In the Name of God, Most Gracious, Most Graceful

The State of Human Rights
in the Hashemite Kingdom of Jordan

During the Period
(1 June 2003 – 31 December 2004)

Amman, Jordan
31 May 2005
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In the Name of God, Most Gracious, Most Merciful

The National Council for Human Rights (NCHR) was established in 2002 by virtue of Provisional Law No. 75 (2002). Thus, it was the de facto successor of the Royal Commission for Human Rights (RCHR), which concluded its mission that year and recommended the establishment by law of a national human rights (HR) body.

The establishment of the Center was yet another step along Jordan’s quest for building a society, where justice and equality among all citizens are sovereign without any discrimination, and where respect for human dignity, rights and basic freedoms is paramount.

According to the provisions of the NCHR Law, the Center aims to enhance human rights in the Hashemite Kingdom of Jordan; establish the HR culture at both the intellectual and practice levels; promote non-discrimination among citizens because of race, language, religion or gender; and enhance the democratic approach in the Kingdom with a view to fashioning an integrative, balanced model based on spreading freedoms, ensuring political pluralism, respecting sovereignty of the Law and guaranteeing the right to economic, social and cultural development.

In order to achieve its objectives, the Center utilizes several approaches, notably verifying that HR observance in Jordan when addressing any encroachments or violations thereof and following up on the adoption of the necessary measures towards that end, including settlement or referral to the relevant executive, legislative or judicial authority in order to stop these encroachments and violations and eliminate their effects.

Following the formation of the NCHR Board of Trustees and the selection of a Commissioner General for Human Rights, the Center started functioning on the 1st of June 2003. The NCHR Secretariat consists of four units with a stand staff of 27 employees:

- Research and Documentation Unit,
- Complaints and Legal Services Unit,
- Awareness and Training Unit,
- Administrative and Financial Affairs Unit.

After endorsement by the Board of Trustees, the Center’s three-year (2005–2008) strategic plan was finalized and adopted in late 2004. The plan consists of seven domains, namely:

Human rights education, with the aim of incorporating HR concepts into the curricula at the different levels;
Enhancement of justice and development of HR-relevant legislation;
Economic, social and cultural rights;
Marginalized or more vulnerable categories (women and children in conflict with the Law, persons with disabilities, the elderly and refugees);
Political development and the enhancement of democracy;
Institutional capacity building of the Center and enhancement of the role of the civic society;
Production of national specialized and comprehensive HR reports.
On the 29th of May 2005, the Board of Trustees endorsed the NCHR Report *State of Human Rights in the Hashemite Kingdom of Jordan*, which consists of two parts, the first dealing with civil and political rights and the second with economic, social and cultural rights.

This report is the Center’s first national report and a benchmark for future reports. It is planned to issue the second NCHR report in January 2006.

This report depicts and evaluates the HR situation in the Kingdom during the period from the 1st of June 2003 until the 31st of December 2004. Preparation of the report relied heavily on results of the Center’s activities, as well as its day-to-day follow-up on the HR situation in the Kingdom as much as it was possible. The report’s findings and recommendations depict the Center’s views and positions vis-à-vis the various HR issues and developments, which the Center monitored during the period covered by the report.

Our duty demands that we point out here that the Center has faced financial difficulties and administrative obstacles, which have restricted the Center’s ability to implement programs that help in the achievement of the objectives stipulated in the NCHR Law and prevented the establishment of an adequate national multi-disciplined team to address HR violations in the Kingdom and raise awareness of, and protect these rights.

The main obstacles are summarized as follows:

- The Center’s meager Government-allocated funds.

- The various forms of contention regarding NCHR jurisdiction, notably the Senate’s position vis-à-vis the NCHR Law when the draft legislation was put for discussion before the Senate Legal Committee. This committee made several recommendations — subsequently endorsed by the Senate — that restricted the independence and efficiency of the Center. The draft was then sent back to the House of Deputies (Lower House of Parliament), thus delaying promulgation of the Law. This had a detrimental effect on the Asian-Pacific Forum’s acceptance of the Center as a full working member and deprived the Center of the Forum’s full membership privileges.

- Lack of cooperation on the part of some departments in the Executive Branch of Government regarding responding to the Center’s requests for data and information related to NCHR work.

- NCHR representatives were not allowed to visit detention centers maintained by the Security Forces.

As it puts this report before the Government and the two houses of Parliament, as stipulated in the NCHR Law, the Center is of the opinion that the observations, findings and recommendations included herein warrant a responsible call for a review of the HR situation in the Kingdom with a view to securing genuine protection of human rights and basic freedoms in the Kingdom, enhancing the citizens’ trust in the sovereignty of the Law, advancing the values of democracy and human rights, and
imparting genuine meaning to all the political, economic, social and administrative
dimensions of national development.

Looking ahead for more cooperation with all official and unofficial national
stakeholders, the NHCR would like to reiterate that this report does not involve any
comparisons between the HR situation in the Kingdom and that of human rights in
other States anywhere in the World and that the evaluation criteria employed in this
report are essentially those HR criteria endorsed by the United Nations and
recognized by Constitutions and national legislation in the civilized World.

On the basis of these criteria, and in view of the local, regional and international
economic, social, political and security conditions, the HR situation in the Kingdom
during the period covered by this Report may be judged as:

– **Good**, at the planning and policy level;
– **Acceptable**, in the area of economic, social and cultural rights; and
– **Poor**, in the area of civil and political rights.
Civil and Political Rights

The Jordanian Constitution stipulates an array of civil and political rights for citizens and other persons under the Kingdom’s jurisdiction. This has been enhanced by a series of laws that govern the exercise of these rights, as well as the State’s duties toward ensuring that these rights are being enjoyed. Furthermore, Jordan has acceded to a number of international instruments that expand the concept of political and civil rights by adopting international criteria to guarantee enjoyment of these rights as part of the State’s legal commitments.

Following is a brief presentation of the most prominent among these rights:

**First: Citizenship Rights**, which include:

– The right to vote in and run for elections;
– The right to participate in the administration of public affairs;
– The right to hold public office;
– The right to a nationality.

**Parliamentary Elections:**

The election of the 14th House of Deputies on the 17th of July 2003 was that year’s most outstanding event for civil and political rights in Jordan, especially after a delay of about 17 months beyond the Constitutional deadline for the ballot. The delay was seen as retrogressive for progress in the democratization process in the Kingdom. This delay implied more than one indication, mainly:

1. Excessive sensitivity towards the national agenda vis-à-vis regional and international developments. It was evident that delaying the elections was partly caused by the repercussions of the *Al-Aqsa Intifada*, the faltering Middle East peace process, and the renewal of violence between Palestinians and Israelis as a result of the continued acts of killing and demolishing perpetrated by the Israeli occupation forces. The delay was also triggered by the ominous harbingers of war against Iraq and the political and security instability associated with these signs. These elections were held only after the American invasion of Iraq and the collapse of the Iraqi regime.

2. The Government’s incessant issuance of provisional laws. During the period between adjournment of the 13th and instatement of the 14th Parliaments, the Government issued a stand of 186 new and amended laws, of which 81 were promulgated during the first half of 2003, without meeting the condition clearly stipulated in Article 94 of the Constitution that provisional laws shall cover matters, “which admit of no delay or which necessitate expenditure incapable of postponement.”

3. Restricting the citizens’ right to participate in the administration of public affairs. This restriction violates the Constitution and is inconsistent with the declared official policy of broadening the base for such participation. However, the delay in conducting the elections on time raises several questions about the extent to which
the citizens’ right to participate in the administration of the State’s public affairs, either directly or through representatives they freely elect. For example, does the absence of the House of Deputies invalidate this right? It also raises many questions regarding the reasons behind restricting or deferring the existence of this right. To what extent can regional developments influence national security and warrant restricting basic political rights?

4. Expansion in the authorities and competences of the Executive Branch at the expense of both the legislative and judiciary, i.e., “seizure by the Executive Branch.”

5. However, the matter delaying the holding of elections on time is a violation of principles established in democratic systems and of the essence of the citizen’s right to take part, as stipulated in Article 25 of the International Covenant of Civil and Political Rights (CCPR), in “genuine periodic elections,” which also reaffirms that the principle of periodicity of general elections is one of the main guarantees of the enjoyment of several citizenship rights, the least of which is the right “to take part in the conduct of public affairs.”

6. Many criticisms have been levied against the Law of Election. These are the same criticisms that have prompted influential political forces to boycott the parliamentary elections in 1993, mainly:

- **The adoption of the one-man-one-vote principle**, which was blamed for several negative results in Jordan’s democratization process, including:
  - That it weakens a political party’s chances of bringing its representatives to the Parliament;
  - It restricts freedom of choice and consecrates tribalism;
  - It contradicts the principles of justice and equality in representation opportunities, especially when compounded with the number of constituencies and the distribution of seats.

- **The distribution of constituencies**: This distribution, especially after raising the number of constituencies to 45, is criticized as having ridden the wave come along with the wave of tribal and regional allegiance. This has enhanced opportunities for electing certain categories at the expense of larger and more qualified regional and demographic groupings to produce political, legislative and professional candidates, who are not able to compete within a tribal context and be elected by their political party to the House of Deputies. For example, the turnout was 52,000 voters for each candidate in Amman’s constituencies, while it did not exceed 6,000 voters per candidate in many of the southern districts. Raising the number of parliamentary seats from 80 to 110 did not achieve the justice of distributing representation, but was rather conducive to the contrary.

- However, the amended law was taken as a step forward, when it reduced the minimum age for voting to 18 years and adopted the personal identity card as an election card to facilitate the exercise of the voting right by the citizens. These positive aspects were enhanced by the decision to conduct the vote counting in the polling centers themselves, rather than the main vote counting center.
Another step forward was accomplished when the Law made it possible for six women to win seats to the House of Deputies. It must be pointed out, however, that the distribution of votes won by female candidates in the regions did not achieve the aspired-for fairness among the female candidates in the other population centers.

7. There was no other possibility for anyone to raise doubts about the honesty of the Government’s arrangements and measures, had it not been for the discrimination that took place when voters’ lists were given to certain candidates and withheld from others, even though all candidates are entitled to obtain such lists, and for the grave mistake committed in the way the voters’ identity cards were stamped to indicate that the right to vote had been exercised. It was discovered too late that this stamp could be removed by heat pressure using an ordinary iron. This enables a number of voters to cast their votes more than once, using the same identity card. This provoked the grudge of candidates who, neither they nor their voters resorted to this method. This stirred uproar on Election Day, as well as after the result had been announced, which led to clashes among supporters of candidates.

Even though we could not disparage the significance of the prompt discovery, and immediate addressing of this violation, as well as the official recognition thereof and belittling its impact on the integrity of the elections and reliability of its results, yet it threw doubts on the soundness of the administration’s assessment of the guarantees to the voting right, mainly the Government’s honesty and the equality among voters. The NCHR did not monitor anything that indicated referral of the offenders of this forgery to the courts, or “punishment of any person who may adversely influence the will of voters.” (Article 67 (iii) of the Constitution).

Parliamentary Performance:

The Jordanian Constitution identifies the duty of the House of Deputies as managing the State’s public affairs through the deputies’ roles in enacting legislation and monitoring the Government’s performance. The House’s legislative mission does not stop at discussing and adopting draft and provisional laws referred thereto by the Government, but goes beyond that to exercising its own right to propose draft laws at the request of at least 10 deputies. It also includes monitoring Governmental performance, keeping an eye on resources and public expenditure, and discussing plans, policies and public issues, as well as questioning cabinet members and the Government as a whole and demanding investigations.

To shed light on the nature of Parliamentary performance during the period from 17/6/2003, when the House of Deputies was elected, up until the beginning of 2005, we shall deal with this performance within two parts — firstly, its performance as far as legislation is concerned and, secondly, its performance as monitoring is concerned.

Legislation:

During the period from 15/7/2003, when it was convened for its extra-ordinary session, until 21/7/2004, when its extraordinary session of its first ordinary session was completed, the House of Deputies passed 91 laws, including some HR-associated
laws (e.g., the Public Assembly Law, the Higher Media Council Law, the amended State Security Court Law, the amended Appropriation Law, the Economic Crimes Law, the Correction and Rehabilitation Centers Law, the NCHR Law, the Law Endorsing the United Nations Convention Against Corruption, etc.). At the same time, the House received 14 laws, referred thereto by virtue of the Royal Decree convening the deputies to the session. The lion’s share of the House’s work was grabbed by financial legislation, e.g., the General Budget Law and the General Sales Tax Law, among others.

**Supervision:**

During the same period, the deputies tabled 308 queries. Responses to 168 were received, while 137 others were not answered and 3 were withdrawn by the deputies who tabled them. There were 4 requests for discussion dealing with the Government’s policy regarding amendments to school textbooks and the rising prices.

The number of **motions for a wish** submitted by the House was 15, most important of which was the **motion for a wish** to increase the amount of military housing loans to individuals from 5,000 dinars to 10,000 dinars, which was referred to the Financial and Economic Committee, while the number of **motions for a law** stood at 3 motions, the most prominent among which was including the years of national service in the employment records of military retirees.

During the same period, the deputies lodged 41 petitions and complaints, of which only 4 were referred to the Government, while the rest were filed because of **lack of competence**.

A stand of 130 memoranda were submitted during the same period by the deputies, of which only 9 were answered, while no answers were received regarding the other 121 memoranda.

During that period, the House issued 8 statements addressing condition in Palestinian territories occupied by Israel, as well as the situation in Iraq.

The House also discussed two governmental policy statements, the first by the Government of Prime Minister Ali Abul Ragheb, on the basis of which the cabinet won a vote of confidence after five days of discussions, and the other by the Government of Mr. Faisal Al-Fayez, on the basis of which the cabinet won a vote of confidence after five days of deliberations.

It is only fair to point to the initiatives undertaken by the Freedoms and Citizens’ Rights Committee of the House of Deputies for its role in following up on the conditions of persons imprisoned or detained by the security forces, and also Jordanian prisoners in Israel.

- **Notes on Parliamentary Performance:**

1. Parliamentary committees are perhaps the most important vehicles for work within the House of Deputies, whose agenda relies heavily on their findings. Yet, it has been observed that concessions among parliamentary blocks play the most significant role in the formation of these committees and the election
of their chairpersons and rapporteurs, more so than considerations of personal competence and specialization. It has also been observed that the recurrent change in membership and chairmanship of these committees is not favorable to the accumulation of experience, leading to the repetition of efforts expended in studying the draft laws and, consequently, delaying putting them before the House.

- Parliamentary committees have done well by inviting experienced and specialized persons, as well as individuals concerned with the laws being discussed, to appear before them. Yet, an urgent need still exists for supporting the committees’ work with national working teams and consultative and technical panels to enable the parliamentarians to apply international standards in organizing the recognition of, and freedom to exercise rights, in addition to verifying the legality and urgency of constraints that the Government may demand that they be imposed in order to restrict the exercise of these rights.

2. **The laws put before the House of Deputies were not accorded due care in the way of research and analysis.** It was observed that the House and its different committees lacked the studies and surveys, in the light of which they could build their positions vis-à-vis the draft laws. The House’s contentment with the exigencies submitted by the Government for promulgating the laws, often without reliance on such studies, reflected negatively on identifying legislative needs. Thus, some laws passed by the House were considered more as tools for enhancing the executive authority than forms for organizing and guaranteeing the exercise of rights. This sometimes explains the contradictions and inconsistencies in a number of laws passed during that period.

3. **The absence of criteria required for assessing the legislative impact.** For example, the House of Deputies passed more than 15 draft laws within the so-called “economic legislation package.” The objective of the enactments was the creation and enhancement of investment opportunities and horizons in the Kingdom. When discussing another set of draft laws having the same objectives, the House was supposed to verify whether the existing valid laws were adequate enough.

The same argument applies when considering the House’s enactment of amendments to the Landlords and Tenants Law without taking into consideration the economic and social dimensions pertaining to the various categories and segments targeted by the amendment. This amendment warns of a wide-ranging national crisis between landlords and tenants by the end of 2010, the deadline after which any lease concluded before 31 August 2000 would become null and void, unless a new contract was reached between the landlord and the tenant.

Scrutiny by the House of Deputies of the impact on citizens’ rights of enforcing laws is in the heart of its parliamentary tasks. The right of deputies to table draft laws relies essentially on sound assessment of the legislative need, which is only based on accurate understanding and investigation of the impact of the legislation in actual application.
4. **Lack of clarity regarding the House’s priorities.** The committees’ activity and capacity for accomplishment govern the way in which topics and draft laws are identified for submittal for discussion before the House, without due observation of the size of the group expected to be effected by the provisions of the law, or the need for passing specific laws that support economic, social or developmental tendencies or HR promotion and enhancement.

5. The House’s rejection or approval of draft laws is still governed by political considerations and balances among the deputies themselves, whether they are blocks or individuals, or between the deputies and the Government. It is more than just a response to the citizens’ views, aspirations and needs. An example at hand was the House’s rejection of Provisional Law No. 86 (2001), which would have amended Article 340 of the Penal Code by replacing the “legally-permissible” clause with a “mitigating excuse” clause in “crimes of honor,” where a man murders his wife or one of his *maharim* (females related to him in a degree of consanguinity that precludes marriage) if he finds her in the act of adultery or in an unlawful bed with another man. The amendment would also have benefited any woman whose husband perpetrates the same offense.

With the widening of the circle of demands for abolishing this Article in a bid to protect women, prevent discrimination between men and women and recognize equality of both men and women before the Law, and even though the amending text was far much less that what was required (i.e., abolishing the Articles that legitimizes murder), the House of Deputies insisted on rejecting the afore-mentioned draft law without giving its reasons therefor.

The same argument applies to the House’s rejection of a draft law amending the Personal Status Law No. 82 (2001), which has become known as the *Khulu* (divorce at the instance of the wife) Law, even though the amendment recognizes more than one legal and/or *Shari’ah*-based principles that protect women and children. Responding to the social and economic situation, many across-the-board groups of citizens struggled to amend this law in such a manner that raises the minimum marriage age for both men and women to 18 years and harmonizes with the United Nations Convention on the Rights of the Child (CRC), to which Jordan acceded in 1990. They were keen on demanding that the amendment does not contradict the purposes of Islamic *Shari’ah*. But, the House of Deputies rejected this law without giving much of the factual or legal reasons that prompted its rejection.

**The Public Assembly Law:** Complaints have never ceased regarding the forms of enforcement of this law that restrict the right to assemble. The Law was approved by Parliament under mysterious circumstances, despite the declared positions by the deputies and parliamentary blocks on the need to turn it down. However, approval of the law in its present form violates international covenants to which Jordan is committed. Furthermore, this law has come at the expense of the aspirations of citizens and political groups with regard to their freedom in exercising their right to assemble, to which the exercise of other political rights, such as the right to political freedom and the right to freedom of expression, is related and may be reliant on.

- **The 2003 Municipal Elections:**
In July 2003, municipal elections were held in accordance with the provisions of a Provisional law, which amended the provisions of the Municipalities Law. By virtue of the amended law, the right of citizens is restricted to electing half of the members of municipal councils. Prior to these elections, all the country’s rural and municipal councils were merged to form a stand of 99 councils with a stand membership of 995 councilmen, of whom 441 were appointed by the Government. Furthermore, all the presidents of these councils were appointed by the Government. Less than 59 percent of a stand of 618,688 voters, distributed among 365 constituencies, took part in the polls.

- At the end of 2004, the Audit Bureau produced a financial report in which it revealed flaws the detrimental effects of the merger of rural and municipal councils and appointment of their members on the public spending of those councils. The report demonstrated that the size of public spending by these councils was well in excess of JD 15 million. Most importantly, the greatest effect of such mergers and appointments was that they restricted the citizens’ free and equal participation in the running of their affairs.

- **The Right to Assume Public Office:**

Article 22 of the Constitution stipulates the following:

“(i) Every Jordanian shall be entitled to be appointed to public offices under such conditions as are prescribed by law or regulations.

“(ii) Appointment to any government office or to any establishment attached to the Government, or to any municipal office, whether such appointment is permanent or temporary, shall be made on the basis of merit and qualifications.”

The right to assume public office is a basic citizenship right guaranteed by the Constitution and provided for in the CCPR. In the not-so-distant past, the Public Sector was the country’s biggest employer. With the declared official position leaning toward fighting corruption and administrative flaccidness, and because of privatization policies, the number of government jobs was reduced from 166,000 in 1995 to 138,000 in 1994. During that year, 9,050 citizens were appointed to permanent and temporary public offices. About 90 percent of these were appointed in MOH and MOE jobs.

The NCHR received a number of complaints and requests for help to intervene with the Civil Service Bureau (CSB) and other public administrations demanding justice for the complaint lodgers in appointment procedures. Several other complaints reported improper implementation of the principle of equality in the right to appointment in public office. Other complaints reported instances, wherein newly-graduated persons were appointed ahead of others with salaries that were more lucrative than those paid to their colleagues, who were their senior in level and experience. Complaints are still pouring about circumventing the official lists of priorities in appointment to government positions, either by neglecting applications altogether, or by setting the prerequisite of annual renewal, or by appointing candidates without referring to the CSB. Sometimes, such appointments are made as a result of nepotism and the intermediation of influential individuals. Contractual appointments, as well as appointments in vacant positions of the 4th Category in the
Civil Service Cadre, appointments in jobs allocated for specific projects, and appointments at the wish of the relevant minister or official are the most outstanding manifestations of violations of the rights of deserving applicants and partiality toward favored individuals at the expense of worthier job seekers.

Many other problems surround appointment to leadership positions. Recommendations regarding the appointment of employees in this category take place according to procedures that lack objectivity and transparency. They are invariably made on the basis of regional and tribal considerations or in deference to the interests of influential individuals and deep-seated groups. More than one batch of these appointments were criticized, which led the government to form the ad hoc “Merit Committee” to select candidates for appointment in leadership posts. The NCHR has not felt any significant positive effects of this committee on the various batches of appointments to leadership positions throughout 2004.

- **Citizenship, Residency and Asylum:**

  **Citizenship**

  Article 5 of the Constitution stipulates that, “Jordanian Nationality shall be defined by law.”

  The effects of the procedures taken by the Government to implement the Administrative and Legal Disengagement (ALD) from the West Bank, issued on the 31st of July 1988, are still impinging on the rights of a large group of citizens, including violations of the right to recognition of the citizen’s legal personage, the right to freedom of movement and residence, and the right to education…

  These procedures have included withdrawing Jordanian documents proving personal identity from their holders (e.g., “family books,” passports, personal ID cards), annulling the national number, replacing regular passports with temporary ones, and issuing of the “green statistics cards” regulating the citizens’ travel across the Jordanian-Palestinian-Israeli borders.

  On its part, the Ministry of Interior (MOI) has continuously denied allegations of continually restricting the right to Jordanian citizenship in a manner that violates the Constitution and the valid laws, as well as HR considerations. However, the NCHR received more than seventy complaints in which people claim that the Civil Status Department (CSD) has withdrawn documents that prove their Jordanian citizenship or replaced them with temporary ones, and has thereby denied them the right to enjoy the Jordanian citizenship, which they merit according to the provisions of the law.

  - The MOI has responded to most of the NCHR letters related to these complaints by saying that these procedures have been taken by virtue of ALD instructions.

  - On previous occasions, the House of Deputies (HP) discussed with the Government the effect of implementing the ALD instructions and sent to the MOI a memorandum listing some 800 cases where Jordanian citizenship documents were replaced in violation of the provisions of the law on the pretext of implementing the ALD instructions. The cases of withdrawing citizenship documents by virtue of the ALD instructions continue at border points with the West Bank or when holders of
these documents visit the CSD or the Follow-up and Inspection Department. A number of notes on and results of implementing ALD instructions are mentioned hereunder:

- Place of residence has been the criterion that determines whether an individual is still of Jordanian citizenship or has become a Palestinian. Article 2 of the ALD instructions stipulate, “Every individual who was residing in the West Bank before the 31st of July 1988 is a Palestinian, not a Jordanian citizen.” This stipulation has been expanded to include the following categories: (a) Individuals who have obtained passports issued by the Palestinian Authority (PA); (Individuals working in PA institutions; (c) Individuals who hold “family reunion” documents in accordance with procedures imposed by the Israeli occupation authorities, and (d) Individuals who had not been residing in the East Bank before the ALD resolutions.

- By all legal standards, the ALD instructions are administrative instructions and the deciding the status of citizenship on the basis of these instructions is a violation of the provisions of Article 5 of the Constitution, which provides that, “Jordanian Nationality shall be defined by law.” The Citizenship Law Number 6 (1954) does not include any provision whatsoever that allows for withdrawing, losing, or dropping citizenship by implementing any instructions or because the condition of residency in the Kingdom has been met.

- ALD administrative applications have revealed that the existing administrative and judicial means are incapable of challenging HR violations. There have been repeated complaints by citizens claiming that resorting to the Administrative Redress Law to challenge decisions taken by the Minister of Interior, or any other official, in matters related to citizenship and the issuance of citizenship papers, has become of no use. There are judicial precedents based on ALD instructions as an alternative to Jordanian legislation governing citizenship and passports.

- Recognizing the link between the stability of Jordanian citizenship and the final solution of the Palestinian cause, including any solution to the issue of refugees and guarantees of the Palestinians’ right to return and compensation, it is not acceptable to continue changing the legal status of citizens in the Kingdom on the pretext of that solution.

- Citizenship is a legal relationship between individuals and the State; the lack of stability and clarity in this relationship weakens the principles of citizenship and increases feelings of discrimination among citizens. This means that the State should work to achieve stability in the status of Jordanian citizenship, on the one hand, and insist on the right of return for Palestinian refugees according to international resolutions, on the other.

Asylum:

In the aftermath of the war in Iraq, several thousands of refugees and asylum seekers poured into the eastern borders of the Kingdom in March and April of 2003. In cooperation with United Nations High Commissioner for Refugees (UNHCR), the Hashemite Commission for International Relief and several international and national
partners, the Government had taken the necessary measures to give shelter to around 10,000 persons. To house the refugees, three camps were allocated, including two inside Jordanian territory at Ruweished and a third at Karama, in the no-man zone between the Jordanian and Iraqi borders. Less than 5,000 persons were received at the three camps and, as of the time of writing this report, 124 persons of Palestinian origins and holders of Iraqi travel documents remain at Ruweished, while the camp at the no-man zone still houses 548 persons, most of whom are Iranian Kurds, who had been refugees in Iraq for over 20 years.

Notes on the Status of Asylum in Jordan:

1. Jordan has not acceded to the 1951 Geneva Convention Relating to the Status of Refugees, as well as the 1968 protocol issued as an amendment to this Convention. Furthermore, the absence over the years of any national legislation regulating asylum has been seen as an official stand opposing Jordan’s accession to that convention.

2. Despite the fact that the declared official stand is “Jordan will not accept more refugees,” many facilities have been offered by the Government to contribute to solving the problems of refugees in the camps for purely humanitarian reasons. The most significant of these facilities was the royal grant allowing approximately 400 individuals, who hold Palestinian documents, to enter the Kingdom and reside in it as of the 28th of August 2003. The justification given was that these individuals were members of families of Jordanian citizens.

• The NCHR exerted great effort to urge the Government to honor the Kingdom’s positive commitment to the provisions of the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of discrimination Against Women (CEDAW). The center also repeatedly intervened to help legal and humanitarian cases reach their basic rights, such as the right to recognition of their legal personality, which enabled a number of families to obtain documents proving their Jordanian citizenship, return to the Kingdom and reside in it. The Center was also able to guarantee the right to treatment in some cases. However, the NCHR faced difficulties in solving some of the problems of these refugees, due to administrative and security measures. There are still three cases at least suffering from a deprivation of their right to citizenship, who are denied entry into the Kingdom and residence therein, despite the clarity of the reasons behind their enjoyment of the Jordanian nationality.

Second: The Right to Life and Personal Safety:

The average life expectancy at birth in Jordan is 71 years. About 8% of the stand population of the Kingdom have exceeded 70 years of age. The Child Mortality Rate is 22 per 1,000 live births, while the Infant Mortality Rate is 27 per 1,000 live births. These rates, with other indicators, have been reduced at almost regularly over past three decades, due to the expansion in health services for mothers and children, as well as the improved levels of the society’s awareness and culture of reproductive health and child nutrition. The overall mortality rate in the Kingdom stood at 50 per 1,000 in 2004.
With the commitment of the executive administration to upholding the right of citizens to life and to protecting life and the Judiciary’s commitment to implementing the provisions of the law, and not dealing lightly with any criminal act that leads to the deprivation of the right to life or affects the personal safety of humans, there remain general reasons and factors that cannot be overlooked which affect personal safety and could lead to the deprivation of the right to life. The most important among these reasons are the following:

Traffic accidents: According to the Public Security Department statements, the number of registered traffic accidents in the Kingdom during the years 2003 and 2004 stood at 22,232 accidents, which caused 1,650 deaths and 35,101 injuries. The causes vary from driver mistakes, road problems, lack of traffic awareness, and the lack of efficiency in the procedures for organizing traffic and transportation. National statistics (the project build a national strategy to limit traffic accidents, prepared by the Jordanian Insurance Companies Union) indicate that the percentage of lethal accidents in Jordan reached (sixteen accidents for every ten thousand vehicles) which is one of the high rates on the international level.

In addition to death, handicaps and permanent disability are considered among the most dangerous results of injuries in traffic accidents, especially among children. A stand of 4,300 children were victims of traffic accidents in 2004, i.e., 25% of the stand number of victims.

2. Work Injuries and Vocational Diseases: Data available at the Social Security Corporation indicate that the number of registered work injuries in 2004 stood at 13,840, among them 52 deaths and 560 disabilities in varying degrees. This gives an indication of the low level of protection in the work environment, and indicates the size of threats to the right to life and personal safety among workers. This is in addition to the fact that the lack of safety conditions could lead to depriving workers from work injury compensation according to the provisions of the law.

3. Crime: The increase in the rates of crime against individuals constitutes a threat of a special kind to personal safety. The figures of the Public Security Department for 2004 indicated that 156000 crimes took place in the Kingdom throughout the year, including 99 homicides and 573 severe injury crimes.

It must be noted here that a host of injury crimes might not be reported to security departments, or might not find their way to courts, due to social pressures and circumstances which make it difficult to report them, such as cases of domestic violence directed at women and children. With the great effort exerted by the Family Protection Unit at the Public Security Department, and a number of civil organizations, to raise awareness on the dangers of domestic violence, the importance of reporting it and the need for treating its causes, the majority of these cases remain far from legal pursuit and even far from discovery and statistics.

Diseases and Malnutrition: Jordan is considered one of the countries that achieved decisive results in fighting fatal epidemics and diseases, but in spite of that there are repeated cases of mass affliction with a number of diseases, such as poisoning, allergies, hepatitis and German measles among groups of students, prisoners and
residents of some villages. Doctors face many cases every day resulting from malnutrition among the young and the old alike. Many citizens who have been classified within pockets of poverty suffer from a deficiency in the basic nutritional elements, which led the government to fortify flour with iron and distribute vitamins to government school students, especially in poor areas. Due to the importance and danger of the effects of malnutrition on physical and mental health, there is an intention to offer meals to students in the obligatory education grades to provide the basic and necessary food elements for this group, as malnutrition and the lack of balance in nutritional elements play an important role in delaying growth and the ability to fight diseases.

It must be noted that in 2004, there were 3,745 cases of cancer, according to the National Cancer Registry, an increase of 183 cases over 2003. The limited demand for conducting early tests for this disease, and consequently the rise in deaths resulting from it, has made this disease a national crisis and opened the door for interpreting the causes for this phenomenon. Environmental pollution, smoking and the quality of food, including methods of preparation and preservation, remain the most prominent causes for the spread of this disease.

5. Mistakes, Negligence and Violations of Work Duties:

Citizens and others are subjected to serious violations to the right to life and personal safety at the hands of some people who are charged with protecting lives of humans and maintaining their safety. Although these violations were not consistent, they have become a method of behavior for those people. In other parts, this report monitors some of their practices, which violate the right to life, as well as other HR rights.

Medical malpractice is one of the reasons that cannot be underestimated, which affect the right to life and personal safety and they include the mistakes of doctors and mistakes of medical administrations.

With the lack of accurate figures on the number of fatalities, or the cases and percentages of disability resulting from medical mistakes, the NCHR has received a number of appeals from people who have lost relatives they claim due grave medical errors, asking for the help of the Center to investigate the circumstances of death or enable them to seek the assistance of the judiciary to prove responsibility and be awarded compensation. A number of those interested, lawyers and judges estimated that the number of cases related to medical mistakes presented to various Kingdom courts at more than 40 cases in 2004, and that there are more than 300 fatalities every year, which can be attributed to medical mistakes, whether in diagnosis, treatment, or lack of medicine and necessary equipment. The vast majority of violations related to mistakes, negligence and violations of job duties are not resolved justly through the judiciary or union disciplinary committees. Offenders are rarely subjected to any punishment, either because victims fear the violation will be repeated or avenged due to the complaint, if it is against a security officer or public employee, or because they believe that there is a conspiracy between educational / legal expertise with the interests of professionals at the expense of victims; which weakens the ability to prove mistakes and leads them to refrain from complaints and lawsuits.

It must be pointed out here that the draft law for responsibility for medical mistakes was presented for discussion between concerned parties in preparation for presenting
it to parliament for approval, after several national efforts that took place in the last two decades.

With the limited number of texts that deal with responsibility for medical mistakes, whether in the penal code or in the laws and regulations of the Doctor’s Association, and with the lack of methods to used to determine the quality and size of mistakes and the persons responsible for them, the passing of the law of responsibility for medical mistakes (and it is preferable for the law to include all professional mistakes) becomes a necessity to enhance the protection of the right to life and personal safety.

6. Harsh Treatment and Punishment

The death penalty still constitutes the harshest form of punishment criminal legislature; this legislature states that the court has the authority to impose the death penalty in over thirty crimes whose danger varies between crimes on individuals and others affecting state security, as well as those crimes which constitute a general threat to society, such as drug trafficking, possession, manufacturing and using weapons and ammunition. The crimes punishable by death are distributed between the Higher Criminal Court and the State Security Court, which in 2003 and 2004 imposed the death penalty on 75 individuals, among them 45 individuals sentenced in absentia. The death penalty was carried out against 3 individuals in the same period of time.

We should list the following notes on the death penalty in Jordan:

- There are 26 individuals on death row, among them four who were sentences more than 20 years ago; and although delaying the death penalty in principle is considered a protection of the right to life, extending the period of waiting without being informed of a cancellation or reduction in sentence leads to psychological trauma which constitutes a violation of the basic criteria of implementing the death penalty, the most prominent of which is that the death penalty should induce the minimum amount of pain and suffering in the convict. The matter of reconsidering the execution has become urgent after such a long period of time spent in jail and the change in social, political and legal circumstances, which called for such a verdict to be issued.

- The judicial and executive systems do provide for the possibility of reviewing death penalties. The right to extend special amnesty and commute sentences, granted to his Majesty the King according to Article 28 of the Constitution, is one of the clearer forms of review.

The NCHR received a number of appeals from convicts sentenced to death and life in prison with hard labor, asking for intervening with the Prime Minister to recommend commuting those sentences. The death penalty was commuted to a life sentence with hard labor for one convict, because the verdict was discriminatory among convicts and the principle of equality before the judiciary was not implemented. There are several cases registered where the harsh sentence (death penalty or life sentence with hard labor was commuted to lesser penalties.

- There is no legislative or judicial criteria for the severity of the danger of the crime which calls for a death penalty or other harsh penalty, and the rule that the death penalty shall not be imposed except for the most dangerous crimes is
unclear or not implemented, and it is not reasonable for over thirty crimes different in kind and effect to be equal in severity.

- There is no clear official stand among any of the state authorities regarding canceling the death penalty. Despite the rise of national and international calls demanding the cancellation of the death penalty, or the limiting resorting to it, legislation is still being passed that provides for the death penalty, including the draft law amending the penal code. It includes a new provision that calls for the death penalty in cases of rape of young women under fifteen years of age… on the pretext of enhancing the protection of women and children and eliminating the contradiction between legal texts that apply to this crime. Passing new legislation that provides for the death penalty is considered an unstudied and undesirable expansion in the imposing of harsh penalties.

Third: The right to freedom and personal security, which includes:

- The right to not be subjected to torture, harsh, inhuman and degrading treatment.
- Treatment of incarcerated individuals.
- Treatment of prisoners.
- Medical experiments and sale of human organs.

Article 7 of the Constitution states, “Personal freedom shall be guaranteed.”

Article 6 of the Constitution also states, “The Government 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.”

There isn't a security center or police station in the Kingdom that does not proclaim that, “The police are in service of the people”. In spite of that, not many citizens show enthusiasm for dealing with the police; the majority avoid resorting to the police even if they are lodging a complaint or need protection. Some tend to delay visiting the police for any paperwork, which requires visiting a police station.

By contrast, policemen suffer from the slow response of citizens to the requests of the police to visit security stations, whether for investigations or to implement the law and judicial and administration decisions.

Despite all the constructive calls and urges to create a close cooperative relationship between citizens and security personnel, this relationship remains based on fear.

Maintaining security and order is not the only police duty, and the police are not the only entity charged with maintaining security and order. This responsibility is distributed in the Kingdom among three administrations: The Public Security Directorate, the Intelligence Directors and the Military Security Directorate. In addition to their duties in maintaining security and order, the aforementioned security departments manage and offer a variety of services to citizens and state authorities, and these services, despite their value, are directly related to the security of individuals and their freedom to practice and enjoy their rights. The granting and renewal of driving license and vehicle registration is still the duty of a security administration, and certificates of good conduct necessary for work, education, joining associations and the establishment of parties cannot be issued without the
approval of security departments. Official administrations still hang and delay the conduct of their duties towards certain cases and requests of citizens and their rights to the approval of security departments, and these approvals constitute an integral part of the criteria of official administrations in dealing with the rights and issues of citizens. Almost all citizens and visitors need to visit one of the security administrations, and although the seriousness and importance of the role played by the security administrations is recognized; this does not justify the violations by them, which constitute a clear and direct violation of the right to security and personal freedom.

* During the period covered by this report, (1/6/2003 – 31/12/2004), and through tens of complains and tips, the NCHR monitored the most glaring forms of these violations, notably:

1. Depriving Freedom: According to the criminal trial procedures law, the power to detain has been granted to courts and public prosecutors, and the law stated that the security administrations must refer detained individuals in them to the specialized judicial reference in 24 hours. In spite of this, many times individuals are held at the investigation departments and security centers for periods that vary between a few days and a few weeks before they are referred or without referring them to the specialized judicial reference. Many times detained individuals are not allowed to request that the specialized authority release them in cases where the detention takes place at the criminal investigation departments and the anti drug and forgery departments. They are not allowed to hire lawyers or meet them during the initial phase of investigation at the police station, and in some cases they are not allowed visits from family or contact with the outside world. Inhuman and degrading treatment takes place repeatedly during the period of detention, and they vary from insults and threats to withholding basic needs such as food, rest, medical treatment and physical violence. Although the provisions of the penal code and the criminal trial procedures law, and the jurisprudence by the court of appeals are clear regarding the illegality of the conviction based on a statement or the confession based on coercion. Despite the claims of torture made by defendants in state security courts and other criminal courts, it is considered very difficult to prove that these confessions were coerced, especially with the lack of witnesses and the long period of detention, which means the forensic physicians cannot see the effects of violence and coercion and the various forms and means of pressure. Additionally, the victims do not know the offenders from the security personnel. All this is served by the distribution of roles, from those who practice coercion to those who take statements, which makes them legal evidence during court proceedings when they are presented by their organizers.

* Administrative governors contribute in the procedures of withholding freedom and the violations that entails, through the use of the authority to detain in accordance with the crime prevention law, which allows the administrative governor the right to resort to detention to force the individual to post bail or pledge to refrain from undermining security. However, this authority is misused, when the goal is to enable police to hold the individual for a period longer than that specified by the law, and far from the authority of the prosecution and the specialized judiciary, to force the individual to confess to something he did or did not do, or to force him to do something or refrain from doing something he would not have done or refrained from doing had it not been for the coercion resulting from withholding freedom and mistreatment.
The Intelligence Department has a privilege that means it does not need administrative governors to legitimize withholding freedom and the detention conducted by it, because it holds within in the Anti-Corruption Department and another for the public prosecutor of the State Security Court, both of which enjoy judicial authorities that allows them to legalize cases of withholding freedom and arbitrary detention. The nature of treatment of detained individuals does not differ from similar detention cases in police stations with regard to the nature or aim of violations. The duration of withholding freedom (detention or arrest) is longer from similar detentions in public security departments. While the number of those who subjected to any form of withholding freedom by the police for a period that exceeds 24 hours in 2004 can be estimated at more than 5000 individuals, we cannot estimate the number of those detained at the intelligence department during this period for a host of reasons, namely: the Center did not have the chance to visit Intelligence Department detention centers to find out the number of inmates, their treatment and the legality of reasons for their detention.

2. Torture, Harsh and Inhumane Treatment: On 31/10/2004, an independent committee formed by the Prime Minister, consisting of five judges and security and administrative officials, prepared a report on the status of the rehabilitation centers in the Kingdom and the treatment of the inmates in them, in light of what the NCHR listed in its reports sent to the Prime Minister on 4/5/2004 and 9/9/2004. The committee’s report stated that the prisoners are beaten, tortured and physically punished in at least three of the prisons. This report comes to confirm what the National Center presented to the public, which included forms of torture and mistreatment that the inmates are subjected to in a number of rehabilitation centers, by the administrations charged with training, rehabilitating, educating and caring for and protecting them, as an example of the blatant violations of the right to freedom and security by police officers, which the prisons revealed because they were the arena where they were practiced.

During 2004, the Center received more than 250 complaints and tips against security centers, criminal investigation departments and anti-drug and forgery departments, regarding the practice of torture, which includes physical and psychological coercion to force individuals to confess to crimes they are charged with.

The Center also received three complaints of harsh and inhuman treatment against the Intelligence Department, and two complaints against the military security departments. Although these administrations have the vastest authorities and duties to maintain the rights of individuals to security, freedom and personal safety, they are subjected to only minimal forms of judicial, legislative and even administrative monitoring.

The sensitivity of the work of these departments and the degree of secrecy and protection they enjoy should not stand in the way of subjecting them as public facilities, and subjecting their members in their personal and professional capacities, to forms of monitoring and accountability for such violations by authorities independent of the executive administrations that they are subject to.

* The State Security Court and other special courts do not constitute a sufficient guarantee to prevent torture and other forms of mistreatment by individuals charged
with implementing the law. Criminalizing all forms of torture and inhuman treatment in clear provisions in the penal code and the laws and regulations that govern the work of security administrations, and all those individuals charged with implementing the law, has become a necessity to guarantee protecting the right to freedom and personal safety. It is even necessary to maintain security and order, and the requirements of the sovereignty of law.

3. Excessive use of force and exaggeration in raids and detentions:

In 2003/2004, some 8 members of the Public Security Department were killed and 43 injured while on duty or as a result of carrying out their duties. Accurate statistics on the number of individuals who were injured or killed at the hands of security forces are not available. The Center received 7 against public security personnel, claiming that they caused death in two cases and severe injuries in five other cases, due to the excessive use of firearms during raids or pursuits. The Center also received over 10 complaints and tips, where it was claimed that security entered homes by force and terrorized children and residents, and detained unwanted individuals. These incidents took place more than once in Hisban/Naour District, Zarqa, Irbid, Al Shouna, and Al Hashimi and Abu Nuseir areas in Amman. The Center also received complaints and calls demanding intervening with the official authorities to compensate individuals for the damage done to their properties as a result of the use of force and raids by the Public Security personnel.

There were also repeated cases of confrontations and violence against citizens during demonstrations and public meetings, such as what took place in Wihdat and Baq’a in March 2004. In most cases no member of the Public Security Department is held responsible after investigations conducted by the Department, and there are no guarantees to protect victims. This once again raises the importance of investigating the independence and impartiality of the courts and the special investigation commissions, such as the police court and the Public Security prosecution, to guarantee HR protection, namely the right to life and personal safety, the right to not be subjected to torture, and guarantee redress and the punishment of offenders when violations of those rights are proven.

4. Treatment of Prisoners:

“Reform and Rehabilitation Centers” is the official name for prisons in Jordan. This term has been in use since the promulgation of the provisional Reform and Rehabilitation Centers Law No. 40 (2001), which replaced the Prisons Law No. 23 (1953). This name came to reflect the Kingdom’s adoption of international criteria in the treatment of prisoners, namely the minimum model rules for treating prisoners, adopted by the First United Nationals Conference for the Prevention of Crime and Treatment of Criminals held in 1955, and approved by the Economic and Social Council in 1957 in order to guarantee the protection of individuals who are detained or incarcerated. The 1976 CCPR raised the commitment of the state to these rules to the level of contractual commitment by stating in Article 10 that, “All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.” In spite of that there is rarely a clear effect for these criteria whether in the Rehabilitation Centers Law Number 9 (2004) or in the executive measures and procedures in treating prisoners.
The average number of prisoners in the Kingdom in 2004 varied between 5900 and 6600, distributed among nine prisons in seven governorates, the most recent was the Aqaba prison, which started receiving prisoners on 25/5/2004. The said average of the number of prisoners does not include: military prison inmates and police detention centers, those detained in detention centers of the Intelligence Department, the Military Security Department and the Investigation Departments and Security Centers of the Public Security Department, which the Center could not visit for two reasons. The first is the confidentiality imposed by the concerned administrations on the detention of individuals, which could reach the level of denial of their presence in case parents or lawyers visit. We have referred in another part of this report to the size of violations which the detained for investigation are subjected to. The second reason lies in the extreme complication in the procedures implemented for visiting these locations, which could even be prohibited when that visit depends on the approval of the concerned security administration, which might not be issued or might be issued later after the detainees are transferred to other locations, or the suppressing of all evidence of violations against the rights of detained individuals.

* The procedures followed in visiting prisons and detention centers hinders the ability of the NCHR to inspect the status of prisoners and detainees at any time, which limits the Center’s ability to conduct its duties in inspecting the HR status at those centers, and working to stop any violation of those rights.

In the first eighteen months of operation, the Center conducted 26 inspection visits to all prisons in the Kingdom, and studied the status of inmates, the forms of protection and care offered to them, and the treatment they receive. It received more than 500 complaints and urges regarding several matters, which are considered basic in the rights of prisoners, including their need for regular and free health care. They also complained for slow judicial procedures and lengthy detention periods and the inhuman treatment they receive from some of the various security and administrations.

Through field visits, repeated meetings with prison administrations, and NCHR training courses and workshops for prison employees and with assistance from rehabilitation centers, MOSD and NGOs involved in protecting human rights, the rights of prisoners, the Center was able to identify the gravest problems confronting HR protection and the provision of care to prisoners and detainees:

a. Crowded Prisons: The percentage of increase in the number of prisoners in Juweida Prison reached 60% above the capacity of the prison, and varied in other prisons between 7 and 25%, which indicates a lack of studied criteria to determine the capacity of prisons, in light of the increase in the number of prisoners, the time required by criminal case procedures in the investigation and trial periods, as well as the time to be served and the severity of the crime, and finally the needs of prisoners, including protection, care and rehabilitation.

b. High turnover among prison staff, and the clear deficiency in training in dealing with prisoners.

c. Lack of real criteria to categorize inmates based on the severity of the crime.

d. The clear deficiency in forms of health care (prevention, treatment and monitoring) received by inmates.

e. Widespread illiteracy among inmates and the limited efforts to fight it.
f. Weakness in the design and implementation of prisoner rehabilitation programs, cases were registered where individuals had spent ten years in jail without undergoing any training or rehabilitation programs.

g. Lack of post release care for prisoners to guarantee their re-entry into society without going back to crime.

h. Widespread violence and drugs among inmates.

i. Inmate visits are complicated in duration, location and the way they are conducted, which means they do not fulfill their purpose in maintaining relations between prisoners and their families, and it does not fulfill the duty to respect the human dignity of prisoners.

j. Lack of judicial monitoring of prisons and detention centers, and the absence of the concept of executing punishment.

k. Torture and harsh and inhuman treatment, which prisoners and detainees receive in detention, centers at the hands of police.

l. Slow criminal case procedures in the investigation and trial phases, which causes an extended detention period.

m. Unjustified dereliction in social services for prisoners and their families.

n. High rate of return to crime. The number of prisoners who enter prison more than once is estimated at approximately 65% of the number of inmates.

o. The rise in the average of administrative detainees to approximately 500 individuals, and the increase in the average duration of administrative detention from days and weeks to a few months.

p. Clear weakness in the forms of legal aid offered to prisoners. The number of prisoners who seek the help of lawyers is estimated at less than 50%, and this is due to either their poverty or their ignorance regarding the importance of this help.

* The NCHR has sought to inform all concerned official parties on the status of the prisoners and the details of the determined problems through two general reports on the status of prisons in the Kingdom issued in April and October of 2004. A special report was also presented to the Prime Minister on the torture and inhuman treatment that a number of detainees were subjected to in Juweida Prison on 5/9/2004. Due to the grave violations registered, which led to the death of an inmate, the Center required a quick and impartial investigation to determine responsibility for this death and determine the forms of treatment of inmates. An independent investigation commission was formed of five judges, in addition to the Director of the Rehabilitation Department and a Governor at the MOI. The said committee conducted a series of visits to rehabilitation centers in the Kingdom and closely monitored the status of prisoners, the treatment they receive and the forms of protection and care offered to them. It presented its report to the Prime Minister on 13/10/2004, which include an accurate description of the violations that detainees are subjected to, which were consistent with the results reached by the Center and were referred to above.

The Center is grateful for the great effort exerted by the committee to determine the facts mentioned in its report, and highlights the importance of resorting to independence and judicial investigation committees to investigate the HR status and address any HR violations.

* The national press also contributed to attracting public opinion when it highlighted the status of prisons and the treatment of prisoners, and through publishing the Center’s reports and the comments of specialists. This led to an increase in the degree
of national attention to the status of prisons and enabled the achievement of positive steps, the most prominent of which were:

a. The formation of a ministerial committee to study the status of prisons and set forth legislative and executive recommendations to improve the status of prisons and forms of care presented to inmates, and enhancing the concept of the re-entry of prisoners / offenders into society (this committee has not made any statements on the results of its work as of the date of this report).

b. The level of health services in prisons was improved, including free treatment, an increase in the number of doctors working in prisons and an increase in the number of beds allocated for prisoners in government hospitals.

c. For the first time since the Rehabilitation Law provided for their formation, the Higher Committee for Rehabilitation met, with the members of the ministerial committee in attendance, to discuss the problems and needs of prisons as listed in the Center’s report.

d. Parliament has expressed special interest in the status of prisoners. Members of the Freedoms Committee in Parliament conducted a visit of Juweida Prison with the Director of the Public Security Department, to determine cases of mistreatment of prisoners. After the visit they conducted a series of meetings with concerned ministers to guarantee the punishment of those who cause death and are responsible for torture, and to raise the level of services offered to inmates.

e. Eleven officers and privates of the Rehabilitation Centers Department were referred to Police Court on charges of causing death and harm and violating laws and instruction. Their responsibility for the charges against them was proven, and early this year they were sentenced to imprisonment and dismissal from duty.

While it is important to determine whether the verdicts which do not exceed three years of imprisonment are harsh or lenient, and while it is necessary to point out that the punishment of offenders is not an alternative to compensating the victims, it is also important to point out that the procedures of investigation and trial were conducted by the prosecution of the Public Security force and the Police Court, which is a special court linked with the Director of the Public Security Department, and is not a part of the regular courts which have general jurisdiction. With the lack of any provision in national criminal legislation punishing torture, whether that imposed by individuals charged with implementing the law or others, and because the verdict issued against them is not final, which prevents us from discussing its details, we suffice here with welcoming any condemnation of torture that might hail the possibility of the full implementation Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which Jordan joined in 1984. The Convention commits the state to prohibit and criminalize all forms of torture in its national legislature, and in all measures by individuals and authorities charged with implementing the laws, creating a mechanism for complaints to protect and guarantee redress to victims of torture, and conduct investigations into torture complaints which are swift and honest within the general judicial jurisdiction of the regular courts.

* Note: (It must be noted here that the National Center team which conducted in April and May of 2004 consecutive visits to eleven rehabilitations centers, presented an
initial report on the results of these visits. It reported a positive development in the administration of these centers and commended the initiatives taken by those administrations to deal with several inmate complaints and contacting concerned judicial and administrative parties to help solve their problems. The report also determined a significant decrease in complaints by inmates on being subjected to violence or inhuman treatment compared with previous visits.

f. The Center was able to create harmony between all national and international partners, which is that reforming the status of prisons is related to reforming the entire criminal redress system. The Center set an agenda with those partners in order to review and reform the criminal redress system. The first part was initiated in 2004. If the concerned parties commit to the implementation of these programs, their implementation will continue in the three years 2005-2008 as part of the Strategic Plan of the NCHR.

5. Medical Experiments and Organ Sale:

Conducting medical experiments on humans without consent is considered one of the most prominent forms of violations that affect the right to life and the right to personal safety. More than one daily and weekly newspaper published articles and investigations about Jordanian youth who are subjected to drug tests in exchange for small amounts of money that do not exceed one hundred JDs for the duration of the experiment which could reach up to one month. There are doubts that surround the safety of free consent for the individuals who were used in these experiments especially under circumstances of poverty and unemployment. There is also no information on the dangers of these experiments and the damage that can affect the people who undergo them. The individuals used in these experiments do not get any form of insurance (health or life) in case damage or side effects appear in the medium and long runs.

Information from more than one source indicated that some citizens were forced to sell their organs, specifically their kidneys to patients from other nationalities, but the truth of this information has not be verified. However, medical sources have confirmed that the kidney transplant operations that took place in Jordan were all conducted from donors, mostly relatives of the patients. There has been no official registration of a sale of human organs.

Fourth: Freedom of Opinion and Expression:

The establishment of the Higher Council for Media is a prominent turning point not just in the relationship of the state with the media and its institutions, but also in the transformation of the media from being a follower to independent and from control and bans to freedom and responsibility. The Council, which was established in 2001 in accordance with a Provisional law, now has a permanent law after it was approved by Parliament in Law Number 26 (2004), which came into effect as of 1/8/2004. The Council’s work is based on the commitment to principles, including the commitment to the Constitution and the laws, enhancing redress, respecting human dignity and the freedom of humans and their privacy, raising the awareness of citizens on their rights and duties, and the freedom of exchanging information and credibility in presenting news. The Council aims to develop the media sector and help various media in their monitoring role, within principles of freedom, independence, profession duty,
respecting freedom of expression and developing the abilities of media workers… The Council was granted some powers to enable it to achieve its goals, the most important of which was setting general and sectoral plans, directing national policies for media in the Kingdom, training media workers and others… However, the most prominent power given to the Council was looking into complaints against media workers and their institutions and resolving media conflicts; the Council has also started a training center for media workers.

Since its establishment, the Council has worked to conduct a full review of all legislature related to the press and other media, and has shown special interest to seeking to commit to international criteria regarding the right to freedom of opinion and expression and the protection of journalists, including narrowing the concept of crimes that take place through publishing and determining the scope of criminal and civil responsibility; it has also sought to increase legal guarantees to enable media workers to conduct their professional duties freely, including the illegality of imprisoning journalists and the right to access and exchange information. The Council set a special draft law we hope will be approved by Parliament soon.

**Information Freedoms:**

The freedom of the press and other media is tandem to the right to opinion and expression, because the achievement of higher levels of media performance is largely based on the level of freedom in presenting facts, ideas and positions. Press and media freedoms are the most sensitive to all forms of violations; furthermore, they arouse the most controversial HR debates. Despite this, the freedom of opinion and expression does not only concern journalists, but it is rather everyone’s right.

While it is important to point out a number of manifestations that entrench the practice of the right to freedom of expression, such as licensing daily and weekly newspapers, magazines, newsletters, research and study centers and new radio stations in the Kingdom in 2003 and 2004, and while the Higher Council for Media and the Press Association have worked hard to support the work of journalists and remove all obstacles and legislative, administrative and judicial restraints, which restrain the press’s freedom in work, the majority of journalists agree to the existence of patterns of restraints and violations that restrict freedom in the work of journalists and seriously affect the freedom of opinion and expression, the most prominent of which are: pressure and intervention, prior monitoring, and detention and arrest. More than one national and international report highlighted the most prominent characteristics of these restraints as follows:

I. Severity in procedures of investigation and trial.
II. Expansion in the circle of incrimination and punishment.
III. Pass legislation that could hinder the right to access and exchange information.
IV. Place restraints on legislation related to media and media workers.

**Aspects of Freedom of Opinion and Expression**

The most prominent manifestations of freedom of opinion and expression in the Kingdom in the period covered by this report were:
1. **Communicating with Public Authorities**: The Constitution stipulated that Jordanian citizens have the right to contact public authorities for personal matters or for matters related to public affairs. The forms of practicing this right have varied from petitions presented to official authorities, including those directed to His Majesty, and complaints presented against official administrations and their officials. It must be noted that the Prime Ministry received in 2004 over seventy thousand letters from citizens in personal or public affairs. Most official administrations in the country have established special offices or units to receive citizen complaints; but the percentage of the response of those authorities to the context of those letters cannot be determined due to the lack of mechanisms to deal with those complaints and their lack of transparency, which weakness the ability to achieve redress. This has led the government, with support from Deputies, to work to establish an office to investigate complaints submitted against public administrations, called the Ombudsman Office. It is expected to be charged with investigation and achieving redress in measures, resolutions and procedures implemented by official administrations, whether those related to the rights of their members or other citizens.

The NCHR commends this initiative to enhance means of achieving redress available to citizens through the Ombudsman Office project, and hopes that a host of facts, results and notes will be taken into consideration before its establishment, including:

- The need to deal with the Ombudsman Office as an independent national institution concerned with human rights, and implement international criteria to build and strengthen those institutions.
- Guarantee that no interference of contradiction takes place in roles and duties between the Office and other monitoring institution that already exist, such as (The NCHR, the Audit Bureau, Anti-Corruption Department, Parliament’s Public Freedoms and Citizen Rights Committee, Parliamentary Investigations Committee to be established, and the inspection and internal monitoring departments at official institutions), and above all this, the role of the judiciary. It is not the increase in monitoring agencies for the executive authority that is required, but the activation of the current monitoring to guarantee achieving redress.
- The need to give the head of the Office the necessary legal powers and authorities, as well as sufficient funding.
- While it is important to benefit from the experience of countries that have come a long way in the work of those institutions, taking into consideration the conditions and requirements of the local social and administrative environment is essential to guarantee harmony between the work of the Office with other state institutions, and its ability to accomplish its duties without obstacles.

2. **Issuing of Statements**: Political parties, professional associations, labor unions, HR situation organizations and even political groups have frequently issued statements as a means of expressing their positions and opinions on public matters. During the period of this report the Center received more than fifty statements issued by national institutions and organizations declaring their position regarding events, procedures and local and international developments. The Center estimates the number of statements issued in the Kingdom in 2004 by various civil society institutions at more than three hundred statements distributed on a wide scale whether through the media, fax, e-mail or direct distribution to
individuals or institutions. The Center has not received any complaints or news of statements being banned from publications or holding their publishers accountable.

3. Public Meetings and Marches: The right to peaceful assembly is a basic human right provided for in the Constitution. There was national controversy in 2003 and 2004 over the Provisional General Assembly Law Number 45 (2001) approved by Parliament in Law Number 7 (2004). The said law regulates the conditions and procedures for convening general assemblies, marches and festivals, and bans practicing the right to assembly without prior approval from the administrative governor. The number of requests for general assemblies, including marches, meetings and festivals presented to the administrative governors in 2004 is estimated at over 400 applications, less than 30% of which were approved. The rest were denied, while three public marches were stopped by force either on the pretext of lack of the required approval or for being out of order. The provision in the law requiring prior approval to practice the right of assembly from the administrative governor, and absolving him from the duty to give a reason for rejecting the convention of meetings in order to enable the judiciary to monitor the legitimacy of those reasons, makes the currently valid general assemblies law a restriction on right of assembly, an obstacle to the freedom of expression and the right to participate in the public affairs of the state and a violation of the provisions of the Constitution.

4. Dialogue and Forums: Forums, dialogues and lectures are considered some of the most prominent images of the freedom of opinion and expression in Jordan. The Jordanian television allocated several direct dialogue shows to enable citizens and decision makers to discuss public affairs. While it important to study the value of those programs in drawing the attention of public opinion and decision makers to the obstacles and mistakes that influence human rights, these dialogues are still governed by many restrictions. Participants are often carefully selected to guarantee that necessary details on certain events or criticism of official stands and policies will not be mentioned. Forums and lectures organized without television recording enjoy a greater degree of freedom of opinion and expression.

5. Sit-Ins and Strikes: in 2003 and 2004 there were a number of sit-ins for professional groups such as physicians whose specialties are not recognized by the Medical Council, and those who want to train in law whose registration as trainees was delayed by the Bar Association Council. Families of the Jordanian prisoners in Israeli prisons have also expressed through more than one means (including sit-ins) their demand that the government take serious steps to release those prisons. The same period also witnessed several threats of strikes, there were strikes and limited stops at work by worker and professional groups, and there were repeated hunger strikes among groups of prisoners and refugees at the Jordanian-Iraqi borders. Although the various forms of sit-ins and strikes are considered acceptable and legitimate means of expressing objections and opinions regarding positions related to demands and public issues, the neglect these demonstrations were met with might weaken the desire to resort to these peaceful means of expression, which leads us to fear that more violent means will be resorted to.

6. Restrictions on Methods of Expression and the Right to Communication: The right to freedom of opinion and expression requires finding the appropriate means
to practice it. Speech, writing, video-taping and exchange of information in any form all required methods governed by legislation which either allows or bans them. They are also governed by the ability of individuals to use them. The low number of Internet users weakens the ability to receive and disseminate information, and the high cost of telephone calls adds a new obstacle to communications. There is also the need for a permit or license to hold cultural or awareness activities, which without a doubt reduces the ability to express opinions.

Mosque pulpits were not safe from restrictions to freedom of opinion and expression. In September of 2004, administrative governors detained a number of speakers for violating the provisions of the preaching law, on the pretext that they did not obtain licenses from the Ministry of Awqaf (MOA) to give the Friday speech. The Ministry went further than that by seeking to unify the topics of the Friday speech, thereby violating not just the right to freedom of opinion and expression, but also the principles of the Islamic Shari’ah, which urges the call, the God’s true path through wisdom, and order good deeds and banning bad deeds. Mosques are homes for prayer and knowledge, and a meeting place for Muslims to communicate and discuss matters of their religion and life. Terrorism and religious extremism did not rise from mosques where everything takes place in public. It resulted from marginalization and in isolated environments of individuals who had no chances in life and therefore preferred death, or whose ties with society decreased and whose trust in the state diminished and so they rebelled against it. Dialogue, allowing means of knowledge and communication, and enhancing methods of expression, as well as taking into consideration the requirements of justice, redress and equality in the enjoyment of right is the acceptable means of fighting terrorism and extremism, not banning, prohibiting, restricting and incriminating.

V. Human Rights in Implementing Justice

* The Right to Litigation and Guarantees of a Fair Trial

Despite the spread of various types of courts in all provinces and governorates in the Kingdom, which means that the physical access to courts has been achieved, the ability to benefit from the right to litigation still faces a host of obstacles and restrictions, the most important of which are:

1- Cost of Litigation: Resorting to the judiciary requires paying costs which include trial fees that are calculated through varying percentages according to the value of the claim, and these fees might need to be paid again when challenging the rulings in appeals or cassation; in addition to fees of the verdict and the implementing of rulings, which are equal to the fees of the original case. Lawyer fees also constitute an integral part of litigation expenses. The matter could also require other expenses such as technical expertise expenses or calling witnesses. Due to the high cost of litigation many people refrain from resorting to the judiciary due to inability to pay the required fees for litigation. Presidents of courts also do not tend to expand the use of their authority according to the court fee regulations by delaying the payment of judicial fees, and are sometimes strict in proving the financial inability of the plaintiff, which puts the plaintiff in an awkward situation that leads him to refrain from asking for a delay.
While legislators, judges, lawyers, analysts and interested individuals believe that canceling court fees will diminish the level of seriousness when deciding to resort to the judiciary by many people, which could lead to the misuse of the right to litigation and consequently burden the system, and while the importance of the role of court fees is recognized in guaranteeing the seriousness of litigants and limiting the misuse of the right to resorting to the judiciary, reconsidering and reducing court fees might create a balance between guaranteeing seriousness and guaranteeing the right to litigation.

As for criminal cases, imposing fees on challenges presented against issued rulings in criminal cases, and when we consider that these cases are directly related to freedoms and human rights, no fees should be imposes on the parties in the criminal case which could stand between humans and their right to self-defense before all levels of litigation.

2. Slow Litigation Procedures: Despite the introduction of many essential amendments to the laws related to judicial proceedings, such as (the civil court procedural law, the criminal trial law and the evidence law), which were aimed at solving the problem of back-logged cases in courts and reducing the time before a ruling is issued, and ruling in judicial conflicts within a reasonable time frame, complaints continue on the length of the time litigants face to obtain a final judicial ruling which can be implemented. Opinions vary on the reasons that contribute to delaying the time necessary to review cases. Some blames judges, other blame lawyers, and a third groups hold both responsible and add that the important reasons that lead to delays in verdicts are the legal rules that regulate litigation procedures. There is still an urgent need to introduce amendments to the legal rules related to litigation procedures, so as to reduce the procedures that contribute to delaying the review of cases. These include following case filing procedures, replies and presenting evidence, all of which are listed in the civil court procedures law in reconciliation case. There should also be expansion in the implementation of the case management system, whether through implementing this system in all of the Kingdom’s courts, or through introducing some amendments that increase the ability to complete the required information in civil case management before they are referred to the topic judge, so that the civil case management judge become qualified to refer the case, ready and complete, to the topic judge.

Moreover, the judge is considered the principle individual in charge of proper litigation procedures according to the law, and issuing a verdict in the case before him within a reasonable time frame. It must be noted here that the case management system is not only restricted to the phase of exchanging lists and receiving information, it includes all phases which the case goes through, because case management in essence is the management of the time that must be utilized in productive procedures that expedite the case. This means that scientific and professional qualifications of the judge are a principle factor in expediting rulings in judicial conflicts.

As for lawyers, it has become urgent for the Bar Association to play a more efficient role in expediting litigation procedures, through controlling the professional performance of lawyers, activating legal accountability procedures for professional violations and setting plans for continuing education, including reconsidering the training system at the Bar Association.
Removing obstacles and setting phase and future solutions required joint efforts and interaction between concerned parties. It requires diagnosing obstacles first and then setting plans and implementing the necessary procedures for dealing with these obstacles. Every plan or development process needs to include a system or procedures for quality assurance and control, so that the results of development processes can be assessed, along with weaknesses and strengths, whether in legislation or in people related to the litigation process.

3- Absence of Parties that Offer Legal Help: It has been proven that many civil and criminal cases presented to the judiciary result from the miscalculation by some parties of their legal rights. After being studied, many of these cases show lack of a case, or that the case has no legal grounds that require the protection of rights or the deciding of these rights by the authority of the judicial lawsuit.

It should be taken into consideration that a part of such cases could be driven by revenge or illegitimate motives, but the majority cases are presented to the judiciary due to the lack of agencies that can offer free legal consultation services that educate the parties on their rights and the extent of the benefit from resorting to the judiciary on a certain issue. It is no secret that such cases take up the time of the courts and the effort of the judges, and they affect the speed of looking into other cases that contain real conflict. The NCHR sensed this need and how it contributed to reducing the increasing load of cases in courts, and initiated the call for a “Cooperation and Support for Human Rights Network”, which has a branch for lawyers who want to offer legal assistance to those in need of it al over the Kingdom on a voluntary basis. This call was welcomed among lawyers, and the Center hopes that the budding Network will receive the financial support it needs, and hopes the connection of this support with the duties of the state in guaranteeing the rights to litigation and the commitment to principles of justice and redress will be clear. The Center is hopeful also that the state and civil society institutions will adopt this idea and establish regular institutions to offer such free services, in order to offer a reasonable level of legal aid to those in need of it, especially for the poor and the vulnerable groups such as women and children in conflict with the law.

4- Unbiased Judiciary and their Qualifications: The judge is the means of achieving the goals of the judiciary, represented by resolving conflicts according to the rules set in the legal system of the state and consequently applying the principle of justice and equality before the law and protecting the rights and freedoms from violations. The graveness of the duties of the judge and their importance in protecting the social, economic and security system in the country requires that the judge enjoy a high degree of educational and professional qualifications, in addition to a commitment to moral rules, specifically the professional morals of the judge, including the ability of the judge to perform his duties professionally and objectively away from personal motives and the achievement of personal interests, which are the basic principles of the principles of unbiased judiciary.

Being close and dealing with all groups of society, and specifically those concerned with litigation procedures, whether they are judges, lawyers or litigants, shows clearly that the issue of the issues of the efficiency of the judiciary and the unbiased judiciary are still less than the level aspired, and they are obstacles that prevent individuals from enjoying fair trials and the protection of their financial rights and civil freedoms.
as guarantees by the Constitution, HR fundamental principles and other related international conventions.

Setting clear criteria for the requirements of the judicial profession has become a pressing need to be used in diagnosing the problems facing the judicial system and in new judicial appointments.

Realizing the important role of the judge in achieving the message and goals of the judiciary requires paying attention to quality when appointing new judges or evaluating working judges and how appropriate they are for conducting their duties. Increasing the number without achieving the necessary professional requirements for those fulfilling this duty will only contribute to increasing the obstacles and deteriorating in the achievement of the noble goals of the judiciary.

The “Judicial Code of Ethics” which is being adopted by the judicial system in the Kingdom constitutes an important step towards objective criteria for the requirements of the judicial post. However, these rules will not be enough if they are not accompanied by a clear and effective system of judicial inspection, that adopts the idea of technical monitoring and quality control as a basis for evaluating the results and the annual evaluation of judges, clarifying the extent the judge is suitable to conduct his duties, or the type of support needed to improve performance. All this must be objective.

5- Judicial Independence: Stressing judicial independence and enhancing its ability to achieve justice has become a consistent directive in every Royal Letter of Appointment to any government formed in the Kingdom.

Jordan occupied rank number 26 among 102 countries in judicial independence for 2004, and the Jordanian experience is considered distinguished at the Arab level in judicial independence. This is cause for optimism and for demanding the achievement of more independence, and removing all elements that affected judicial independence in Jordan. Judicial independence will remain insufficient of the flaw represented by establishing judicial entities outside the judicial authority is not corrected. The expansion in the use of the Constitution provision that allowed the establishment of special courts without clear justification has clearly led to the violation of the main goal of the Constitution rules, which gave the right of the judiciary to the judicial power which was established according to legislative rules that guarantee independence, the ability to achieve justice and implement the principle of equality before the law.

The establishment of special courts that perform the job of the judiciary and prosecution with judges that do not enjoy independence, such as in the State Security Court, is a clear violation of the principle of judicial independence.

Giving a military characteristic to the work of the State Security Court, whose specialty includes several crimes that are the specialty of regular courts, casts a shadow of doubt on the ability of this court to achieve the principle of justice and equality, taking into consideration that the decisions issued by it do not enjoy the recognition enjoyed by regular courts, and so it is difficult to implement these rulings abroad.
Issuing final verdicts by the State Security Court in misdemeanors constitutes a waste of the rights of those who are interested in enjoying a trial at more than one level of litigation, in addition to the fact that it constitutes a violation of the Constitutional rule of equality before the law.

VI. The Right to Establish and Join Unions:

- The number of labor unions in Jordan stands at 17, all of which fall under the umbrella of the General Jordanian Labor Union. Members of these unions exceed 47,000, which constitutes 32% of the workforce in Jordan.
- The number of professional unions stands at 13, with a standing membership as of the end of 2004 of about 130,000 members.
- No labor or professional union has been established or formed in 2003 or 2004.

Restrictions on the Right to Union Organization:

- The right to organize trade and professional unions is still prohibited to a certain group of citizens, namely that of public employees. Teachers are also prohibited from forming their own unions by virtue of Resolution No. 1 (1994), issued by the Law Interpretation Bureau, which states that Constitutional provisions do not allow for the enactment of a law authorizing the establishment of a union of teachers in the public sector.
- It must be noted here that Jordan has not acceded to the International Labor Organization Convention Number 151 Concerning Protection of the Right to Organize, nor to the 1978 ILO convention entitled "Labor Relations in Public Service," which sets out conditions for public service recruitment and provides for the right of public employees to establish their own organizations that enjoy complete independence from official authorities.
- The profession of "certified public accountants," as well as its accounting and auditing sub-professions, is still organized by the Association of Certified Public Accountants in Jordan, which is directly under the supervision of a higher commission for the accounting profession. Although this association is dealt seen as a professional association, it has not demonstrated that it is capable of meeting the core requirements for organized work as a professional association. It is not independent administratively or legislatively. The Higher Commission — not the Association’s council organizes the profession.

Trade and Professional Union Freedom:

The vast authority granted to the Minister concerned with dissolving the Association Council and appointing a committee to manage the association instead of the Council, and the authority given to the minister to challenge Council resolutions, especially those related to membership, diminishes the independence of the association in managing the affairs of its members. Professional unions do not receive any financial support from the treasury, and do not enjoy any facilities, exemptions or advantages when investing their funds. The procedures for amending laws and regulations for associations entail much complication, and they are not given the attention they deserve when they are presented to the Legislation Bureau and the Minister’s Council. In most cases, the methods of official dealing with these amendments is delaying their
approval if they are regulations or delaying their referral to Parliament if they are laws, and the delay for approval could take years.

- The executive authority and all security departments still view association activities with suspicion, and many times associations are accused of violating the law, or digressing outside the requirements of professional matters, and of the preoccupation of officials with political work at the expense of professional affairs and the interests of their members…

Early this year the MOI implemented a series of procedures that restrict association work, the most prominent of which was to subject association activities to the provisions of the General Assembly Law, including the need to seek the approval of the administrative governor for any activity held, even inside their headquarters. The matter escalated into banning the convention of several activities in the first months of this year by force, through the condensed presence of police forces in front of the Professional Unions Complex, which prevented the access of professional and citizens to the headquarters of the associations for long hours and more than once. The government declared its intent to create a special law for professional associations, which redefines the duties and responsibilities of these associations, and places them under the direct control of the executive administration, whether in membership, discipline or financial monitoring. It is noted that the proposed draft limits the peaceful and legitimate means available to associations to defend the rights of their members and the achievement of their developmental and cultural roles. Such a law is not expected to be passed unless it is preceded by national dialogue between the government, association leaders, the professionals themselves, Deputies, HR situation organizations, political parties and other parties concerned with supporting association independence and professional efficiency.

It must be noted that Jordan did not join International Labor Organization’s Convention (No. 87) Concerning Freedom of Association and Protection of the Right to Organize, which includes provisions that prevent public authorities from any intervention that could limit the right of associations to create their Constitutions and by-laws, elect their representatives freely, organize their administration and activities and formulate their programs. Perhaps this is why the government avoided joining this convention.

VII. The Right to Establish Political Parties and Societies.

“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.” Article 16 (2) of the Constitution.

Political Parties:

The Political Parties Law Number 32 (1992) defined the party as:

“Every political organization that consists of a group of Jordanians according to the Constitutions and the provisions of the law with the aim of participating in political life and achieving specific goals related to political, economic and social affairs and works with legitimate and peaceful means”.
The year 1989 is considered a turning point in political life, when political parties returned to operating in public after ending the state of prohibiting parties and party activities, which lasted since 1957.

Today, after 15 years since the resumption of political activity in the Kingdom, the number of political parties licensed and registered at the MOI stands at 34, including two that were registered in 2004: the Jordanian Justice and Development Party and the Freedom and Equality Party.

The Jordanian Constitution made the right to establish political parties based on the Constitution itself and no the law, based on Article 16/2 concerned with the right of Jordanians to establish political parties, similar to other democratic state Constitutions.

But the new party draft law includes a group of conditions, loose terms were used to allow a great deal of interpretation, and made the violation of any of these conditions a crime punishable by imprisonment in Articles 3,6, and 20 of the law. This places the parties under continuous threat and allows government administrations to accuse the party of violating the law under several interpretations, which is a violation of the Constitutional principles and a waste of the Constitutional right of Jordanians to establish parties and practice their activities.

In spite of the large number of political parties, they still suffer critical conditions at many levels, namely:

**Political Parties participation in Parliament:**

Election results for the fourteenth Parliament revealed a weakness in political attendance in this Parliament, and the extent of the crisis suffered by parties in reaching the public. Their representation was restricted in this Parliament to 20 Deputies who participated in the elections as part of party lists, a percentage of 18% of the stand number of 110 Deputies.

When looking at the political map of the 14th Parliament elections, it is clear that organized political party work that is effective in reach Parliament is almost restricted to the Islamic Labor Front Party, which was able to send 17 Deputies to Parliament. As for the moderate, national and left parties they have no Parliament attendance worth mentioning. In an opinion poll conducted by the Center for Strategic Studies at the University of Jordan in 2003, the data and results indicated that the Islamic Labor Front Party is the party that most represents citizen’s political, social and economic aspirations according to 14.7% of the respondents. The National Constitutional Party came in second place with 1%. No remaining party exceeded 0.2%, which explains why they could not send any of their candidates to Parliament, and their absence in many constituencies. Due to the weakness in the party base and party work, party candidates preferred to run outside the name of their party in order to gain the support of the tribe, which reflects a weakness in the electoral programs of most parties. This contributed to the migration of many voters that support them to candidates that are closer than them.

Political parties believe that this weak representation is due to the current Election Law, Provisional Law Number 34 (2001) and its amendments. It divided the Kingdom
into 45 constituencies and adopted the “one vote” approach, which gives voters one choice, either a party choice or a declared allegiance for relatives and direct interest. In the end the choice was for the tribe. The one vote system also does not happen party coalitions, which helps in weakening the chance of parties in winning in the elections.

At a time when talk centers around drafting a new election law, political parties believe that for the law to be democratic, it should adopt the mixed system (i.e. the relative list and the constituency system) which gives a chance to all components of society, especially political parties through coalitions, to reach Parliament.

**Women’s participation in political parties**

The low level of women’s participation in party work has been noticed. From among thirty four parties currently in operation, women’s participation in the founding committees of parties did not reach half, except in one party — the Liberal Party — in which the 105 founders included 53 women. The average percentage of women’s participation in the founding of parties among all parties did not exceed 10.15%), and is non-existent in three political parties (the Arab Jordanian Socialist Baath Party, the Progressive Arab Baath Party and the Arab Jordanian New Dawn Party). This completely contradicts the political development strategy and action plan and the national women’s strategy, both of which aim to activate women’s political participation and empowerment.

**Mergers and alliances of political parties**

The year 2004 did not witness any party merger projects, but it witnessed the birth of a new party coalition that includes eleven moderate parties under the name the “National Jordanian Movement” which was able to reach an understanding regarding a general program. Some of the parties included had been formed for less than one year. In addition to this bloc, there are two others, “The National Council for Party Coordination” which holds five parties, and the “The Higher Coordination Committee for Opposition Parties” which includes fifteen left, national and Islamic parties.

Although these alliances represent a positive step in the development of parties, this type of alliances is closer to a phase and circumstantial understanding rather than a merger, and remains subject to weakness and dissolution for several reasons, namely conflicts and changes within the party itself and what it could lead to in terms of withdrawals from commitments of former party leaders.

**Political development and the role of political parties:**

Political parties were optimistic with the government move towards political development in 2004, but they did not a tangible role in supporting this movement. The political development strategy and work plan launched by the government revealed gaps in political parties and party work, and the lack of realistic programs and solutions for the challenges and issues facing citizens and the state. The plan also created confusion within the parties, which blamed the lack of political development on the government and the consecutive governments and their marginalization of the role of political parties. They even failed to market the slogan of political development when it was replaced with administrative development.
* Political development requires an environment that enhances public freedoms, respects all opinions and freedom of expression and through which all obstacles to party work are removed. However, parties believe that the government, through several procedures, is restricting public freedoms and banning opinions. They cite as evidence the repeated summons by administrative governors and security departments, which can escalate into withholding the freedom of some political party leaders and prominent party and political figures, as well as detentions among members. These instances happened repeatedly, sometimes in a group form.

**Topics in which political parties are interested:**

The topics of interest to political parties included: guaranteeing political pluralism and HR protection, reaffirming justice and the protection of public freedoms and equality, reaffirming the role of women and youth in political life, sovereignty of the law, environmental protection, fighting corruption, eliminating all forms of repression and confiscation of freedoms, development of human resources, supporting the rights of the Palestinian and Iraqi people in liberation from occupation and self-determination, and reaffirming loyalty to the nation and calling for Arab unity. These are the same topics that of interest to the state and its authorities, which should create closeness among the three borders: the political authority, political parties and citizens. However, this closeness was not achieved, instead there was a form of divergence among the three lines which deepened the close it came to the political decision making circle, in which parties and citizens do not participate. This turns them into permanent opposition to the government resolutions and procedures that are issued without taking into consideration their opinions and aspirations.

* After the elapse of 15 years of the return of party life, the reality of party work is still described as weak and immature. This is due to the following reasons:

1. Prohibiting party activities for a period that lasted over 30 years (157-1989), which led to the following results:
   a. Fear of coming close to parties as a result of previous circumstances where party members were pursued, detained and tried for their party affiliations.
   b. The formation of negative and other incorrect convictions and ideas about political parties among citizens, which the official and party media did not correct.

2. Lack of conviction among citizens that political parties can provide personal or public gains.

3. The abundance of parties despite the similarity in ideas, politics and programs.

4. Lack of change in leadership positions in most parties.

5. Weakness of social, economic and political party programs that can be implemented and that deal with the demands and the lives of citizens.

6. Weakness in mechanisms that attract members and promote parties: Most current political parties are still far from benefiting from scientific developments and the political practices of countries that have advanced party experiences. 87.14% of political parties do not have websites, 82.35% of parties do not issue party magazines.
or gazettes, in 2994 82.35% of parties did not convene conferences and restricted their activities to period meetings, and 70.58% of parties do not have branches other than their main headquarters.

7. Political parties are still prisoners of their historical, ideological, political and organizational legacy. The most prominent manifestations of the crisis suffered by political parties is that they still suffer from a weakness in their popular base and still depend in all of their activities on political elites, the tribe and family.

8. Lack of legislative and funding incentives for party work.

The right to establish and be member in societies:

The term non-governmental organizations is used to indicate a wide range of (associations) who work depends on the principles of the right to assembly and freedom of association, as listed in Articles 21–22 of the International Convention on Civil and Political Rights.

The name NGOs includes a wide range of legal entities, such as parties and professional organizations, unions and development societies that work in the fields of education, awareness and public society service, or serve specific groups. These societies benefit from the idea of volunteer work, and financial profit and its distribution to members and workers is not among its goals or means. This also sets them apart from any trade projects. They are also different from public institutions and government administrations because their associations enjoy financial and executive independence from the official state administration.

At a time when parties and association have a specific description for their work and goals through their special laws, they leave it open for other entities to be considered organizations (societies) as meant by the Societies and Social Entities Law Number 33 (1966), which is the law the specialized authorities use when licensing societies and social entities.

The Societies and Social Entities Law and its amendment — Number 33 (1966) — defined the society as “any association that consist of seven individuals and above whose main goal is to organize it efforts to offer social services to citizens, without aiming, through its activities or work, to make a financial profit and divide it, or achieve personal gain or achieve any political goals. This definition does not include political societies, i.e. societies or associations established according to a special law.” The registration of societies in the Kingdom is divided among the following ministries: Social Development, Interior, Culture, Industry and Trade.

The number of societies registered at the MOSD as of the end of 2004 was 932, including 77 that were registered during 2004. These societies are divided into two parts with regard to their work mechanisms. One part is specialized in offering education or health or shelter services whether or orphans or others. The other part offers social defense services, or handicapped or senior citizen care. Some are based on offering food or medicine, or cash or material aid. There are also many societies based on offering care to a specific group, such as children, women, widows, orphans or senior citizens, or offering services to certain patients. All developmental societies registered at the MOSD are under the umbrella of the General Union of Charity
Societies. The number of MOSD-registered societies as of the end of 2004 stands at 195 specialized societies, and the rest (747) are multi-purpose societies. Over a third of the stand number of societies (318) work in the capital Amman, while the remaining societies are distributed among the remaining governorates of the Kingdom. The prevalent characteristic of these societies is that they offer humanitarian services, especially to the vulnerable groups. The number of volunteers in these societies stands at 105,000, according to MOSD sources. About 80% of these volunteers are male and the remaining 20% are female. The majority of these volunteers are senior citizens.

- At the end of 2004, 258 social associations were registered at the Ministry of Culture (MOC). Almost half of them have headquarters in Amman, while other half is distributed among the remaining governorates of the Kingdom under various names, such as societies, forums, assemblies, cultural clubs, technical teams and cultural networks, aimed at serving society. They do not aim for financial profit or achieving any political goals through their various activities, the most important of which are spreading and supporting the cultural movement, preserving heritage, conducting social studies and research and convening forums and lectures and educational and training courses.

- The number of associations registered in 2004 stood at 13, while two associations were closed — namely, the Cultural Creativity Forum in Zarqa, because the administrative board was unable to carry out any activities, and Al Fajr Club in Irbid, because it failed in correcting its financial affairs. A number of registration requests were denied for not meeting the conditions of the Societies and Social Associations Law.

- The number of societies registered at the MOI as of 2004 stands at 315, including 22 that were registered in 2004. The number of societies that were disbanded in the same year was 11 for violating the instructions of the aforementioned Societies and Social Associations Law. Warnings of dissolution were sent to 17 societies. Approval was not granted to establish 7 societies, either due to other societies that are similar in name or goals, or because the Ministry is not specialized in granting the license, or because their goals do not agree with the Societies and Social Associations Law, such as having political goals, which requires submitting a registration application as a party and not a society.

* It must be noted here that the request for a license depends on obtaining prior security approval for all forms of societies and social associations from the MOI. In case there is a desire to convene meetings, whether an annual general assembly meeting, an extraordinary meeting, or closed meetings to approve the financial and administrative report, or there is a desire to hold elections, a representative from the Ministry must attend, and often time police officers attend. The request for prior security approval must be applied for at least two weeks for the set date.

- At the end of 2004, the number of societies involved in providing social and humanitarian services of public interest, registered at the General Controller of Companies at the MOIT, such as institutions that do seek financial profit as of the end of 2004 stands at 90, including 87 working in the capital Amman, two in the Governorate of Irbid and one in the Governorate of Ma’an. The number of institutions registered in 2004 stood at 24 institutions, including 23 societies working in the capital and only one working in the governorate of Irbid.
Four of the total number of institutions registered at the MOIT were working in the field of human rights; three of these were registered in 2004. Three of the four institutions work in the capital Amman and one in the governorate of Irbid. Resorting to register societies as non-profit companies reflects the desire to expand the legal forms included in the Societies Law.

**Most prominent problems facing societies in Jordan:**

1. Multiple executive references concerned with registering societies and social associations, and various forms of official monitoring and supervision.

2. Old legislation that regulates the work of societies. The Societies and Social Entities Law Number 33 (1966), which was slightly amended, needs many essential amendments in response to the requirements of international criteria for practicing the right to association and peaceful assembly.

3. Weakness in the ability to innovate and renew methods of work and goals.

4. Weakness of the forms of communication and cooperation between local NGOs on one hand, and between the international and foreign NGOs on the other. This constitutes an obstacle to the possibility of the spread of these societies and the expansion of their work horizons, and causes repetition in the exerted efforts. It also reduces their executive efficiency, which invariably requires levels of specialization and professionalism that are not available to each of them individually within their humble capabilities.

5. Limited financial capabilities and the absence of forms of sufficient and organized official support. This has led to the discussion of the advantages and flaws of foreign funding for these societies.

6. The issue of security approval for the establishment of society remains a political obstacle that prevents practicing this right. This approval must be understood within the context of the authority of the concerned minister. Nothing in the law provides for connecting the approval of the establishment of societies to security approval, but these approvals have come to be considered a necessity. The reasons include the need for the concerned minister to verify the validity of registration conditions and using security circulations and memorandums as pretexts… In any case, connecting the registration of a society to any approval is considered a restriction to the right to establish societies and join them.
Economic, Social and Cultural Rights

- The right to work.
- The right to enjoy social securities.
- The right to health.
- The right to environment.
- The right to enjoy an adequate and appropriate standard of living.
- Cultural rights.
- Women’s rights.
- Children’s rights.

The Right to work, the right to education and the right to enjoy good health is each considered one of the vastest fields where official procedures and measures are felt through enabling citizens to enjoy human rights. Such rights do not exist or become available without an active and fundamental role played by government institutions. The development ratio of the services associated to these rights and the size of social categories enjoying such rights freely are considered part of the basic indicators reflecting the state’s commitment to respect human rights in addition to what they represent, as indicators on the success of development plans and policies.

The following is an analysis of the most important official measures (legislative, executive and judicial) that could enable citizens to enjoy economic, social and cultural rights guaranteed by the provisions of the Constitution, laws and the kingdom’s commitment to international conventions and other instruments.

- The right to work:

  - The Jordanian Constitution stated in Article 23 that 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 standards. It further stated that the state shall protect labor and enact legislation based on several principles specifying that every worker shall receive wages commensurate with the quantity and quality of his work and that the number of hours of work per week shall be defined with workers given weekly and annual days of paid rest. It also specified that special compensation shall be given to workers supporting families and on dismissal, illness, old age and emergencies arising out of the nature of their work. The Jordanian Constitution also stated that special conditions shall be made for the employment of woman and juveniles and that factories and workshops shall be subjected to health safeguards while free trade unions may be formed within the limits of the law.

  * The Labor law No.8 of 1996 was amended seven times in response to the indicators of the labor market on one hand and to Jordan’s commitments to international labor conventions on the other.

  - In 1975, Jordan acceded to the International Covenant on Economic, Social and Cultural Rights, where Articles 6, 7 and 8 specified the right of everyone to the enjoyment of just and favorable conditions of work that would ensure decent living.
Furthermore, Jordan joined 26 other international covenants out of 189 approved by the International Labor Organization (ILO) in the field of labor. Most prominent of these in the field of human right are: International Covenant No. 138 of 1973 on the minimum age of employment, International covenant No. 159 of 1983 on the Vocational training of the disabled, international covenant No. 144 of 1976 on tripartite consultations for fostering the implementation of international labor criteria, international covenant No. 29 of 1930 on the right to organize and enter into collective negotiations, covenant no. 100 of 1951 on equality in wages and the covenant of 1957 abolishing forced labor.

**Jordan’s labor force:**

- The crude rate of participation in economic activities in 2004 among Jordanians (i.e. the labor force to the stand population) reached 23.5 percent. This ratio among males reached 39.8 percent against 6.6 percent among females. Jordan’s labor force was concentrated in the age category of group (25-39 years), reaching 54.7 percent of the stand, while the female ratio within the same age category reached 6.6% and the males 93.4%.

- Evidence show that increasing numbers of women are entering the labor market with new roles, thus adopting one of the adaptation strategies in families where males lost their jobs and moved to search for higher working scopes. This normally happens in return for low wages and unsatisfactory working conditions such as long working hours, and the lack of health insurance for workers. The main reason behind this trend may be that the labor law does not cover these labor sectors and there is no one to supervise the obtainment of the rights of workers in these sectors.

- Despite the fact that the women’s participation ratio in Jordan’s working force is low and concentrated in typical sectors such as nursing, teaching and secretarial jobs. It has however been noticed during recent years that women were able, due to higher education and regulating fertility, to enter new sectors such as the banks and services sectors. The ratio of women occupying senior management positions also increased from 1.4% in 1996 to 8.8% in 2002. The ratio of women filling the upper echelon positions increased reflecting a tangible improvement in the status of women in leading jobs and decisions – making centers. As for the participation of women in the diplomatic corps, and despite the increase in such participation over the past two years, especially diplomatic attaches, statistics show that 16% of individuals who occupy this position are women. This ratio is still low in general, as women represented a low ratio within the diplomatic corps, i.e. 13 males to one female while women’s participation at the ambassadorial level was also very low, i.e. only 4% of all ambassadors, while women remained totally absent from other high positions in the diplomatic corps such as the positions of minister plenipotentiary and chancellor.

- As for women’s work in the judiciary, the ratio of women working therein did not exceed 2.8% in 2003, despite their participation in the judicial corps since 1955.

Policies of economics realignment i.e. privatization, shrinking the public sector and opening the door for Jordan’s membership in the world trade organization, has positively contributed in bringing about new opportunities for the employment of
women, but this was associated with law wages and limited training and dividing work according to gender thus depriving women from attaining vocational development.

**Child labor:**

Jordan is suffering from the dissemination of child labor and its associated problems such as school absenteeism and the prospects of juvenile delinquency. Some local studies show that child labor is concentrated between 11-15 years in cities, with most children belonging to poor families.

Despite the difficulty in accurately measuring the phenomenon of child labor, this phenomenon is particularly noticed in big cities, where children work in mechanical workshops or as peddlers at traffic lights. Article 73 of the Jordanian Labor Law No. 8 (1996) and its amendments prohibit any form whatsoever of the employment of children who have not completed 16 years of age, in accordance with ILO Convention No. 138 Concerning Minimum Age for Admission to Employment (1973), which was ratified by the Jordanian government in 1997. Article 75 of the Labor Law also prohibits the employment of those who have not completed 18 years in hazardous, fatiguing or health-damaging jobs. This Article was amended by Law No. 11 (2000), thus prohibiting the employment of children who did not reach 18 years, according to the 1999 International Convention Concerning the Elimination of the Worst Forms of Child Labor (No. 182), which was ratified by Jordan in 2000.

The Ministry of Labor (MOL) has adopted some measures to reduce the phenomenon of child labor. Accordingly, it began to implement in cooperation with the I.L.O. a national plan to eliminate child labor in Jordan. The 33-month plan was implemented as from 1st November 2003 and is aimed at withdrawing and rehabilitating 3000 children under 18 years, who currently exist within the labor market and to provide them with scholastic or training courses.

A legal committee from the MOL, the labor union, businessmen and domestic organization, was also formed to review, analyze and study all legislations and laws relating to children’s work. The committee has completed its review of the regulations of hazardous tasks, which prevent the employment of children therein, according to the international convention No. 182 of 1999 on the Elimination of the worst forms of child labor.

**Handicapped labor:**

Since the year 2000, Jordan participated in international meetings to lay down a draft international covenant on matters related to the handicapped. It also participated in most Arab gatherings to lay down a consolidated Arab view on an international covenant for the handicapped, thus reflecting the belief in the necessity of bringing about an international legal framework to protect and patronize the rights of the handicapped.

In 2003, Jordan ratified the International covenant No. 159 of 1983 on the rehabilitation and labor of the handicapped. The Jordanian labor law also approved the right of the handicapped to work and imposed on the MOL in cooperation with
other official institutions, to rehabilitate and train the handicapped in order to enable them to practice jobs that would not be hampered by their disability.

The labor law also stipulated that all institutions hiring 50 persons or more should employ 2% of their labor force from among the handicapped. Despite the existence of this text, commitment by businesses is still limited in view of the non-existence of active control and enforcement by the MOL and other parties to implement the law.

**Expatriate Labor:**

The ratio of expatriate labor holding working licenses reached 10% of the Jordanian labor force in 2003, as shown by MOL statistics. Workers holding Arab nationalities constituted 74.3% of expatriate labor.

Expatriate labor is concentrated in the Amman Governorate (47.93% of the stand expatriate labor force), followed by Balqa Governorate (12.47%) and Zarqa Governorate (8.55%). The reason behind this is that economic activities are concentrated in these three governorates.

As result of the proclaimed government procedures aimed at reducing the size of expatriate labor, a number of measures were taken to this effect including the deportation of workers violating the law, excluding sixteen jobs from the list of permitted jobs for expatriates and limiting permits to employ or bring in expatriate labor for some sectors, such as the construction sector where Jordanian labor could replace the expatriates if they possessed experience, efficiency and desire.

The government trend to shrink the size of expatriate labor is construed by Jordan’s decline to join the I.L.O. conventions No. 97 of 1949 and No. 143 of 1975 on Expatriate workers which could lay some commitments on Jordan in the scope of expatriate labor.

**Fixing and protecting wages:**

Jordan’s labor Law guarantees in Article 52, the fixation of minimum wages. Article 53 penalizes the employer or his deputy, if he paid wages less than the minimum amount specified in Article 52 by imposing on him a fine that would be doubled in case of repetition of these violations.

Despite the fact that the government raised minimum wages on 1st January 2003 from JD 80 to JD 85, this raise failed to take into consideration the cost of living of the Jordanian citizen which Article 52 of the labor law specifies that it should be considered upon the fixation of minimum wages.

Non-commitment to minimum wages by some business owners had been registered. Statistics show that 23.2% of female workers who are 15 years of age or more receive wages less than JD 100 per month. Males 15 years old or more receiving JD 100 are 16%. Wages in many cases are less than the minimum of JD 85, despite intensive inspection campaigns on work sites by the MOL to ensure the payment of minimum wages. Such campaign proved insufficient to halt the violations of entrepreneurs.

**Unemployment:**
Unemployment is considered as one of the main impediments and challenges facing most economies, advanced and developing alike. It is also one of the main reasons leading to poverty and the problems arising therefrom.

Jordan’s economy suffered during past stages from the problem of unemployment, which was occasionally caused by external political reasons, related to political stability in the region, in addition to the disequilibrium between the requirements of the labor market and the outputs of education, training and rehabilitation. Hence, the number of governmental and private universities increased, while education trends remained confined to academic subjects at the expense of vocational specializations. This lead to a disequilibrium between supply and demand in the Jordanian labor market, coupled with poor performance in the Jordanian economy over the past two decades, and the emergence of the expatriate labor phenomenon.

Figures by the Department of Statistics (DOS) indicate that unemployment among holders of bachelor’s degrees by the end of 2004 stood at 18.4%. The highest rate of unemployment among males with education less than the secondary level was the highest reaching 69.3%, while the highest rate of unemployment among females was at the Bachelor’s level and above reaching 47.4%.

Among the measures adopted by the Jordanian Government to reduce unemployment in 2004, was the conclusion of an agreement with the International Labor Organization (I.L.O), to boost the capability of the MOL in creating jobs and reducing poverty.

The Civil Service Bureau reports that in 2004, 9035 persons, including 4572 males and 4463 females, from among 139270 applicants, were appointed in the various governmental ministries and public institutions.

The law has guaranteed in Article 4 the right to social security. The Social security law no. 19 of 2001, provided that the provisions of this law shall be applied on all workers who are not less than 16 years old without discrimination due to nationality and regardless of the duration of the employment contract, its form, nature or value, and whether the accomplishment of work mainly took place inside or outside the kingdom, without prejudice to the provisions of international conventions which regulate the rules of dual insurance.

The social security law no. 19 of 2001 excluded some categories from the provisions of this law, such as public servants pertaining to the retirement system according to the retirement laws applied, as well as workers indulged in agricultural or forest or grazing activities or sailors, fishermen and household servants.

Social securities specified by Article 3 of the social security law include:
- Insurance against working casualties and professional diseases.
- Insurance against old age, disability and death.
- Insurance against temporary disability as result of a disease or maternity.
- Health insurance for the worker and others entitled.
- Family grants.
- Insurance against unemployment.
The social securities enjoyed by citizens so far are merely confined to working casualties, professional diseases, old age, disability and death, dropping out other securities specified by law.

The number of persons covered by social security stood at 467,044 in 2003, of whom 419,169 were Jordanian workers and 47,875 were non-Jordanians. Jordanian male beneficiaries totaled 315,675, while the number of females stood at 103,494. Non-Jordanian males totaled 34,157, while non-Jordanian females totaled 13,718. The number of establishments participating in the social security plan reached 10,333.

**Most important notes on the social security law:**

Several categories do not enjoy the benefits of social security such as agricultural workers, and those employed by irregular working institutions that receive an end of service remuneration of one-month salary for every year of service. Although the end of service remuneration is one form of compensation, it is insufficient and cannot be compared with pension received by those covered by the social security umbrella.

The social security law differentiates between men and women in setting the age for benefiting from old-age security. Old age for men is 60 years and for women 55.

Pensions paid to those covered by the social security umbrella, are generally considered low and do not take into consideration the high cost of living. The pension formula specified by social security law No. 19 of 2001 should therefore be reconsidered.

Few pensioners receive monthly pensions of several thousand dinars thus creating a vast gap among pensioners. This reflects a deformity in the pension formula used by the social security institution.

It has been noticed that payment of social security salaries or compensations due to pensioners consume considerable time (the social security institution started in 2004 to take steps aimed at simplifying the procedures and is now in the process of introducing answering machines and organizing the payment of security subscriptions through banks).

As for the provisions of pension specified by the civil pension law No. 34 of 1959 and the military pension law no. 33 of 1959, it is thought that the method applied to calculate the pension salary is unfair. The pension salary is calculated according to the basic salary as Article 2 of the civil pension law and Article 2 of the military pension law define the last monthly salary on which the pension is calculated as the basic monthly salary plus 25% of that salary. It does not include allowances and other allocations whatsoever, and this is contradictory to old-age pension according to the provisions of the social security law which is based on the stand wage, including overtime and allowances.

Article 6, Paragraph of the Jordanian Constitution states in “the government 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”.

In Article 19, the Constitution gave congregations the right to establish and maintain their own schools, while Article 20 stated “elementary education shall be compulsory for Jordanians and free of charge in government schools”.

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The Education Law no. 3 of 1994 and its amendments regulated education the philosophy and targets of which are based on several principles, which are of a human and developing nature.

The Constitution weighed between the state’s duty in the field of education and the right of congregation to maintain their own schools. It defined the limits of education using two criteria namely the limits of the state's possibilities, complying with the general provision of the law and the control of government in matters relating to their curricula and orientation, but failed to specify this as regards university education.

The national charter also referred to the right to education and the academic freedom involved. Article 17 of chapter 1 of the charter stated, “Jordanian universities are an important part of the homeland’s institutions, and should become minarets for mental illumination and scientific progress. This requires the need to provide academic freedom and ensure the practice of this freedom”.

Among other things on the requirements of education, the charter stated in its Article 2 of chapter 6 that “education policies in Jordan should stress on raising up the integral individual who possesses a scientific and democratic spirit and who believes in human rights and the principles of justice, benevolence and equality.” Jordan had earlier ratified the covenant on combating discrimination in the field of education.

Twenty years ago, the scope of compulsory and free education was expanded from six years of elementary education to ten years representing basic education.

Education in government schools is totally free of charge, despite the fact that students present regular and meager donations. Textbooks are distributed among students free of charge. Compulsory education for the basic stage is aimed at confronting leakage from schools. MOE Statistics for the period 2001-2002 indicate that the ratio of leakage in all scholastic stages reached 41% of which 48% are males and 35% females. The MOE is working on returning leaking students to their schools through administrative governors and orientation programs implemented by educational guides. The MOE is further preparing a survey study on the reasons behind scholastic leakage, which is expected to be completed by midst 2005.

**Illiteracy Eradication:**

According to DOS data for 2004, the adult illiteracy rate (among citizens 15 years of age or older) is estimated at 9.9% (of which 64% are females and 36% males). This ratio constituted 14.9% of all females and 5.4% of all males. Illiteracy ratio in Jordan is considered low as result of official efforts made over the past years to fulfill much of the education requirements and the social trend to give much attention and the social trend to give much attention to education. The number of students in various stages of scholastic and academic education is about one third of Jordan’s entire population.

The number of MOE adult education centers during the scholastic year 2004/2005 stood at 295, including 22 for males and 273 for females, with a stand enrolment of 3,738 learners (282 males and 3456 females). During 2002/2003, an estimated 76%.of all learners passed their examinations in these centers.
However, the following notes could be made as regards the illiteracy eradication programs:

Concentration on females is considered important, particularly because the largest rate of illiterates is among females, but it is also noticed that the number of males making use of illiteracy eradication programs is considerably low.

In general, the rate of beneficiaries of the adult education programs is considerably low, i.e. 3738 for the scholastic year 2004/2005, compared with the stand number of illiterates estimated at half a million citizens.

Teachers giving lessons to illiterates are working on a remuneration system of JD 1 for every teaching hour, which is less than the minimum wage.

The illiteracy eradication program is void of effective incentives for the illiterates, and of complementary educational programs after the 4th fundamental class.

**Education indicators:**

In 2004, there were 5348 schools in Jordan catering to 1,300,000 boys and girls. The education sector is mainly under the supervision of the MOE, schools of which constitute 58.4% of all schools. The rate of students in Government schools is 71/5%. The rate of female students to male students is 50% with one teacher allocated for approximately 20 students.

The figures and rates mentioned above and which appear reasonable in the light of the education budget, do not explain the apparent shortage in the number of teachers, particularly in rare specializations. They also do not explain the existence of crowded classes in a large number of schools. There is still a need for modern school premises and carrying out maintenance in existing schools.

*The Jordanian Constitution laid down the right of congregations to establish and maintain their own schools. The number of private schools owned by individuals or institutions in Jordan has reached 2076 constituting 38.5% of all schools in the Kingdom: The rate of students in private schools reached 20% of the stand number of students, of which female students comprised 43%. This reflects comparative bias by citizens to teach males in private schools, which is in fact contrary to what appeared an equal rate between male and female students in government schools. Secondary Education is available to all students in various academic and vocational specializations.

The MOE and MOH jointly offer health care and some seals to students in poor areas, where campaigns are launched to detect contagious diseases and to offer suitable directives and medical treatment. The Ministry also offers meals to schoolchildren in less fortunate areas. This takes place within the framework of the project of nourishing children in government schools. The project included in the scholastic year 2004/2005, about 54000 male and female students in the first four fundamental years of study.
The health survey conducted in 2002 on students on the shortage of fine elements showed indications of a deficiency in Vitamin A particularly among elementary students. Accordingly, 200,000 units of Vitamin A were distributed as a preliminary dosage among 51,863 students of the 1\textsuperscript{st}, 2\textsuperscript{nd}, 3\textsuperscript{rd} and 4\textsuperscript{th} elementary classes in less fortunate areas.

Some problems still face students in the scope of health services such as the lack of adequate heating in most schools and the non-availability of direct and continuous health care as clinics do not exist in government schools and student gatherings where dental diseases, gum inflammations, ocular diseases and anemia.

**Teachers’ Union**

The development of teachers’ skills is attached to the extent of respect of his rights and to enable him participate in decision-making. Hence, comes the talk about the right to a Teachers’ Union along with other unions. The education sector is one of the largest vocational sectors in the Kingdom and this necessitates a review of this issue.

**Developing Curricula and Educational Policies:**

The process of educational development constitutes one of the major national challenges of responding to international criteria related to the right to education. The MOE adopted during the years 2003 and 2004 two initiatives to this effect:

- **First: Human rights matrix of 2003:**

  The curricula department presented UNESCO with a project entitled “Education for the sake of incorporating the concepts of human rights with peace culture and joint value on the world level.” The project was implemented through the preparation of a national framework, which includes concepts as criteria that would be incorporated in scholastic curricula.

  This was followed by a survey of the concepts contained in textbooks. The survey showed that several human rights concepts in these textbooks, as well as other concepts should be inserted in the curricula of Islamic Education, Arabic Language, Civics and English Language. There were 41 such concepts, as well as 305 main sub-concepts. The Education Board approved the matrix on 6\textsuperscript{th} October 2003, together with the activities stated to be implemented to this effect.

  **This matrix instigated wide-range controversies in Parliament and within the civil society, but we did not monitor any tangible implementation of these concepts in scholastic curricula. The incorporation of the human rights concepts in school curricula still stands as an urgent national demand.**

  The study carried out by the NCHR to measure the level of cognizance among students of the University of Jordan as regards the concepts of human rights, showed an apparent weakness in the cognizance of those included in the sample. This raises the question about the study level at which human rights should be taught and the capability of the current curricula to carry out this task.

- **Second: Project on developing education towards the information economy:**
This project was officially launched during the meetings of the World Economic Forum held at the Dead Sea in June 2003, with the aim of developing Education, approving the latest educational programs and making use of IT systems in schools. While we refer to the importance of the project, we would like to assert the necessity to make the student and the educational process the first beneficiary in the project provided that this would not affect his educational rights within a vision emanating from human rights concepts, which in turn does not yield to economic concepts alone.

- We must also indicate that the subject of national education, taught in fundamental classes, contains little about the concepts of democracy and human rights. Despite the need to review and develop this curriculum, it will continue to be an indicator of the educational policy aimed at strengthening human right concepts among students.

**Higher Education:**

The Higher Education and Scientific Research Law No. 4 of 2005, contained in Article 3 a definition of the aims of higher education including patronizing and fostering the democratic process in a way that ensures the freedom of the academic work, the right to expression, respecting the view of others, team-work, bearing responsibility, using critical scientific thinking, providing academic, psychological and social environment that would be supportive as well as distinct, innovative and talent-burnishing.

The higher education board organizes higher education through laying down policies, licensing educational institutions and defining admission requirements, at a time when higher education institutions enjoy administrative and financial independence. Learning is made available to all in accordance with the criteria specified by the acceptance rules.

By the end of 2004, the number of higher education institutions in the Kingdom reached 21 universities where 166598 students, including 83321 females are studying various specializations in the bachelor’s stage.

There are eight government universities embracing 118686 male and female students in the bachelor’s stage. This number constitutes 71.2% of the stand number of students in the Kingdom. Females in Government universities constitute 57.3% of their students.

The number of private universities reached 13 in which 47912 students are studying in the bachelor stage. This number is 28.2% of the stand number of students in the Kingdom. Females constitute 31.8% of all private university students.

Arab and foreign students registered in all Jordanian universities have reached 19542 males and females.

Post graduate students in all Jordanian universities have reached 19542 males and females, i.e. 36.6%, while students studying in community colleges reached 23920 of which 14561 are females representing 60.9% of stand community college students.

The above indicators lead us to the following conclusions:
Education is generally available as regards the diversity of universities and specializations as well as the number of students joining various levels of higher education.

An increase in the number of females joining the bachelor level in official universities and community colleges has been noticed together with a similar decrease in private universities and higher study levels. It appears that parents are inclined to send females to join less-costly government universities and community colleges and males to more expensive private universities and higher education.

It appears that the society’s inclination towards male education still exists as regards study costs and levels. The costs of higher studies and private universities are high compared to the bachelor’s level in government universities. Despite the fact that fees in community colleges are low, graduates of this type of education face difficulties in finding jobs. Therefore, males refrained from joining such colleges, giving females better opportunities.

In the light of this we may notice the following:

1. The creation of a fund to support lending students under a special system, is considered as a positive initiative to enable students enjoy the right to education, particularly to secure them against the possible discontinuation of studies due to funding shortages or high university fees.

2. University fees are considered as one of the impediments hindering higher education in Jordan. High university fees compared to the average income of the family are imposed. Boards of trustees of various universities argue, while fixing the fees, that education has high costs and that university fees do not cover them. Add to this the high university fees paid by students of parallel, evening, international and complementary programs, which may approximately reach three or four fold of the fees paid by regular students.

3. The gap between fees collected by official and private universities creates discrimination in the capacity to enjoy the right to education, particularly in the absence of a clear policy to support higher education.

* As for the principles of accepting students in official universities:

The Consolidated Coordination Office, accepts students in universities according to the acceptance principles of Jordanian students in Jordanian universities as specified in the Higher Education Law:

The following notes on the principles of acceptance, may be made:

1. Exceptions from the principles of competition, which restrict equal opportunities on the bases of efficiency and capability, have become excessively frequent reaching more than 62%, thus becoming the rule not the exception. This is considered as a discriminatory act contrary to the principle of equal opportunities as stated in the Constitution. It also represents a violation of the principle of equality in education opportunities, and non-discrimination in education as specified by international criteria, including the Covenant on Combating
Discrimination in the field of education of 1960, which was ratified by Jordan in 1962.

2. Despite the existence of some cases of positive discrimination such as allocating 10% of the seats to less fortunate schools and 300 seats to students from refugee, it would be more useful to deal with these categories and the reasons that made them less fortunate through the development of their education levels.

3. Despite the fact that handicapped students are granted facilities in university education, which could mount to an exemption of 90% of the fees, their benefit from the opportunities of higher education is still limited and lacks active and inciting mechanisms.

* As regards teaching human rights in higher education institutions, it must be pointed out that some universities offer the human rights course, but this course is still confined to law faculties or offered as an elective. The Ministry of Higher Education (MOHE) cast the course of National Education in universities by the end of 2004. Some universities began to implement this course in the second semester of 2005 while other will start doing so at the outset of the academic year 2005/2006. Teaching human rights at higher education levels is still far from achieving any tangible effect, as it is not attached to plans and curricula imposed on students. In addition to this, the abolition of some students human rights clubs disseminating perceptive activities in some universities and the absence of such clubs in others, give an indicator on the extent of absence of human rights culture within the academic environment.

* Student participation and representation:

The mechanism of student representation still poses one of the problems hindering students from participation and expressing themselves, as there is no student union in the Kingdom. Every university lays down the principles, rules and mechanisms of student activities. Student bodies of all types do not enjoy the adequate financial and administrative support to enable them realize their targets. Therefore, the achievements and activities of student bodies appear humble compared to the number of their members and supporters.

Appointment in student bodies is still weakening the representation characteristic of student leaderships, and reflects the weakness of student participation in running their own affairs. It is still prohibited that students and their gatherings become involved in political activities. Students often claim the existence of interference and prosecution by security apparatuses either because of political activities or to affect the results of their elections. This adds another impediment hindering the right of students to gather peacefully, to participate in running their own affairs and select their representative freely.

Right to Health:

First: International Commitments

Jordan ratified a number of international covenants, which asserted this right. Paragraph 1 of Article 25 of the Universal Declaration of Human Rights asserts 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…”

Article 12 of the International Covenant on Economic, Social and Cultural Rights stipulates that signatories “recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.” The Article calls on State Parties to take the necessary steps “to achieve the full realization of this right …,” including the “creation of conditions which would assure to all medical service and medical attention in the event of sickness.”

During the recent years, the Committee on Economic, Social and Cultural Rights has adopted a general definition of the rights of the disabled, as well as the rights of HIV victims.

Discussions of the Committee indicate that the rights to health is linked to several economic and social factors that give citizens the opportunity to enjoy a healthy life. The discussions also touch on the basic components of health, such as food, housing, access to safe potable water, healthy and secure workplaces and the right to a healthy environment.

Commenting on the Jordanian Government’s report concerning its implementation of the rights, social and cultural rights, the committee recommended that various issues that would secure the right to health should be taken into consideration. The committee also recommended that it is necessary to gather all factors and data related to malnutrition, particularly among children.

The right to health was also mentioned in Articles 24 and 25 of the convention on the rights of the child and also in Articles 11 and 12 of the Convention on Eliminating All Forms of Discrimination Against Women.

Second: national legislation and plans:

There is a series of national legislatures, which define the criteria and rules related to public health most important of which are:

Provisional Public Health Law No. 54 (2002) and its amendments; Provisional Drugs and Pharmacies Law No. 80 (2001) and its amendments; Provisional Food Control Law No. 79 (2001) and its amendments; the Narcotics and Hallucination Agents Law No. 11 (1988) and its amendments; the Civil Health Insurance Law No. 83 (2004), issued by virtue of Paragraph (e) of Article 66 of the Public Health Law No. 54 (2002); and the Handicapped Welfare Law No. 12 (1999).

* It is noteworthy that none of these national legislations contained explicit provisions asserting the state’s responsibility in adopting the necessary measures to secure the full practice of the right to health as defined in the international covenant on Economic, social and Cultural Rights, as national legislations lack what would assert “the right of every human being to enjoy the highest standard of physical and mental health attainable.
Despite the existence of some Articles which cover the role of the state in providing health care, these are mainly concerned with physical health and medical treatment and do not give adequate concern to psychological health.

However, the MOH has embarked on laying down comprehensive plans for the health sector using world health organization criteria, including a national plan to combat HIV. The ministry also implemented several orientation programs, over the past few years, on specific issues such as diabetes and thalassemia diseases, in addition to current efforts on the hazards of smoking.

The poverty alleviation strategy in Jordan included a special axis on health but despite this, heart diseases, cancer, diabetes, blood pressure, malnutrition remained the most common diseases in the country.

* The question of health insurance is considered as one of the most prominent issues, which require attention, study and analysis, by those controlling health policies in Jordan. It is obvious that persons who do not enjoy health security become more vulnerable to health problems than other.

*It must be noted that government hospitals and health care centers face growing pressure and a shortage in drugs, doctors and male nurses.

Third: Some matters, which require special care:

1. Maternity and Childhood:

The child’s health is closely connected with the health of the pregnant mother. Jordan has witnessed steady improvement in the level of mother care and mother health, particularly, as regards mothers’ fatalities as result of pregnancy which dropped from 48 to 41 cases in every 100000 cases of childbirth during the period between 1990 and 2002. The rate of mothers who give birth under competent medical supervision exceeded 98% regardless of the geographical area. However, the rate of mothers who return to receive care after maternity is still low according to the results of a family health survey conducted in 2002.

* There are still many challenges in the field of mothers’ health, most important of which is laying down the necessary mechanisms to monitor dangerous pregnancy cases, follow them up, detect fatalities among mothers, improve the quality of the services offered to mothers during and after maternity and reduce cases of anemia among women in the birth age.

As regards the children themselves, the under-five infant mortality rate dropped from 39 to 27 per 1,000 live births during the period between 1990 and 2002, while the child mortality rate also dropped from 34 to 22 per 1,000 live births during the same period. It must be mentioned that more than 70% of fatalities among infants occur during the first month after birth, and this requires a condensation of programs which are concerned with mothers’ and children’s health during the post-birth period.

The rate of vaccinated children remained high, thanks to the success of the national vaccination program. The rate of children vaccinated against polio reached 98% in the year 2002, with Jordan still void of this disease since 1995. However, there is still
need to take care of the deficiency in dietary elements as latest studies showed that the rate of children suffering from a deficiency in vitamin A reached 15% and those suffering from iodine deficiency 33%.

2. HIV/AIDS:

The first case of HIV/AIDS was discovered in Jordan in 1986. The rate of the spread of this disease in Jordan is considered somewhat low, as registered cases since 1986 reached 355 cases, including 136 among Jordanians. This requires continued concentration in orientation campaigns on sound health practices, and life skills, particularly among youth to ensure continued control on the spread of the disease in Jordan.

Right to a safe and balanced environment:

Protecting the environment in Jordan is governed by the Provisional Environment Protection Law No. 1 of the year 2003. It has been noticed that this law does not include a binding text recognizing the right to a safe environment on the national level, although the national charter which preceded the law by twelve years stressed that a clean balanced environment is one of the human rights and that preservation and protection of the Jordanian environment against contamination in favor or present and future generations is a national duty that requires high standard of care and participation in matters related to environment and various contamination hazards. It further requires the initiation of policies that would bring about equilibrium between preserving environment and sustainable development, in addition to enacting legislation and laying down criteria to remedy the negative effects, which spoil the natural environment.

It is noteworthy that the proposed amendments on the Provisional Environment Protection Law (currently before the house of representatives) include provisions stressing the right to a safe and balanced environment. This will boost legal guarantees against continued violation of the right to environment, most important of which are the hazards of the Dimona nuclear reactor, dispensing with medical wastes, improving the environment of the Ghor area, solving problems resulting from air and soil pollution, solid hazardous wastes, as well as low water quality, and reducing emissions detrimental to health and environment from cement, phosphate and other industries.

It would be fair to refer to the strenuous efforts exerted by citizens and environment protection activists in various societies who could influence policies and resolutions related to some environment issues, particularly the question of using Petroleum Coal by Jordan Cement Factory in Fuheis City. Such efforts succeeded in preventing the use of this source of energy, which pollutes the environment.

*We would also wish to refer to the question of the scrap imported by Jordan, especially from Iraq and the necessity to take the necessary measures and adopt scientific studies and laboratory tests by specialized agencies, to ensure that tons of imported scrap is void of radiation harmful to human health and the environment.

The following are the most important hints on the national precautions to protect the environment:
1. Weakness in enforcing valid environmental legislation and the lack of incentives to this effect.

2. The failure to issue instructions and rules to ensure active implementation of environment protection law.

3. The non-existence of a system that would evaluate the environmental effect, despite the fact that such evaluation is one of the major requirements for approving the financing of projects by international donors.

4. Weak cooperation and coordination among organizations interested in environment, especially what is related to organizing joint activities in the field of orientation and environmental education.

5. Absence of emergency plans for environment in the Kingdom.

6. Weak cooperation among Government agencies concerned with protecting the environment.

7. The failure of economic and social plans to take into consideration environmental dimensions.

8. Non-participation by people in making decisions related to the environment, although such decisions affect the quality of their lives.

9. The existence of secrecy around information related to the status of the environment. This hinders citizens from obtaining such information and prevents them from defending their environmental issues.

**Right to water:**

The question of water resources shortage and the deterioration of water quality are closely attached to national, social and economic security. Water waste and contamination constitute an infringement upon the right of man to water as approved by the International Covenant on Economic, Social and Cultural rights and asserted by the International Committee concerned in its general comment no. 15 of 2002.

Among the most prominent legal principles upon which the right to water depends is “that human right to water grants every persons the right to an adequate, safe and acceptable quality affordable and easy in cost, to use it for personal and household purposes.” The standardized content of the right to water is summed up in stating that this right represents freedoms and right together. The elements of the right to water should be adequate to preserve man’s dignity and life. This right is included within the category of fundamental insurances to secure and adequate standard of living, since it is one of the most important basic conditions for survival. The right to water is also indivisible from the right to the enjoyment of the highest attainable standard of physical health and the right to a suitable housing, adequate food and the right to life and human dignity.

*Jordan is considered as one of the ten poorest countries throughout the world in this respect. Due to the water shortage suffered by Jordan, per capita share of water is estimated at 170 square meters for all purposes per annum. This is far below the
water poverty line estimated at 1000 square meter per annum according to World Bank statistics.

**The right to an adequate and suitable standard of living:**

The Jordanian Constitution did not conspicuously and explicitly refer to the right to an adequate and suitable standard of living at a time when the national charter stated in Article 8 of Chapter III that: Alleviating poverty and dealing with its consequences is a strategic target for the Jordanian state and a national duty that requires offering work opportunities to those capable of working and are searching for jobs. Priority should be given to Jordanians with services and development projects justly distributed socially and geographically, in a way that copes with the fundamental needs of the citizen and makes poverty an exceptional case, thus reducing its passive effects on the individual and the society.

Jordan also ratified the International Covenant on Economic, Social and Cultural rights of 1976, which contained the text on the right of everyone to an adequate standard of living.

*The right to an adequate standard of living is bound to a set of limitations that affect the Jordanian citizen, most important of which is the small size of the Jordanian economy, its limited resources, and what is associated with it such as privatization, policies of realignment, unemployment, and the effects of international political and economic changes on the Jordanian economy in return to Government and private sector efforts to deal with this right, particularly poverty.

**Alleviating poverty:**

The MOSD is considered the official body mainly and directly concerned with confronting the challenges and associated problems of poverty in a way or another. The Ministry has several tools and projects such as development lending, patronizing marginalized groups including children without family support, convicted juveniles, the disabled and elderly people, as well as helping people who need health security in implementation of the policies of confronting poverty.

The National Aid Fund is considered as one of the most important institutions to this effect at the MOSD. Eighteen different categories are making use of this fund which offers them protection, and care through repetitive or emergency financial aid namely (orphans’ families, widow and orphans, families of the disabled, families of convicts, old people, surrogate families, girls above 18, divorcees, Jordanian women married to non-Jordanians, special cases, human cases, dual (aid and rehabilitation), other categories decided by the fund board, the wife of a missing person and patronizing other disabilities.

The MOSD conducted in 2002 a study on assessing poverty in Jordan for 2004. The study came out with several conclusions most important of which are:

1. That there is an antithetical correlation between poverty and education i.e. the higher education a person attains, the less poor he becomes and vice versa.
2. The rate of women’s fertility in poor families is 5.2 children compared to 3.1 in non-poor families.
3. That 70% of the poor, can be excluded from the poverty circle as their expenditures are close to the poverty line, and could be helped through lending schemes to enable them increase their income instead of presenting them with aid.

* It has been noticed from this study and its indicators that there is a difficulty in verifying the figures and rates mentioned therein as regards the poverty line and its rate in governorates, as well as the distribution of poverty pockets in various governorates and the reasons behind them.

* It has also been noticed that there is no conspicuous perception, on the national level, to this problem. Moreover, no preventive plan ever existed to confront poverty instead of adopting a policy of improving the conditions of the poor through aid.

We wish to stress in particular, the necessity to discuss the passive results of some privatized projects and the development of National Aid Fund programs. (We also noticed the discrepancies between the figures and rates issued by various official bodies on the problem of poverty and the absence of coordination among these bodies).

A report issued by the Ministry of Planning and International Cooperation indicated that the policy of alleviating poverty faces practical difficulties, such as the lack of coordination among institutions, the need for more accurate data, as well as the failure to target the poor directly, centralization in taking decisions, drafting plans and allocating resources to institutions working in the field of alleviating poverty.

The MOSD also shoulders the task of implementing other aspects of the policy of alleviating in the Kingdom, such as helping people not covered by health insurance, namely the poor, through providing them with treatment exemptions. There are around 3,500 beneficiaries each year.

The “Social Safety Package” is also aimed at increasing the general standard of social productivity for Jordanians in general and the poor and less fortunate groups in the society in particular. The cost of implementation was estimated at 157 million Jordanian Dinars.

**Right to housing:**

The number of houses in the Kingdom reached 1204234 housing units, according to DOS figures in 2004. Vacant houses reached 22% of stand units i.e. 264000 housing units, compared to 19% in 1994.

The rate of houses connected to water, sewage networks reached in 2003, 97%, 99.5% and 60% consecutively.

Although the sewage service is considered one of the priced and rented services, as it is the case with electricity and water, the conspicuous shortage in providing this service is considered unjustified due to its importance on both the environmental and health levels.

- The Government's policies in the scope of housing are still unclear. Civil and military housing funds, still suffer from a clear shortage of funding. The
participation of the private sector (banks and lending and financing institutions) in solving the problem of housing loans, had laid additional burdens on citizens of limited who allocate the greater part of their income to housing at the expense of other basic requirements. This again indicates that the right to housing is connected with other basic factors, such as wage levels, interest rates and the rates of expenditure. The right to housing is also connected with other rights, such as the rights to food, health, work and environment as well as the right to an adequate standard of living.

In implementation of royal directives to support housing loans, the Council of Ministers decided at the outset of 2005 to allocate JD 50-million from the proceeds of privatization to enhance the financing of housing for government officials. This unveils the problems faced by government housing projects and the size of the financing required meeting this right.

- In this respect, we must refer to the law of landlords and Tenants which will have negative effect on the right to housing, particularly by the end of 2010 when leasing contracts concluded before the year 2000, will expire. This will lead to the evacuation of many houses and the conclusion of new contracts leading to extra expenses on the part of citizen and imposing on the state to adopt and implement a national plan for housing poor families.

Cultural rights:

The Jordanian Constitution does not have any explicit texts on cultural rights, but Article 15 (1) states that, “The State shall guarantee freedom of opinion. Every Jordanian shall be free to express his opinion by speech, in writing, or by means of photographic representation and other forms of expression, provided that such does not violate the law.” Paragraph 4 of the same Article states, “In the event of the declaration of martial law or a state of emergency, a limited censorship on newspapers, publications, books and broadcasts in matters affecting public safety and national defense may be imposed by law.”

Chapter 6 of Jordan’s National Charter lists clear determinants to cultural rights, most important of which is the stipulation in Paragraph 4 that due care should be directed to “raising the cultural standard of Jordanian citizens in all the Kingdom’s regions and embarking on developing their national culture through all the means available in such a manner as to guarantee their participation in comprehensive cultural development.” Paragraph 6 of the same National Charter chapter, which recognizes cultural pluralism, calls for “nurturing the various patterns of Jordanian national heritage as creative tributaries that enrich and contribute to the development of the national culture in a way that suits the spirit of our time and enhances the genuine cultural fabric of the Nation.”

The MOC oversees cultural activities by virtue of Culture Act No. 3 (2003), which outlines the tasks of the ministry. The most important of these tasks are: laying down public policies for the cultural course of action, developing cultural activities through the support of cultural bodies and institutions, providing appropriate conditions to unleash creative and artistic energies, nurturing creativeness in the intellectual, cultural and artistic scopes, by presenting and publishing it, setting up cultural and art museums and centers, honoring writers, authors and artists, encouraging talented
people, boosting democratic concepts through commitment to human rights and the freedom of thought and expression.

Despite the creation of a fund to support culture it has been noticed that the budget of the MOC is small and that this restricted its capacity to support publication and encourage creativity.

The MOC offers prizes to intellectuals in appreciation of their achievements through what is called “The State’s Valuation and Encouragement Prizes” which were initiated in 1989 and are still granted. A stand of 86 intellectuals, institutions, cultural groups, representing the various cultural activities, have received this prize.

There are several private cultural institutions, which are established by individuals to organize their cultural and creative activities, in accordance with the law of associations no. 33 of 1966. Such institutions work independently under the auspices of the MOC and have reached 259 bodies registered at the MOC and are involved in various cultural specializations in various parts of the Kingdom. 120 of these are in the capital Amman alone and these constitute 46% of all such entities in the Kingdom.

As for the development of cultural activities, it has been noticed, according to the DOS statistics, that these activities became diversified on the one hand but less in number in 2003, compared with what they were five years earlier. This raises questions about the standard of participation in cultural activities by Jordanian citizens lately.

* At the level of protection and enjoyment of scientific and intellectual creativity, Jordan ratified two international agreements that came into operation in 2004, namely, the WIPO Convention on Copyright and the WIPO Convention on Protecting Audio Performances and Recordings.

Several laws were passed to regulate intellectual property, most importantly the Copyright Law Number 22 (1992).

Among the protection procedures instituted in the Copyright Law is the Deposit of Works Bylaw Number 4 (2004), according to which authored works shall be deposited at the National Library Department. Article 36 of the Copyright Law states, “(A) All employees of the Copyright Office at the National Library Department, who are commissioned by the Ministry, shall be considered to be members of the Judicial Police when implementing the provisions of this law; (B) If there are any doubts indicating that there are any violations of the provisions of this law, employees at the Copyright Office shall have the power to inspect any place that prints, copies or distributes works, including transportation vehicles. They may impound copies and all material used in committing these violations and refer the copies, as well as the violators to court. The minister has the right to request the court closes the place.”

These laws contributed seriously to protecting the rights of writers. A stand of 383 cases of violating intellectual property rights were referred to the judiciary by the Copyright Office in 2003. There was also an increase in the number of deposits at the National Library.

**Women’s Rights:**
First: International Commitments:

Jordan signed the CEDAW on the 3rd of December 1980 and ratified it on the 1st of July 1992, but the Kingdom lodged its reservation on Article 9/2 related to granting women an equal right with men with regard to passing their nationality to their children. Paragraphs 2 and 9 of the Jordanian Citizenship Law Number 6 (1954) state that “Children of a Jordanian are Jordanian, no matter where they are born.” Official sources have clarified that this nationality law is governed by political circumstances that have forced the Government to adopt such a decision.

Jordan also signed the agreement on the illegality of dual nationality among citizens of Arab countries. It also lodged reservations about Article 15/4 of the CEDAW related to women’s equal rights vis-à-vis laws on freedom of movement and freedom to choose residence and domiciles. It also had reservations regarding Paragraphs C, D, and G of Article 16 concerning marriage and family relations.

* Despite Jordan’s above-mentioned reservations, Jordan took many provisions of CEDAW into consideration, and a group of laws were amended based on them. For example, Article 3 of the Convention was crystallized through establishing the National Jordanian Committee for Women’s Affairs following a resolution of the Minister’s Council in 1992, as a semi-governmental organization concerned with national monitoring and accountability with regard to women’s issues.

The National Council for Family Affairs was established as a civil institution concerned with protecting women and children. The establishment of the NCHR in 2003 as an independent national institution responsible for monitoring the state of human rights in Jordan and work to confront discrimination in all its forms, as an aid to the national and monitoring mechanism for women’s issues. References will be made to some other amendments in the part related to national legislation.

Jordan has presented two reports to the CEDAW Committee in 1994 and 1998. The third and fourth reports will be presented together this year, 2005. They are being prepared by a national team representing official agencies with NGO participation. The international committee concerned with eliminating all forms of discrimination against women in their closing statements for the second report expressed their appreciation for the efforts exerted by Jordan, but it still sees worrisome aspects, and that the customs and traditions that affect how society views women should be focused on. It stressed the need for passing a law that criminalizes the customs that constitute discrimination against women. The committee also made the following specific recommendations: amending the citizenship law, amending the penal code with regard to crimes of honor and taking the necessary measures to end the phenomenon of violence against women. These notes are similar to the notes of the UN Committee for Economic, Social and Cultural Rights on Jordan’s report regarding the state of women’s rights.

* It is worth mentioning that CEDAW has not yet completed the Constitutional ratification procedures, and therefore cannot be argued before the judiciary. The NCHR, since its establishment, contacted the Prime Minister demanding that this Convention, along with other human rights conventions are presented to Parliament to complete their Constitutional procedures.
Second: National Legislation:

The principle of non-discrimination is listed as a principle in the Jordanian Constitution. Article 6/1 provided and stressed that “Jordanians shall be equal before the law. There shall be no discrimination between them as regards to their rights and duties on grounds of race, language or religion.” The National Covenant (1991) embodied this principle, stating, “Jordanian men and women are equal before the law”. This principle was reflected recently in the “Jordan First Document” and the Royal Letter of Appointment to the Prime Minister in October 2003.

* However, the principle of non-discrimination is not embodied in all current laws and legislation, which include provisions that are unfair to women and constitute an obstacle to the development of the status of women.

* In this regard, it must be noted that some legislation was amended in the interest of women, including: the provisional law amending the civil status Law Number 82 (2001), where the age of marriage was raised to 18 for men and women by amending Article 5, and gave the wife the right to ask for a separation between the husband on wife on condition that she returns what dowry she received from him and the expenses incurred by the husband. If the husband refrains from divorcing her, the judge rules to end the contract, which is known as “khulu” based on Article 126. It is worth noting here that a decision by Parliament rejected this Article after its discussion then presented this law to the Senate, which approved it twice. It is now awaiting a joint session between the Senate and Parliament to take the opinion of the majority according to the provisions of the Constitution. The amendment also equated between the right of the mother and the right of the guardian to see the child when the child is in the hands of someone else who has the right to custodianship once a week. There is also a provision that provides for the informing the second wife and the first wife in case the husband wants to marry once again, in addition to investigating the financial ability of the husband who wants to marry a second time. In spite of these amendments, the civil status law still contains some legal gaps that need amending, including the need to organize matters related to divorce and re-marrying one’s divorced wife, so that it only takes place through the court, divorce should take place based on certain controls, the judge should be given the authority to prevent marriage, the need to take children’s rights first during divorce, in addition to the need to set a clear provision that allows married women to visit their parents and receive visits from them.

Of the legislation developments is the Civil Status Law Number 9 (2001), which provides for granting a separate “family book” to a divorced woman at her own request, a widow with children, and a Jordanian married to a foreigner (Article 58). Provisional Passport Law Number 5 (2003) provides for the right of married women to obtain passports without prior approval from the husband.

Furthermore, Labor Law Number 8 (1996) provides for banning women from ending women’s employment during pregnancy or during the maternity leave, and provided for the right of women to take leave without pay for one year to raise their children while guaranteeing their right to return to work after the leave is finished. It also guaranteed women the right to take ten weeks paid maternity leave in addition to a paid period for breastfeeding, and committed employers who employ twenty married
women or more to create an appropriate location for the children of working women whose ages are below four years so that they are in the care of a qualified caregiver. It must be noted that Article 69 of this law, which states “the minister, after seeking the opinion of specialized official entities, will determine: (a) the industries and business in which women are prohibited to work, (b) the times when women cannot be made to work and the exemptions”. Some people believe that this Article constitutes positive discrimination for Jordanian women, and others believe it limits the freedom of women to select their careers. There is also a lack of a clear provision on the equal treatment of men and women if they conduct the same duties. DOS statistics indicate that the average monthly pay for men in the private and public sectors is JD 238 and JD 211 for women. This indicates a gap based on gender. This discrepancy in level of pay in the public sector can be attributed to the government financial regulations, which give some privileges to men over women, such as the family raise and the stop to the expenses of living allowance.

Additionally, the Civil Service Regulations Number 55 (2002) was amended and the maternity leave in these regulations was increased from 60 to 90 days with full pay (Article 108). Generally, these regulations do not discriminate between the sexes, but the aspects of discrimination are reflected in the daily practices and the practical applications of the law, especially when hiring or promoting. Information from the Public Census Department indicates the weakness of women’s participation in upper administrative positions. The percentage of women in the upper positions did not exceed 1.4% in 2002. Women constituted 8% of the women working as managers in public institutions based on information from the Public Census Department in 2002.

The Civil Service Regulations lack some legal texts that facilitate the work of female employees, such as the lack of a provision that commits government departments or institutions to establishing a nursery for the children of employed women, similar to the Lack law. It also lacks a provision that bans employing women in dangerous occupations or occupations that are harmful to their health and the health of their babies if they are pregnancy, in addition to lacking a legal provision that prohibits firing women during pregnancy or maternity leave. The Social Security Law Number 19 (2001) gives insured women the right to continue to work after reaching retirement age until the age of sixty, should that time complete the duration necessary to deserve a pension (Article 43). Beneficiaries of women who are subscribed to social security can also benefit from the pension after death under the same conditions as if the deceased was a man. Women also have the right to combine their pensions with any salary paid by social security to her husband (Article 58).

* In spite of all these accomplishments in the Social Security Law, it still contains some gaps. The law exempts in its provisions workers in agriculture and irrigations and those in similar positions and family members of the insured, which results in damage to women and the possibility of ensuring economic and social security to them because women in this category represent a high percentage. Also, for the mother of the deceased insured to be able to benefit from the pension, she can only be married to his father and she cannot marry anyone else after his death, which constitutes a discrimination against the mother.

Without diminishing the importance of these legislative accomplishments in favor of women, there remain many laws and the regulations which have had proposed amendments for long period of time, and are still being studied by official entities,
such as the religious court procedures law, the regulations for women members of unions including health insurance and pensions).

**Third: Topics on the Protection of Women:**

1. **Political Participation:**

Public Census Bureau data for the year 2002 indicate that women constitute 22% of the members registered in professional unions in Jordan, but the participation of women in the leadership of union work remains relatively low. There are no women members in professional union councils, except in two unions, the Bar Association and the Pharmacists Union.

Women constitute only 7% of the stand number of founding members of Jordanian political parties. They have participated in founding committees for 31 of the stand of 34 political parties in Jordan.

The picture is different with regard to the administrative committees of voluntary organizations. Statistics indicate an increase in the percentage of women sitting on administrative committees of voluntary organizations to about 25%. Women also constitute a large percentage in founding committees for these organizations, estimated at approximately 23% (*State of Jordanian Women Report 2004*). The percentage of women in administrative committees for volunteer organizations increased, allowing women the opportunity to practice their rights in decision making or participating in decision making.

In recent years, procedures were implemented to enhance the role of women in political participation, including the amendment to the 2003 Provisional Election Law, which adopted the quota system. The quota is considered positive discrimination in favor of women according to Article 4 of the CEDAW. It must be noted here that this temporary measure still faces many challenges, but work in underway to create mechanisms to overcome these challenges through the 2004 Political Development Strategy and Action Plan.

Statistics indicate that the number of female candidates in the recent elections (2003) was the highest compared to previous election cycles. The number of candidate women was 54 out of 760 candidates, or 7% of the number of candidates. The percentage of female voters was 52.12% of the stand voters. In spite of the high percentage of female participation as voters, none of the candidates won on the basis of free competition, while 6 women were elected to Parliament through the quota. Women received only 36382 votes, or 2.658% of the stand votes. These statistics do not show the nature of women’s participation in decision-making, especially with regard to selecting the right candidate to vote for.

2. **Violence Against Women:**

CADAW put the issue of violence against women at the forefront of protection priorities, and based on this it contributed to create a criteria for governments to confront violence against women. Violence against women became an issue raised clearly on many levels in the Jordanian society, and through the National Strategy for Women, it became an official cause to which the Jordanian government committing to
creating programs to end it. The National Strategy adopted in 1993 adopted violence as a pivotal issue in the social aspect. Violence was pinpointed as a part of the social and humanitarian protection section of the national strategy.

Jordan has witnessed the birth of many institutions and organizations at the governmental and voluntary levels, which work to protect and care for the family in general and women in particular. They focused on issues related to all forms of violence and discrimination against women. These institutions offer legal, guidance, social and psychiatric services from specialists in the field of violence against women.

As for the legislative level, the Jordanian government adopted in 2004 the “Family Protection Homes System”, which is a constructive step, even though it came late after many years of demands from government and not government entities to create national mechanisms to establish homes for abused women. In spite of the adoption of this system, its details are still being studies, and therefore there remains a service gap in the mechanisms of protection currently available to abused women. It must be noted here that homes for abused women were established by the Jordanian Women Union to contribute to the bridging of this gap. They have undertaken to offer protection as well as legal and psychological help to the cases they receive.

* There is no clear vision of the size of the phenomenon of violence against women in Jordan because the phenomenon is not comprehensively registered, and it is not easy to report due to fear from the family or the fear of divorce or deprivation of her children. It is clear from studies that aim to describe the phenomenon that physical violence is the most widespread form of violence.

This phenomenon, which is considered discrimination against women, has not been explicitly treated by national legislation, however, the Jordanian penal code contains general provisions related to the act of aggression which undermines the safety of the human body in general, whether it is a man, woman or child.

Some provisions in the penal code have caused much debate and controversy in recent years. Article 340 is considered one of the most controversial Articles, and is linked by some to crimes of honor, which have appeared to an extent in the Jordanian society. Before its amendment, it gave an extenuating circumstance excuse to the husband if he catches his wife or relative in the act of adultery with another man, and kills them or wounds them both or either of them, while the wife is not given the same right if she funds her husband in the same circumstances. Women’s groups, especially the National Committee for Women’s Affairs have called for canceling or amending this Article due to the damage it causes women. This Article was in fact amended to give a mitigating excuse to both husband and wife if the husband finds his wife committing adultery and kills or injured them. This amendment equated between husband and wife in giving the mitigating excuse, in harmony with CEDAW, which stresses the equality of the sexes before the law. In spite of this there are still many gaps that reflect aspects of inequality based on gender. These principle gaps that needed to be remedied as soon as possible have been included in the recommendations of this report so that Jordan can continue striving for enhancing and protecting the rights of women.

* Children’s Rights:
First: International Commitments:

Jordan ratified the CRC the 24th of May 1991 and expressed reservations on Articles 14, 20 and 21 of the Convention. Article 14 of the Convention provides for the freedom of thought, conscience and religion. Jordan’s reservation to this Article does not mean it opposed the freedom of thought and conscience, including for children, as the Jordanian Constitution and legislation guarantee. The reservation was due to the fact that the child cannot change his or her religion, and Jordanian law, Islamic legislation or the customs and traditions observed in the Kingdom, does now not allow this. Articles 3/2 and 5 of the agreement commit the state to take into consideration the rights and duties of parents, and when necessary the members of the extended family or group, according to the local customs or guardians or others responsible for offering guidance and counseling to children when practicing the rights provided for in the agreement. As for Articles 21 and 22 of the convention related to adoption, Jordan’s reservation was due to the teachings of the Islamic Shari’ah and its implementation of the Islamic guardianship, which is a synonym for adoption but without giving the child the name and lineage of the guardian. Paragraph 2 of Article 20 provided for the guardian system as stated in the Islamic Shari’ah as a form of care that can be offered to children denied their family environment.

* Despite Jordan’s ratification of this Convention over fourteen years ago, this Convention has not yet completed ratification procedures according to Article 33 of the Jordanian Constitution.

Jordan presented its first and second reports to the United Nations Children’s Rights Committee in 1998 and 1993. The comments of this committee focused on the following topics: The need to publish the Convention in the official gazette, the need to establish an independent institution to monitor and evaluate progress in the implementation of this convention, as well as questions regarding the great decrease in the age of criminal responsibility and other matters regarding which the committee expressed its concern. These matters were referred to in the draft of the third report and work is underway to present this report. A directive committee was formed to supervise the writing of the report, consisting of governmental and non-governmental agencies, including the NCHR. It is worth mentioning that the establishment of the NCHR, in addition to the National Council for Family Affairs, constitute together a national mechanism for monitoring the status of children’s rights and evaluating Jordan’s implementation of CRC provisions.

Second: National Legislation and Measures:

Perhaps the most important recent development is finishing the drafting of the children’s rights law by the MOSD in cooperation with official institutions and NGOs and presenting it to the Minister’s Council, which in turn approved it and referred to Parliament for discussion and approval in its final form. The importance of expediting the discussion and approval of this law is important under the current legislative situation. There is also a need to present the Convention and similar conventions, including international agreements related to human rights, to Parliament to fulfill procedures of Constitutional ratification. The NCHR has contacted the Prime Minister requesting the presentation of the CRC to Parliament for approval as national legislation before approving the Children’s Rights Draft Law.
In spite of this, in recent years many amendments have been made to national laws related to children to guarantee congruence between Jordanian legislation and CRC provisions. Among these amendments is the amendment listed in the Civil Status Law Number 82 (2001), where the age for marriage was amended to become 18 for both men and women. These amendments and others will be discussed in subsequent paragraphs of this part.

At the level of strategic planning, several national strategies and plans directly related to children’s rights were adopted, namely: The National Childhood Plan for the years 2004-2013, the National Strategy for Early Childhood Development for the years 2003-2007, the National Strategy to Eliminate the Worst Forms of Child Labor 2003, the Social Development Ministry Strategy for the years 2004-2006, the Comprehensive National Strategy to Fight Poverty 2003, and the National Youth Strategy 2004. The National Childhood Plan for the years 2004-2013 draws a comprehensive work plan for children based on: Jordan’s commitment to international conventions, national strategies and plans related to children and the millennium development goals. It also aims to build on the improvements achieved by Jordan in the field of childhood.

Third: General Principles to Guarantee the Protection of Children’s Rights:

1. Non-Discrimination:

Article 6/1 of the Constitution states: “Jordanians shall be equal before the law. There shall be no discrimination between them as regards to their rights and duties on grounds of race, language or religion.” The 1991 National Charter stressed this principle (Jordanian men and women are equal before the law). Most Jordanian laws stress the principle of non-discrimination among children on the basis of color, gender, language or religion, including the Education Law Number 3 (1994).

* Jordanian legislation does not have specific provisions implying that children born outside wedlock do not enjoy the same rights of children born into a legitimate marriage. Despite the fact that children born outside of wedlock enjoy some rights, such as those related to education, health and citizenship, they are denied other rights such as lineage, inheritance and child support.

* Among the matters that need to be highlighted is the denial of children born to Jordanian women married to non-Jordanians the rights to citizenship according to the Jordanian Citizenship Law and its amendments Number 6 (1954). This is considered a violation of the principle of equality provided for in the Jordanian Constitution. Official entities insist that the issue of citizenship is subject to regional political circumstance and is not intended to discriminate against children. There are currently no accurate statistics on the number of Jordanian women married to men who do not carry Jordanian citizenship. Sources at the MOI have states that amending the Citizenship Law in this regard will affect approximately half a million individuals, who constitute the families of Jordanian women married to non-Jordanians. The NCHR received in 2003 and 2004 more than 40 individual calls from Jordanian women, who want to pass to their children or husbands their Jordanian nationality or the rights to residence, work and education in Jordan. Information available from the Jordanian Women’s Union indicates problems related to the citizenship of children. The Union dealt with 66 cases of families of Jordanian women married to non-
Jordanians between the years 1998 and 2003. The stand number of their children was 266.

The Center also received tens of calls from Jordanian citizens in Ruweished refugee camp asking for the Center’s help to grant approximately 290 individuals Jordanian citizenship or to allow them to enter the Kingdom and reside in it. The Center studied in August of 2003 the cases of 70 families of Jordanian women and non-Jordanian men in the said camp. As a result, approximately 400 individuals from this category were able to enter the country and reside in it. The citizenship of the children of Jordanian women continues to constitute a real challenge to the national efforts in the fields of eliminating all forms of violence against women and protecting children’s rights.

2. Best Interest of the Child:

The principle of best interest of the child appears in various Jordanian legislations including the Jordanian Juveniles Law Number 24 (1968) and its amendments of 1983 and 2002. It provides guarantees for juveniles that aim to protect them before and during court procedures and during sentence implementation, in addition to amending the description of homeless children to children in need of care and protection.

As for the Children’s Rights draft law, Article 3C related to general provisions, provides for the looking after the best interests of the child. The same draft law provides for giving priority to the child’s best interests when implemented any measures related to children (Article 6) and when implementing any measures against either of their parents (Article 9B).

As for the Education Law Number 3 (1994), it stresses that the obligatory education period is the age of sixteen, in the best interest of the child, and states that students cannot be expelled from school for any reason before completing the age of sixteen.

3. The Child’s Right to Life, Survival and Development:

Jordanian legislation stresses the children’s right to life, and there are explicit texts to protect this right in various laws. For example the Jordanian Penal Code Number 16 (1960) provides for protecting the child from physical violence in Article 333 to 338. Murder crimes are listed under physical violence in Article 326 to 329. The Jordanian penal code provides for protecting children from aggression and from being taken advantage of physically, and for protecting children from violation of their rights.

As for the right to development, it is clearly reflected in the National Jordanian Plan for Childhood for the years 2004-2013, which focuses in an entire chapter on the development of children and their capabilities, stressing the need to “activate the right of every child to enjoy early a balanced and safe early childhood full of entertainment, games and activities that are in harmony with their developmental capabilities, obtaining a distinguished education, including preschool, basic education and secondary education, along with introduction technology and the concepts of self-learning and continuing education for life, developing the education system according to the economy needs based on knowledge, increasing their knowledge of their positive cultural heritage, allowing them to acquire skills, knowledge and ability to...
make decisions and communicate with others, and develop their creative energy and enable them to practice their effective expression and participation.”

Jordan is considered one of the first countries in the region to adopt a national strategy and action plan to develop early childhood. Studies indicate a rise in the number of children who join preschools for the age group 4-6 from 23% in 1990 to 33% in 2004. The percentage of children in public sector preschools is 5%, while in the private sector it is 77%, and in the civil volunteer sector it is 18% (the Jordanian National Plan for Childhood for the years 2004 – 2013.

The MOE supervises the licensing and establishment of private preschools, and establishing government preschools according to its available resources. In 1999/2000 fifteen kindergarten rooms were established, and the number rose to 203 rooms in the school year 2003/2004. The number of private preschools for the school year 2003/2004 stood at 1,205 preschools in all governorates of the Kingdom. The Minister of Education, in cooperation with the National Council for Family Affairs, worked to prepare a national curriculum for preschools, developed criteria for the establishment and licensing of preschools and trained workers in MOE preschools in the national curriculum and the principles of early childhood education.

The National Early Childhood Plan for the years 2003-2007 indicates there are many challenges in the field of preschool education. The quality of programs offered is not at the desired level and most private preschools do not commit to the conditions of establishment and licensing due to the weakness of monitoring mechanisms. Additionally, most teachers in preschools have not earned college degrees or are not specialized in child education. They also do not receive comprehensive training “during service” in the education of early childhood.

* As for children with handicaps, 300 resource rooms for difficulties in education were established all over the Kingdom, and the professional qualifications of workers with such children were improved. However, these accomplishments are not at the desired level aspired to by the government and non-government institutions in adopting and implementing the principle of the universal school which merges children with handicaps in the first years of education, developing programs for training teachers to meet the needs of handicapped children, and activating the role of parents in the programs specifically targeting this group of children.

4. Giving children a voice and the child’s right to participation:

The Jordanian Constitution guarantees freedom of opinion and expression for Jordanians without discrimination within the law. Article 3D of the Child Rights Draft Law provides for the freedom of children to express their opinion and their right to participate in all matters that concern them. Despite the lack of explicit texts in the implemented law that grant children the right to make decisions or express their opinions, there is an increase in school and media programs that give the opportunity to children to participate and express their opinions. There is also a trend by civil society organizations to enhance the participation of children in development programs.

It is worth mentioning that the National Youth Strategy 2004 dedicated a special chapter entitled participation. As for evaluating the nature of the participation of
children and youth in social and political life, the study “Jordanian Youth: Their Life and Opinions 2003” prepared by UNICEF, indicated that the rates of participation in sports, social and cultural youth fields is less than 10%, and that the percentage of youth in the 20-24 age group who belong to a political party did not exceed 1%. The MOC and the Greater Amman Municipality, in addition to a number of government and non-governmental entities, are working to provide cultural and entertainment programs, and libraries, clubs, centers and gardens for children. However, there is a consensus that cultural and entertainment programs that develop children’s ability are not enough.

Fourth: Children in Special Circumstances:

1. Handicapped children:

There is still a gap in determining the percentage of handicapped children in Jordan. Estimated percentages range between 2% and 10%. As for centers for the service of the handicapped in Jordan, there are 105 centers specialized in serving children, out of 131 centers in Jordan.

As for the legislative aspect, Jordan has issued the Handicapped Care Law in 1993, and established a national register for the handicapped in 1996. Jordan also participates in the meetings of the committee charged with drafting the comprehensive international convention for the protection and care of the handicapped.

* In view of this legislative and service environment, there remains a need to activate the Handicapped Care Law Number 12 (1993), and raising the awareness of society on its provisions. There is also a need to increase the number of free handicap diagnosis centers to offer services in all the Kingdom’s geographic regions.

2. Juveniles:

National studies for underprivileged children in Jordan, prepared by the National Center for Family Affairs, indicate that there were approximately 30,000 children in the legal system in the years 1999-2001 according to MOSD statistics. The ages of detained children ranged from 15 to 18. The same study indicates that 11% of the crimes committed are by juveniles, and that the MOSD detains 800 children a year (The National Jordanian Plan for Childhood 2004-2013). Sources at the MOSD say that most misdemeanors committed by children are robbery or assault, and males constitute 96% of those detained, while 56% of children who break the law are in schools. The MOSD offers services to children who break the law through seven reform centers (The National Jordanian Plan for Childhood 2004-2013). It is worth mentioning that the age of legal accountability in Jordan is seven years, but there is a proposed amendment to the Juvenile Law to raise the age of criminal accountability to 10 years (we believe this amendment is necessary).

Based on the study “Evaluation of the Child Care Institutions, Education Centers and Juvenile Rehabilitation in Jordan” prepared by UNICEF, the status of care-giving institutions differs from one institution to another. The institutions meet most of the basic needs of children, including food and clothing, but they lack education and social programs and individual plans to childcare. They also do not meet their
psychological, social, entertainment and education needs. There is a clear need to develop the performance of workers in the guidance field and to develop programs to rehabilitate children and reintroduce them into society (The National Jordanian Plan for Childhood 2004-2013).

In a study conducted in 2001 by the Anti-Drug Department on 122 juveniles in the MOSD Social Defense Directorate reform and rehabilitation centers, 52% of the stand sample had prior experience in substance abuse.

In spite of the development of advanced treatment services offered to drug users, the services offered to children in this regard are still insufficient to meet national needs. The national accomplishments in this regard include the passing of the Juvenile Behavior Monitoring Law to protect juveniles from the danger of alcoholic drinks and drugs, but the mechanism for monitoring and implementation are insufficient.

**Abused Children:**

With regard to children who are victims of abuse, the number of cases reported to the Family Protection Department was 1312 cases since the establishment of the Department in 1997. In general, there are no clear and accurate statistics on the size of the problem related to abuse. Official numbers reflect the size of cases or the children who were identified through government or non-governmental protection mechanisms, but these figures do not indicate the real size of the problem.

Five new divisions were created by the Family Protection Department to serve children in various governorates. A mechanism was introduced to hear the testament and statements of children through video recording in order to alleviate the suffering of children and offer the best comprehensive services to them.

* As for the legislative aspect, there is a host of legislation and laws that aim to protect children from abuse, neglect and sexual abuse (Articles 287, 285-292, 293/2, 294/2, 295-298, 279/2, 302, 304-306, 310, 328/2, 330-336, 389) of the Penal Code Number 16 (1960). It must be noted here that these Articles are not sufficient; they do not deal with the issue of emotional or psychological abuse in direct and explicit texts. Article 62/A of the same law, which allows “disciplinary beating of children by their parents in a manner allowed by public customs”, needs to be amended as this provision might be interpreted against the best interest of children due to the ambiguity attached to the concept of “public customs”.

**4. Street Children and School Dropouts:**

Studies by the Public Census Bureau and UNICEF indicate that 5.5% of children in the age group 10–14 years were working in 2003. In a study conducted in 2004 by the Public Census Bureau, it was clear that the main reason for children dropping out of school is related to economic factors, in addition to failure in school and the cost of education, especially when there are a large number of children in the family. Despite the fact that the percentage of dropping out of school is considered low in Jordan (0.8%), the national study for underprivileged children indicates that there approximately 85000 children under sixteen who dropped out of school over a period of ten years (1990-1999), taking into consideration the accumulated drop-out rates (National Jordanian Childhood Plan 2004-2013).
There are no credible scientific studies on the size of the street children problem, but MOSD records for the year 1999 indicate that there are about 636 children working in the streets, including 15% under nine. The number of juvenile beggars stood at 626 in 2002, including 134 girls. These figures reflect the negative impact of the prevalent difficult economic circumstances on the ability of the family to adapt and maintain an appropriate living standard. The Juvenile Law was amended to reflect the new way of looking at this group of children as children that need to protection and not as juvenile children.

The government is committed to the principles of the ILO Convention No. 182 (1999) concerning the eliminating the worst forms of child labor, and therefore established a child labor unit at the MOL in early 2001 in cooperation with the International Program to Eliminate Child Labor which is part of the International Labor Organization. This unit is charged with studying the problem of child labor from economic, social, education and health points of view.

The MOL in February 2003 issued a national strategy to end the worst forms of child labor. The strategy focuses on the principles set by the ILO agreement. The most important principles are:

1. Preventing children from being involved in the worst forms of child labor.
2. Provide necessary and appropriate direct aid to take children away from the worst forms of child labor, rehabilitating them and re-introducing them into society.
3. Guarantee that children taken away from the worst forms of child labor obtain free elementary education and vocational training wherever possible and appropriate.
4. Determine the children who are especially endangered and establish direct relations with them.
5. Taking the special situation of girls into consideration.

**Child Victims of Road Accidents:**

Statistics of traffic accidents issued by the Traffic Institute for the year 2003 indicate that the highest number of mortality among pedestrians is among children who are less than 5 years old. The percentage was 20.4% in 2003 of the stand deaths, and the number of children injured in road accidents still constitutes a large percentage, which was 23.7% in 2003 of the stand number of injuries.
## Annex 1

### Complaints received by the Center

1 June 2003 – 31 December 2004

By right and nature of violation

<table>
<thead>
<tr>
<th>Right</th>
<th>Nature of Violation</th>
<th>No. of complaints</th>
<th>Closed with satisfactory result</th>
<th>Closed without result</th>
<th>Under follow-up</th>
</tr>
</thead>
<tbody>
<tr>
<td>Right to have legal personality recognized</td>
<td>Withdrawal and annulment of records and evidence of identity and refusal to issue personal identity documents</td>
<td>65</td>
<td>5</td>
<td>20</td>
<td>40</td>
</tr>
<tr>
<td>Right to Freedom of movement and residence</td>
<td>Preventing Jordanian citizens of return to the Kingdom and deportation of foreigners</td>
<td>65</td>
<td>4</td>
<td>18</td>
<td>3</td>
</tr>
<tr>
<td>Right to physical safety</td>
<td>Exposure to torture, and other cruel, inhuman and degrading treatment</td>
<td>53</td>
<td>10</td>
<td>25</td>
<td>18</td>
</tr>
<tr>
<td>Right to life</td>
<td>Deprivation of life as a result of: torture, cruel treatment and punishment, medical malpractice, excessive use of force and errors in law enforcement</td>
<td>7</td>
<td>3</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Right to participation in the administration of public affairs</td>
<td>Voting in, and running for elections</td>
<td>1</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Right to the establishment of, and membership in associations</td>
<td>Prevention, dissolution, restrictions on registration and membership</td>
<td>4</td>
<td>2</td>
<td>2</td>
<td>---</td>
</tr>
<tr>
<td>Right to freedom of association and protection of the right to organize</td>
<td>Membership in trade and professional unions and associations</td>
<td>3</td>
<td>1</td>
<td>2</td>
<td>---</td>
</tr>
<tr>
<td>Right to freedom of opinion and expression</td>
<td></td>
<td>4</td>
<td>2</td>
<td>2</td>
<td>---</td>
</tr>
<tr>
<td>Right to freedom of religion and belief</td>
<td></td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>---</td>
</tr>
<tr>
<td>Right to freedom</td>
<td>Restricting freedom, administrative detention, arbitrary custody, and extension of detention and house arrest</td>
<td>43</td>
<td>13</td>
<td>22</td>
<td>8</td>
</tr>
<tr>
<td>Right to protection of property</td>
<td>Confiscation and destruction of property and preventing the disposition thereof</td>
<td>6</td>
<td>6</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>Right to protection against arbitrary intervention in private matters</td>
<td>Raids, arrest and search</td>
<td>4</td>
<td>3</td>
<td>1</td>
<td>---</td>
</tr>
<tr>
<td>Right to health</td>
<td>Inability to enjoy treatment</td>
<td>12</td>
<td>6</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td>-----------------------</td>
<td>------------------------------</td>
<td>----</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Right to education</td>
<td></td>
<td>11</td>
<td>2</td>
<td>8</td>
<td>1</td>
</tr>
<tr>
<td>Right to equality and non-discrimination</td>
<td>Violation of the principle of equality before the law and the judiciary and non-discrimination for the various reasons</td>
<td>16</td>
<td>7</td>
<td>5</td>
<td>4</td>
</tr>
<tr>
<td>Right to housing</td>
<td></td>
<td>2</td>
<td>---</td>
<td>2</td>
<td>---</td>
</tr>
<tr>
<td>Right to an adequate standard of living</td>
<td>Exclusion of complaint lodgers from aid from the National Aid fund</td>
<td>7</td>
<td>3</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>Right to work</td>
<td>Equality of work conditions and fair wages</td>
<td>33</td>
<td>7</td>
<td>14</td>
<td>10</td>
</tr>
<tr>
<td>Right to social security</td>
<td></td>
<td>20</td>
<td>6</td>
<td>8</td>
<td>6</td>
</tr>
<tr>
<td>Right to litigation</td>
<td>Abstention from enforcing judicial verdicts</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>---</td>
</tr>
<tr>
<td>Right to fair trial</td>
<td>Delay of trials</td>
<td>4</td>
<td>2</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Requirements of justice and fairness</td>
<td>Violation of laws and ordinances and mistakes in enforcement</td>
<td>12</td>
<td>5</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td>Right to compensation for violations</td>
<td></td>
<td>4</td>
<td>---</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>Child’s rights</td>
<td></td>
<td>7</td>
<td>2</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>Right to political asylum</td>
<td>Violations related to the work of the High Commission for Refugees</td>
<td>4</td>
<td>2</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Right to safe environment</td>
<td></td>
<td>1</td>
<td>1</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Lack of jurisdiction</td>
<td></td>
<td>10</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>Stand</strong></td>
<td></td>
<td><strong>362</strong></td>
<td><strong>89</strong></td>
<td><strong>158</strong></td>
<td><strong>105</strong></td>
</tr>
</tbody>
</table>

- Number of complaints involving more than one violation: 16.
Annex 2

Distribution of reports and complaints received by the Center among the competent authorities

<table>
<thead>
<tr>
<th>Administration</th>
<th>No. of Reports (nearest 10)</th>
<th>No. of complaints</th>
<th>No. of letters</th>
<th>No. of visits</th>
<th>No. of applications</th>
<th>Replies and responses to demands</th>
<th>Solutions to demands</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prime Ministry</td>
<td>30</td>
<td>4</td>
<td>9</td>
<td>20</td>
<td>9</td>
<td>66%</td>
<td>77%</td>
</tr>
<tr>
<td>MOSD</td>
<td>210</td>
<td>9</td>
<td>18</td>
<td>60</td>
<td>30</td>
<td>8%</td>
<td>25%</td>
</tr>
<tr>
<td>MOJ</td>
<td>70</td>
<td>---</td>
<td>3</td>
<td>40</td>
<td>3</td>
<td>35%</td>
<td>---</td>
</tr>
<tr>
<td>MOI</td>
<td>870</td>
<td>88</td>
<td>85</td>
<td>180</td>
<td>85</td>
<td>20%</td>
<td>8%</td>
</tr>
<tr>
<td>MOFA</td>
<td>20</td>
<td>2</td>
<td>7</td>
<td>10</td>
<td>7</td>
<td>85%</td>
<td>00% detainees and prisoners of war</td>
</tr>
<tr>
<td>MOL</td>
<td>20</td>
<td>2</td>
<td>3</td>
<td>10</td>
<td>3</td>
<td>35%</td>
<td>---</td>
</tr>
<tr>
<td>MOC</td>
<td>10</td>
<td>1</td>
<td>2</td>
<td>10</td>
<td>2</td>
<td>50%</td>
<td>50%</td>
</tr>
<tr>
<td>MOF</td>
<td>20</td>
<td>5</td>
<td>3</td>
<td>10</td>
<td>3</td>
<td>35%</td>
<td>35%</td>
</tr>
<tr>
<td>MOH</td>
<td>80</td>
<td>13</td>
<td>17</td>
<td>40</td>
<td>17</td>
<td>65%</td>
<td>55%</td>
</tr>
<tr>
<td>MOIT</td>
<td>10</td>
<td>1</td>
<td>1</td>
<td>10</td>
<td>1</td>
<td>00%</td>
<td>00%</td>
</tr>
<tr>
<td>MOHE</td>
<td>40</td>
<td>6</td>
<td>10</td>
<td>20</td>
<td>10</td>
<td>50%</td>
<td>10%</td>
</tr>
<tr>
<td>MOE</td>
<td>110</td>
<td>12</td>
<td>12</td>
<td>20</td>
<td>12</td>
<td>30%</td>
<td>15%</td>
</tr>
<tr>
<td>MOPWH</td>
<td>10</td>
<td>2</td>
<td>2</td>
<td>10</td>
<td>2</td>
<td>00%</td>
<td>00%</td>
</tr>
<tr>
<td>MOMRA</td>
<td>20</td>
<td>2</td>
<td>2</td>
<td>10</td>
<td>2</td>
<td>00%</td>
<td>00%</td>
</tr>
<tr>
<td>General Command of the Armed Forces</td>
<td>10</td>
<td>8</td>
<td>5</td>
<td>10</td>
<td>5</td>
<td>40%</td>
<td>10%</td>
</tr>
<tr>
<td>Directorate of Public Security</td>
<td>1020</td>
<td>49</td>
<td>82</td>
<td>320</td>
<td>115</td>
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Having reviewed the state of human rights in the Hashemite Kingdom of Jordan during the specified 19-month period, and for purposes of protecting and enhancing human rights in Jordan, the NCHR would like to call upon all the official authorities to adopt the following proposals and recommendations:

First: In the area of full implementation of international human rights standards at the national level, the Center recommends the following:

Expedite submitting those international covenants endorsed by Jordan in the areas of human rights to the House of Deputies for approval and implementation at the national level. The following are the most important such instruments:

1. The 1965 International Convention on the Elimination of All Forms of Racial Discrimination;
2. The 1966 International Covenant on Civil and Political Rights, to which the Kingdom acceded in 1975;
3. The 1966 International Covenant on Economic, Social and Cultural Rights, to which the Kingdom acceded in 1975;
4. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) of 1979, to which the Kingdom acceded that same year;
5. The 1984 Anti-Torture Convention and other Cruel, Inhuman or Degrading Treatment or Punishment.

B. The urgency of the Kingdom’s accession to the following human rights instruments:

2. The 1948 ILO Convention No. 87 Concerning Freedom of Association and Protection of the Right to Organize.
6. Protocol Additional to the International Covenant on Civil and Political Rights, concerning recognition of the authority of the Human Rights Committee to accept individuals’ complaints about the human rights included in the Covenant.
7. The 2000 Protocol Additional concerning the Sale and Exploitation of Children in
Prostitution and Pornographic Materials Annexed to the Convention on the Rights
of the Child.
8. Jordan’s ratification of Protocol Additional to the Convention on the Rights of the
Child concerning children’s involvement in armed disputes.

Second: In the area of legislation:

A. The Center highly appreciates the Kingdom’s ratification, adoption as a
provisional law and publication in the Official Gazette of 16 April 2002 of the
Rome Statute of the International Criminal Court. The NCHR recommends
completion of Constitutional procedures with the aim of promulgating this Statute
as a permanent law by the Parliament. At the same time, the Center cautions
against the gravity of concluding bilateral agreements that belittle the value and
significance of the Kingdom’s commitment to the Rome Statute and empty them
of their content.

B. The NCHR recommends an urgent review and amendment of the following laws:

1. **Nationality Law**, in such a manner as to guarantee clarity and stability regarding
matters related to nationality for all citizens within the following dimensions:

   a. Conciliation between the provisions of the law and international standards
      indicating that “everyone shall have the right to recognition everywhere as a
      person before the Law,” as stipulated in Article 16 of the International
      Covenant on Civil and Political Rights.
   b. Elimination of contradiction and resolving of entanglement between the
      Constitution and valid laws, on the one hand, and the ALD Instructions with
      the West Bank, on the other.
   c. Granting women an equal right vis-à-vis the nationality of their children,
      which would meet the wide-ranging and urgent national demand for the right
      of a Jordanian child to acquire the nationality of his/her mother.
   d. Reducing, and ultimately eliminating cases of statelessness resulting from
      strict or unfair ALD measures.

2. **The Judicial Independence Law**, in such a manner as to guarantee the following:

   – The Judicial Council alone becomes responsible for the affairs of the judicial
     system and the MOJ assumes responsibility for coordination between the
     Government and the Judicial Power and for all administrative matters related
     to employees and the supporting services rendered to the judicial system.
   – The Judicial Authority becomes financially independent. This is accomplished
     by making the Judiciary’s budget independent of that of the MOJ and
     entrusting the Judicial Council with supervising the various aspects of
     expenditure.
   – The role of the Prosecutor General is activated as part of the Judiciary Power,
     in such a manner as to achieve balance between the society’s security and
     safety, on the one hand, and safeguarding human dignity and protecting
     human rights on the other.
3. **The State Security Court Law:** Essentially, there is a need to abolish the State Security Court and its general prosecution department and the transfer of its authority to regular courts. Until this is achieved, the law should be amended in such a manner as to guarantee that the court is stripped of its military nature, its authority is diminished, and its verdicts (in misdemeanors and serious crimes) become subject to all the avenues and stages of appeal in the penal code.

4. **The Personal Status Law:**

   a. The NCHR recommends the enactment of an integrative and comprehensive personal status law that, in addition to the topics of its competence, addresses provisions governing guardianship, wills, legacies and inheritance, as well as all other matters related to the personal status of Muslims in a manner conducive to increased justice as follows:

   1) Giving religious judges wider authority in estimating all types of alimonies and maintenance provisions in such a manner as to achieve justice for the children and the parents, as well as all ancestors, progenitors and collateral ascendants involved, and to lift any injustice that may befall the nanny, whether she is the mother or otherwise. The religious judge should also be given authority to estimate wages for a child’s nurture and housing, as well as the costs of taking a child in custody to the place of visits with a divorced parent. Like other verdicts related to alimonies, such verdicts should take effect as of the date on which the application has been filed, provided that this authority is subject to supervision by the Religious Appeals Court.

   2) Addressing the subject of parental visits in such a manner as to safeguard the father’s right in caring for, and following up on the affairs of his young children.

   3) Taking Shari’ite controls into consideration in order to curb divorces; applying the “family offices” system in religious courts in order to check the registration of divorce cases; and trying to resolve disputes amicably in order to avoid entering into the web of court procedures.

   4) Applying the idea of paying compensation to the divorced woman, rather than indemnifying her for arbitrary divorce, in such a manner as to secure compensation for every divorced woman essentially, irrespective of the grounds for divorce. This will contribute to safeguarding family secrets, evade exposing such secrets in court galleries and, at the same time, act as a control to check the prevalence of divorce.

   b. Establish a Shari’ite Court of Cassation with a view to unifying legal principles and eliminating contradiction in verdicts issued by the various panels of Shari’ite courts of appeal. This will emphasize the right to just trials and contribute to the stability of Shari’ite verdicts in courts.

   c. Establish a fund for alimonies in order to address special cases arising when it becomes difficult, for any reason whatsoever, to collect the alimony granted to a divorced woman. Thus, divorced women will be able to receive the amount of her alimony from the fund, which will collect the money from the judgment
debtor. The amount should be collected in accordance with regulations governing collecting government funds, taking into consideration the need to impose a punitive punishment on anyone who is proved to have circumvented the fund in order to benefit without cause from its provisions, e.g., collusion between the parties thereon. This fund should be financed by the State budget. We recommend imposing additional fees in each case of divorce registration in religious courts and that these additional fees go to the State budget and become part of the fund’s finances.

5. **The Public Assembly Law:** This law should be amended in such a manner as to guarantee the right to peaceful assembly without such conditions as getting prior approval from the administrative governor.

6. **The Social Societies and Associations Law:** This law should be amended in such a manner as to guarantee the following:
   - Unifying the agencies responsible for the registration (proclamation) of such societies or associations by establishing an independent “National Register for Non-Governmental Associations and Organizations.”
   - Abolishing the prior approval condition for registration and replacing it with depositing the proclamation application.
   - Creating non-judicial mechanisms to settle disputes among societies, between societies and individuals (members and non-members), and between societies and the Government. Such mechanisms should be stipulated in the law and be part of the overriding mechanism of work at the National Register.
   - Encouraging societies and associations to expand their work and supporting them with financial assistance that is commensurate with the size and nature of their activities, as well as his number of their members and the nature of their objectives.
   - Giving these societies and associations a voice in national plans and implementation arrangements related to their objectives.
   - Facilitating their participation in, and representation of Jordan in international activities and arenas.

7. **Law of Election to the House of Deputies:** A comprehensive review of the election law, together with all the bylaws and ordinances issued by virtue thereof, is necessary to guarantee protecting the right to freedom of voting and running for election without any discrimination among citizens. Such review should include the following:
   - A revision of distribution of electoral constituencies so as to guarantee justice and equality in the ratio of the number of deputies to the number of voters in all the electoral constituencies, when possible.
   - Judicial supervision over all stages of the elections process. This calls for formation of a “Higher Elections Committee,” consisting of independent judges charged with enhancing the integrity of the elections.
   - Adherence to the principle of holding periodic elections on the dates stipulated in the Constitution.
   - The need to adopt a unified definition of “political crimes” in Jordanian laws, including the Election Law.
Revision of the principle of allocating parliamentary seats to religious and ethnic groups, as well as seats allocated to the Bedouins and those allocated on the basis of gender. This should be accomplished in a manner that achieves the unity of the social fabric, enhances the concept of citizenship, and considers the Constitution, not the Elections Law, as the benchmark for deciding these issues.

8. **Political Parties Law:**

- The Constitutional right to form and join political parties is a basic indispensable right for the implementation of the other civil and political rights. No political parties law, however modern or contemporary it may be described, may infringe upon the rights, in the forefront of which is the right to participate in the public affairs of the State, the right to peaceful assembly and the right to freedom of opinion and expression. In the light of these considerations, the NCHR recommends that a review of the Elections Law be carried out simultaneously with other related laws.

- The right of every citizen/individual to form and join political parties in the sense stipulated by the Constitution should be balanced by the plain commitment of the State to protect this right and eliminate all obstacles and constraints that may prevent enjoying it. The current law, as well as the proposed draft, however, exaggerate in imposing constraints on the freedom of enjoying this right on the pretext of organizing the forms for practicing it. What is needed is to free the upcoming political parties law of all (direct or indirect) formalistic, subjective and procedural conditions that the draft law includes and that prevent the exercise of this right.

- The forms of financial support proposed by the new draft political parties law is not dissimilar to the rewards or incentives offered by employers to those who accomplished the required tasks. While it is essential to emphasize that political parties are national institutions that form part of the civilized structure of the State, it is also important that they should be dealt with accordingly and that a system for financial support be created that reflects the status of political parties within the civil society, depicts their role in building the State and developing the society, and clearly brings their budgets into the State’s developmental expenditure.

- Part of the grounds cited for the need to amend the law rests on the importance of raising the citizens’ political participation rates. The national political development action plan, which the Government has adopted and tossed for public debate among citizens and political groups, gives first indications of a national consensus on the importance of raising political participation rates by enhancing the role of political parties and supporting their ability to attract citizens to participate in the political affairs of the country. Here, it is essential to identify a national standard for the political participation rate that the draft political parties law is supposed to achieve. Even though this stipulation is not included in the draft law, it should be defined in terms of the grounds for the amendment and used to measure the success or failure of the law in achieving the aspired-for objective and the need for future amendments.

9. **The Environment Protection Law:** This law should be amended to include provisions that guarantee the right to a safe environment for citizens and provide for the application of a “preferential principle” that favors projects that are environment-
friendly or less harmful to the environment. The amendment should also guarantee the right to access environment-related information and identify environmental crimes and punishments.

10. **The Government’s Cases Law:** There is a need to amend this law with a view to establishing equality between the State, as a Public Law person, and its litigants. The amendment should abolish provisions that limit the types of cases that may be filed against the Government and should, furthermore, include clear provisions that guarantee the right to demand the Government to indemnify damages resulting from negligence and omission or encroachment of human rights guaranteed by the Constitution and the country’s valid laws, as well as international agreements related to human rights. The amendment should also abolish provisions requiring a guarantee to be submitted by anyone who files a lawsuit demanding the Government be prevented from claiming moneys form him/her.

11. **The Correction and Rehabilitation Centers Law:** This law should be amended with a view to guaranteeing the following:
   - Full commitment to apply minimum standard regulations in the treatment of prisoners.
   - Precise identification of the responsibilities of all official agencies and individuals commissioned with the protection and welfare of prisoners.
   - Independence of the centers’ administration from police work with a view to guaranteeing the stability of the administration, providing the necessary training to facilitate the provision of care, protection, rehabilitation and mainstreaming of prisoners into their society.
   - Incorporating texts into the law that contain the incrimination of all forms of torture and inhuman treatment that may be perpetrated by persons commissioned with enforcing the law.

12. **Juvenile Welfare Law:** This law should be amended with a view enabling the juvenile justice system to undertake the following:
   - The pursuit of adults in cases of negligence and omission in childcare and responsibility for the child’s deviation and delinquency.
   - Expansion in the ways and means for resorting to alternatives to the punishments that usurp the child’s freedom.

13. **The Supreme Court of Justice Law:** This law should be amended to guarantee that, in order to achieve justice, hearings of administrative appeals are carried out in two stages.

14. **The Crime Prevention Law:** This law should be abolished or amended in such a manner as to guarantee checking the use of detention authority by administrative governors and the accompanying cases of suppression of freedom embodied in imprisonment and the imposition of house arrests.

15. **The Municipalities Law:** So that citizens may exercise their right to elect all the members, as well as the presidents of municipal councils. Furthermore, the conditions and provisions for mergers among municipalities and greater municipalities should be
reviewed with a view to achieve the objectives of local government, administrative decentralization and control of expenditure.

16. *Protection of State Documents and Secrets Law:* In such a manner as to allow freedom of access to, and deliberation on information and enhance information freedoms.

17. *The Penal Procedures Code:* In such a manner as to guarantee the right to compensation for anyone who is proven to have been detained arbitrarily or tried and proven innocent as a result of a preemptory ruling.

**Second:** It is essential to enact the following legislation:

1. **Child’s Rights Law:** This law was sent to the House of Deputies during its Second Extraordinary Session for the year 2004.


3. **Responsibility for Medical Malpractice Law,** as a first step towards the enactment of a law governing all professional malpractice cases.

4. **Constitutional Court Law.**

- **In the area of establishing justice:**

  1. Reviewing all programs for training judges, in such a manner as to guarantee providing them with knowledge related to the principles of human rights and international treaties governing these rights.

  2. Activating the role of judges in monitoring prisons and places of detention to verify the soundness of procedures and arrangements taken inside these establishments and to adopt legal procedures to address any violation of the provisions of the law and the rights of prisoners as stipulated in the law and in international standards for the treatment of prisoners.

  3. Adopting an effective system for accountability for grave professional mistakes and for the judges’ behavioral mistakes.

  4. Reconsidering judicial legislation that stipulate capital punishment in such a manner as to reduce the number of crimes punishable by execution and restricting this punishment to the crimes that are more threatening to the society.

  5. Adoption of the principle of the right to compensation and personal responsibility in the following matters:

     - Damages resulting from torture and other forms of inhuman treatment.
     - Arbitrary arrest and illegal detention.
     - Grave judicial mistakes.
Negligence and omission in empowering citizens to enjoyed their guaranteed rights.

6. Reviewing the Criminal Justice system, in such a manner as to guarantee the development of the concept of punishment to include, in addition to personal penalties, compensating the society and reforming the offenders and mainstreaming them into the society. This may be accomplished by adopting the concept of “community-based punishments” as a parallel alternative in terms of the penal value of the freedom-usurping punishments and by creating genuine criteria for verifying the reform of the offenders and their ability to live in dignity in their society after the rehabilitation and guidance necessary for guaranteeing their reform, which requires a wide-ranging legislative and judicial initiative along the following domains:

Amending penal litigation procedures in such a manner as to guarantee involvement of social and psychological experts in identifying the extent of the criminal risks and the type of punishment that may be inflicted upon the offender, so that the welfare of the society, as well as the victim and offender and their families, is observed when deciding the punishment. In this respect, it is necessary for the verdict to be based on a pre-trial report organized on the basis of specific scientific criteria.

Amending those provisions that identify the types of punishments and the court’s competence in imposing them.

Enhancing the concept of reform and rehabilitation by adopting the concept of idea of idea of “police release” of offenders whose reform has been proved. This requires the creation of the post of “punishment implementation judge.”

Training and rehabilitating judges and all those concerned with enforcing criminal justice in the skills required for new applications in the area of criminal justice.

Enhancing the legal support and legal assistance system by creating a special fund for this purpose to be financed from the State budget with the aim of supporting access to the justice system for the poor, as well as those who are more vulnerable to violations, especially women and children in conflict with the law.

Parliamentary Performance (Legislation and Supervision):

Training parliamentarians on analyzing legislation and bringing the objectives of legislation closer to the principles and concepts of human rights.

Ratifying international agreements in the various areas of human rights.

Establishing an institute for preparing and training parliamentarians.

Supporting the work of deputies and senators, as well as the parliamentary committees, with full-time teams consisting of advisors, researchers and executive employees to enable the parliamentarians to perform their roles effectively and efficiently.

In the area of education:
It is essential to devise and implement a national human rights plan of action to teach and raise awareness of human rights at the following levels:

Compulsory, secondary and university education level, in order to guarantee incorporation of the concepts and principles of human rights and democracy into all the curricula at the various levels.

All the teacher preparing, training and qualifying levels targeting teachers, public employees and professionals, as well as all persons commissioned with enforcing the provisions of laws.

Citizens of the different categories and ages.

Eliminating all forms of discrimination between citizens in the level of educational services and higher education opportunities, within a fair competitive system based on competence and freedom of choice, as well as eliminating all restrictions and obstacles imposed on the children of non-Jordanians residing in the country in order to allow them to benefit from the formal educational opportunities available to citizens.

Reconsidering the establishment of teachers’ trade union and opening the door for academicians to establish their own professional, scientific and social organizations.

**Advancing the situation of women:**

The NCHR recommends supporting and facilitating the implementation of all the national plans adopted by the various women’s organizations in the Kingdom, as well as the resolutions and recommendations adopted by international conferences and commissions, in regard to national measures that need to be adopted in order to advance the situation of women and empower women to enjoy their guaranteed rights without discrimination, including equality in participation in public affairs, appointment in the State’s public offices, and counteracting all aspects of violence against women.

**Governmental performance:**

The NCHR recommends the following:

Adopting institutional and fair criteria for appointment in public positions in such a manner that guarantees impartiality and equal opportunities for all citizens; adopting public, transparent and scientific bases for selecting candidates for occupying leadership positions.

Commitment to the provisions of the Constitution in relation to the Government’s legislative role and avoiding overstepping these provisions in promulgating provisional laws.

Supporting and respecting the workers’ right to, and freedoms of organizing in professional and trade unions and assisting the trade unions in improving their own conditions, serving their members and advancing the professions, instead of engaging in attempts at imposing control over them.
Imposing strict controls on the work environments.

Reviewing the security policies in such a manner as to achieve respect for human rights and activate supervision of security measures to guarantee the un-arbitrary enforcement of the law, while maintaining the dignity of citizens under all circumstances and in all situations.