should be undertaken following a tangible field study and not on the basis of any made-up documents.
 - Subjecting transfers to be appealed by voters before the independent National Higher Election Commission and subjecting decisions on objections to transfers to judicial appeal before the court of first instance, located in the constituency to which the transfer has been made.
 - Publishing voters’ lists online, as well as through other means. The final lists should also be published after the objections and appeals have been heard, in order to enable

voters and candidates to view and verify the accuracy of these lists.

- The competence of courts to examine appeals related to voters' lists should be expanded so that these courts can look into any appeal submitted to them on the basis of inaccuracies in the voters' lists. The competence of these courts should not be restricted to specific cases as indicated in Article 5 (g and h) of the Election Law.
- The law should explicitly stipulate the exception of voters' lists appeals from formal procedures followed at courts of first instance in terms of retaining lawyers.
- In relation to appeals related to candidature, judgments should be made in at least two stages in order to ensure that interpretative judgments thereon are consolidated.

Fifth: In order to guarantee the integrity and transparency of measures related to the election process on Election Day, the NCHR recommends the following:

- a. Obligating the polling and canvassing committees to count and document the polling cards in their possession before starting the polling process.
- b. Stipulating an unambiguous mechanism for lodging complaints before polling and canvassing committees, whereby complaints are submitted and settled in writing and appealing the committees' decisions is allowed before the competent courts.
- c. Providing the necessary facilities for persons with disabilities to participate in the polling process.

- d. Stipulating a transparent and unambiguous mechanism for the final tallying and announcing of votes secured by the candidates.
- e. Building the capacities of the staff entrusted with administering the election process in the area of sound measures in applying election law provisions, as well as best practices in free and fair elections