



**International Covenant on  
Civil and Political Rights**

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**Human Rights Committee**

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**Replies of the Government of Jordan to the list of  
issues (CCPR/C/JOR/Q/4) to be taken up in  
connection with the consideration of the fourth  
periodic report of Jordan (CCPR/C/JOR/4)\***

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

## **Constitutional and legal framework for the implementation of the Covenant (art. 2)**

1. Jordan is committed to the implementation of the International Covenant on Civil and Political Rights (ICCPR) and of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which were both published in the Official Gazette on 15 June 2006. Conventions ratified by Jordan form an integral part of and take precedence over its domestic legislation, pursuant to Article 24 of the Jordanian Civil Code, which states that existing (national) laws shall not apply should they be incompatible with the text of a special law or an international treaty in force in the Hashemite Kingdom of Jordan.

2. Endorses this general position the case law established by the rulings of the Court of Cassation of Jordan, including ruling no. 818/2003 of 09 June 2003, which states that international treaties and conventions transcend local laws and prevail over them should they conflict, and that no domestic law shall be invoked against international conventions.

3. Based on article 19 of the International Covenant on Civil and Political Rights, the Court of Appeal in Amman has overruled a decision taken by the Amman Court of First Instance (no. 550/2009 of 28 May 2009).

4. Furthermore, a number of legal precedents have been established under which international treaties were accorded precedence over domestic legislation (Jordanian Court of Cassation decision no. 1477/2005 of 07 September 2005, decision no. 4309/2003 of 22 April 2004 and decision no. 1824/2995 of 25 October 2005).

5. In Jordan, the National Centre for Human Rights protects and promotes human rights, disseminates a human rights culture, monitors the situation of human rights and provides advice and legal assistance to those who need it. The Centre takes the administrative and legal measures necessary to process complaints relating to violations and abuses of human rights, with a view to reducing their incidence and mitigating their impact. It also carries out studies and research; disseminates information; holds seminars and training courses; manages campaigns; voices positions; issues statements and publications and prepares reports. In accordance with article 3 of its Statute, the Centre is a legal person that enjoys financial and administrative autonomy. In this capacity, it may undertake any legal act, including entering into contracts and owning movable and immovable assets. In addition, the Centre is entitled to enter into litigation. The financial resources of the Centre, which are provided for by article 20 of its Statute, are the following:

- (a) Financial support provided by the Government;
- (b) Proceeds of financial and cultural activities and projects;
- (c) Donations, grants and any other resources the Council decides to accept, in accordance with the provisions of its Statute, subject to approval by the Council of Ministers should such funds come from non-Jordanian sources;
- (d) Bequests and endowments.

## **Measures to combat terrorism and enact the rights guaranteed under the Covenant**

6. Jordan has been stepping up efforts to combat terrorism and the financing of terrorism. It implements the Prevention of Terrorism Act, in line with global efforts aiming to combat this phenomenon. The Prevention of Terrorism Act was passed in 2006. It is a preventative law that aims to prevent the financing of terrorism as well as the recruitment of terrorists, in accordance with the international commitments of Jordan relating to the fight

against terrorism. All decisions concerned with combating terrorism pursuant to this Act shall be solely taken by the judicial authorities (the Attorney General), shall be of a temporary nature, shall not exceed one month and shall be subject to review and appeal by the competent courts, including the Court of Cassation, the highest judicial authority in Jordan.

7. Decisions taken under the Prevention of Terrorism Act are compatible with the International Covenant on Civil and Political Rights, as they are provided for under the law, and are necessary for the protection of national security and public order. Any person accused of committing a terrorist crime shall be brought before the competent court, which shall guarantee a fair trial, in accordance with the Code of Criminal Procedure and as set forth in the Covenant.

### **Gender equality and violence against women (arts. 3, 7 and 26)**

8. The Personal Status Law authorizes and also regulates polygamy. Article 19 of the Personal Status Law permits women to include in the marriage contract a conditional provision that the husband may not marry another woman. Should the husband fail to honour this provision, the woman shall have the right to request the dissolution of the marriage, while retaining the rights granted to her under the marriage contract as if the husband had initiated the divorce.

9. In order to regulate and restrict polygamy so as not to cause harm to women, article 13 of the 2010 draft personal status law, which is expected to be passed and adopted in the coming months, stipulates that a judge must ascertain the following prior to concluding the marriage contract:

- (a) The financial capacity of the husband to pay the dowry;
- (b) The ability of the husband to provide for his dependants, including the first and the second wives, as well as the children;
- (c) That the bride has been informed that her fiancé is already married;
- (d) That the first wife has been informed of the second marriage contract after it has been concluded.

10. Polygamy is not a widespread practice in Jordan. In 2009, polygamous marriages represented some 7 per cent of the total number of marriages. Such cases usually occur after the husband and the first wife are already separated as a result of disagreement, or while waiting for the court to issue a dissolution decision. In such cases, the second marriage is not the cause of domestic problems, rather the result.

11. Although the Personal Status Law authorizes the husband to divorce his wife, it nonetheless establishes controls to protect women, including the right to file for divorce at their own instigation. It authorizes the wife to include in the marriage contract a conditional provision giving her the power to initiate divorce proceedings whenever she wishes, while retaining the rights to which she is entitled under the marriage contract, as if the husband had initiated the divorce. This practice has been established by the case law of the religious courts of appeal. In order to legally codify such case law, article 38 of the new 2010 draft personal status law provides for the same condition giving women the power to initiate divorce.

12. The Personal Status Law not only gives women the right to include in the marriage contract a condition authorizing them to initiate divorce, but also authorizes them to request the dissolution of the marriage on a number of grounds, including serious sexual

incompatibility; gross and repulsive defects; abandonment; impotence; refusal or failure to pay alimony; inability to pay dowry; discord and conflict.

13. The 2010 draft personal status law addresses at length the right of women to request the dissolution of a marriage. In consideration for the right of women to motherhood, article 136 grants them the right to request annulment in the event of infertility of the husband, under certain conditions.

14. The 2010 draft personal status law also addresses at length the right of women to request the dissolution of a marriage on the grounds of marital discord and conflict. Article 126 provides that any harm inflicted on women constitutes a ground on which they may request annulment. Such harm could be physical, such as harmful deeds or words, or mental, such as shameful behaviour which constitutes an abuse of good manners, morally abuses women or breaches marital rights and duties. In such cases, it is not necessary to provide the evidence that would usually be required, as the Law gives the judge discretionary powers to investigate the matter in whatever manner he deems appropriate. This could be limited to receiving the statement from the wife.

15. Furthermore, while Islamic law (sharia) gives a man the right to divorce his wife unilaterally, it binds him to assume all financial consequences such an act could entail, including the deferred dowry, expenses incurred during the period immediately following divorce and during which remarriage is not permitted (odda), divorce settlement, payments related to child custody, housing expenses, expenses related to the children, their education and health care and other expenses. Sharia Law gives women the right to request the dissolution of marriage on the above grounds without incurring any financial liability, while retaining their rights under the marriage contract.

16. Article 154 of the Personal Status Law accords women precedence over men in the entitlement to the custody of children after the dissolution of the marriage. The Law does not make any distinction between the entitlement of Muslim and non-Muslim mothers to custody, as long as they meet custody requirements set forth in article 155.

17. The age of the child at which the mother is entitled to custody has been raised. Previously, a mother was authorized to have custody until the puberty of the child, which could be as early as the age of 12. The 2010 draft personal status Law has raised the age of custody to 15. Article 173 stipulates that a judge may authorize the extension of the mother's custody for her female child to the age of 18, if it is in the interest of the child and if the child is in agreement.

18. Article 181 of the draft law provides for equal rights for the mother and the father to see the child, visit him or her, take him or her out once a week, and contact him or her by any means of communication when the child lives with either parent or with others. The same article further authorizes that the child spend the night with his or her mother in certain situations when she does not have custody.

19. Article 177 of the draft personal status Law authorizes the mother to travel with her child outside the country, whether for a visit or temporary residence, under conditions which preserve the rights of the child and maintain a balance between the rights of each parent to see him or her.

20. Religious courts apply Islamic law (the sharia) in matters of personal status in general, including inheritance. Islamic law addresses inheritance in detailed and clear provisions that leave no room for discretion or interpretation. It has adopted the principle of justice, rather than absolute equality, in the distribution of inheritance. Ensuring fair distribution of inheritance depends on the need of the heir for the inherited money and on the degree of kinship to the deceased. Therefore, women may be granted an equal share of the inheritance in certain instances, may inherit less than a male heir or may be entitled to

double or more his share of the inheritance in other cases, all depending on the need for the inherited money or the degree of kinship to the deceased.

21. A daughter is entitled to half the share of a son, based on the need for the inherited money. Girls are not requested under the law to assume expenses related to the preparation and the furnishing of the marital home, nor to pay a dowry or provide for themselves, even if they are wealthy, since the husband has to provide for the wife in all cases. A wife is not responsible for providing for the children, as the husband is obliged to assume all such expenses. Therefore, it is deemed fair that a woman should not be entitled to an equal share of the inheritance and that she should inherit only half a man's share.

22. The Jordanian Constitution provides for the principle of equality between Jordanian subjects. This principle is enshrined in the Jordanian National Charter, which makes it clear that Jordanian men and women are equal in rights and responsibilities, primarily in relation to the legal value of testimony given by women, which is legally equal to testimony given by men. The Evidence Act no. 30 of 1950 does not contain any text that accords the testimony of women a different legal value from that given to the testimony of men. The Jordanian Government published the Convention on the Elimination of all Forms of Discrimination against Women in the Official Gazette on 01 August 2007. It has also ratified major international conventions on the rights of women, such as the Convention on the Political Rights of Women, the Convention on the Nationality of Married Women and the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages.

23. The Protection from Family Violence Act was adopted in April 2008. In this regard, the Legal Committee of the Legislation and Opinion Bureau is expected to discuss the Statute of the Family Reconciliation Committees prior to approving it. This will contribute to the application of the Act.

24. The Government is strongly interested in the mechanism for the protection of women and children against violence, primarily in relation to the following:

(a) Providing psychological and social services to victims through the social service offices located in the Family Protection Department of the Directorate of General Security. During the period from 1998 to 2008, those offices followed up a total of 13,500 cases;

(b) Extending support and protection to child victims of violence through the residential child-care institutions of the Ministry of Social Development and other partners;

(c) Amending the Juvenile Act to cover children at risk of domestic violence as a category that requires intervention, protection and care;

(d) Cooperating with the National Committee for Women's Affairs to activate the work of the Women's Complaints Office;

(e) Drafting the Child Rights Bill;

(f) Establishing a home for adolescent girls, to protect girls over 18 who were raised in child-care institutions;

(g) Providing integrated services to victims of domestic violence in a single location, namely the Family Reconciliation Home, and devising a coordination policy in order to ensure the full protection of women, in cooperation with governmental and non-governmental partners, including civil society organizations and other stakeholders;

(h) Adopting the Protection from Family Violence Act with a view to expediting its application;

(i) Devising and implementing a practical plan to deal with cases of girls leaving home, as the main reason for honour killings.

25. Upon the initiative of Her Majesty Queen Rania Al-Abdullah, the Family Reconciliation Home was established to provide protection and shelter for women victims of domestic violence. It is a pioneering initiative in the Arab world, which aims to provide integrated services to battered women and women subjected to violence, by offering them shelter and psychological and moral advice, and reconciling them with their families. In 2009, 806 women benefited from the services extended by the Home, 30 per cent of whom were women leaving home. As can be seen from the table below, 94 per cent of those women were served:

<i>Year</i>	<i>Women and girls at the family rehabilitation home</i>	<i>Girls leaving home</i>	<i>Total number of cases</i>
2007	299	0	<b>299</b>
2008	501	0	<b>501</b>
2009	536	270	<b>806</b>
<b>Total</b>			<b>1 606</b>

26. The Ministry of Social Development is endeavouring to enhance this initiative by taking the following measures:

- (a) Inaugurating and equipping the Family Justice Centre in order to centralize services provided to victims;
- (b) Targeting girls leaving home in fear for their safety;
- (c) Extending services to the detained/ inmates at the Women Reform Centre and rehabilitating them for independent life;
- (d) Equipping and inaugurating the House of Hope (Dar al-Amal) to care for the children of the inmates at correctional facilities;
- (e) Opening a branch of the Family Reconciliation Home in the governorate of Irbid, in order to serve women in the north.

27. In relation to so-called “honour killings”, radical changes have been introduced to domestic legislation, in particular the Criminal Code. More severe punishment has been provided for instigators and perpetrators. A special judicial body was established to consider cases of honour killings, with a view to accelerating decision making procedures and ensuring that justice is done. Furthermore, the law no longer permits perpetrators of such crimes to benefit from mitigating circumstances. In 2009, only one person benefited from the mitigating circumstances provided for by article 340 of the Penal Code. In other instances in which the Government took mitigating circumstances into consideration, sentences ranged between seven and a half years and fifteen years, compared with fifteen years for cases in which the court did not take mitigating circumstances into consideration.

### **The right to life and the prohibition of torture and other ill-treatment (arts. 6, 7 and 10)**

28. In 2009, human rights organizations, Public Prosecutors and members of the National Centre for Human Rights made 869 visits to correctional and rehabilitation centres. Delegations from the International Committee of the Red Cross made regular and unannounced visits to the detention centre of the General Intelligence Department,

including 26 unannounced visits in 2007, 25 in 2008 and 19 in 2009. The National Centre for Human Rights made three unannounced visits to the Centre in 2007, two visits in 2008 and two visits in 2009. Human Rights Watch visited in 2007, and parties of the Jordanian National Movement visited the Centre on one occasion, in 2007. During all those visits, detainees were met in private.

29. The Ombudsman and Human Rights Office of the Public Security Directorate was established on 21 July 2005 as an independent monitoring body, to monitor and follow up any case of human rights violation and to criminally prosecute perpetrators. The Office has been directly linked to the director of the Public Security Directorate in person, in order to ensure its independence from other security units and therefore ensure its neutrality.

30. The Ombudsman and Human Rights Office operates under national legislation and applies the Code of Criminal Procedure. The director and Prosecutors General assigned to the Office enjoy the same legal authority as members of the Public Prosecutor's Office. The Ombudsman and Human Rights Office is the competent authority for the consideration of complaints relating to torture and ill-treatment. Working with other regulators, it seeks to ensure the correct outcome for all complaints. Acts of torture or ill-treatment are investigated by the prosecutors in various directorates and in reform and rehabilitation centres.

31. Furthermore, the Office follows up and investigates alleged transgressions committed by public security officers and takes the appropriate decisions. It offers remedies to victims and coordinates with other official and non-official stakeholders, both within and outside the General Security Service, primarily governmental and non-governmental human rights organizations. The Office receives complaints through a number of mechanisms. Most importantly, it initiates a criminal investigation whenever the complaint is duly received under the law, and whenever the complaint pertains to a crime which indicates criminal prosecution. Upon completion of the investigation and depending on the availability of incriminating evidence, the Office refers the case to the competent judicial authority, namely the Police Court. A variety of mechanisms exist to address administrative complaints, including exchanging correspondence with the concerned persons, making recommendations, drafting reports and putting forward proposals.

32. Complaints may be lodged personally or by formal or informal correspondence. Various means of communication may also be used, including electronic mail, through which complaints may be received, investigated and followed up in an active, immediate, comprehensive, unbiased and fair manner. The Office has also placed complaint boxes in all correctional and rehabilitation centres, with a view to receiving complaints from inmates and investigating them. It conducts periodic and unplanned inspections of all detention and investigation facilities. It also inspects other locations in which there is interaction with citizens, including Public Security units and reform and rehabilitation centres. The office aims to make sure that everyone is committed to respecting human rights and that no person is ill-treated.

33. In 2009, the Ombudsman and Human Rights Office received 377 complaints regarding administrative procedures and legal violations. Classified by gender, 314 complaints were received from men and 63 from women; a further four complaints were submitted by minors. Following processing, ten complaints were referred to the Police Court and 22 to the chiefs of units who were granted rights by the Public Security Act to prosecute public security officers. Those chiefs of unit are also entitled to take disciplinary action against transgressors who commit violations that are not sufficiently serious to constitute a criminal offence.

34. Such disciplinary measures include withholding salary for two months, demotion and imprisonment for two months with a recommendation that the service of the violator be

terminated. One of the offences provided for under article 35/5 of the Public Security Act is a lack of courtesy towards the public and bringing the Public Security into disrepute.

35. Nineteen persons were not brought to trial for lack of evidence. The remaining complaints were kept on record after the necessary measures had been taken and justice had been done, as no justification for criminal prosecution was found. Since the amendment of article 208 of the Penal Code relating to torture on 15 November 2007 and throughout investigations, statistics compiled based on the above article revealed that no torture had been committed by Public Security officers. Should evidence of the offence of torture be found under article 208, the perpetrator shall be subject to punishment as provided for under the Act.

36. The National Centre for Human Rights, for its part, receives complaints from citizens in relation to human rights violations; monitors abuses and violations committed by the official bodies of the State against human rights and public freedoms; and endeavours to end such abuses and inform citizens of their rights under the Constitution.

37. Orders issued by senior officials or a public authority shall not, in any way whatsoever, be invoked to justify acts of torture, as torture is a crime under article 208 of the Penal Code. Any person found guilty of any act that amounts to torture shall be subject to legal accountability and may not invoke orders given to him or her by a higher ranking officer as a pretext.

38. Should evidence be found during an investigation that the accused had committed torture following the order of his or her superiors or had condoned such an act, both shall be liable to criminal prosecution under the law. Receiving orders from superiors may not be invoked as an exemption from criminal responsibility. In this regard, article 61 of the Penal Code states that a person is not considered criminally responsible for any act should the act be committed under any of the following circumstances: (1) Law enforcement and (2) Obedience to an order issued by a competent authority that he or she is required to obey under the law, unless that order was unlawful.

39. The condition for exemption from liability is that the order be lawful. Since torture is illegal and is considered a crime under the law, this condition is therefore not applicable. Furthermore, article 15 of the Public Security Act stipulates that all members of the public security forces shall take an oath prior to assuming their functions to respect laws and regulations and carry out all duties with dignity, honour and honesty, without bias or discrimination. They shall also swear to execute all lawful orders. To date, no complaint has been submitted regarding an act that amounts to the offense of torture and no act of torture has been committed pursuant to orders from a higher authority.

### **Right to liberty and security of the person (art. 9)**

40. Jordanian legislation, namely article 100 of the amended Code of Criminal Procedure no. 16 of 2001, determines the time that a defendant may be held at a police station as 24 hours, after which he or she should be brought before the Office of the Attorney General, which is the competent judicial body for the conduct of the investigation.

41. The same article identifies the measures to be taken by a law enforcement officer, notably to draft and sign a written record of the investigation, and provide a copy to the defendant or his or her legal representative, if any, which shall contain the following information:

- (1) The name of the officers who issued and implemented the arrest warrant;
- (2) The name of the accused; the date, place and cause of the arrest;

- (3) The time of arrival of the accused; date and place of arrest or detention;
- (4) The name of the officer who drafted the report, interviewed the accused and signed the record.

42. Article 63 of the Code of Criminal Procedure provides for the right of the accused to a legal representative to defend him or her, while article 66/2 bans the Attorney General from denying the lawyer access to the accused. Should the accused claim to being exposed by law enforcement officers to any type of torture or physical or moral coercion deemed a crime under the law, the Attorney General shall document such facts in the investigation report and refer the person to a physician if the situation so requires.

43. Furthermore, no person shall be admitted to a detention centre or reform and rehabilitation centre should he/she show signs of any kind of injury until he/she has been examined by a physician to obtain a judicial medical report and conduct the necessary investigations. Pursuant to article 24 of the Reform and Rehabilitation Centres Act, the physician of the centre shall perform a medical examination on the inmate, submit a report on his or her health upon admission to and exit from the centre as well as upon his or her transfer from one centre to another.

44. Article 106 of the Code of Criminal Procedure and article 8 of the Reform and rehabilitation Centres Act require that persons be only detained in the correctional and rehabilitation centres which are subject to judicial inspection. The following, each in his or her respective areas of competence, are entitled to enter the centre with a view to verifying that no inmate is held illegally and following up any complaint which an inmate could file in relation to any abuse committed against him or her: (a) The Minister of Justice or any experienced and competent staff authorized by the Ministry of Justice; (b) The Head of the Public Prosecutor's Office; (c) Heads of the Court of Appeal, the Court of First Instance and the Assize Court; (d) The Attorney General and (e) members of the Public Prosecutor's Office.

45. Detainees and inmates shall be made aware of their rights, including the right to file complaints. Article 13 of the Reform and Rehabilitation Centres Act states that inmates shall have the right to the following: (a) To contact and meet their lawyer whenever their interests so require; (b) To communicate their whereabouts to their family and to exchange correspondence with their relatives and friends more easily; (c) To receive visitors, unless the head of the Centre has any objection and (d) To contact the diplomatic or consular representative of their country should the inmates be foreigners.

46. The 1957 Crime Prevention Act no. 7 is a preventative law that does not aim to limit personal liberties, but rather to prevent the commission of crimes which undermine community security and public order, primarily murder and repeated assaults on the property of citizens.

47. The governor shall intervene to protect life and property once he or she is convinced of the need to resort to administrative detention in order to ensure the safety of citizens and prevent crime. Under the above Act, administrative detention occurs under specific controls and applies to specific instances involving persons deemed to be dangerous, outlaws and repeat offenders who intimidate citizens.

48. Administrative detention shall be temporary, until a guarantee is submitted ensuring that the detainee has been behaving properly and that he or she will not abuse citizens or commit crime in the future. Procedures for the application of the Crime Prevention Act are consistent with international standards of human rights, in that the restriction of freedom should be subject to the law and according to the procedure established therein. Furthermore, detainees shall be informed of the reason for the arrest and the charges against them. The governor shall exercise his or her powers under article 5 of the Act.

49. Decisions made by the governor are subject to judicial review (by ordinary courts). The decision to retain a person can only be overturned by judicial review carried out by the Supreme Court, which has the power to order the Reform and Rehabilitation Centre to immediately release the detainee. The Internal Oversight and Human Rights departments of the Ministry of Interior exert administrative oversight and conduct regular reviews of decisions pertaining to administrative detention.

50. The number of administratively detained persons usually referred to is an annual total indicating the number of cases in which the Crime Prevention Act has been applied, not the number of persons arrested under the law. This is due to the fact that some persons are released immediately and are not sent to reform and rehabilitation centres, while others are detained for several hours or days, pending submission of a guarantee or a pledge that the crime will not be repeated and that the detainee will behave correctly. Some persons included in the overall total are arrested on more than one occasion.

### **The right to a fair trial (art. 14)**

51. In Jordan, the Code of Criminal Procedure includes provisions and procedures that establish guarantees of a fair trial. The State Security Court is a special court that draws its legitimacy from the Jordanian Constitution. Investigation and trial before this Court are conducted under the law, and the Attorney General applies the provisions of the articles contained in the Code of Criminal Procedure No. 9 of 1961.

52. Sentences issued by the State Security Court are subject to appeal before the Court of Cassation. The Court of Cassation may exercise objective and formal control over the State Security Court, as it has the authority to deem the proceedings invalid if they are proved at any stage to be incompatible with the Code of Criminal Procedure. This guarantees the respect for standards of fair trial and human rights, since all actions carried out by this Court must be based on existing laws; otherwise, they shall be deemed invalid.

53. The powers of this Court are confined to a number of crimes related to the protection of State security and public order. This is enshrined in international law and provided for by the International Covenant on Civil and Political Rights, which authorize the imposition of a number of restrictions, provided that such restrictions be specified under the law and be deemed necessary. Restrictions applied in the Kingdom meet those conditions.

54. The State Security Court comprises civilian and military judges, who carry out their functions with complete autonomy. Any judge of the State Security Court has the right to hold a different point of view from the majority and to issue a contrary ruling, bearing in mind that the decisions of the State Security Court are taken unanimously or by majority vote.

55. The State Security Court is a specialized court whose judges are highly qualified, experienced and independent. This enables the Court to rule on cases before it so as to ensure that the right to defence is respected and that justice is done.

56. Proceedings before the State Security Court are the same as those pursued before the ordinary courts. The judgements of the Court can be appealed before the Court of Appeal, which has both subject matter and legal jurisdiction for such appeals.

57. The Police Court deals with cases in which a complaint has been lodged against a member of the General Security Service. It is an independent tribunal that adopts standards and guarantees of fair trial and applies the rules of procedure stipulated by the Code of Criminal Procedure, which are applied by the ordinary courts. The judgments of the Court are subject to appeal before the Court of Cassation, which has subject matter jurisdiction over the rulings of the Police Court and has the power to deem the procedures invalid.

58. Jurisprudence establishes that confession is not considered to be evidence unless a judge is satisfied that such confession is explicit, clear and unambiguous; that it does not lend itself to interpretation, is given by a flawless source and is true. Should the judge find any flaw in any of the above conditions, he or she may not base his or her ruling on the confession made, in virtue of article 147 of the Code of Criminal Procedure (Court of Cassation decision no. 1463/2004 of 27 June 2005).

59. In a number of rulings, the Court of Cassation has disregarded confessions for which the Public Prosecutor's Office did not provide evidence that the accused person made the confession voluntarily, in accordance with article 159 of the Code of Criminal Procedure. This article states that the testimony made by the accused, the suspect or the defendant in the absence of the Attorney-General, in which he or she confesses a crime, is only accepted if the prosecution presents evidence of the circumstances in which the confession was made, and if the court is confident that the accused, the suspect or the defendant made that confession voluntarily and by choice.

### **Freedom of thought, conscience and religion (art. 18)**

60. Article 14 of the Jordanian Constitution guarantees freedom of religion. It stipulates that the State shall protect the freedom of religious practice and belief, in accordance with established customs in the Kingdom, as long as they are not detrimental to public order or morality.

61. Islamic sharia guarantees the freedom of belief and expression, as evidenced by a number of unambiguous Koranic texts. One text states that there shall be no coercion in religion (Al-Baqarah: 256), while another states that people cannot be compelled to believe (Yunus: 99). Therefore, the freedom of belief and worship is sacred in the Islamic sharia. No one shall ever be forced to embrace Islam. In this sense, a non-Muslim woman shall not be obliged to change her religion when she marries a Muslim man. Furthermore, she has the full right to practice her religion in the marital home, at church and in the houses of worship. A husband has absolutely no right to prevent his wife from doing so.

62. With regard to apostasy, no criminal proceedings or penalties shall be taken against the apostate, except in certain cases related to dissolution of marriage and denial of inheritance. This will only be to satisfy the wish of the wife of the apostate, as she may often not wish to remain with her husband and files for the dissolution of marriage. The State does not interfere in such proceedings. This will also be to satisfy the wish of the testator who may not wish to leave a legacy to the apostate. Had the testator wished to leave a legacy to the apostate, he or she would have mentioned so in his or her will, to which there is no objection under the law. If the testator fails to do that, this indicates that he or she does not wish to bequeath anything to the apostate and, in this case, the judgment is a true expression of his or her will.

63. Paragraph (a) of article 38 of the Civil Status Law no. 9 of 2001 states that every Jordanian over the age of 16 shall obtain an identity card regardless of his or her place of residence. The term "Jordanian" shall be taken to include all Jordanians, regardless of religion, ethnicity or language. Granting an identification card to Jordanians has no link to religion. The inclusion of religion in the identity card only aims to regulate personal status matters, such as marriage and inheritance and should not be considered as a basis for distinction between Jordanians in any way whatsoever.

### **Freedom of opinion and expression (art. 19)**

64. The Government conducted a comprehensive review of the Penal Code. It introduced major amendments and issued and recently adopted the Code as the 2010 Amended Penal Code. The Code abolishes the penalty of imprisonment and replaces it with fines for a number of offences, including slander, libel and contempt offenses set forth in articles 196/1, 358, 359 and 360 of the Penal Code no. 16 of 1960, in addition to the crime of libel under article 193 if the slander was not addressed to the courts.

65. The imposition of fines was also added as an alternative penalty for crimes provided for under articles 191 and 196/1 and 2 of the Code, so that the judge on the facts has the discretion to impose the penalty of imprisonment or a fine according to the merits of each case.

### **Amendments to the Press and Publications Law No. 5 of 2010**

66. A specialized criminal chamber has been established within the Court of First Instance and the Court of Appeal, to consider cases related to press and publications.

67. The chamber established at the Amman Court of First Instance was granted exclusive jurisdiction over those crimes related to publications and publishing which affect national security and are set forth in the Press and Publications Law. This constitutes a milestone in the work of specialized chambers.

68. As a result of the determination of the Government to expand the margins of freedom and unleash the process of cultural and intellectual innovation without censorship, the Department of Press and Publications has been attached to the Ministry of Culture. The aim of this measure is to remove all barriers between authors and readers.

69. The Jordanian Constitution guarantees freedom of opinion and expression. Paragraph (1) of article 15 stipulates that the State shall guarantee freedom of opinion and that every Jordanian shall be free to express his or her opinion in speech, writing, photography and any other means of expression, provided that he or she does not exceed the limits provided for under the law. Article 15 is compatible with international treaties and conventions. Article 19 of the Universal Declaration of Human Rights reads, "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers".

70. In Jordan, there are 37 licenced private television stations and 28 licenced private radio stations, all of which fall under the Provisional Audiovisual Media Law no. 71 of 2002 and employ some 711 Jordanians. Since 2002, 20 private broadcasting agencies, 32 satellite broadcasting agencies and one terrestrial broadcasting agency have been licenced.

71. Following the adoption of the Law on Guarantee of Access to Information no. 74 of 2007 on 17 June 2007, Jordan has become the only country in the region to issue a law guaranteeing freedom of access to information to all members of society, including journalists. Paragraph (a) of article 8 of the 1998 Press and Publications Law states that a journalist has the right to access information; all official bodies and public institutions shall facilitate his or her mission and allow him or her to access their programmes, projects and plans.

72. Paragraph (b) of article 8 of the 1998 Press and Publications Law prohibits the imposition of restrictions which could hinder the freedom of the press to ensure the flow of information to citizens, and also prohibits the taking of measures which could lead to deny citizens this right.

73. Paragraph (c) of article 8 of the Press and Publications Law stipulates that in observance of the provisions of the current legislation, a journalist has the right to receive answers to his or her queries concerning information and news, in accordance with paragraphs (a) and (b) of the above-mentioned article. The competent authority shall provide the journalist with such information in a timely fashion, depending on the nature of the information requested if it is breaking news, and no later than two weeks if it is not.

74. In July 2009, the Publications Committee was formed as an advisory body to follow up issues relating to books and publications. The number of intellectuals on the Committee reflects the size of its task. It cooperates with the Department of Press and Publications which provides advice and expertise in matters related to press and publications. The Committee provides advice to the Department in decisions pertaining to the distribution of books, newspapers and magazines. As such, decisions taken do not emanate exclusively from administrative bodies, but rather represent society as a whole.

75. On 8 June 2009, the Council of Ministers approved an amended draft for the Culture Promotion Act, which provides for the cancellation of the 5 per cent tax currently levied on newspapers.

76. On 01 January 2010, the Code of Conduct regulating relations between the Government and the media entered into force and the Prime Minister requested the Audit Bureau to prepare a complete account of all violations of the Code. The aim of this measure is to promote the freedom and independence of the media; enhance communication between the Government and the press; bring an end to tension between the Government and a number of media organizations and also prohibit the use of subscriptions and advertisements to influence the press. Those measures aim to enable the media to play its role away from pressure. Further measures were taken to regulate the work of journalists in public administration, including the establishment of a committee of media advisors working in public administration. The post of media advisor has been included in the organization chart of Public Service. The work of the Network of Media Spokespersons has been boosted, the number of its members has been increased and its members have been trained.

77. A number of court rulings have cleared the media (see annex) and the Government has not taken any legal action against any publication (with the exception of the two cases mentioned in the annex).

### **Prevention of the incitement to discrimination, hatred or violence; and the right to peaceful assembly and freedom of association (arts. 20, 21 and 22)**

78. Article 6 of the Jordanian Constitution states that Jordanians shall be equal before the law. There shall be no discrimination as regards their rights and duties on grounds of race, language or religion. Article 14 provides for the protection of the free exercise of all forms of worship and religious rites in the Kingdom, "The State shall safeguard the free exercise of all forms of worship and religious rites in accordance with the customs observed in the Kingdom, unless such (practice) is inconsistent with public order or morality". The Constitution also provides for freedom of education within other religious and belief communities, "Congregations shall have the right to establish and maintain their own schools for the education of their own members provided that they comply with the general provisions of the law". The Jordanian Penal Code protects freedom of religious rites and considers any form of abuse of religion to be a crime.

79. The Public Meetings Act permits the holding of any meeting. Such permission represents an embodiment of the constitutional principle guaranteeing this right. The Act

includes provisions regulating matters related to public meetings. The holding of public meetings requires prior approval if such meetings are held to discuss State policy, in order to ensure that no breach will be made to security, public order or traffic. Most meetings of this nature are approved.

80. Any party or person has the right to resort to the Supreme Court to challenge a decision denying approval of a public meeting. The Court has the authority to issue a ruling authorizing the meeting.

81. In Jordan, some 2,500 associations are subject to the provisions of the Law on Associations. The Jordanian Constitution guarantees the right of every citizen to join an association or participate in the establishment of a new association, in order to contribute to public action and community development.

82. The amended Law on Associations no. 51 of 2008 regulates this right and simplifies its procedures as follows:

- The Law establishes new types of association which are compatible with the requirements and capabilities of their founders, including private and closed associations
- The Law reduces the number of founders to seven in the case of open associations, three for private associations and a minimum of one for closed associations
- The Law simplifies registration procedures and establishes that they shall be completed within a specific timeframe (two months) if the application fulfils all requirements provided for under the law. In this case, the registration application is automatically approved
- The Law exclusively grants the authority to make decisions on registration to the Registrar Administration Board, established under the current Law on Associations. The Board comprises six representatives of relevant ministries and four representatives from the voluntary and charitable work sectors

83. The new Law authorizes associations to obtain funding from a Jordanian source without condition or restriction. Associations are required to report funds or grants obtained in their official records.

84. The Law also authorizes associations to obtain external financing, provided that the following four conditions are met:

- (a) That the source of the voluntary contributions or funds be legitimate and compatible with public order or morality;
- (b) That conditions set by donors are not incompatible with the provisions of the Law or the Statute of the association;
- (c) That donations and funds be used to achieve the purpose for which they are intended;
- (d) That the Council of Ministers approves the funding. The Law provides that the Government shall respond to any request for external funding submitted by an association within 30 days. If the Government does not take a decision to refuse funding within this period, the request shall automatically be considered to have been approved.

85. Since the entry into force of the provisions of the new Law, no request for funding from a non-Jordanian source has been rejected.

## **Rights of the child (art. 24)**

86. Jordan has ratified the Convention on the Rights of the Child and its Additional Protocols (Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography and the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts. It has also ratified the International Labour Organization Conventions no. 138 (1973) concerning Minimum Age for Admission to Employment and ILO Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

87. Article 73 of the Labour Code provides that a minor under 16 years of age shall not be employed in any way whatsoever. Article 3/2 of the Anti-Human Trafficking Law no. 9 of 2009 states that it is forbidden to attract, transfer, host or receive persons under 18 years of age for the purpose of exploiting them even if such exploitation is not accompanied by threat or the use of force. The Law also inflicts strict punishment on perpetrators of human trafficking crimes, in particular if the victim has not turned 18. Such an act is deemed to be a crime punishable by imprisonment with hard labour for no less than three years and no more than ten years.

88. In relation to child labour, labour inspectors have intensified inspection visits to locations in which ongoing child labour is widespread. Ten liaison officers were assigned to the Directorate of Inspection of the Ministry of Labour, with a view to compiling and following up reports on child labour with the authorities, notably the Social Support Centre dedicated to working children.

89. Data on child labour collected during 2008 by labour inspectors and researchers at the Social Support Centre were analysed. They revealed 2,150 cases of employed children aged 7-17. The Ministry of Labour signed a memorandum of understanding with the Cooperative Housing Foundation on 05 September 2009, under which 50 labour inspectors have been trained in conducting interviews and collecting information on child labour. A memorandum of understanding was also signed with UNICEF to restructure the Child Labour Section of the Ministry of Labour.

90. The Social Support Centre for working/ drop-out children, established under a memorandum of understanding between the Ministry of Labour and the Jordanian Hashemite Fund for Human Development, has monitored 3,515 cases which have been included in its database. The aim of this measure is to rehabilitate working children by providing them with an integrated system of programmes and services.

## **The right to participate in the management of public affairs (art. 25)**

91. In accordance with article 4 of the Political Parties Law, Jordanians have the right to form political parties and voluntarily join them under the provisions of the Law. A party has the right to stand for election to any position or rank. The Law also establishes restrictions; article 5 provides that the number of founding members of any party shall not be less than five hundred, on condition that their habitual places of residence be in a minimum of five districts, and that ten per cent shall be from each province.

92. The Political Parties Law guarantees full freedom to form political parties. It has established the principle of State financial support for parties and the right of a party to use official media and public utilities to achieve its objectives. There are 17 licensed parties which represent various political trends. Parties are free to issue press releases and articles in newspapers, magazines and other media to express their orientation and point of view. Each party has the right to openly express any views concerning the conduct of the work of

the Government. The new Law introduces a number of developments in comparison with the previous Law, including the following:

- The Law reduces the age of founding members from 25 to 21 years
- The Law provides that no party shall discriminate on sectarian, ethnic, factional or religious grounds (art. 3 (b))
- The Law grants a party the right to participate in electoral processes (art. 4 (b))
- The members of a party shall not be held accountable for its affiliation (art. 20 (a))
- The Law gives parties the right to use State facilities in order to achieve their goals and objectives (art. 13 (a)) and to use various official media (art. 20 (b))
- The Law allows parties to issue one or more periodicals and to create a website (art. 16)
- The Law provides that the Government shall finance parties from State Treasury on a yearly basis; an annual sum of JD 50,000 has been allocated to each party (art. 19)

93. Jordan Election Law no. 9 of 2010 has increased the representation of women, by doubling the number of seats allocated to women from 6 to 12 in the Kingdom, including the provinces and the three Badia regions, which represents 10 per cent of the number of seats and 20 per cent of seats in municipal councils. Upon adoption of the decentralization project, the participation of women has been set at the same percentage in local councils. In addition to reserved seats, women may compete for those included in the quota.

94. The main reason for amending the Election Law is to make it more responsive to the prevailing situation in Jordan. The most prominent features of the new Law are the following:

- The Law achieves justice and equality between voters by granting each constituency one parliamentary seat
- The Law has restructured the committees overseeing the electoral process; a senior judge shall be appointed by the head of the Judicial Council as Vice-Chairman of the Electoral Commission
- The Law has taken into consideration the high number of registered voters in certain regions, by adding a further four electoral seats for the capital, Zarqa and Irbid
- The Law has established a Steering Committee under the chairmanship of the Prime Minister
- The Law has expanded the scope of Governmental oversight of the electoral process, by assigning a member of the Ministry of Political Development to the Electoral Commission and by allowing the Government to use the services of all public sector staff for the electoral process
- The Law provides for stricter punishment for a number of electoral crimes, including the use of electoral funds to influence voters
- The Law permits the National Centre for Human Rights and any local or international entity, organization and media or press agency to have access to the electoral process
- The Law has established a mechanism under which illiterate citizens may vote, by instituting a special register in which the names and fingerprints of the illiterate citizens are recorded. Such mechanism shall permit taking legal action against potential illiterate violators of the law. Furthermore, voters shall be denied the right

to vote should they make public the name of the candidate for whom they intend to vote.

### **The rights of minorities (art. 27)**

95. In Jordan, a number of institutions, agencies and centres play an active role in promoting a culture of tolerance, interfaith dialogue and acceptance of others. The Aal al-Bayt Foundation of Islamic Thought has launched on its website<sup>1</sup> a project entitled A Common Word, which aims to enhance Muslim-Christian dialogue and promote the common denominators between the followers of both religions.

96. The Royal Institute for Inter-Faith Studies publishes a number of magazines and publications that call for tolerance, coexistence and dialogue between the followers of different religions. The Jordanian Interfaith Coexistence Research Centre holds conferences which aim to promote principles of tolerance, rejection of extremism and respect for belief. The Ministry of Awqaf, Islamic Affairs and Holy Places has developed a number of programmes designed to promote those values, including scientific sessions to explain the content of the Amman Message.

97. Religious minorities are authorized to form associations, and to preserve and show their heritage in whatever form they choose, in line with State policy promoting cultural pluralism. They are also authorized to establish their own schools, which teach ethnic languages in addition to the national curriculum adopted by the Ministry of Education.

98. Furthermore, Christians in the Kingdom are allowed to practise their religion in freedom. The Kingdom is keen to celebrate Christian holidays as an affirmation of the unity of Jordanian society. Official radio stations broadcast Mass on a Sunday in the same way as they broadcast Muslim prayers on a Friday. Christians employed in the public sector are permitted to practise their religion on a Sunday. They are allowed sufficient time to perform their religious duties during working hours without deducting such time from their annual leave. They are also allowed to observe Christian holidays.

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<sup>1</sup> <http://www.aalalbayt.org/en/index.html>.

## Annex

- On 21 April 2009, the Amman Magistrates Court acquitted the author Khaled Mahadeen after the House of Representatives took legal action against him for slander and libel. Mr. Mahadeen had written an article entitled “For God’s sake, O Abdullah,” which was posted on the Khaberni website.
- On 31 July 2009, the Court of Appeal acquitted the Balad radio station and its owner, David George, of the charge of abuse against the Parliament, for lack of evidence.
- On 30 April 2009, the Amman Court of First Instance acquitted the weekly Al-Mehwar, its Editor-in-Chief, Fares Asharaan, and the journalist Youssef Altoura of the charge of offending the dignity and personal freedoms of a number of persons, and of spreading false information regarding them, in violation of article 38 of the amended Press and Publications Law no. 8 of 1998. They had published an article entitled “Financial and administrative corruption in the municipality of Maan”.
- The Court of Cassation overturned rulings issued by the Amman Court of First Instance to imprison three journalists for three months. Those journalists were found guilty of challenging the course of justice, in violation of article 15 of the Contempt of Court Act. The Court of Cassation ruled that the prison sentence shall be replaced by a fine of no less than JD 100 for each journalist.
- On 28 January 2008, the Amman Court of First Instance issued an acquittal in case no. 2256/2007, filed by the Department of Press and Publications on behalf of the Government of Marouf Bakhit against the journalist Fahd Rimawi, the Editor-in-Chief of the weekly al-Majd. Mr. Rimawi had been accused of defamation and slander against the Government of Marouf Bakhit, in an article entitled “Expiry of cardboard and carbon governments” (6 August 2007, issue 528). The Court found Mr. Rimawi to be not guilty. The ruling stated that the material published on the first page of issue 528 of the al-Majd weekly included comments on and criticism of the political and economic performance of the former Government, former Prime Minister, Marouf Bakhit, and previous governments. The Court has established that those critical comments concerned the performance of the previous government and successive governmental crises, which are well known to the public. It ruled, therefore, that the content of the article in question was not a crime and did not call for punishment. The weekly was found to be not guilty.
- An attempt was made to take legal action against the Assabeel weekly, following the publication of a poem that was considered to be eccentric. The poem had criticized Arab leaders and the situation in Jordan. Following court proceedings, the weekly was found to be not-guilty. (Unlike the above cases, no lawsuit had been filed).