



International Covenant on Civil and Political Rights

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Human Rights Committee

Concluding observations on the fifth periodic report of Jordan*

1. The Committee considered the fifth periodic report of Jordan (CCPR/C/JOR/5) at its 3420th and 3421st meetings (CCPR/C/SR.3420 and 3421), held on 19 and 20 October 2017. At its 3443rd and 3445th meetings, held on 6 and 7 November 2017, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the submission of the fifth periodic report of Jordan, and the information presented therein. It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's delegation on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee is grateful to the State party for its written replies (CCPR/C/JOR/Q/5/Add.1) to the list of issues (CCPR/C/JOR/Q/5), which were supplemented by the oral responses provided by the delegation during the dialogue, and for the supplementary information provided to it in writing.

B. Positive aspects

3. The Committee welcomes the legislative and institutional measures taken by the State party, including:

- (a) The amendments to the Jordanian Constitution, in 2011;
- (b) The establishment of the Constitutional Court, in 2012;
- (c) The establishment of an independent electoral commission, in 2011;
- (d) The appointment of a coordinator for human rights, in 2014;
- (e) The adoption of a national human rights action plan for the period 2016–2025.

C. Principal matters of concern and recommendations

Domestic implementation of the Covenant

4. While the provisions of the Covenant take precedence over national legislation, the Committee notes that the Constitution does not expressly clarify the status of the Covenant. It also notes that, in cases of inconsistency between sharia and provisions of the Covenant, the primacy of the Covenant is not expressly recognized. The Committee further notes that

* Adopted by the Committee at its 121st session (16 October–10 November 2017).



the existing Personal Status Act, which reflects sharia law, applies to all Jordanians, irrespective of their religion (art. 2).

5. The State party should give full effect to the Covenant in its domestic legal order and ensure that domestic laws, including those based on sharia law, are interpreted and applied in conformity with its obligations under the Covenant. Additionally, the State party should make further efforts to raise awareness about the Covenant among judges, prosecutors, judicial officers and lawyers. The State party should consider adopting a unified personal status act that would apply to all citizens and residents of Jordan, regardless of religious affiliation. The State party should also consider acceding to the Optional Protocol to the Covenant.

National human rights institutions

6. The Committee welcomes the broadening of the terms of reference of the National Centre for Human Rights so as to bolster its members' independence, as well as its re-accreditation, in 2016, as an "A" status national human rights institution by the Global Alliance of National Human Rights Institutions. However, the Committee is concerned that the Centre is not provided with adequate means to effectively carry out its mission (art. 2).

7. The State party should provide the National Centre for Human Rights with the human and financial resources necessary to enable it to carry out its mandate, and should establish clear procedures for receiving and processing complaints concerning human rights violations.

Non-discrimination and equality

8. Notwithstanding the first paragraph of article 6 of the Constitution, which provides for equality before the law, the Committee regrets the lack of comprehensive anti-discrimination legislation with all the grounds set forth in the Covenant, including gender, sexual orientation and gender identity, and is concerned about discriminatory provisions, which affect women's equal rights, under the Personal Status Act. It is particularly concerned about early marriages, involving girls under the age of 18 years, the permissibility of polygamy, issues of inheritance and the inability of Jordanian women to pass their nationality to their children (arts. 2–3, 23–24 and 26).

9. The State party should take all the measures necessary to ensure that its legal framework contains a comprehensive list of grounds for discrimination, including gender, sexual orientation and gender identity, and bring its legislation, including the Personal Status Act, into conformity with the Covenant. The State party should take steps to ensure that women are not subjected to any form of discrimination, in law and in fact, inter alia in matters of marriage, divorce, inheritance or the transmittal of nationality to their children or their spouse. It should continue to strengthen its efforts to address discriminatory traditions and customs, including early marriage and polygamy. The State party should institute public awareness campaigns aimed at promoting gender equality and non-discrimination.

Violence against women, including domestic violence

10. While welcoming the enactment of the Law on protection against domestic violence and the repeal of article 308 of the Penal Code, which had allowed rapists to avoid accountability by marrying their victim, the Committee remains concerned about article 292 of the Penal Code, which provides an exception for, and thus does not criminalize, non-consensual marital sex. The Committee is also concerned with article 98 of the Penal Code, which provides for reduced sentencing for murder if the victim's family consents. It is further concerned with the policy of preventive measures, such as protective custody, purportedly used to protect women from violence or honour crimes. The Committee notes that significant gaps remain in addressing domestic violence in practice (arts. 2–3, 6–7 and 26).

11. The State party should:

(a) **Strengthen the legal framework for the protection of women against domestic violence by, inter alia, amending article 292 of the Penal Code to criminalize marital rape and removing the grounds for mitigating circumstances for honour crimes;**

(b) **Revise its policy of protective custody and take all appropriate measures to ensure that women fleeing domestic violence have access to shelter and support without jeopardizing their liberty;**

(c) **Develop and implement more effective training programmes for law enforcement officers, judges, prosecutors and lawyers, as well as for employees of the Administrative Governor's department related to family protection, and provide assistance to victims of domestic violence;**

(d) **Conduct awareness-raising campaigns to combat violence against women, including domestic violence, undertake research on the root causes of violence against women and use such research as a basis for enhanced awareness-raising efforts to prevent and eliminate violence against women.**

Counter-terrorism measures

12. The Committee is concerned about the provisions in the Act on prevention of terrorism of 2006, including the amendments of 2014, which broadened the definition of terrorism to include such acts as disturbing the public order, acts that sow discord and online activity that supports or spreads ideas of terrorist groups. Such general provisions would allow authorities to detain and prosecute, among others, individuals who exercise their right to freedom of expression and peaceful assembly. The Committee is particularly concerned that this broad definition of terrorism is part of a broader network of security measures, such as the exercise of powers of arrest and detention by the police and the intelligence services and the referral of suspects to the State Security Court, the judges of which are appointed by the executive (arts. 2, 9, 14, 19 and 21).

13. The State party should:

(a) **Review the Act on prevention of terrorism in order to ensure that its definition of terrorism and terrorist acts is in conformity with the Covenant and international standards;**

(b) **Ensure that detainees are placed under civilian authority and are afforded all fundamental legal safeguards;**

(c) **Ensure that suspects are tried by ordinary civil courts with full respect of due process requirements.**

Death penalty

14. The Committee is concerned about reports that the State party recently carried out several executions, in 2014 and 2017, ending the de facto moratorium on executions that had been in place since April 2007. It is further concerned that domestic legislation maintains the death penalty for offences that do not meet the threshold of the "most serious crimes" within the meaning of the Covenant (art. 6).

15. The State party should take all measures necessary to ensure that the death penalty is limited only to the most serious crimes involving intentional killing. It should also consider reinstating its moratorium on the death penalty and ratifying the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty.

Torture and ill-treatment

16. While acknowledging the amendments of the Constitution in 2011, which refer to the prohibition of torture, the Committee notes that the definition of torture under article 208 of the Penal Code does not fully ensure that all acts and actors covered by the internationally accepted definition of torture are criminalized. In this respect, the Committee notes that article 81 (c) of the Law on public security allows the Director of the Public Security Directorate to adjudicate acts of torture as misdemeanours carrying a prison

sentence of less than three years. It also notes with concern the lack of an independent complaint mechanism for receiving and dealing with cases of alleged torture or ill-treatment, as well as the low number of investigations and prosecutions relating to such cases (arts. 2 and 7).

17. The State party should:

(a) Review its criminal legislation in order to ensure that the definition of torture is fully in line with the Covenant and international standards, that the principle of absolute prohibition is incorporated in domestic legislation and that no statute of limitation applies to cases of torture;

(b) Provide for sanctions for acts of torture that are commensurate with the gravity of such crimes;

(c) Establish an effective and independent mechanism to receive complaints and investigate alleged cases of torture and ensure that victims of torture or ill-treatment have access to full reparation.

Right to life, liberty and security of person and treatment of persons deprived of their liberty

18. The Committee is concerned at reports of torture and ill-treatment, as well as deaths, at the hands of the authorities in places of detention. While the Committee recognizes the role of the National Centre for Human Rights in visiting places of detention, it is concerned that the Act on crime prevention gives Administrative Governors the power to detain people for lengthy periods with little prospect of recourse to a court. The Committee notes that while an appeal is possible, lawyers with special qualifications are required to bring such cases and their services are expensive, and that such an appeal is a remedy with little prospect of success and is not often used in practice. The Committee is also concerned at reports that up to 30,000 people, including thousands of women, are being held in such detention for months or, in extreme cases, years (arts. 6–7 and 9–10).

19. The Committee reiterates its recommendation (see CCPR/C/JOR/CO/4, para. 11) that the State party amend the Act on crime prevention in order to put an end to the practice of administrative detention. In the meantime, the State party should take concrete steps to significantly reduce the number of people held in administrative detention. Moreover, the State party should ensure that those held in administrative detention have access to an independent and impartial court with the power to rule on the legality of their detention. It should allow increased access for independent visits to all places of detention, including the facilities of the General Intelligence Directorate.

Voluntary termination of pregnancy

20. The Committee notes that abortion is criminalized (Penal Code, as amended in 2011, arts. 321–325), except when the life or health of the pregnant woman is at risk (Law on public health (2008), art. 12). The Committee is concerned that no other exceptions are allowed, which results in unsafe abortions. It is also concerned that the Penal Code provides that the protection of the honour of the family is considered as a cause for leniency in cases of abortion being performed, even if the woman does not consent. The Committee is further concerned about reports of women who were prosecuted under the abortion provisions of the Penal Code (arts. 3, 6–7, 17 and 26).

21. The State party should amend its legislation to guarantee safe, legal and effective access to abortion where carrying a pregnancy to term would cause the pregnant woman or girl substantial pain or suffering, most notably where the pregnancy is the result of rape or incest or is non-viable. In addition, the State party may not regulate pregnancy or abortion in all other cases in a manner that runs contrary to its duty to ensure that women and girls do not have to undergo unsafe abortions, and it should revise its abortion laws accordingly. It should not apply criminal sanctions against women and girls undergoing abortion or against medical service providers assisting them in doing so, since taking such measures compel

women and girls to resort to unsafe abortion. The State party should ensure the availability of medical facilities and guaranteed access to those facilities for legal abortion and ensure that women and girls are not prompted by legal obstacles, including criminal provisions, to resort to unsafe abortions that put their lives and health at risk. It should also ensure that abortion is performed only with the voluntary consent of the woman and criminally punish any attempt to coerce a woman into having an abortion. The State party should also ensure access to contraceptives and implement educational and awareness-raising programmes focusing on women's sexual and reproductive health and rights.

Migrant domestic workers

22. While recognizing the State party's efforts to protect migrant workers, particularly domestic workers, the Committee remains concerned about allegations that employers withhold passports and salaries and restrict the freedoms of employees and that the authorities detain undocumented migrant workers for prolonged periods before bringing them before a competent judicial authority (arts. 2, 8 and 26).

23. **The State party should ensure that migrant domestic workers are afforded the same rights as other workers under labour laws and that legislation preventing them from abuse is enforced.**

Refugees and non-refoulement

24. While noting the heavy burden placed on the State party as a result of the current flux of refugees from the Syrian Arab Republic, including Palestinian refugees, the Committee is concerned about the living conditions of and the adequacy of food and health care for asylum seekers in the Rukban camp on the border between Jordan and the Syrian Arab Republic. It is particularly concerned about the State party's refusal to accept asylum applications and the reported cases of forcible return of Palestinian refugees to the Syrian Arab Republic, which raise serious questions of compliance with the principle of non-refoulement. The Committee is also concerned about the stripping of Jordanians of Palestinian origin of their nationality, which puts them at high risk of arrest, restriction of movement within the country and unlawful expulsion (arts. 2, 6–7, 9–10, 13 and 26).

25. **The State party should take all measures necessary to ensure compliance with the principle of non-refoulement, including for Palestinian refugees regardless of their status in Jordan, and develop procedural safeguards against refoulement, including review by an independent judicial body and effective remedies. The State party should ensure that citizenship is not revoked, except in accordance with the provisions of domestic legislation that are in accordance with the Covenant and international standards, and under independent judicial review. It should also adopt measures to improve the status and living conditions of refugees in camps.**

Right to a fair trial and independence of the judiciary

26. The Committee reiterates its concern that the State Security Court is still in place. It is also concerned that the Court has wide jurisdiction, which has been extended to include acts of terrorism. The Committee is further concerned at reports that the Court is neither independent nor impartial, that it consistently tries civilians under the Act on prevention of terrorism and that the Court's practices violate the right to a fair trial (art. 14).

27. **The Committee reiterates its previous recommendations of 1994 (see CCPR/C/79/Add.35, para. 16) and 2010 (CCPR/C/JOR/CO/4, para. 12) that the State party should abolish the State Security Court.**

Freedom of conscience, religion or belief

28. The Committee is concerned about the restrictions on freedom of religion, including those that prevent the marriage of or deny inheritance rights to those who renounce Islam (arts. 2, 18 and 26).

29. **The State party should take steps to ensure the respect for freedom of religion or belief for all and also ensure that its legislation and practices are in full conformity with the provisions of the Covenant.**

Freedom of expression

30. While welcoming the information from the State party on the development of a media strategy for the period 2011 to 2015, the Committee is concerned about reports that journalists continue to face prosecution and sanctions under the Penal Code and the Act on prevention of terrorism if they express views considered critical, including “insults to the King” (art. 19).

31. **The State party should take the steps necessary to protect journalists so as to enable them to carry out their activities with complete freedom and without any restrictions. It should investigate attacks on such persons and bring the perpetrators to justice. It should also review its legislation with a view to ensuring that criminal sanctions are not applied to persons expressing critical views and that any restriction on the press and media activities is in compliance with the Covenant.**

Right to peaceful assembly and freedom of association

32. The Committee notes that through the Act on public gatherings of 2011 the Government took steps to facilitate peaceful assembly, providing for example that authorization for demonstrations is not required and that notification suffices. However, the Committee notes with concern reports that the Act is being circumvented in practice. The Committee is concerned that many demonstrations have been prohibited; that participants and organizers have been detained under the Act on crime prevention and the Act on prevention of terrorism and that many have been forced to sign pledges not to engage in demonstrations; and that civil society organizations have been subjected to severe restrictions, including on their funding (arts. 19 and 21–22).

33. **The State party should guarantee the right to peaceful assembly, in conformity with article 21 of the Covenant and international standards. The State party should not use security laws and measures to intimidate members of civil society who exercise this right and should ensure that they are able to operate freely, with access to funding.**

Participation in public affairs

34. While the Committee welcomes the formation of the National Commission of Women and the increasing participation of women in politics, it notes that the percentage of women working in the industrial and public sector remains low (art. 25).

35. **The State party should take all measures, including the adoption of temporary special measures, necessary to further increase the participation of women in the private and public sectors, particularly in decision-making positions.**

D. Dissemination and follow-up

36. The State party should widely disseminate the Covenant, its fifth periodic report, the written replies to the Committee’s list of issues and the present concluding observations with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public.

37. In accordance with rule 71, paragraph 5, of the Committee’s rules of procedure, the State party is requested to provide, by 10 November 2019, information on the implementation of the recommendations made by the Committee in paragraphs 11 (violence against women, including domestic violence), 19 (right to life, liberty and security of person and humane treatment of persons deprived of their liberty) and 25 (refugees and non-refoulement) above.

38. The Committee requests the State party to submit its next periodic report by 10 November 2022 and to include in that report specific up-to-date information on the implementation of the recommendations made in the present concluding observations and of the Covenant as a whole. The Committee also requests the State party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. Alternatively, the Committee invites the State party to agree, by one year after the adoption of the present concluding observations, to use its simplified reporting procedure, whereby the Committee transmits a list of issues to the State party prior to the submission of its report. The State party's replies to the list of issues will constitute the next periodic report to be submitted under article 40 of the Covenant.
