



International Covenant on Civil and Political Rights

Distr.: General
18 November 2010
English
Original: French

Human Rights Committee

100th session

Geneva, 11–29 October 2010

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

Concluding observations of the Human Rights Committee

Jordan

1. The Human Rights Committee considered the fourth periodic report of Jordan (CCPR/C/JOR/4) at its 2748th and 2749th meetings, held on 13 and 14 October 2010 (CCPR/C/SR.2748 and 2749). The Committee adopted the following concluding observations at its 2768th meeting, held on 27 October 2010 (CCPR/C/SR.2768).

A. Introduction

2. The Committee welcomes the submission, albeit 12 years late, of the State party's fourth periodic report and the information provided on measures adopted by the State party and on its plans to revise its legislation in order to further implement the International Covenant on Civil and Political Rights. The Committee is also grateful to the State party for the written replies submitted in response to the Committee's list of issues.

B. Positive aspects

3. The Committee welcomes the legislative and other measures taken, such as:

(a) The publication of the Covenant in the Official Law Gazette in 2006, which ensures that the Covenant forms an integral part of and takes precedence over national legislation;

(b) The amended Criminal Code, 2010, which ensures that perpetrators of so-called "honour" killings can no longer benefit from mitigating circumstances;

(c) The de facto moratorium on the death penalty in place since April 2007;

(d) The establishment of the Ombudsman and Human Rights Office of the Public Security Directorate in 2005; and

(e) The creation of the Ministry of Political Development, in 2003.

4. The Committee also notes with satisfaction that the State party ratified a number of international instruments relating to human rights protected by the Covenant during the reporting period, in particular:

- (a) The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, in 2006;
- (b) The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, in 2007;
- (c) The Convention on the Rights of Persons with Disabilities, in 2008;
- (d) The Rome Statute of the International Criminal Court, in 2002; and
- (e) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in 2009.

C. Principal subjects of concern and recommendations

5. While noting with satisfaction the establishment of the National Centre for Human Rights, in accordance with the Paris Principles, the Committee considers that further measures could be taken to provide the Centre with adequate human, financial and technical resources for its proper functioning (art. 2).

The State party should ensure that the selection of members and directors of the National Centre for Human Rights is transparent and that the Centre is provided with adequate human, financial and technical resources.

6. The Committee is concerned at the vague and broad definition of “terrorist activities” in the Prevention of Terrorism Act passed in 2006.

The State party should review the Prevention of Terrorism Act and ensure that it defines terrorism and terrorist acts in a manner that is precise and compatible with the Covenant.

7. While noting the prohibition of discrimination enshrined in the Constitution (art. 6), the Committee remains concerned that this provision does not explicitly mention discrimination on the basis of sex. It further notes with concern the discrimination against women under the Personal Status Act (2010) relating to their right to request divorce and to remarry. While welcoming the fact that this Act places certain restrictions on polygamy, the Committee regrets that polygamy is still permitted. The Committee is also concerned at the inequalities that exist between men and women in matters of inheritance. It is further concerned that Jordanian women cannot transmit their nationality to their children. In general, the Committee expresses its concern about the existence of stereotypes and customs in Jordan that are contrary to the principle of equality of rights between men and women and hinder the effective implementation of the Covenant (arts. 2, 3 and 26).

The State party should bring its legislation, including the Personal Status Act, into conformity with the Covenant and ensure that women are not subjected to de jure or de facto discrimination, inter alia in matters of marriage, divorce, custody of children, inheritance or the transmittal of nationality to children. The State party should also continue and strengthen its efforts to address discriminatory traditions and customs, including polygamy, through education and awareness-raising campaigns. In this connection, the Committee draws the attention of the State party to its general comment No. 28 (2000) concerning equality of rights between men and women.

8. The Committee is concerned at the persistence of domestic violence against women in the State party. It is further concerned at the policy of placing women who risk becoming victims of so-called “honour” crimes in a form of involuntary “protective” custody comparable to detention under the provisions of the Law on Crime Prevention (1954) (arts. 3, 7 and 26).

The State party should strengthen the legal framework for the protection of women against domestic violence, sexual violence and other forms of violence to which they are subjected. The State party should also take all appropriate measures to ensure that victims fleeing an abusive partner or husband have access to assistance and can take refuge in crisis centres. The State party should immediately terminate its practice of placing women in “protective” custody and instead provide women at risk of violence with protection and support in a way that does not violate their rights.

9. The Committee is concerned at the high number of reported cases of torture and ill-treatment in detention centres, particularly in the General Intelligence Directorate facilities. It also notes with concern the absence of a genuinely independent complaints mechanism to deal with cases of alleged torture or ill-treatment by public officials, as well as the low number of prosecutions of such cases. The Committee is further concerned at information that the right to prompt access to a lawyer and an independent medical examination is not granted to detainees (arts. 7 and 9).

The State party should establish an effective and independent mechanism to deal with allegations of torture. It should also ensure that all cases of torture and ill-treatment are properly investigated and prosecuted, that the perpetrators are sentenced by ordinary civilian courts and that victims of torture and ill-treatment receive adequate reparation and compensation. The State party should further ensure that all detainees can have immediate access to a lawyer of their choice and an independent medical examination.

10. While noting that the National Centre for Human Rights and the International Committee of the Red Cross visit correctional and rehabilitation centres regularly, the Committee is concerned at reports that NGOs have been denied access to these centres (arts. 7 and 10).

The State party should create a system of independent visits to all places of deprivation of liberty, including the facilities of the General Intelligence Directorate. In this connection, the State party is invited to accede to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

11. The Committee is concerned that the Law on Crime Prevention (1954) empowers governors to authorize the detention without charge, effective access to guarantees or trial of anyone “deemed to be a danger to society” (arts. 9 and 14).

The State party should end the practice of administrative detention currently in force, amend the Law on Crime Prevention so as to make it consistent with the Covenant and release or bring to justice immediately all persons who are detained under this law.

12. The Committee reiterates its concern at the limited organizational and functional independence of the State Security Court. It is also notes with concern that the Prime Minister has the authority to refer cases that do not affect State security to this court (art. 14).

The Committee reiterates its 1994 recommendation that the State party consider abolishing the State Security Court (CCPR/C/79/Add.35, para. 16).

13. The Committee reiterates its concern at the restrictions on freedom of religion, including the consequences of apostasy from Islam such as denial of inheritance, and the non-recognition of the Baha'i faith (art. 18).

The Committee reiterates its 1994 recommendation that the State party should take further measures to guarantee freedom of religion (CCPR/C/79/Add.35, para. 17).

14. While welcoming the information from the State party that the regulation of the media is under review, the Committee is concerned that journalists continue to risk criminal sanctions if they write articles considered harmful to the State party's diplomatic relations or relating to the King and the royal family (art. 19).

The State party should review its legislation and practice to ensure that journalists and media outlets are not penalized as a consequence of expressing critical views, and that any restriction on the press and media activities is strictly compatible with the provisions of article 19, paragraph 3, of the Covenant.

15. The Committee notes with concern that the Public Assemblies Act (2008) requires any organizer of a public meeting on general State policy first to obtain the governor's written authorization (art. 21).

The State party should amend the Public Assemblies Act and take the necessary steps to ensure that any restriction on freedom of peaceful assembly is strictly compatible with the provisions of article 21 of the Covenant and not subordinate to political considerations.

16. The Committee is concerned at the restrictions on NGOs with regard to their establishment and certain aspects of their operation. It is particularly concerned that the Government has full discretion in appointing a State employee to serve as temporary president of a newly established NGO (art. 22).

The State party should amend the Societies Act and take appropriate steps to ensure that any restriction on freedom of association is strictly compatible with the provisions of article 22 of the Covenant.

17. The Committee is concerned at reports that child labour is increasing in the State party, and that the Labour Code does not provide protection for children working in family enterprises or agriculture (art. 24).

The State party should take all necessary measures to combat child labour, particularly by reviewing its legislation to ensure protection for all children, including those who work in family enterprises and agriculture.

18. While welcoming the fact that international observation will be allowed for the first time during the forthcoming elections in November 2010, the Committee is concerned at reports that insufficient measures are being taken to guarantee free and transparent elections (art. 25).

The State party should take adequate steps to further guarantee free and transparent elections, including the establishment of an independent electoral commission responsible for systematic election monitoring.

19. The Committee is concerned about the insufficient participation of women in public life (arts. 3 and 25).

The State party should take all necessary measures to increase women's participation in the various areas of public life, raise awareness and increase the minimum quotas for women in the House of Representatives (currently 10 per cent) and in municipal councils (20 per cent).

20. The Committee invites the State party to accede to the Optional Protocol to the International Covenant on Civil and Political Rights, which provides for a mechanism to deal with complaints from individuals, and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

21. The State party should widely publicize the text of its fourth periodic report, its written replies to the list of issues drawn up by the Committee, and the present concluding observations.

22. In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party should provide, within one year, relevant information on follow-up to the Committee's recommendations in paragraphs 5, 11 and 12 above.

23. The Committee requests the State party to provide in its next report, due to be submitted by 27 October 2014, information on follow-up to the remaining recommendations and on the implementation of the Covenant as a whole.
