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Summary record of the 3420th meeting

Held at the Palais Wilson, Geneva, on Thursday, 19 October 2017, at 3 p.m.

Chair: Ms. Jelić (Vice-Chair)

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Ms. Jelić, (Vice-Chair), took the Chair.

The meeting was called to order at 3 p.m.

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

Fifth periodic report of Jordan (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 had consistently endeavoured to advance and foster human rights. Despite regional challenges and political instability in the Middle East, the Government of Jordan remained committed to strengthening its human rights system with the help of its citizens. It continued to fulfil its international obligations and provided legal and administrative guarantees for the protection of human rights and freedoms at all levels.

3. Efforts to improve the implementation of the Covenant included the steps being taken to adopt constitutional amendments on the balance and separation of powers. In addition, new legislation had been passed on public gatherings, the formation of political parties and the mandates of the nation's courts. The newly created Constitutional Court monitored the constitutionality of legislation and its conformity with the Covenant, while the Independent Electoral Commission worked to ensure the fairness of elections.

4. With the aim of strengthening the judiciary and enhancing accountability and transparency, a number of committees had been set up to combat corruption and monitor activities in the public and private sectors. The King had issued a white paper on the rule of law as the foundation of a civil State, and a committee had been established to review anti-trafficking legislation with the aim of simplifying legal proceedings in that area and guaranteeing fair trials. Other new legislation dealt with protection against domestic violence, the independence of the judiciary, civil dispute settlement, deprivation of liberty and sentencing. Legislation was also being amended to guarantee the rights of persons with disabilities in line with international instruments, including the Convention on the Rights of Persons with Disabilities. The human rights coordinator, who held a Cabinet post, monitored compliance with all international human rights instruments that had been ratified by Jordan. The Comprehensive National Plan for Human Rights had been launched in 2016, and work was proceeding under that plan to develop national human rights policies with the participation of all sectors of society.

5. The Guarantee of Access to Information Act had been adopted in order to ensure transparency and freedom of expression for the press. The 2011-2015 Jordan Media Strategy had been adopted at the request of the local press core and had helped the media to achieve and maintain high professional standards.

6. The Prevention of Crime Act governed certain portions of the mandate of administrative governors, who were responsible for monitoring the legality of administrative detention orders and had the power to rescind them. Under a 2011 constitutional amendment, the administrative justice system was now a two-tiered system comprising the Administrative Court and the Supreme Administrative Court.

7. The Personal Status Act included provisions on guardianship, the rights of children to education and health care, and the rights and duties established in marriage contracts, such as the right of women to request a separation without specifying a reason. It also dealt with the distribution of inheritances and provided for the establishment of a maintenance loan fund to ensure the payment of allowances to women, children, older persons and other eligible beneficiaries when those payments could otherwise not be made.

8. Electoral laws provided for the representation in Parliament of all sectors of Jordanian society, with seats reserved for Chechens, Circassians, Christians and women. The Independent Electoral Commission and an electronic voting system had been established to ensure impartiality and transparency. Parliamentary elections had been held in September 2016 in the presence of local and international observers, and municipal

elections had been held in August 2017 in accordance with the Decentralization Act, which granted the governorates wider powers, including the authority to organize democratic elections at the local level.

9. The influx of migrants to Jordan, largely from the Syrian Arab Republic, had put a great deal of pressure on infrastructure and public services. Although Jordan had a limited amount of space in which to house migrants, the Government would continue to provide humanitarian assistance so long as it did not pose a threat to national security, and it urged the international community to do the same. It should be noted that the Rukban camp was not on Jordanian territory and the Government was therefore not responsible for its administration.

10. **Ms. Pazartzis** said that she noted that Jordan had taken a number of positive steps and made major improvements in legislation and administrative matters since the submission of its fourth periodic report (CCPR/C/JOR/4). However, although it was stated in the Civil Code that international treaties superseded domestic legislation in the event of a conflict between the two, the Constitution did not clarify the status of international instruments. She would appreciate information on the application of the Covenant in the domestic legal system and examples of cases in which Jordanian courts had made explicit reference to the Covenant. She also wished to know whether the Constitutional Court had the mandate to review domestic laws to assess their compatibility with the country's international obligations and, if necessary, strike laws down.

11. As it was her understanding that sharia law was applied by religious courts to Muslims in all matters relating to personal status and in cases involving marriages in which one of the spouses was Muslim, she wished to know whether international standards and treaty provisions, particularly those relating to equality and non-discrimination, were applied in all courts, including religious courts. As the existing civil status legislation reflected sharia law, she wished to know if the Government planned to develop a unified personal status law that would allow non-Muslim Jordanians and foreigners to choose to be subject to a different legal system in personal status matters.

12. While the Committee had welcomed the 2007-2015 de facto moratorium on the death penalty in its concluding observations on the country's fourth periodic report (CCPR/C/JOR/CO/4), it was deeply regrettable that a number of executions had taken place since 2015. She would be interested to learn if the Government planned to ratify the First Optional Protocol to the Covenant.

13. It was promising that the National Centre for Human Rights had been awarded "A" status by the Global Alliance of National Human Rights Institutions. She wished to know what relationship civil society had with the Centre; how funding was allocated to the Centre and whether it was sufficient; whether the Centre was properly equipped to carry out its work nationwide; whether the Centre had the capacity to receive, investigate and examine complaints; and how complaints were followed up on by the authorities.

14. She was aware that existing laws prohibited discrimination on grounds of ethnicity, religion or language, but it was unclear whether comprehensive anti-discrimination legislation was in place to protect the right to non-discrimination of all groups, including women.

15. **Mr. Muhumuza** said that it was clear that the State party had adopted a range of measures to tackle discrimination on the basis of gender, including measures to reduce the high rate of early marriage, but it would be helpful to learn whether it planned to introduce an absolute prohibition on early marriage. In the light of the continued difficulties experienced by Jordanian women in transmitting their nationality to their children, he wished to know what specific steps were being taken to implement the initiative to grant certain privileges (*Mazaya*) to the children of Jordanian women married to foreign nationals and would appreciate clarification regarding the amendment of the law on nationality. What interim measures were being taken pending the amendment of that law?

16. He would be grateful if the delegation could explain the rationale for the application of the Personal Status Act to non-Muslim women, inform the Committee of the steps being taken to nuance the broad application of sharia-based laws, explain why so few women held

senior positions in the judiciary as a whole and indicate what measures were being taken to improve their representation in that sector.

17. With regard to the situation of migrant domestic workers, he wondered whether the Government planned to ratify the International Labour Organization Domestic Workers Convention, 2011 (No. 189) and Domestic Workers Recommendation, 2011 (No. 201), which were comprehensive instruments that set out the responsibilities of all relevant stakeholders, and, if it had decided not to ratify those instruments, what justification had been given for that decision.

18. He would like to know what steps had been taken to do away with the administrative and interrogative detention of domestic workers and other expatriate workers and improve their access to justice and compensation. It would be helpful if the delegation could indicate what measures had been taken to protect and promote the human rights of migrant workers and what was being done to harmonize the various legal regimes governing the status of migrant domestic workers. Moreover, clarification regarding the manner in which the existing legal protections promoted accountability for offences perpetrated against domestic workers would be welcome, as would any relevant examples. Lastly, the Committee would be grateful if the delegation could respond to the request for information on the situation of asylum seekers fleeing the conflict in the Syrian Arab Republic made by the Committee in its list of issues (CCPR/C/JOR/Q/5, para. 13).

19. **Ms. Kran** said that the Committee welcomed the steps taken by the State party to address the issues of sexual and gender-based violence and marital rape, in particular the repeal of article 308 of the Criminal Code. However, as women victims of sexual violence continued to face a number of challenges, it would be helpful to know what services were provided for them, including any services designed to ensure their personal safety and facilitate the registration of children born out of wedlock. She wondered what measures were to be introduced in order to ensure the effective implementation of Protection against Domestic Violence Act No. 15 of 2017. What steps had been taken to develop and publish guidelines on how officials should handle cases of gender-based violence? It would be useful to learn whether officials, including law enforcement officials, underwent training on how to deal with gender-based violence and what plans were in place to offer gender-sensitive training in the future. She would like to know how police treatment of women victims of violence was monitored, what disciplinary procedure was followed in response to reports of inappropriate treatment or violence at the hands of the police, how many police officers had been investigated in connection with reports of such treatment, how many had been subject to disciplinary proceedings and what the outcomes of any such proceedings had been.

20. She would like to invite the delegation to indicate how many alleged cases of domestic violence had been handled under the Family Protection Act since its enactment in 2008, how many persons had been arrested or detained, what the outcomes of those cases had been and how many perpetrators had been barred from safe houses for women, as was provided for in the Act. With regard to article 292 of the Criminal Code, she wondered whether there were plans to criminalize marital rape. She wished to know what measures were being taken to implement the Committee's previous recommendation, as set forth in its concluding observations on the fourth periodic report of Jordan (CCPR/C/JOR/CO/4, para. 8), that the State party should terminate its practice of placing women in involuntary "protective" custody. She would also like to know what alternatives to that practice were under consideration. In the context of the recent rise in the number of "honour" crimes, she wished to know what measures were to be taken to eradicate so-called "honour killings" and protect women and girls from that kind of violence and whether the provision of the Criminal Code which set out reduced sentences for such killings was to be repealed.

21. **Mr. Heyns** said that he wished to know whether the State party planned to review the legal definition of terrorism and to modify the broader security framework, as certain elements of the existing framework — including the powers granted to intelligence agencies to arrest and detain persons suspected of terrorism-related offences — could be used to stifle dissent. In the light of the fact that abortion was prohibited in all circumstances, he wished to know whether there were any estimates of the incidence of unsafe abortions, to what extent such abortions contributed to the rate of maternal mortality

and whether there were plans to decriminalize abortion in cases in which the woman's life was at risk.

22. **Mr. Ben Achour**, referring to paragraph 64 of the replies to the list of issues, said that he would like to know how the work of the specialized prosecution agency and the Police Court was coordinated. While the inclusion of the concept of torture in the Code of Criminal Procedure was a positive development, the definition of torture in domestic law was not in line with international standards in that torture was classed as a lesser offence rather than as a serious crime and was subject to a statute of limitation. He would appreciate the delegation's comments on reports that investigations into complaints of torture often failed to yield results and that, when cases were brought before the courts, judicial decisions were rarely, if ever, rendered. Comments dealing specifically with the cases of Sultan al-Khatatba, Omar al-Nasr and Abdullah al-Zoubi would particularly be of interest. It was troubling that the Public Security Directorate, which was an administrative authority, had the power to consider lesser offences, including torture, as such offences should be heard by a criminal court. It would be useful to know to what extent the Police Court was independent and what its organizational relationship with the Ministry of Interior was. It would be interesting to learn more about the State party's position regarding reparation for victims of torture, given that domestic law did not recognize any State responsibility in such cases or provide for compensation. The fact remained that torture clearly took place, since over 30 cases had been documented between 2013 and 2015.

23. Regarding the monitoring of detention centres, he wished to know whether it was accurate that the visits were limited to correctional and rehabilitation centres and did not cover temporary detention centres and that the Justice Centre for Legal Aid and the Adala Centre for Human Rights Studies had been denied entry to facilities since 2013. Lastly, he wished to know whether the Government intended to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The meeting was suspended at 4.35 p.m. and resumed at 5 p.m.

24. **Mr. Tawalbeh** (Jordan) said that the provisions of the Covenant were compatible with domestic legislation, and the ratification of the Covenant had facilitated the enactment of laws that were in line with human rights standards, including laws regarding legal personality and legal capacity. The absence of a law that expressly incorporated the Covenant into national law did not mean that its provisions were not implemented: a judge could invoke the Covenant in the absence of a relevant domestic provision.

25. **Ms. Haddadin** (Jordan) said that the 2015 study that had stated that the Protection from Domestic Violence Act did not provide for assistance for victims should be disregarded because that law, which had been flawed, had since been replaced by a new law. Disputes falling under the Personal Status Act were adjudicated by the sharia courts when both parties were Muslim, though it was also possible for Muslims to choose to have their cases litigated in the ordinary courts in certain situations, such as in so-called "blood money" matters. In cases where either or both parties were not Muslim, disputes were referred to the ordinary courts, unless the parties agreed to go before a sharia court. The National Centre for Human Rights had the authority to receive complaints, and its liaison officers made field visits throughout the country. The Centre could also ensure victims were compensated in accordance with the law. The law governing the establishment of the Centre had been amended in 2017 to further promote human rights by providing for broader representation of all segments of society. The Centre reported to the Prime Minister, but a report had also been submitted to the King in 2016. The Cabinet had set up a committee, headed by the Prime Minister, to follow up on the Centre's recommendations, prepare reports to treaty bodies and ensure compliance with the international instruments to which Jordan was a party. The Constitutional Court ruled on the constitutionality of national laws and regulations, as well as on their compatibility with international instruments, since they became an integral part of domestic law following their publication in the Official Gazette.

26. **Mr. Al-Hadban** (Jordan) said that the Family Protection Department had held over 225 lectures on violence against women in which a total of 5,650 people had taken part and had organized 11 training courses for more than 200 police officers. In addition, the

Department had opened offices in a number of governorates and had adopted a plan of action on participatory family counselling. The Family Protection Department had assigned a liaison officer for the Child-Friendly Cities Initiative, which had been launched under the sponsorship of Her Majesty Queen Rania Al-Abdullah. A liaison officer had also been appointed by the Department of Reform and Rehabilitation Centres to meet with inmates in a women's detention centre. Finally, another liaison officer had been appointed by the Human Trafficking Unit of the Criminal Investigation Department to work with victims at the Karama women's shelter.

27. Jordan was a party to most of the main international human rights instruments and had adopted the necessary amendments to ensure that domestic legislation was in line with those instruments. The death penalty, which was indeed in force in Jordan, was one of the most important crime deterrents, and the legislative framework for application of the death penalty was fully compatible with international law. It was worth noting that over 80 per cent of the people polled in a recent national study were in favour of capital punishment.

28. The Prevention of Terrorism Act was intended to block financing for terrorism and prevent the recruitment of terrorists. Although there was no international consensus on the definition of terrorism, the Act incorporated the definition set out in the Arab Convention for the Suppression of Terrorism. The characterization of crimes as crimes of terrorism involved a detailed examination of the evidence and the application of specific legal principles. A person arrested under the Prevention of Terrorism Act was still entitled to due process guarantees and to all the rights set forth in the Universal Declaration of Human Rights. Given the serious nature of terrorist crimes, however, suspects could be held for seven days before being brought before the Prosecutor General. The jurisdiction of the State Security Court was limited to certain specific offences having to do with State security and public order. That court was presided over by three civilian or military judges appointed by the Prime Minister.

29. The Police Court was presided over by a colonel, and one of its members had to be a professional judge. All the members of the Police Court held law degrees. Police Court prosecutions were conducted in compliance with the provisions and rules applicable to ordinary courts. The rulings handed down by special courts, such as the State Security Court and Police Court, could be appealed. Cases of torture brought before the Police Court were subject to the same monitoring mechanisms as were applied to other types of cases. Only 4 of the some 30 cases of torture mentioned by the Committee had been brought before the Police Court. Recently, steps had been taken to ensure that the Court of Cassation took Police Court rulings into consideration, although it could then decide to overturn those rulings if it found cause to do so.

30. **Ms. Kran** said that she would appreciate clarification on the training courses provided by the Family Protection Department. She wished to know whether police officers were given training on appropriate and gender-sensitive treatment of women victims of domestic violence and on the handling of cases of domestic violence in general. Were any of the training courses mandatory?

31. **Ms. Pazartzis** said that it was unclear whether the State party had comprehensive anti-discrimination legislation in place; if not, she would like to know whether the Government was contemplating establishing such legislation. With regard to the death penalty, the fact that such large groups of people had been executed in the recent past was a cause of concern. She would welcome assurances that the death penalty had been applied only in cases of the most serious crimes, as it appeared that executions had recently been ordered in cases involving persons convicted of rape or sexual assault.

32. **Mr. Muhumuza** asked whether the State party had laws or regulations in place that governed the treatment of foreign and domestic agricultural workers, what practical measures had been taken to stop the unlawful practice of withholding the passports of foreign workers, and whether there were plans to conduct campaigns to raise public awareness of the fact that domestic work was an honourable and worthwhile occupation.

33. **Ms. Cleveland** said that, in addition to responses to the questions asked by Mr. Heyns regarding articles 321 to 325 of the Criminal Code, she would appreciate clarification concerning the provision in that Code under which a woman who had an

abortion in order to protect her honour benefited from mitigating circumstances, as would a person who committed the crime of abortion, either with or without a woman's consent, to protect the honour of a descendant or a relative up to the third degree. It would be most interesting to learn what was meant by "an abortion to protect honour" and by "mitigating circumstances" in that context. In addition, she would welcome the delegation's comments on reports that 49 women had been punished for the crime of abortion between 2009 and 2016; she specifically wished to hear more about the number of prosecutions brought, the convictions issued and the sentences imposed in those cases.

34. **Mr. Heyns** said that he wished to know whether the State party was contemplating abrogating the death penalty for the offences of espionage, the buying and selling of automatic weapons, treason, robbery not resulting in death and drug trafficking.

The meeting rose at 6 p.m.