

Human rights conditions in the Hashemite Kingdom of Jordan (Stakeholder Report by Jordanian Non-Governmental Organisations)

Recent developments in the Hashemite Kingdom of Jordan point to further regression in the human rights situation with regard to public liberties and rights. This is especially apparent in issues relating to freedom of assembly, association, and the upholding of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Also apparent are continued violations of the rights of children; in particular juvenile delinquents and the continued phenomenon of child labour.

This report also addresses the rights of detainees and their violation, the right to work, the right to housing and other deficiencies that impede the possible realisation of rights. This is in addition to the elections and participation in public life and areas in which observations were recorded. My sincere hope is that the Jordanian government will act to alleviate these violations. The report contains steps that we would want to see implemented.

First: The freedom of assembly and association, and Party Laws

During the months of June and July 2008, Jordanian Parliament approved the Public Gathering Act and the Societies Act, as proposed by the current government. This has shown us that there is clear regression both of these areas. The Association Law that the Jordanian government passed in June/July 2008 makes it nigh-on impossible for many NGOs to continue the valuable work in which they are currently engaged. The changes to the law could effectively mean that NGOs in Jordan become extensions of the government. For example, Article 3 of the law states that NGOs should be prohibited from "pursuing objectives that are part of the domain of political parties." Thus, it could be argued that NGOs could be banned from working on human rights issues or refugee problems, as they could be interpreted as being issues in the domain of the government. In fact, this ruling could be extended to cover many more issues; the government would effectively have the power to prohibit NGOs from engaging in any activity that the government does not approve of. Moreover, materials from Articles 4 to 8 clearly indicate that the government intends to retain full control with respect to the registration of organizations. Although the law now only talks about the "registration" of the organizations, the government has actually increased its authority to determine which NGOs are formed, and even the manner of their formation.¹

Another troubling amendment would see the Jordanian government having direct control over the funding of many NGOs in Jordan. It is proposed that an NGO would need direct government approval for funding that it receives from organizations based abroad. This could mean that the Jordanian government could effectively apply a stranglehold to any of many organizations that currently operate in Jordan. Such a move would dramatically inhibit the freedom of many organizations, as they would

¹ As one observer noted, new organizations are approved directly by The Council of Ministers (according to Article 4), any of whom could insist on being made one of the founding members (according to Article 8). Moreover, Article 7 states that organization directors must adhere to principles of good conduct and behavior. Directors are required to obtain a certificate to certify their good behavior from the General Intelligence Department, along the lines of those sometimes issued to obtain a travel visa, for example. Moreover, the law allows ministers to postpone the formation of an NGO due to perceived deficiencies in the application (Articles 10b and 11b).

have to consider whether or not their activities could precipitate an end to their funding. Infringements on this law would carry a minimum three-month prison sentence.

The law of assembly, despite some improvements in some articles, does not revive the principle of freedom of assembly, which was guaranteed by applicable law in 2001. Whilst the law previously only required organisers to notify the government of any proposed public gathering, the law was previously adjusted so that written approval was required from a minister for any demonstration, gathering or protest. A minor improvement has been noted with these changes; if there is no reply from the government in 24 hours, then approval can be assumed (applicants previously had to wait three days), it is disappointing not to bare witness to the progression promised in 2001. Governmental approval must also be sought for events such as conferences or training courses taking place in common spaces such as hotels or conference centres.

In 2007, a new law to govern political parties was passed. This law gave the authorities an increased chance to interfere in the internal life of parties, and automatically puts parties under the control of the intelligence services. The law also allows many punishments to be meted out against parties, and prohibits criticism of Jordan's allies. The law fixes the number of founding members of a party at 500, so a new party cannot be founded with less than 500 members.

Second: the rights of women

2007 saw a positive development with regard to the limited rights of women. The final ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) saw the Government publish the Convention Official Gazette No. 4839 dated August 1, 2007. However, the following observations must be made:

1. The Jordanian government kept to the reservations of 1992, when it initially ratified the Convention. The government justifies the sometimes discriminatory nature of the Convention by pointing to the dangerous situations that surround Jordan, and the fear of demographic change. It is also argued that they are looking to maintain a culture of community, so progress cannot be the same as in other parts of the Arab world.
2. The government has not addressed legislation that prevents children of non-Jordanian fathers from attending public schools².
3. The National Commission for Women (JCWA), set up by Jordan to monitor the implementation of CEDAW Convention, has inadequate powers conferred upon it and insufficient funding to implement its tasks. The Commission has also failed to be the tool that could stand up to the government and assure the implementation of the Convention³.

² Because of this ruling, mothers of non-Jordanian children must often pay high premiums in order to enroll their children in school. This further increases on families, and contradicts millennium development goals. The Jordanian government's continued denial of children's citizenship, as well as the denial of a woman's right to divorce, housing, or emergency accommodation is a direct violation of Article 2 of CEDAW.

³ Reports III and IV to CEDAW saw no need to add the word "gender" to the line in the Jordanian Constitution "no discrimination of Jordanians on grounds of race, colour or creed." This was in spite of the recommendations of the 1993 National Charter. The absence of a constitutional court is also justified by the reports, in spite of demands from the UN CEDAW committee. The central women's rights issues come from the absence of progress on the following CEDAW recommendations: - Item 9, paragraph 2, concerning the law of nationality. -Item 15, paragraph 4, concerning freedom of

4. There are restrictions on freedom of housing and accommodation for women. Article 37 of the Code of Personal Status reads that "the wife must obey the husband and move to live with him wherever wants."⁴ Nor can women yet demand divorce, due to the government refusing to amend the existing law in 2006. Men are also entitled, as Muslims in Jordan to a maximum of four wives at one time(although there are some controls on the first marriage.)

2008 saw a more positive development, whereby a new law on domestic violence was ratified, but there is still the issue of 'honour killings' not being addressed by law. The perpetrators stand not as common criminals, but benefit from the "extraordinary circumstances" clause in the Penal Code (Article 98), allowing the accused to take the rôle of a 'hero' who defends the 'honour' of the family. The endangered women are jailed for their protection, and their release can only be granted by one of her male relatives⁵. The detained women are eventually transferred to a 'home shelter,' or 'Dar Al-Wefaq,' of which in Jordan there are currently 3, with a total of 100 spaces for detainees.

5. Some positivity, albeit limited, can be elicited from the fact that there are a number of women ministers in government and judicial positions, due perhaps to the 'quota policy' implemented by CEDAW.⁶ The negative reflected in both the election law and party law, which dictates that there must be a certain percentage of women in these roles, in response to Article IV of CEDAW. These percentages are quite small and can be seen as arbitrary.

6. Palestinian refugee women in Jordan face many forms of exclusion and difficult living conditions. In addition to being victims of war and occupation displaced 60 years ago, they suffer from the weight of social responsibilities and political isolation, discrimination and violence. Hundreds of thousands of refugees live in 13 refugee camp run by the UNRWA.

Recommendations:

1. Amend the sixth paragraph in the constitution to refer to gender equality
2. Ratification of CEDAW, the Convention on the full withdrawal of reservations about 3 articles in the Convention.
3. The signing of the Additional Protocol of CEDAW.
4. Support the National Commission for Women as a supervisory body entrusted with the tool and application of CEDAW.
5. Put instructions on the entry into force of the law against domestic violence, and to increase the number of 'home shelters' in Jordan for violated women.
6. A law on equality and non-discrimination that criminalizes violence against women is required; one that punishes any violence, abuse or discriminatory practices against women.
7. The personal status law must be adjusted in line with the spirit of international

movement. -Item 16 (c, d, g, j) primarily concerning issues pertaining to marriage and divorce, and the rights of the woman.

⁴ This law is particularly unjust and in contradiction to CEDAW, as it means that victims of domestic violence are sometimes made to move away from their families and other support networks if the husband's will is such.

⁵ Two years ago, a shelter was founded to protect victims of domestic violence, maltreatment and sexual abuse. However, no NGOs are allowed access to the victims, as the owner of the shelter has been instructed to only deal with the Department of Family Protection. Thus, the victims can only seek governmental help.

⁶ These quotas include: 20% women in the Municipal Elections of 2007, 6 out of 110 seats in the House of Representatives and the presence of 7 female aides in the Senate.

conventions.

Third: Rights of the Child

The achievements of the Jordanian government in ratifying the Convention on the Rights of the Child in 2006 and publishing it in the Official Gazette, fourteen years after signing it, represents a point of progress and the recognition of the importance of this issue. But the government must make further progressions.

With regard to the law of justice,

To ensure compliance with international norms, the following suggestions and observations should be considered:

1. Raise the age of criminal responsibility to 12, and keep children within their communities if detained to ensure communication with their family.
2. Take certain steps in the event of detention, such as separation of children from adult detainees.
3. The establishment of specialized juvenile justice fora to inform the security services and parliament, and take necessary action to expedite action on juvenile cases.
4. Introduction of non-custodial measures and the creation of an expanded system of alternatives to deprivation of liberty.
5. Allow the children to enjoy their rights to education, employment, training and communication with the outside world and to integrate with society.
6. Improved legal aid for children in trouble with the law.
7. Work on the training of juvenile court judges, which could perhaps direct their attention the existing international conventions and standards related to children's rights.

Work to prepare public opinion to accept the events after leaving the juvenile welfare institutions and working to help the events to avoid a return to delinquency and delinquency.

With regard to child labour

Although the Jordanian Labour Act was amended in 2002 to prevent children from hazardous work harmful to health, and although the Labour Code inhibits the employment of children under 6, the growing phenomenon of child labour in Jordan, especially in tourist areas and garages must be properly addressed⁷. In attachment to this report is a recent study on child labour in Jordan.

In light of this study, we recommend the following: tighten up actions and prosecution by the authorities responsible for overseeing the implementation of provisions relating to the use of child labour; events and toughening penalties on employers who employ children.

With regard to spending on children

Although the Jordanian Personal Status Law has committees estranged parents to support their children financially, it is noted that the amounts awarded by Jordanian Sharia courts are usually totally insufficient to support a child. Therefore, we must

⁷ Statistics indicate that there are more than 32,000 children aged 5 to 17 currently in employment. Worryingly, 27% of children currently employed in the agriculture industry are exempt from the provisions of the Labour Act (principally those who work in family enterprises), and are therefore afforded no protection.

work on amending the law so that it sets a minimum of expense that is adequate for the child, and that ensures that the child will not have to turn to labour increase their quality of life.

With regard to nationality

The indirect discrimination against children and mothers through the nationality law that does not grant citizenship to children of non-Jordanian fathers is clearly a violation of the rights of the child. The nationality law must be amended so that a Jordanian mother can ensure the citizenship of her child, thus promoting the best interest of her offspring.

Fourth: labour rights

- A. Labour laws do not protect Jordanian workers in terms of rights and benefits. Workers covered by the Jordanian labour law and workers covered by the law of civil servants are not covered by any law and they lose their rights in accordance with the Jordanian Labour Act Article 3. Excluded from the application of the law can be noted public servants and municipal employees, the employer's family members who work without pay.

We note through the above-mentioned that the workers are equal in rights and guarantees not only in terms of legal and judicial authority but also in terms of lack of equal rights and that these workers, have been discriminated against and divided categories. Of these, a wide range of workers in Jordan, including but not limited to (health insurance, social security). This requires standardization of labour laws and one law applying to all workers in the kingdom. One that does not exclude any of the Labour Code categories of workers, particularly agricultural workers and domestic workers, who constitute a large proportion of the workforce in the Kingdom.

- B. The large number of workers who work under Saudi law are not permitted to join the trade unions. According to statistics with the Ministry of Labour, expatriates, number at 450000, however we believe their number is larger.⁸
- C. The minimum wage in Jordan is largely below the poverty line. The poverty line calculated one year ago stood at monthly wage of less than 556JD. However, the minimum wage currently stands at 110JD. The Commission charged in accordance with the law, to determine the minimum wage for workers and actors is almost non-existent in the light of rising prices. The government acknowledged the existence of such rises in the prices for food, medicine, fuel and most goods. These effects could have been offset with a raise in the minimum wage for workers, however, the Committee did not

⁸ Article (108), paragraph c / 1 of the Jordanian Labour Act requires the founder of any trade union of employers and trade unions to join in the request (to have Jordanian nationality), the text does not enable expatriates to defend their rights within union organizations and deprives them of collective bargaining on their behalf. This makes this group vulnerable to exploitation and abuse in the absence of organization. Here, we recommend that there be equality between workers and fellow Jordanian expatriate workers members of trade unions, we hope they will soon enjoy their right to exercise trade union action.

meet, was not raising the minimum wage, and although the state lifted the salaries of its employees, there remained close to one million and two hundred thousand workers(those working in the private sector)without an increase in their salaries. There is a phenomenon in Jordan called Al-Miyawama workers. The Al-Miyawama Group, which works for only one day or a few days, which requires a specific terms for the nature of the work done has been exploited by private employers This leads to irregularities in the work and access to their labour, health insurance and social security ; the employer may terminate employment at any time and without giving any reasons not entailing, further more, any legal responsibility. It can be said that this category of workers is one without rights. One of the workers working under this so-called tag for more than seven years was never asked to prove or sign a contract that protects their rights.

- D. The lack of equal salaries and wages of workers and the Jordanian expatriate workers, the workers inability to create union organizations and the low wages paid by employers who rely on foreign labour r and dispensing with the national employment have drastic consequences on the social landscape of the country,. A recent study published in a newspaper (Jordanian Constitution) noted that expats represent 20.4% of Jordan’s unemployment, signalling a significant phenomenon of unemployment in the ranks of expats, since the rate of unemployment in Jordan is 13.1%, according to statistics of the same study.⁹

Fifth: The conditions of prisons

International conventions are in place to ensure the human right to liberty and personal security. The Jordanian constitution guaranteed in article 8 that no person shall be arrested or imprisoned except in accordance with the provisions of the Act. It identifies the Code of Criminal Procedure, to which prison officers and officials must adhere when dealing with the accused. There is a set of controls and restrictions formalities to be observed in these cases.

Ten prisons in Jordan contain more than 7500 people. Here, we will provide some observations about prison conditions in Jordan in terms of non-compliance with international standards, as follows.

1. Jordan's prisons suffer from overcrowding and this can affect the psychosocial and economic state of prisoners. A result of overcrowding and the failure to observe the minimum rules for the treatment of prisoners, led to riots in the

⁹ According to statistics of the Ministry of Labour Jordan in 2007, the number of expats came to 315.3 A. There are large numbers operating without a license, and expats unlicensed exploited by employers .This is evident in workers employed in the industrial zones known as QIZ's , where the number of expatriate workers and workers range up to 36928 as statistics of the Ministry of Labour show. Reports issued by institutions of civil society and international reports highlight the difficult working conditions, long daily hours, low salaries, lack of adequate housing and lack of health insurance or social security. All of this could protect workers from human trafficking and being taking advantage of at the employer's needs.

Mawker Prison, 70 Kilometres away from the capital Amman.¹⁰ This followed the death of three prisoners due to combustion in the April 14, 2007 riot in the same prison.¹¹

2. Some Jordanian prison inmates complain of the lack of cold water to their prisons. This does not allow them to wash their clothes, use their air conditioning and, as there are no large windows or fans, this may create cases of suffocation and skin diseases for some inmates. Furthermore, the inadequate quantity of food and poor eating (only two meals, breakfast and dinner, are served) have left the inmates disgruntled.

3. A law in Jordan gives the state broad powers to arrest wanted persons. (Crimes Prevention Act of 1954) This law is an infringement on the right of personal liberty. Administrators are still using their powers under the need to control and maintain public order and have thus frequently compromised most essential legal guarantees¹². According to the report of the human rights situation in Jordan in 2007 issued by the National Centre for Human Rights, the number of persons arrested since 31/10/2007 is 12178. Of these, 10214 are Jordanian citizens,

¹⁰In an independent investigation on the circumstances surrounding the death of three prisoners, the organization said that, despite the evidence of the existence of ill-treatment and possible criminal conduct by prison officials, the police was however informed by the Department of Human Rights Watch that the investigation on the incident proved their innocence. Prison officials confirmed that they acted correctly.

According to BBC Arabic.com "the families of prisoners have confirmed that troops and riot police stormed the prison, such as Optical at noon on Tuesday, resulting in casualties and possibly death, hours after the occurrence of riots in prison Desert"

According to the organization Human Rights Watch on the afternoon of April 14 in the newly built prison 28 inmates in cell No. 3 set fire to sponge sleeping blankets to protest what was happening in the prison. Participated in the protest prisoners residing in an adjacent cell; they did so through screaming, hurting themselves with blunt objects. In response, the prison guards (gendarmierie) entered the prison building to ensure that the cells where the fire raged were evacuated. What happened after that is disputable, but ultimately While civil defense succeeded in extinguishing the blaze, were found in the cells the burnt corpses of Ras Atiya and Ibrahim Ali.

The police claimed that the prisoners blocked the cell door to prevent guards from opening it, but one eyewitness denied this and described in detail how the prisoners were shouting at policemen and prison guards to open the cell door. It is also said they stood watching for about 10 minutes before The cell doors opened from the burning, other eye-witnesses said that before opening the door the gendarmes fired an explosive gas inside the cell, it was finally reported that the gendarmes opened fire on a prisoner and shot him in the chest using one or more rubber bullets.

¹¹ Information from complaints of the Arab Organization for Human and by the Organization Patark in their joint report.

¹² Administrators exercised arbitrarily their powers despite a decision by the court. The prosecutor complained that prisoners should be released on bail and not after being detained by officials. This also applies to persons who have been acquitted; this clearly shows the lack of respect for judicial decisions and thus significantly questioned the principle of the rule of law. On the other hand officials resorted to impose administrative fines on persons released on bail. According to the Attorney General's offices, amounts paid by detained persons may reach 200 JD.

and 1964 are of other nationalities. The number of those detained for administrative reasons is at 81 and this for many different reasons.

4. The question of beatings, ill-treatment and detention centres also exists within both security posts and with regards to the behaviour of intelligence services.¹³

5. It should be noted that in a number of cases, prisoners far from their home areas were denied access to their family, and had to endure hardship and fatigue .People from southern Jordan put in a prison located in northern Jordan and vice versa, created the issue of how to maintain and preserve relationships with family and friends.

6. Penal systems are still lacking in judgement of alternative penalties. Imprisonment is seen as a device for punishment, and holds no connotations of rehabilitation. It must be said that the principle of retaining prisoners should be in accordance with human rights and fundamental freedoms. Finite sentences should also be applied, with the logic that prisoners will, sooner or later, be reintegrated in society. It is therefore imperative that they receive a progressive rehabilitation for a safe return to the community and their reintegration into society as ordinary citizens.

Fifth: Elections

In the summer in 2001, King Abdullah II commissioned the government to prepare a new election law, to contribute to the development of political life and democracy. This included the activation of a law regarding the role of civil society institutions.

The government proposed a new law, Law No. 34, in 2001, which included the new election law to lower the voting age from 19 to 18. It is now possible for each person having reached 18 years of age on the first day of the election year to participate in the ballot .It also dealt with the civil registration services used to prepare the electoral register and the use of personal identification cards that bear the names of the constituency for the election of a citizen .This card, in addition to allowing voters to cast their votes in any polling station in their constituencies, also enables them to participate in the count of results at polling stations themselves. The law also included an increase in the number of parliamentary seats to 110 seats, including 6 added seats reserved for women. According to the law of elections, 27 seats in the Council are distributed to women and minorities; Circassian, Chechnyans, Christians and Bedouins in three circuits (Central, North

¹³ In this context, the National Centre for Human Rights received three complaints about this during one visit addressing intelligence services operating on complaints and grievances from detainees. These complaints included the following:

- 1 – The status of living in isolation rooms and solitary confinement.
- 2 –The length of detention periods ranging from one to seven months.
- 3 – The inability to conduct telephone communications with their families.

Although the visits were carried out by the National Center for Human Rights, the visit was not abrupt and took place in cooperation with the General Intelligence Department.

and South).¹⁴ We argue that the reason that positive political reforms have not been witnessed in Jordan because of the lack of proportion in dividing seats amongst constituencies. Thus, even if elections in Jordan are free, they are not fair.

Notes on the election law:

1. The Law did not take the principle of full judicial supervision of elections or the formation of an independent national commission for this purpose. The supreme committee was formed to supervise the elections and to decide on all matters brought to its attention by the central committees formed under the chairmanship of the Minister of the Interior. The government (executive branch) dominates the electoral process, through the presence of representative within the judicial authority and does so in two ways: first, the judicial power represented in these committees is vested in a single individual. Secondly, other members of the Committee are government officials affiliated to the executive.

2. By comparing the ratio of the number of seats in each circle with the number of persons registered for the election, it can be said that some provinces were given a much lower proportion of seats than the percentage registered for the election, while others were given a higher proportion of the seats compared with those voters enrolled. What can be concluded from this is that the electoral system has allocated 49 out of 104 seats for 72% of the population of the provinces of Amman, Irbid and Zarqa, compared to 55 seats for 28% of the total population of the country. Thus, the parliamentary majority represents in fact, 23% of Jordanian citizens.

3. Jordan's election law made no reference whatsoever to any participation of political parties in the electoral process. Smaller parties are forced to nominate candidates that are approved by the larger political parties.

4. Article 28 of the Electoral Code of Jordan concerns the right of each candidate or appointee to attend and observe the polling and counting of votes at in any centre in the constituency. The law, however, does not allow for civil society organizations to survey elections.

5. In accordance with the mechanisms provided for by law which govern those who referee the final preparation of the electoral register, the majority of the registered voting stations were not properly publicised. This meant that many on the electoral register were not aware of where they could exercise their right to vote.

¹⁴ The system dividing constituencies by 27 seats created: Bedouins in the center, the north and south were given nine seats. Seats for Christians amounted to nine and were distributed among Oman (one seat) and Karak (two seats), Madaba (One seat), Balqa (two seats) and Ajloun (one seat), Zarka (One seat), and Irbid (one seat). Also allocated were three seats for Sharkas and Chechnyans , two in Oman, and one in Zarkas.

Women , were given six seats under Article III of the same system, operated by the candidates in various constituencies in the kingdom winners of these seats.

In this aspect we recommend:

1. The need to amend the 2003 election law to ensure compatibility with international standards and, in particular, the formation of an independent electoral commission.
2. The need to reconsider the distribution of seats among constituencies, as to ensure equity in distribution of seats compared to the population. Moreover, it must be ensured that representatives from all provinces and minority populations, including within the Parliament, do not violate this principle of proportional representation
3. The need to enhance the transparency of elections by allowing local oversight bodies to control elections and to comment on all phases of the electoral process, given that oversight reports contribute to strengthening confidence in election results.
4. The need to enhance women's access to parliament through increasing the number of women to 30% of the members of Parliament, so that this corresponds to the existing minority quotas in the chambers of parliament.
5. The need to strengthen the role of the judiciary in overseeing the elections through the formation of an electoral court within the judiciary. Challenges to the election results should be under the jurisdiction of this court.

Sixth: The Human Right to Adequate Housing

In spite of the King's decree around one year ago calling for a good standard of housing and a decent living for Jordanians below the poverty line and the subsequent house building programs, the initiative has served to benefit those who are in a position to offer easily obtainable loans. Thus, the initiative, whilst well-intentioned, has lost a lot of its positive impact.

Jordan is committed under international law to fulfil the basic human right to adequate housing and therefore, they have a duty to act to recognise and fulfil all the components of that right. Jordan has signed and ratified a number of international human rights treaties, all of which are published in the Official Gazette. Jordan faces a major challenge in providing protection and the right to adequate housing for all persons and groups with the large influx of Palestinian and Iraqi refugees. Jordan must develop and apply its laws to protect all aspects of the right to housing. Furthermore, it must apply special measures to secure this right to those individuals and groups marginalized or prone to danger for reasons of race, ethnicity, color, sex, religion, class or social or economic status. This includes the obligation to protect the legislative procedures aimed at identifying low-cost housing.

This requires the creation of support systems to enable those who cannot afford adequate housing to be able to do so, as well as to protect tenants against unreasonable rent increases. The law here obliges owners and tenants to adhere to leases negotiated in 2000 until 2010. It is expected that, in 2010, a large number of leases in Amman will expire, especially in the area of commercial real estate. As we approach 2010, the Jordanian authorities and the Jordanian people must act to ensure that this does not leave the housing market in disarray. We propose amending the current housing law to avoid creating a situation of displacement and large scale homelessness. The status quo created a balance between the rights and needs of tenants and owners, and must be preserved.

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the Arab Organisation for Human Rights in Jordan**