

STATEMENT
UPR Pre-session on Jordan
Geneva, 1/12/ 2023
Delivered by:

Jordanian Youth Alliance for the Prevention of Torture

Slide 1

- This statement is delivered on behalf of Jordanian Youth Alliance for the Prevention of Torture,

slide 2

- The alliance team members are young men and women specialized in youth and countering torture who come from different professional and academic backgrounds with expertise on issues relating to human rights, and humanitarian and developmental work locally, nationally and internationally.

Slide 3

- Allow me to take you on a short journey in these five minutes Our report took two main themes:
 - o the first theme is Provisions against torture in national legislation.
 - o the second theme is the impact of “alternatives to detention” on youth and the role youth can play in promoting community sanctions to replace liberty-depriving penalties.

slide 4:

- Subsequent to Jordan’s third cycle UPR the government accepted 149 recommendations. Two countries Chile and Mexico, called for Jordan to adopt a definition of torture that matches the one in the Convention against Torture.

The government also accepted the recommendations of Hungary, which emphasized that the prohibition of torture must be unconditional and without exception.

However, the government did not make the necessary amendments to the legal text to comply with the definition according to the CAT Agreement that Jordan ratified.

Slide 5

Therefore, our recommendation was as follows:

1 - Amend existing legislation and adopt additional legislation to ensure that Jordanian law is in accordance with CAT Art. 2.

2- Amend Article 208 of Jordan's Penal Code to be in accordance with the definition of CAT Art. 1 given that the international convention is more general and comprehensive and supersedes national laws. In addition, amend paragraph 1 of Article 208 to include the punishment and amend paragraph 4 of Article 208 by stipulating that the crime of torture shall not be covered by the statute of limitations and amnesty (cf. CAT Art. 1, 2 and 4).

Slide 6

- The alliance notes that while Jordan accepted some recommendations, it is concerning that there are other equally crucial recommendations that Jordan did not accept.
- These include one that stresses the importance of referring torture prosecutions to independent civil courts rather than the police courts which are under the ministry of interior. Therefore, we recommended the following:

1- Jordanian law must assign civilian courts as a competent authority for hearing cases of torture as opposed to military courts (cf. CAT Art.12-13).

2- Amend Article 208 in which the crime of torture is reclassified from a misdemeanor to a felony, without taking into account mitigating circumstances

- Slide 7
- On the second theme the Government accepted several recommendations from (Ireland) (Italy) and (France);

Limit the use of administrative detention, respecting the rights of prisoners as specified in article 9 of the International Covenant on Civil and Political Rights

- The Jordanian Youth Alliance for the Prevention of Torture commends the actions taken by Jordan with regard to community sanctions as the number of persons processed for community sanctions has reached 979 convicts as of mid-August 2022, and the number of government institutions partnering in the implementation of community sanctions has reached 13 institutions. It is also worth noting that at the beginning of 2023, 3 cases of community service as an alternative to detention are being carried out. The alliance also commends the efforts of Jordan in promoting and activating the adoption of alternatives to detention by applying specialized procedures and standards during the pretrial period, that in turn ensure the protection of human freedom and dignity in accordance with universal human rights principles.

Slide 8

- Despite these measures, the pace of progress is still slow and prisons are still crowded with hundreds of prisoners. Therefore, we offer these recommendations:
- Amend Articles 3 and 7 of the Crime Prevention Law by including preventive measures in penal laws to reduce the risk of crime and granting these powers exclusively to civil courts. In addition to setting the amount of bail bond and refraining from setting unrealistic amounts as these weigh heavily on especially young detainees and their parents, and lead to continued detention, which gives the administrative governor the authority to keep this person in custody until the bail is paid.
- Limit the power to impose house arrests and transferring this power to the judiciary, provided that there is repeated commission of serious offences.
- Empower youth and building their capacities with regard to their legal rights and protection mechanisms guaranteed by the law, in addition to raising awareness among local communities on alternatives to youth detention and their impact on youth, society and the country as a whole.
- Thank you