



# International Covenant on Civil and Political Rights

Distr.: General  
26 October 2017

Original: English

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## Human Rights Committee 121st session

### Summary record of the 3421st meeting

Held at the Palais Wilson, Geneva, on Friday, 20 October 2017, at 10 a.m.

*Chair:* Ms. Jelić (Vice-Chair)

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(*continued*)

*Fifth periodic report of Jordan (continued)*

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*Ms. Jelić, Vice-Chair, took the Chair.*

*The meeting was called to order at 10.05 a.m.*

**Consideration of reports submitted by States parties under article 40 of the Covenant**  
(*continued*)

*Fifth periodic report of Jordan (continued) (CCPR/C/JOR/5; CCPR/C/JOR/Q/5 and Add.1)*

1. *At the invitation of the Chair, the delegation of Jordan took places at the Committee table.*

2. **Ms. Majali** (Jordan) said that her country was hosting over 1,300,000 Syrian refugees. Although that number greatly exceeded its capacity, Jordan would continue to provide humanitarian assistance unless it proved to be detrimental to national interests or the country's security. Since Rukban refugee camp was actually on Syrian territory, Jordan could not be expected to bear any responsibility for the refugees in that camp or to admit them into its territory. The Jordanian Government was willing to cooperate with its partners in the international community to meet the pressing need for humanitarian assistance for the refugees in Rukban camp provided that it was not deemed to constitute a Jordanian problem and that Jordan was not considered to be the sole route for deliveries of aid.

3. Jordan respected the Covenant rights of all individuals within its territory who were subject to its jurisdiction. However, it was not in a position to protect the rights of Palestinians, Syrians and other nationals who were in the Syrian Arab Republic, since it did not bear humanitarian, legal or political responsibility for their situation.

4. Article 13 of the Covenant permitted the expulsion of unlawful aliens from a State party if compelling reasons of national security so required. Jordan was not a party to the 1951 Convention relating to the Status of Refugees, and that Convention did not form part of the Committee's mandate. Nor was Jordan giving priority to ratification of that convention or its protocol. Nonetheless, Syrians were returned to their country only on a voluntary basis or if there were reasonable grounds to consider that their continued presence would pose a threat to national security. Each case was carefully examined by the Jordanian authorities, and the requisite measures were taken to ensure that people were returned to a safe and stable region. The authorities had a duty to Jordanian citizens to protect and control the country's borders, while of course respecting the rights of all as recognized under international law. Jordan did not resort to collective expulsion of foreigners, but the principle of non-refoulement was not applicable to large inflows of migrants.

5. Applicants for refugee status in Jordan were provided with the protection required by domestic and international law. The application process was covered by a Memorandum of Understanding signed by Jordan with the Office of the United Nations High Commissioner for Human Rights (OHCHR) in 1998 and amended in 2014. Under Jordanian law, the only distinctions drawn between Jordanian nationals and foreigners were those permitted under international law.

6. Decisions concerning naturalization matters were arrived at in a non-discriminatory manner and could be reviewed by the judiciary, whose independence was guaranteed by the Constitution. Jordan was not a party to the 1954 Convention relating to the Statue of Stateless Persons or to the 1961 Convention on the Reduction of Statelessness.

7. **Mr. Al-Bataineh** (Jordan), responding to the question as to whether Jordanian women were entitled to grant their nationality to their children, said that decisions on such matters constituted a sovereign issue under international law. States had the authority to take decisions in such cases in line with their national interests provided that they did not violate human rights. On 9 November 2014, the Council of Ministers had decided to grant the children of Jordanian women married to foreign nationals the privileges listed in the periodic report (CCPR/C/JOR/5).

8. **Mr. Al-Hadban** (Jordan) said that specialized training on how to deal with victims of domestic violence was compulsory for the staff of the Family Protection Department and

was provided in cooperation with the Ministry of Social Development. That training allowed staff to acquire special skills in addressing cases of domestic violence, assessing victims' psychological state and providing remedies. Gender balance was taken into account in appointing staff to the Department.

9. Considerable progress had been made in improving the conditions in temporary detention facilities. The National Centre for Human Rights conducted periodic visits to such facilities and issued a report on each visit, and the Public Security Directorate monitored the implementation of its recommendations. The allegation that the National Centre for Human Rights was not permitted to visit reform and rehabilitation centres was false.

10. **Ms. Majali** (Jordan) said that she had been surprised by the reference made by one Committee member to slavery, inasmuch as Jordan had been one of the first countries to abolish slavery in the early twentieth century.

11. **Mr. Alawamleh** (Jordan) said that the Labour Code drew no distinction between men and women or between foreigners and Jordanians. All persons were treated equally. Article 29 (b) of the Code entitled workers to resign from a job without giving notice while maintaining their legal rights to indemnization and entitlements if their rights had been violated. The Ministry of Labour could also order a business to suspend its operations if it had been found to mistreat any of its employees.

12. The 2009 Labour Code established a number of rights and benefits for domestic workers. They were not required to work for more than eight hours a day and were entitled to annual leave. Regulation No. 12 of 2015, which was applicable to private agencies that recruited non-Jordanian domestic workers, provided enhanced protection for such workers and established that they were entitled to health insurance coverage. It also authorized them to leave their jobs if they so wished and seek domestic employment elsewhere and, to date, a total of 200 domestic workers had done so. Furthermore, the Government exempted domestic workers who were in an irregular situation from paying fines pending action to remedy their situation or pending their departure from the country. They were also entitled to lodge complaints via a hotline and did not necessarily have to speak Arabic in order to do so. Employers were required to open a bank account for domestic employees, and the Ministry of Labour could require them to show evidence that they had done so. Penalties were imposed on employers who confiscated workers' passports, and regular inspections were conducted. A total of 90 complaints had been lodged as of April 2017, and 8 of those cases had been resolved. Warnings had been issued to three different recruitment agencies. The National Committee for the Prevention of Human Trafficking had taken action on 6 complaints, and the records of 11 recruitment agencies had been inspected.

13. The implementing regulations for Act No. 171 of 2016 concerning the operation of shelters for women at risk were designed to enhance the system of social protection and security and to institutionalize a rights-based approach. The shelters provided women with legal assistance and promoted their rehabilitation and reintegration into society with the support of civil society institutions. The Family Protection Department had established shelters for women victims of trafficking in all governorates.

14. **Ms. Haddadin** (Jordan) said that the National Centre for Human Rights provided legal advice and assistance to persons whose rights had been violated and referred their cases, as appropriate, to the executive, legislative or judicial authorities. The relevant legislation had been amended in 2017 to authorize the Centre to oversee the provision of compensation to victims of abuse, to carry out inspection visits to public agencies or private organizations that had allegedly committed human rights violations, to investigate such cases and to make appropriate recommendations. The women and men who sat on the Centre's Board of Trustees represented all sectors of society. The budgets of the National Centre for Human Rights and the Jordanian National Commission for Women had been increased in recent years to about 1 million Jordanian dinars.

15. The Chamber of Deputies Act of 2016 reserved 15 of the 130 seats in the lower house of Parliament for women. Women had won 20 seats in the last elections, so they now held 15.3 per cent of the seats in the Chamber. Standing committees on women's issues had been established in both the Chamber of Deputies and the Senate. Women accounted for 18.9 per cent of the judiciary, and one of the members of the Judicial Council was a woman. The 2015 Municipalities Act reserved 25 per cent of the seats in municipal councils for women. The 2015 Decentralization Act granted greater powers to local authorities and established the following quotas for women: 10 per cent of the elective seats on local councils and one third of the 15 per cent of seats held by appointees. In the elections held in August 2017, women had won 676 seats in the governorate, municipal and local councils and thus held 28.8 per cent of the total number of seats. Pursuant to the 2016 regulations governing support for political parties, funds could not be allocated to a party unless women made up at least 10 per cent of its members. The 2015 Political Parties Act prohibited the creation of parties whose defining characteristic was religion, ethnicity, sectarianism, race or gender.

16. Under the 2017 Protection from Domestic Violence Act, providers of health-care, educational and social services in the public and private sectors were required to report cases of domestic violence involving persons without legal capacity or with reduced legal capacity and those involving persons with full legal capacity if they consented and the act constituted an offence. Courts were encouraged to process such cases as speedily as possible.

17. **Ms. Majali** (Jordan), responding to a question regarding a video showing violations of the rights of domestic workers being committed, requested additional information so that the circumstances surrounding the incident could be verified and the necessary legal measures taken.

18. **Mr. Ben Achour** said that the Committee valued the extensive efforts made by the State party to receive and protect over 1 million refugees and to provide them with humanitarian assistance. At the same time, he did not share the State party's view that the principle of non-refoulement was not applicable to situations of mass migration. The Committee was concerned by reports that Palestinian families fleeing the Syrian Arab Republic had been prevented from entering Jordan and applying for asylum; that scores of Palestinian refugees coming from Syria had been deported; and that Jordanians of Palestinian origin had had their Jordanian citizenship revoked. It had also been alleged that many of the deported refugees had died or been killed upon their return. That situation raised serious issues of compliance with the provisions of the Covenant dealing with the principle of non-refoulement and the right to life.

19. He wished to commend the State party for its legal protection of the right to freedom of conscience. However, under Personal Status Act No. 36 of 2010, Muslims who had renounced their faith were not allowed to marry, even if the other party was non-Muslim, and Muslim women were not allowed to marry non-Muslims. Both provisions appeared to run counter to the State party's claim that there was no penalty for apostasy from Islam and he invited the delegation to comment.

20. **Mr. Heyns** said that he wished to express his appreciation for the humanitarian role that the State party was fulfilling in connection with the conflict in the Syrian Arab Republic. On the subject of the ill-treatment of persons deprived of their liberty, he would like to know what procedures were in place for the investigation of deaths in custody. He also wished to know whether evidence obtained through torture was admissible in court proceedings. Making complaint boxes available in reform and rehabilitation centres was a commendable initiative, and it would be useful to know whether inmates actually used them and whether that initiative had led to an improvement in the treatment of prisoners.

21. He was aware that the Prevention of Crime Act of 1954 provided for administrative detention for periods of one year or more and that persons detained under those provisions were entitled to have recourse to a court of law, but only through a lawyer with at least five years' experience, which rendered the process rather costly. As a result, it appeared that many people were being detained without trial. According to information for the year 2016 that was before the Committee, 493 women had been imprisoned following a conviction,

988 women had been in prison under a judicial order and 2,052 women had been held in administrative detention, and the overall number of persons currently held in administrative detention was approximately 30,000. He wished to know whether those figures were correct and whether the State party had considered amending the Prevention of Crime Act, which had been adopted over half a century ago, in order to bring it into line with modern standards. He would hope that the delegation agreed that, until that could be done, that law should be applied with the utmost discretion.

22. It appeared that the scope for action by civil society was curtailed by a range of restrictions, and he wished to know whether the population was free to engage in public protests. It was to be noted that, since the 2011 amendment of the Public Assemblies Act of 2008, the holding of public meetings or events was no longer subject to prior approval but instead to prior notification. However, the concern remained that, in many cases, other laws, such as the Prevention of Terrorism Act, were used to ban or disrupt public protests and that peaceful protesters were arrested. He would appreciate hearing the delegation's thoughts on the matter.

23. He wished to know whether it was true that the State party planned to develop new security legislation. It would be useful to know what the delegation meant when it referred to the "regional definition" of terrorism. He also wished to know whether the application of the death penalty in the State party was restricted to the most serious crimes, such as intentional homicide.

24. **Ms. Kran**, noting that legal aid services in the State party were currently provided by civil society organizations and by the Bar Association on a pro bono basis, said that she would like to know what progress had been made towards the establishment of a government fund to cover the cost of legal aid services. She also wished to know whether, pursuant to the recommendation made by the Royal Committee for the Development of the Judiciary and the Enhancement of the Rule of Law, a new legal framework for the provision of legal aid was being developed that would make such aid more widely and systematically available. She was concerned about the fact that the testimony of a man equalled that of two women in sharia courts, and it would be useful to know what monitoring mechanisms were in place to ensure that all courts complied with article 14 of the Covenant. She would be interested to learn how the State party intended to ensure the independence of the judiciary, given the recent constitutional amendment granting the King the power to appoint members of the Constitutional Court without consulting the Prime Minister or his Cabinet. It would be useful to know what the Government intended to do to ensure the separation of powers and whether any other body was entitled to provide input concerning judicial appointments.

25. The way in which the State Security Court worked was a cause of serious concern. The institution's close relationship with the General Intelligence Directorate cast some doubt upon its independence. Furthermore, although its jurisdiction was restricted to the crimes of treason, espionage and terrorism, narcotics-related offences and the counterfeiting of currency, the amendment of the Prevention of Terrorism Act to include the act of "disturbing relations with a foreign State" in the definition of terrorism had given the State Security Court jurisdiction over certain non-violent offences committed by civilians. As several persons had been tried for such offences and sentenced under the new provisions, she wished to remind the State party that the trial of civilians by military courts must be an exceptional practice that was limited to situations where a State could demonstrate that such a procedure were necessary and objectively justified. She would like to know whether the State party's plan to amend a series of laws included an amendment that would ensure that non-violent civilian offenders could no longer be tried by the State Security Court. It would also be useful to know whether the planned amendments would increase the independence of the judiciary and pave the way for the abolition of the State Security Court.

26. Although the State party had made commendable progress towards putting a stop to child labour, a 2013 report of the United Nations Children's Fund (UNICEF) had stated that, at the time, some 30,000 Syrian children had been working in Jordan. She would welcome updated information on the number of Syrian child workers in the State party.

27. **Mr. Muhumuza** said that, although the State party had developed strong legislation for the protection of migrant workers, it appeared that, in practice, employers continued to retain domestic workers' passports, thus hampering their ability to avail themselves of the protection afforded by the law. He would like to know what measures had been taken to address that problem.

28. He would welcome clarification regarding the protection of journalists and web bloggers from prosecution under the Prevention of Terrorism Act. The State party had reported that a media strategy had been adopted, that a committee had been established to monitor its implementation and that one of the tasks assigned to that committee was to establish an independent complaints council. It appeared, however, that the initiative had stalled because no consensus had been reached on the way forward. He wished to know what had been done to make headway with its implementation, ensure its credibility and prevent progress from being hampered by political or other interference. Statistics on legal proceedings instituted against journalists and web bloggers would be appreciated.

29. With regard to the right of peaceful assembly, he would welcome information on the timeline for amending the Societies Act and on the steps taken to ensure the involvement of civil society and other stakeholders in the process.

30. **Ms. Pazartzis** said that the State party had made commendable efforts to assist people fleeing from conflict, but more needed to be done to ensure respect for the principle of non-refoulement and to afford protection to refugee families and, most importantly, their children. She also welcomed the progress made in promoting women's rights, in particular the establishment of the National Commission for Women. While the increase in the number of women in politics was encouraging, more needed to be done to promote equal participation in the judiciary and the private sector. She would be interested to learn whether there were any oversight mechanisms or other instruments for monitoring and promoting private- and public-sector compliance with equality of opportunity policies.

31. It would be useful to learn to what extent civil society organizations had been consulted during the preparation of the State party report and what types of arrangements had been made for the dissemination of the Committee's concluding observations to the wider public.

32. **Ms. Cleveland** said that she would welcome information on practices in the State party with regard to abortion. She also wished to learn more about the enforcement of labour laws covering migrant domestic workers. What action had been taken in response to the complaints of labour rights violations that had been received?

*The meeting was suspended at 11.25 and resumed at 11.45 a.m.*

33. **Mr. Al-Kayed** (Jordan) said that, under the amended Criminal Code, acts of torture carried a prison sentence of between 1 and 3 years; in the case of acts that caused serious harm, that sentence was raised to up to 20 years of hard labour and could not be commuted or reduced. One of the objectives of the national human rights strategy was to develop an appropriate legal framework for the prosecution of cases of torture and the compensation of victims that was in line with international instruments, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Persons charged with crimes that carried the death penalty or a life sentence with hard labour had the right to legal counsel, to submit an appeal to a judicial committee and, where necessary, to obtain legal aid from the Ministry of Justice.

34. The 2017 Protection from Domestic Violence Act afforded additional protection for women and families and provided for the establishment of shelters. Guidelines were being developed to ensure that women were not involuntarily placed in protective custody in correctional or rehabilitation facilities, and closed-circuit televisions had been introduced as a protective measure for vulnerable witnesses and victims.

35. In cases where a woman's life was in danger, the termination of pregnancy was considered a medical matter. However, national legislation recognized the legal personality of a human fetus and thus its right to life.

36. The courts were able to invoke international human rights instruments, including the Covenant, and indeed did so, and the delegation would provide the Committee with a list of rulings issued by the Constitutional Court and the Court of Cassation which made reference to such instruments.

37. **Mr. Tawalbeh** (Jordan) said that the minimum age for marriage was 18, although persons aged between 15 and 18 could marry under certain specific circumstances with the authorization of a court and the approval of their legal guardians. Provisions were in place to ensure direct judicial oversight of marriage contracts in such cases. Under recently introduced guidelines, the grounds for early marriages had to be justified and procedures had to be followed in order to ensure that both parties freely consented to the union. As part of a system of checks and balances, such cases were referred to family counselling services, and a thorough investigation, which included psychological and medical assessments, was carried out. Guarantees existed to protect both parties' financial interests and ensure that, for example, the girl was able to complete her education. The new guidelines had been developed in consultation with all relevant stakeholders and had received positive media coverage. Under the new provisions, the courts were required to compile statistics on all cases involving early marriages; their records also had to indicate whether the applications had been approved or rejected. Moreover, the Government was taking steps to raise awareness of the provisions on early marriage among migrant communities.

38. With regard to women's participation in legal matters, neither the Constitution nor the legislative system created any barriers to gender equality, and legislation was developed in consultation with civil society. Legal advice was provided by family counselling officers and mediators with a legal background, and persons attending reconciliation centres were entitled to appoint a mediator to represent their interests.

39. On the issue of children born out of wedlock, the Personal Status Act stipulated that a child would be registered under its mother's name; a number of legislative provisions regulated the process of establishing parentage, which could be done under either the sharia system or by government authorities.

40. In order to address the personal status issues of refugees, including those relating to marriage and birth registration, family counselling offices and sharia courts were in place in refugee camps. One of the aims of such measures was to ensure that refugees did not lose the nationality of their country of origin. Services relating to personal status matters were provided in cooperation with civil society organizations.

41. Apostasy did not carry any criminal penalties. In the same vein, in line with the principle of freedom of conscience, spouses in a marriage where one party had renounced Islam could choose whether to leave that union. With regard to inheritance matters, legators had the power to leave up to a third of their estate to an apostate in their will.

42. With regard to the weight of a woman's testimony, although the Qur'an was sacrosanct, it had to be interpreted substantively rather than superficially; a woman's testimony did not necessarily have less value; in fact, under certain circumstances, it might carry greater weight than a man's

43. New legislation to combat domestic violence had recently been adopted. Under that legislation, a woman who had been subjected by her husband to threatened or actual violence, including marital rape, could apply for a divorce; in such cases, there was no requirement for the woman to provide evidence that an act of violence had been committed.

44. **Mr. Al-Hadban** (Jordan) said that, as indicated in paragraph 78 of his country's report, the Public Assembly Act had been amended to protect the right of peaceful assembly. Public gatherings must be organized in accordance with various rules and regulations, however. Demonstrators were arrested only for criminal offences, such as causing property damage or using violence against security forces. Some 3,300 demonstrations, strikes, festivals and other public gatherings had been organized in 2016, compared with around 1,300 in 2015 and over 4,800 in 2014.

45. In cases brought before an administrative governor, the defendant's right to a fair trial was protected under the Code of Criminal Procedure. A lawyer could be present during the questioning of witnesses, and decisions handed down by administrative governors were

subject to appeal. Legal aid was available under an agreement between the Ministry of Justice and the Bar Association.

46. Statistics on the number of cases of ill-treatment that had been brought against public security personnel were provided in paragraph 64 of his country's replies to the list of issues (CCPR/C/JOR/Q/5/Add.1).

47. **Ms. Haddadin** (Jordan) said that the Jordanian National Commission for Women was developing a new strategy for increasing the participation of women in high-level decision-making posts, for there was still progress to be made in that regard. As outlined in paragraph 25 of her country's replies to the list of issues, training courses had been organized with a view to increasing the number of women in senior public service roles. Steps were being taken to align the National Strategy for Women with Sustainable Development Goal 5. Funding for implementation of the Strategy had been set aside under the national budget for 2018. The National Commission for Women had organized workshops and activities throughout the country to help combat violence against women. A strategic plan for combating domestic violence had also been drawn up that took into account the sociocultural impact of the influx of refugees.

48. Jordan was the first country in the Arab region to have adopted specific legislation on persons with disabilities. That legislation required government bodies to take into account the rights of such persons in the formulation of their plans and strategies.

49. **Ms. Majali** (Jordan) said that all returns of Syrian refugees to their country of origin were conducted on a voluntary basis or for security reasons having to do with the Government's obligation to protect the rights of Jordanian citizens. The Government would be happy to follow up on any specific complaints that had been brought to the Committee's attention.

50. Refugees accounted for around 29 per cent of the country's population. The influx of refugees had slowed the country's economic growth and driven up the unemployment rate. The direct cost of that influx had been estimated at 5 per cent of gross domestic product.

51. The Government had drawn up response plans to deal with the crisis and to mitigate its impact, including a national child protection plan which dealt with priority issues such as child labour. Jordan had aimed to eliminate child labour by 2015, but its progress towards that goal had stalled as a result of the refugee crisis. A national survey conducted by the Ministry of Labour, with support from the International Labour Organization, had shown that around 7,500 children were engaged in some form of labour. Syrian refugee children were protected by child labour legislation on an equal basis with Jordanian children. Measures were being taken to close down enterprises that were found to have violated child labour laws and to encourage children from poor families, including refugee children, to remain in school. Activities involving refugee children had been organized to mark the World Day against Child Labour. Steps had also been taken to identify and address the training needs of public servants working in the field of child protection.

52. The Government would appreciate any additional support from the international community that would enable it to improve its provision of services to refugees and nationals alike.

53. **Mr. Alawamleh** (Jordan) said that a committee had recently been set up and tasked with drawing up a programme for the protection of child workers. As outlined in paragraph 121 of his country's replies to the list of issues, the bill amending the Societies Act was being reviewed in the light of concerns raised by civil society organizations.

54. **Ms. Majali** (Jordan) said that she wished to reiterate her country's commitment to fulfilling its obligations under the Covenant in order to protect and promote human rights. The Government would continue its work in that regard, taking into account the Committee's concluding observations.

55. **The Chair** said that the Committee welcomed the various achievements that had been reported, such as the establishment of the Constitutional Court and the adoption of the 2016-2025 Comprehensive National Plan for Human Rights, but was concerned about a

number of issues, such as the excessive use of force by law enforcement officers and the lack of comprehensive anti-discrimination legislation. She hoped that the Committee's concluding observations would guide the State party in its efforts to address those concerns.

*The meeting rose at 1 p.m.*