



JORDAN

AMNESTY INTERNATIONAL SUBMISSION FOR THE UN UNIVERSAL PERIODIC REVIEW 17TH SESSION OF THE UPR WORKING GROUP, OCTOBER/NOVEMBER 2013

FOLLOW UP TO THE PREVIOUS REVIEW

At its 2009 Universal Periodic review (UPR), Jordan accepted recommendations on a number of important issues, including freedom of expression,¹ torture and other ill-treatment,² discrimination and violence against women, including honour killings,³ and foreign workers.⁴

In terms of implementation, there has been little progress as regards the numerous recommendations Jordan accepted on discrimination and violence against women. In a positive move in 2010 the government made temporary amendments to the Penal Code to prevent leniency in the sentencing of men convicted of killing female relatives in the name of family "honour", including to Article 98, which allows reduced sentences for those who kill in a "fit of rage caused by an unlawful or dangerous act on the part of the victim". However, women continue to be victims of "honour" killings. Similarly, temporary amendments to the Personal Status Law have failed to adequately address discrimination against women. Amendments to the passport law removed a stipulation that a woman needs her husband's consent before she can obtain a passport; however, other discriminatory legislation and practices remain.

With respect to foreign workers, one step forward was the 2011 amendment of a provision which had required domestic workers to obtain the permission of their employers before leaving the house. The new provision requires domestic workers to inform their employers before leaving the house. However, thousands of domestic workers continue to face forced confinement within the house in which they work, and multiple other abuses, as discussed below.

Despite Jordan's acceptance of numerous recommendations concerning torture and other ill-treatment, Amnesty International is not aware of much progress made in this area. On the contrary, the organization has ongoing concerns regarding this issue, as discussed below. Similarly, concerns remain about freedom of expression, despite Jordan having made a commitment to promote an open and free press.

THE HUMAN RIGHTS SITUATION ON THE GROUND

Freedom of expression, association and assembly

The Jordanian authorities maintain tight restrictions on freedom of expression, assembly and association and have imposed new restrictions on electronic media. National law criminalizes speech that is deemed critical of the King, government officials and institutions, or of Islam. In September 2012, the authorities amended the Press and Publications Law to tighten restrictions on electronic media, creating powers to close or block websites and holding website managers responsible for users' comments.

Hundreds of individuals were arrested during 2012 for peacefully calling for political and other reform. Tens of those detained were reportedly beaten in detention, and denied immediate access to a lawyer of their choice, relatives and any medical attention they required. Many were charged with dubious offences. Some were charged with taking part in activities aimed at overthrowing the political system under Article 149 of the Penal Code and some with "insulting" the

King. Most were charged under Articles 164 and 165 of the Penal Code, which prohibit gatherings aimed at disturbing public order. Dozens of those charged under Articles 164 and 165 were released following instructions from the King, but it appears that the charges against them were not formally dropped. At least nine of those held were children who made statements to the police without the presence of a lawyer, a parent or another appropriate adult.

Protesters continue to be tried before the Supreme Security Court (SSC), where the majority of judges are from the military and whose proceedings do not meet international fair trial standards.

Torture and other ill-treatment and long-term detention without charge or trial

Despite the government amending Article 8 of the Constitution in 2011 to explicitly provide that detainees are not to be “tortured... or harmed physically or emotionally” and to invalidate “confessions” or other statements obtained under duress, there continues to be frequent reports of torture and other ill-treatment. While the official National Centre for Human Rights sometimes examines such reports, there is no information available to indicate that, in general, judicial investigations are carried out and alleged perpetrators brought to justice.

Tens of individuals arrested in the context of pro-reform protests in 2012 were reportedly tortured or otherwise ill-treated in detention. Sixteen-year-old Taq al-Din al-Rawashdeh claims he was arrested at a protest in Amman, beaten inside a police bus, and then beaten with batons and kicked while held at the headquarters of the Public Security Directorate in central Amman. A lawyer told Amnesty International that Ola Saif, a 55-year-old woman, had bruises all over her body as a result of being beaten while in detention for three days. She was detained without access to a lawyer or family members at the headquarters of the Public Security Directorate in central Amman following her arrest at a demonstration.

Two other protesters, Mahdi al-Saafin and Ayham Asleem, claim that they were kicked, hit and whipped with cables on 16 November 2012 while being transported in a police van with other protesters arrested following a protest at Jabal al-Hussein Square, Amman. Allegedly, the protesters were taken to the headquarters of the Public Security Directorate in central Amman, where they were further beaten and insulted, and also denied access to a lawyer and family visits for three days.

On 19 November 2012, Abd al-Rahman Fanatsa, aged 60, and his two sons - Da’oud and 16-year-old Hamza - were reportedly arrested while harvesting their olives. They claim that they were beaten at the time of their arrest by Criminal Investigation Department and Gendarmerie (Darak) officers and also during their transportation to a police station in Ma’an. Here, they were apparently whipped with cables while blindfolded and made to sign statements that they had not read. While Hamza was released without charge on 20 November, Abd al-Rahman and Da’oud Fanatsa were charged with illegal gathering of olives. Relatives who visited Abd al-Rahman and Da’oud Fanatsa on 21 November 2012 said their bodies bore the marks of beating, and that Da’oud had great difficulty standing. They were released on 8 January 2013; however, it appears that the charges against them were not dropped.

The National Centre for Human Rights has reported that they visited 89 individuals arrested in connection with protests in 2012, and that 66 of them said that they were beaten, abused verbally or otherwise ill-treated on arrest or while in police detention.⁵ Amnesty International wrote to the authorities in December 2012 and again in February 2013 to request information concerning, inter alia, any individuals being prosecuted for their alleged role in torture or other ill-treatment. The organization is yet to receive a response.

Hundreds, possibly thousands, of people continue to be detained without charge or trial for long periods under the 1954 Law on Crime Prevention, which empowers provincial governors to order the indefinite detention without charge of anyone they suspect of having committed a crime or deem a “danger to society”. According to the Jordanian National Centre for Human Rights, 6,965 were held under the law in the first half of 2010.

Refugees from Syria

As of 3 March 2013, UNHCR stated that more than 312,961 Syrians had registered or were waiting to register with them in Jordan.⁶

While acknowledging Jordan's efforts to receive and host such a large and growing number of refugees, Amnesty International has a number of concerns with regards to Syrian refugees in Jordan. For example, the Jordanian authorities have denied access to some individuals seeking refuge in Jordan and have returned other refugees to the border and back into Syria. There have also been threats that the borders may be closed in the future. In addition, some refugees have been housed in shelters where conditions were so restrictive that they may amount to arbitrary detention.

Approximately 200 Syrian refugees were returned to the border with Syria in the wake of protests at al-Za'atari refugee camp on 28 August 2012. On 31 August 2012, Minister for Foreign Affairs Nasser Judeh stated that "[w]ith regard to [Syrian refugees] who rioted and they were about 200 or a little more, these have been returned to the border area. They were not only involved in riots, but also incited others to hurl stones at the security men who were there to protect them and meet their needs. Therefore, we do not accept the presence of any rioters and will not allow anyone to undermine Jordan's security".⁷ Among those returned to the border there may be some who chose to leave voluntarily, although in at least some cases due to unhappiness with the poor conditions inside the camp. However, according to information received by Amnesty International, some refugees appear to have been detained arbitrarily when security officials arrived to control the protests and made arrests without ascertaining whether individuals were involved in the violence. Those arrested were given the option of returning to Syria via Tal Shehab, an unofficial border crossing, or to remain in detention in Jordan. Dozens were said to have signed papers confirming that they would depart voluntarily, before being returned to Syria on 29 August 2012. Amnesty International has no information about which body received them in Syria, if any.

Amnesty International has received information indicating that a number of other individuals were returned to the Syrian border in recent months. Some of them were accused of security offences, such as possession of arms. At least two were female camp-dwellers alleged to have had "inappropriate" sexual relations with others, and at least four were Palestinian residents of Syria. An unknown number, but likely to amount to scores of individuals, were single men who did not meet the more restrictive requirements introduced in October 2012. Further, an unknown number of Palestinians and possibly individuals of other nationalities have been prevented from entering Jordan from Syria, although some were able to enter after being initially turned away.

On 17 January 2013 Prime Minister Abdallah Ensour stated that Jordan would not allow the continued entry of refugees into its territory if the Syrian al-Assad government fell, or if refugee numbers rose significantly.⁸

There are tight restrictions on movement in two camps for refugees from Syria. In CyberCity, which hosts some 150 Palestinians from Syria, the refugees are not allowed to leave the camp at all; in the much larger al-Za'atari camp, there are tight restrictions on leaving the camp.

While the Jordanian authorities are responsible for maintaining security and safety in the camps, the forced return of Syrian refugees or Palestinian refugees living in Syria to Syria in any manner whatsoever puts them at risk of serious human rights abuses and is a violation of the principle of *non-refoulement*, which is prohibited by the International Covenant of Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and customary international law.

Discrimination and violence against women

Women in Jordan are discriminated against both in law and in practice, and are not adequately protected against gender-based violence. However, in a step forward the parliament approved amendments to the passport law, which remove a stipulation that a woman must have her husband's permission to obtain a passport.

At least 10 women are reported to have been killed by male relatives during 2012, victims of so-called "honour" crimes. At least nine such killings were reported in 2011, and at least 15 in 2010.

In 2012, the UN Committee on the Elimination of Discrimination against Women and the UN Special Rapporteur on violence against women urged the government to amend the Citizenship and Nationality Law to enable Jordanian women to pass on their nationality to their children and spouses on an equal basis with Jordanian men, and to lift reservations to Articles 9 and 16 of the Convention on the Elimination of All Forms of Discrimination against Women

relating to nationality and to discrimination in family relations.⁹ In November 2012, Prime Minister Abdallah Ensour said the government would address these reservations.¹⁰

Migrant workers' rights

There are continuing reports that migrant domestic workers, mainly women, are confined to their employers' homes, denied pay, have had their passports seized or been physically, psychologically or sexually abused by their employers. The Tamkeen Centre for Legal Aid and Human Rights, which is an NGO, reported in 2011 that at least 41 domestic workers had died in work-related incidents. At least six of them committed suicide. A number of court cases were successful during this period, including, apparently for the first time, a case in which the employer was ordered to pay the fines of the employee for being in the country without official residency status. In March 2012, the UN Committee on the Elimination of Racial Discrimination urged the government to ensure full labour rights for all employees, including migrant domestic workers, regardless of nationality or ethnicity.

During 2012, the Tamkeen Centre for Legal Aid and Human Rights was denied foreign funding for programmes to assist migrant workers in the country under the 2009 Societies Law, which expands the powers of the executive over civil society. In a 2012 report focusing on both migrant domestic workers and Egyptian workers, the Tamkeen Centre noted: "Around 146 Egyptian workers [of some 300,000 in Jordan] die every year as a result of work-related injuries... Those who work in the construction and chemical engineering sectors are most susceptible."¹¹

RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

Amnesty International calls on the government of Jordan to:

Freedom of expression, association and assembly

- To uphold the rights to freedom of expression, association and assembly and allow peaceful criticism of the government, including calls to change the system of government by peaceful means;
- To ensure that legislation and state practice is brought in line with Article 19 of the ICCPR guaranteeing the right to hold opinions and express them without interference; and Article 21 of the ICCPR guaranteeing the right to freedom of assembly.

Torture and other ill-treatment, and long-term detention without charge or trial

- To officially and publicly condemn all acts of torture and other ill-treatment, and to declare that any official committing, ordering, instigating, consenting or acquiescing to such acts will be brought to justice;
- To establish a system of regular, unannounced and unrestricted visits by independent national bodies to all places of detention and their facilities in order to monitor the treatment of detainees and their conditions of detention, and further implement the recommendation accepted during the 2009 review to facilitate such visits by NGOs;¹²
- To ensure that detainees have prompt and regular access to lawyers of their own choosing, family visits and any medical assistance that they may require;
- To take measures to ensure that all detainees are brought before an independent judicial authority independent of the security forces promptly after arrest and charged with a recognizably criminal offence, or else promptly released;
- To ensure that all allegations of torture and other ill-treatment are promptly, thoroughly and independently investigated and that anyone suspected of involvement in ordering or inflicting torture is brought to fair trial;
- To ensure that all members of the security forces or other officials accused of torture or other abuses against detainees are tried in the ordinary criminal courts, not the police court.

Refugees from Syria

- To keep open its borders with Syria and provide shelter to all individuals fleeing violence and persecution in Syria, including Palestinian refugees;

- To ensure that no individuals are forcibly returned to Syria;
- To ensure that all asylum-seekers and refugees are welcomed without discrimination, and are not penalized for irregular entry or stay, such as by having penalties or detention imposed on them.

Discrimination and violence against women

- To amend the Citizenship and Nationality Law to enable Jordanian women to pass on their nationality to their children and spouses on an equal basis with Jordanian men;
- To lift reservations to Articles 9 and 16 of the Convention on the Elimination of All Forms of Discrimination Against Women relating to nationality and to discrimination in family relations.

Migrant workers' rights

- To ensure full labour rights for all employees including migrant domestic workers, regardless of nationality or ethnicity.

ENDNOTES

¹ Human Rights Council, Report of the Working Group on the Universal Periodic Review, Jordan, A/HRC/11/29, 29 May 2012, paragraph 92.26 (Canada). Jordan's position on the recommendations taken under examination are noted in Report of the Human Rights Council on its eleventh session, A/HRC/11/37, 16 October 2009, paragraphs 654 – 686.

² A/HRC/11/29, paragraphs 92.18 (Czech Republic, Germany, Sweden, France, Netherlands, United Kingdom); 92.19 (Albania); and 93.9 (Turkey).

³ A/HRC/11/29, paragraphs 92.15 (Algeria, Lebanon); 92.16 (United Kingdom), 92.21 (Sweden, Brazil, Norway, Lithuania); 92.22 (Czech Republic); 92.25 (Bahrain); 92.28 (Philippines); 93.2 (Finland); 93.3 (Slovenia); 93.4 (Germany); 93.6 (Slovenia, Mexico); 93.7 (Canada); and 93.8 (Netherlands).

⁴ A/HRC/11/29, paragraph 92.27 (France).

⁵ NCHR, 23 November 2012 <http://www.nchr.org.jo/Arabic/tabid/95/mid/448/newsid448/274/Default.aspx>

⁶ <http://data.unhcr.org/syrianrefugees/country.php?id=107>

⁷ Al-Arabiya, 31 August 2012.

⁸ 'Prime minister says Jordan will prevent mass exodus of Syrian refugees if Assad regime falls', Associated Press, 17 January 2013.

⁹ Concluding observations of the Committee on the Elimination of Discrimination against Women, 13 February – 2 March 2012, 23 March 2012; Report of the Special Rapporteur on violence against women, its causes and consequences, Mission to Jordan, 14 May 2012.

¹⁰ 'Activists urge PM to commit to statement on reviewing CEDAW reservations', Jordan Times, 15 November 2012.

¹¹ Between a rock and a hard place: Migrant workers caught between employers' abuse and poor implementation of the law, Tamkeen, September 2012, http://www.tamkeen-jo.org/download/between_rock_hard_place.pdf

¹² A/HRC/11/29, paragraph 93.10 (United Kingdom).