



**International Covenant on  
Civil and Political Rights**

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**Human Rights Committee**

**Information received from Jordan on follow-up to  
the concluding observations on its fifth periodic  
report\***

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\* The present document is being issued without formal editing.



## **Follow-up report to the concluding observations of the Human Rights Committee established pursuant to the International Covenant on Civil and Political Rights**

### **Paragraph 11 (a)**

The Penal Code was amended in 2017 to punish all forms of sexual harassment under article 306, with provision for community service as an alternative to imprisonment and harsher penalties for crimes against women, children and persons with disabilities. In this regard, the mitigating circumstances for honour crimes were abolished by amending article 98 to add that the perpetrator will not benefit from mitigating circumstances if the act is committed against a female in a fit of fury. In addition, article 99 was amended to establish harsher penalties by providing that, if the court takes mitigating circumstances into account, for offences that are punishable by death, hard labour for life or life imprisonment, it may reduce the criminal penalty by no more than one third and does not have to commit to a minimum penalty.

### **Paragraph 11 (b)**

The 2016 law on shelters for women at risk states that the aim of shelters is to provide protection and temporary accommodation to victims until their problems are resolved or the risk they face subsides. The shelters also provide social care, livelihood, psychological, health, guidance, cultural and legal services, and a database has been developed for users of the shelters. In 2018, the Amna shelter was opened for women and girls at risk as an alternative to sending them to reform and rehabilitation centres for indefinite periods for their own protection. The shelter takes in girls at risk and provides them with accommodation, food, clothing and support services. It also offers training and rehabilitation programmes, physical and psychological recovery, health awareness and counselling and legal assistance. It also helps to resolve problems in accordance with human rights principles, provides suitable job opportunities and runs leisure and psychological well-being programmes. Girls and women are never forced to go to the shelter, but do so of their own free will.

Since the establishment of the Amna shelter for the accommodation and rehabilitation of women, under the Ministry of Social Development, the administrative authorities, in coordination with the Family Protection Department and the Ministry of Social Development, have begun to send women at risk to the shelter, as well as referring those previously held for their own protection in administrative detention in the women's reform and rehabilitation centres. All cases are dealt with from a social and psychological perspective with a view to enabling the girls and women to reunite with their families. The Family Protection Department takes all appropriate measures to ensure that victims of domestic violence have access to the shelter, with their informed consent and firm desire to obtain shelter, without compromising their liberty.

The Director of Public Security also recently ordered the restructuring of the Department of Family Protection as well as a review of its terms of reference to include all family aspects related to the protection of women and children. All relevant laws, regulations and instructions are to be reviewed and amended to achieve the desired goal, and new foundations and procedures are to be established to provide robust protection against violence and abuse. The Department of Family Protection has also been expanded by creating units in the governorates of Tafilah, Ma'an, western Irbid and southern Amman.

### **Paragraph 11 (c)**

The Judicial Council plays a role in implementing various measures, including the organization of training courses, workshops and conferences on domestic violence issues, such as an effective criminal justice response to cases of violence against women, the national response to combat human trafficking, an introduction to international human rights conventions, protection against domestic violence, and application of the 2017 Protection against Domestic Violence Act. Other courses have dealt with gender-based violence in Jordan, the challenges of women's access to justice, the best interests of the child, the role of

the judiciary in dealing with cases involving minors, and judicial dispute resolution procedures. Many judges have participated in these courses.

#### **Statistics on the number of cases and social care related to violence within the family:**

	2018	2019	2020 (up to end of September)
Number of domestic violence cases filed with the courts	4 015	4 697	3 234
Number of children and women being followed up by social services	6 708	10 720	7 988
<b>Total</b>	<b>10 723</b>	<b>15 417</b>	<b>11 222</b>

#### **Achievements of the Regional Training Centre for 2018:**

Number of courses: 21; number of participants: 412; number of workshops: 6; number of participants: 98.

The Family Protection Department has a regional training centre for training and increasing the efficiency and capacity of staff to provide the best services to survivors of domestic violence. In cooperation with its partners, the Department conducts awareness campaigns in local communities, schools and universities to raise awareness of the seriousness of domestic violence and encourage people to report it.

<i>Course name</i>
1 Family protection – foundation course
2 Case management methods
3 Children’s rights
4 Principles for investigating cases of sexual assault
5 Interviewing abused children using video technology
6 Family protection – foundation course
7 Violence against women
8 Preparing social studies
9 Protection against cybercrime
10 Online child sexual exploitation
11 Protecting the nuclear family
12 Combating torture
13 Communication skills
14 Professional training for community police workers
15 Combating torture

#### **Workshops**

1 Review of legislation on dealing with cases of domestic violence
2 Interviewing children by video

**Achievements of the Regional Training Centre for 2019:**

Number of courses: 40; number of participants: 729; number of workshops: 36; number of participants: 430.

*Course name*

- 1 Family protection – foundation course
- 2 Combating torture
- 3 Communication skills
- 4 Investigation of sexual assault crime scenes
- 5 Violence against women
- 6 Case management methods
- 7 Sign language
- 8 Violence against women and children

**Workshops**

- 1 Psychosocial support
- 2 Interviewing skills
- 3 Working with at-risk families
- 4 Gender-based violence
- 5 Psychological support for service providers victims of human trafficking
- 6 Child labour and human trafficking
- 7 International refugee law and combating human trafficking
- 10 The Protection against Domestic Violence Act and reconciliation procedures

**Achievements of the Regional Training Centre for 2020 (up to September)**

Number of courses: 12; number of participants: 190; number of workshops: 13; number of participants: 269.

*Course name*

- 1 Family protection – foundation course
- 2 Violence against women and children
- 3 Automation system
- 4 Case management methods

*Workshop name*

- 1 Enhancing the protection of children from online sexual exploitation with staff of partner ministries, security agencies and the armed forces
- 2 The national framework to protect families from violence and the referral of women at risk (for Administrative Governors)
- 3 The national framework to protect families from violence and the referral of women at risk (for the heads of shelters)

### Court decisions in domestic violence cases:

- The decision issued by the Amman Court of Appeal on 10 March 2019 in case No. 7905/2019, in which the appellant argued that the appealed decision was contrary to articles 5 and 23 of the International Covenant on Civil and Political Rights and article 16 of the Convention on the Elimination of All Forms of Discrimination against Women.
- Decision No. 48/2016 of the Madaba Court of First Instance of 22 February 2017 involved a case in which the plaintiff had argued that her name had been registered by the defendant without the knowledge and consent of her mother, contrary to the International Covenant on Civil and Political Rights and the Convention on the Elimination of All Forms of Discrimination against Women.
- With respect to a woman's human right to choose her own name, in decision No. 836/2010, the judge of the Tafleeh Court of First Instance relied on the Convention on the Elimination of All Forms of Discrimination against Women to allow a girl to change her name from Falha to Malak, on the grounds that her father had chosen the former name without taking into account his wife's opinion, and that it exposed her to the mockery and ridicule of others and violated her dignity. The court ruled that the plaintiff's name should be changed.
- Pursuant to the Protection against Domestic Violence Act, judicial bodies have been established to adjudicate cases of domestic violence; 77 judges have been appointed and provided with special training. A system for the protection of persons who report or witness cases of domestic violence is being developed.
- The measures taken by the National Council for Family Affairs in 2017 to address violence against women, under the supervision of the National Team for Protection against Domestic Violence and in cooperation with the United Nations Children's Fund (UNICEF), the United Nations High Commissioner for Refugees and the United Nations Population Fund, included the preparation of the following guides:
  - The manual of national standard procedures for preventing and responding to gender-based violence, domestic violence and violence against children, and a training guide on the manual of procedures in both Arabic and English for all staff in all institutions to serve as a reference for dealing with cases of domestic violence. The guide outlines the policies, guiding principles and mechanisms for dealing with cases of violence in general, and procedures to deal with cases of domestic violence in particular. One of the main aspects of this project is the organization of training courses for staff of governmental and non-governmental institutions working on family protection. A national training team has been set up to provide training in institutions on these procedures, in partnership with national institutions.
  - A procedural manual by the Ministry of the Interior on the mechanism for dealing with cases of domestic violence and the processes for assessing risk factors and making referrals to the Department of Family Protection is in its final stages and the Administrative Governors will be trained on it by the National Council for Family Affairs.
  - A manual on accreditation standards and quality control for services provided by governmental and non-governmental in domestic violence cases to enhance their capacity to provide such services using methodologies for applying these standards at the institutional level and placing them within the institutional framework. One of the main elements of this project was the organization of three training courses for those involved in the application of standards, attended by 60 participants.
  - A 2017 procedural manual for health-care providers on dealing with sexual assault cases in partnership with governmental and non-governmental medical institutions. It covers the regulations, procedures and controls governing the type and quality of service programmes and uses a clear approach for health-care providers at the primary and secondary levels in dealing with cases of sexual assault and providing the necessary services.

- Work is also under way to train the 51 Administrative Governors with the rank of Provincial Governor on the national framework for family protection from violence, the issue of assessing risk factors for women and children, and how to make referrals to the Family Protection Department and its divisions. Thirteen training workshops were conducted by the Family Protection Department between 26 August and 18 October 2020.
- Many training courses have been organized for the staff of the Family Protection Department, some of whom include staff of the public security and police directorates, at the Regional Training Centre/Family Protection Department. Awareness campaigns and lectures have also been held covering human rights topics, including:
  - Two training courses on anti-torture in collaboration with the Noor Al Hussein Foundation on 6–7 and 9–10 January 2019, with 40 participants.
  - A course on the integrity of criminal case files, from 2–6 June 2019, with 20 participants.
  - A course on the investigation of sexual assault crime scenes, with 20 participants, from 7–11 April 2019.
  - Four training courses on violence against women and children involving approximately 70 participants, which emphasized the concept of women’s and children’s rights and the laws governing them.
  - Course on techniques for interviewing children by video for 20 participants, 5–9 May 2019.
  - Course on the online sexual exploitation of children, 4–8 August 2019.
  - Two training courses on the use of sign language, one at the regional centre and the other at the southern region training centre in the department of Karak.
  - Three training courses on communication skills and techniques for dealing with the public.

**Paragraph 11 (d)**

The Public Security Directorate, represented by the Department of Family Protection, conducts regular awareness-raising campaigns for women and girls on the subjects of sexual harassment, reporting and complaint mechanisms in all governorates. It has also organized 20 awareness campaigns to combat violence against women, including domestic violence, targeting about 1,000 people, in addition to giving 754 lectures to 37,750 people in all governorates.

- The Department of Family Protection has posted videos on its Facebook page to raise awareness of the dangers of domestic violence and bullying and how to prevent the psychological impact of the coronavirus (COVID-19) crisis and harassment.
- The Department of Family Protection has contributed to numerous studies by partners and researchers on violence against women in an effort to eradicate this phenomenon.

As part of the 16 Days of Activism against Gender-Based Violence, a specific issue is selected and worked on during the campaign every year. The Jordanian National Commission for Women supports all of the campaign’s activities and events throughout the year, whether to change negative societal perceptions or amend legislation or procedures to eliminate violence against women.

In recent years, activities have been expanded, targeting people of all ages of both sexes. Activities have been organized for men and boys. The “Stop the Murder of Women” campaign in 2016 helped bring about the amendment of the Penal Code in 2017. The 2018 campaign “Speak up ... harassment is a crime” aimed to raise awareness among the general public, particularly among school and university students, of the phenomenon of harassment and the importance of reducing and reporting it. It also focused on ending the social acceptance of harassment and the culture of tolerance with respect to perpetrators, strengthening the role of men and boys and girls in confronting gender-based violence and harassment in particular, and working with those concerned to facilitate procedures and

mechanisms for reporting and judicial follow-up of cases. The campaign used a set of awareness-raising and support materials aimed at all groups in society.

On social media, awareness-raising videos have been broadcast to introduce the concept of harassment and the fact that it is a crime. In addition advertising and media materials have been produced and announcements, educational series and real-life testimonies have been published to reach the target groups. These materials address the phenomenon of harassment and its effects and how to defend oneself in the event of harassment. The campaign has reached more than 13 million users of these social media sites.

The results of the evaluations conducted before and after the campaign showed that the percentage of those who were able to define the concept of sexual harassment increased from 73 per cent to 96.9 per cent, and the percentage of those who know whom to turn to when exposed to harassment increased from 70.1 per cent to 94.9 per cent. Knowledge of legal methods and procedures to reduce harassment significantly increased, from 28.3 per cent to 89.7 per cent.

The Jordanian National Commission for Women has begun the process of estimating the economic cost of violence against women with the cooperation and support of national governmental and non-governmental bodies and international stakeholders. The estimate will allow for a better understanding of the costs associated with prevention, protection, prosecution and compensation for violence against women, which in turn will allow the State to improve its response to the problem by focusing on prevention.

## **Paragraph 19**

### **I.**

- The Crime Prevention Act provides for many legal controls that ensure that authority is not abused in the exercise of administrative detention, which has a direct impact on the freedom of individuals. This is stipulated in article 5 of the Act, which provides that: “The procedures taken by virtue of this act in terms of taking the testimony after the oath, examination of the witnesses, the presence of lawyers, the serving of orders, summonses and other documents, challenging rulings and the enforcement of decisions, shall be the same as those taken in criminal proceedings before courts of first instance”, provided that certain legal requirements are met.
- The nature of the offences for which administrative detention by the Administrative Governor applies arrest warrants with a view to protecting the lives and property of other persons related to the perpetrator.
- The Crime Prevention Act (No. 7 of 1954) and its amendments include several restrictions preventing the Administrative Governor from exceeding the authority granted to him or her under the Act. Article 12 specifies the maximum period of detention that the Administrative Governor can impose. Article 5 (2) provides that if, after the investigation, the Governor considers that there are sufficient reasons to require the individual to make a pledge, the Governor will issue a decision to that effect, provided that this pledge does not differ in terms of subject matter, value or duration from what is stated in the summons or arrest warrant. Article 5 (3) stipulates that if, after the investigation, the Governor does not consider it necessary to require the individual to make a pledge, the Governor will explain this in the record and release the individual if he or she is detained for investigation purposes only.

### **II.**

- Circulars are issued periodically to Administrative Governors, emphasizing the importance of limiting administrative detention under the Crime Prevention Act to security issues that pose a threat to public security and public order. These circulars are strictly adhered to, and in some cases the Minister of the Interior instructs the Administrative Governors to release a number of administrative detainees who do not pose a danger to society.
- The Administrative Governor’s authority to order administrative detention derives from the Crime Prevention Act, which also restricts the duration of such detention.

According to article 12, detention is limited to a period not exceeding one year; alternatively, the individual must submit a pledge of good conduct. Article 5 (2) stipulates that, if after the investigation, the Governor considers that there are sufficient reasons, the detained individual must submit a pledge.

- The Directorate of Public Security has issued strict instructions to all field units that administrative action against accused persons should be kept to an absolute minimum. Cases have been classified, and the conditions for administrative action have been established in accordance with the Crime Prevention Act, which applies only to persons who have a previous history and are subject to criminal restrictions and to repeat offenders of serious crimes. The Crime Prevention Act is a preventive sovereign and constitutional law aimed not at limiting personal freedoms, but rather at preventing the commission of crimes that undermine public security and order, especially murders, honour crimes and robberies. The Administrative Governor intervenes to protect lives and property once he or she is convinced of the need to resort to administrative detention to ensure the safety of citizens and prevent the commission of crimes. Administrative detention within the framework of this law is subject to specific controls, and the law is applied only to specific cases of very dangerous individuals, persons in conflict with the law, and those accused of criminal behaviour and attacking and terrorizing citizens. Administrative detention is for a limited period, until submission of a guarantee of good conduct ensuring that the person concerned will not commit a crime against citizens in the future.

### III.

- The administrative courts (established under the Administrative Code (Act No. 27 of 2014) on two levels) are responsible for monitoring the legality of administrative detention decisions. Many of these decisions have been cancelled because they do not comply with the provisions of the law. For example:

1. The Jordanian Administrative Court's decision No. 472 of 2016 (tripartite commission) of 13 December 2016, which establishes that the appealed decision was issued by an authority that did not have the authority to issue it and was therefore marked by basic lack of jurisdiction, meaning it is invalid and should be revoked, as the person with authority to issue the decision in this case was the Governor and not the Deputy Governor.

2. The Jordanian Supreme Administrative Court's decision No. 57 of 2017 (ordinary body) of 28 February 2017, which states that the appealed decision was issued by a body not competent to issue it, meaning it is flawed by lack of jurisdiction and should be cancelled.

- In order to secure the accused's right of defence, an agreement was concluded between the Ministry of the Interior and the Bar Association to represent persons appearing before the Administrative Governor and facilitate the presence of lawyers for hearings. Accordingly, all Administrative Governors were informed of the need to facilitate the lawyers' task and follow due process, and to abide by criminal principles when considering the cases brought before them.
- Administrative detention is a precautionary measure used as a public and private deterrent and is applied in the cases established by law. Under this law, lawyers are allowed to attend the investigation conducted by the Administrative Governor with suspects, provided that the lawyers have power of attorney to defend the suspects in accordance with the requirements of article 5 (4) of the Crime Prevention Act and that the lawyer is provided with complete freedom in accordance with the requirements of article 40 of the Bar Association Act (No. 11 of 1972) and its amendments. In addition, the acts attributed to the suspect must be verified before a summons to appear is issued. If the acts fall within the jurisdiction of the regular courts, the complainant shall be instructed in writing to review them without the need for an investigation by the Administrative Governor, but if they fall within the jurisdiction of the Administrative Governor, he or she shall initiate the legal proceedings as described above. The rules of the Code of Criminal Procedure are applied whenever anyone appears before the Administrative Governor, which is the same law that applies to all crimes. Article 5 (4) of the Crime Prevention Act stipulates that the same principles are followed during

the procedures and decisions made pursuant to this law as in criminal proceedings before a court of first instance.

#### IV.

- According to article 7 of the Correctional and Rehabilitation Centres Act (No. 9 of 2004) and its amendments, the Minister of the Interior or his or her representative may conduct an inspection of correctional and rehabilitation centres to ensure the implementation of the provisions of this law and the regulations and instructions issued pursuant thereto, and any decisions issued by a competent body. The Director of Public Security is also required to submit periodic reports to the Minister every three months, including on the status of the centre, the inmates and the services provided to them, along with his or her recommendations.
- Under the regulations on administrative divisions (No. 47 of 2000) and its amendments, the Governor has various functions and powers; in particular, under article 11 (g), he or she is responsible for conducting inspections of correctional and rehabilitation centres and detention houses in the governorate.
- The Directorate of Public Security is following a clear and transparent approach in this regard. As a result of its policy of openness and transparency, places of detention are open for inspection by all those authorized by law to do so, from both government authorities and civil society organizations. Periodic visits to places of detention are organized through the General Government Coordinator for Human Rights in the Prime Minister's Office.
- The International Committee of the Red Cross regularly visits detention centres and monitors the conditions of detainees, including at the detention centre of the Directorate of General Intelligence.
- The Directorate of Public Security, through the Police Justice Directorate, organizes unannounced inspection visits conducted by staff of the Public Prosecution Service and the courts, officials from the Public Security Service and specialized offices such as the Office of Transparency and Human Rights. These inspection visits are usually conducted jointly with the National Centre for Human Rights to all places of temporary detention. Cameras have been installed to monitor staff at these places and how they deal with detainees.
- The following statistics show the number of visits to correctional and rehabilitation centres by various civil society organizations in 2019:

<i>Visiting entity:</i>	<i>No. of visits</i>
International Committee of the Red Cross	42
National Centre for Human Rights	81
Members of the Public Prosecution Service	22
Diplomatic bodies and embassies	127
Religious leaders	162
Civil society organizations	9
Ministry of Social Development	37
Office of the United Nations High Commissioner for Refugees (UNHCR)	26
Association for the care of prisoners	9
Freedoms Committee of the House of Representatives	3
Trade unions	8
Directorate of Public Security	46
Lawyers	41 286
<b>Total</b>	<b>41 878</b>

**Paragraph 25**

- The measures taken by the Jordanian State in respect of refugees are consistent with national legislation and are also in compliance with its international obligations. What Jordan has provided and continues to provide far exceeds what is required under the 1951 Convention relating to the Status of Refugees.
  - Article 21 (1) of the Jordanian Constitution establishes the existence of certain categories of refugees, as well as the principle of non-refoulement. It states: “Political refugees shall not be extradited on account of their political beliefs or for their defence of liberty.” The 1998 memorandum of understanding between the Jordanian Government and UNHCR also contains the principle of non-refoulement. The memorandum sets out the criteria for cooperation between the Government and UNHCR on the issue of refugees and asylum seekers and the main principles of international protection, including the definition of refugees and the principle of non-refoulement. It also stipulates that asylum seekers may remain in Jordan pending the determination of refugee status and refugees are allowed to stay a maximum of six months after recognition, during which time a permanent solution must be found.
  - In order to meet the short- and long-term humanitarian needs of Syrian refugees and host communities, the Jordanian Government has adopted measures to promote the rights of refugees and address the humanitarian situation. This is reflected in the Jordanian Response Plan for the Syrian Crisis 2017–2019. The Rapid Response Programme 2020–2022 was recently adopted by the Jordanian Government, with the aim of creating a more comprehensive and harmonized plan in the hope of reducing the vulnerability of both refugees and host communities and providing long-term sustainable solutions that will have a tangible impact on beneficiaries.
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