



Report Submitted by:
The National Centre for Human Rights- Jordan (NCHR)
The 4th Cycle of the Universal Periodic Review
The Hashemite Kingdom of Jordan

The NCHR

Telephone: (5932257-6-00962)

Fax: (5930072-6-00962)

Website: www.nchr.org.jo

E-mail: mail@nchr.org.jo

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Introduction:

The National Centre for Human Rights (NCHR) in the Hashemite Kingdom of Jordan submits its report relating to the Universal Periodic review, in conjunction with the Hashemite Kingdom of Jordan's submission of its national report. The NCHR is a national public utility institution with financial and administrative independence and legal personality. It exercises its missions and activities related to human rights, fully independently, according to Law No. (51) of 2006, as amended. It maintained (A) status accreditation of the Global Alliance of National Human Rights Institutions (GANHRIs) Sub-Committee on Accreditation three times consecutively.

The last four years have, in general, witnessed a number of positive developments to promote the human rights on the three main aspects (The policies, legislations and practices) which can be summarized as follows: updating the annual comprehensive national plan for Human Rights (2016-2025), the formation of the Royal Committee to modernize the political system for the year 2021, launching of the economic modernization vision for the years (2022-2032), launching of public sector modernization roadmap for the year (2022), enactment of the constitutional amendments (2022), in addition to a package of legislations to regulate the political life (2022), such as (the parliament election law No. (4) of (2022). Political parties Law No. (7) of (2022), local administration Law No. (22) of (2021) and the Child Law No. (17) of (2022) which formed a comprehensive legislative umbrella for the children rights in all fields.

There are, however, some structural challenges, referred to by the NCHR annual reports, such as among other things, the necessity to complete the compatibility of some national legislations with the international human rights standards, speed up implementation of the NCHR recommendations, avail allocations and financial resources for the enforcement process and increase in the number of complaints while the human and financial resources are still limited. While the NCHR welcomes the increase of the financial support granted to it at the state budget law with additional, JD (100) Thousand for the years (2022-2023) to become JD (850 Thousand) per year instead of JD (750 Thousand), these resources are still insufficient to enable it to execute its missions and powers, as stated by NCHR Law, given the limited human resources despite the increase of the complaints received by the NCHR, as it has adopted new mechanisms for outreach and monitoring.

Recommendation (7): Article (6) of the Jordan Constitution has confirmed the absolute equality of Jordanian men and women. A special reference is given here to the legal significance of the constitutional amendments for the year (2022) whereby Chapter two title has become "Jordanian men and women, their rights and duties" instead of "The Jordanians Rights and Duties". A package of regulatory legislations have been enacted during the year (2022) such as: (The Parliament Elections Law No. (4) of (2022), Political Parties Law No. (7) of (2022) and Local Administration Law No. 22 for the year (2021).

Recommendations (13, 64): The national penal system has witnessed a quantitative leap through adopting alternatives for custodial penalties since the year (2017) they comply with the penal reform policy to achieve public and special deterrence to serve the community, without restraining the judicial institutions to alleviate the spreading of crimes so that the whole community and families may benefit thereupon. The NCHR has also noted an expansion in application, as (4166), judgments including alternatives for custodial penalties have been issued in (2022), as (13) government partner institutions have cooperated with the Ministry of Justice to implement such alternatives. The NCHR calls for expanding the application of the alternatives for the custodial penalties.

Recommendations (5, 70): The Royal Committee to modernize the political system was established in (2021). It also enacted the constitutional amendments for the year (2022) and a package of legislations to regulate the political life for the year (2022) (The Parliament Election Law No. (4) for the year 2022, the Political Parties Law No. (7) of 2022) in addition to the Local Administration Law No. (22) for the year 2021. The Governorates councils Elections, municipality councils elections and Greater Amman Municipality Elections have been held during the year (2021). The parliament elections for the 19th council have been hold in (2020) and monitored by the NCHR.

Recommendation (15): Regarding the training and awareness programs for the law enforcement personnel, the Public Security Directorate (PSD) has executed a number of training courses about the human rights concepts and other specialized issues.¹

Recommendation (29): The Child Rights Law No. (17) of (2022) has been enacted, as it constitutes a comprehensive legislative umbrella for children rights in all fields, including the right to obtain legal assistance. A law amending the Anti-Human Trafficking Law No. (10) of (2021) has also been ratified, whereby a fund has been established to assist the victims of Human Trafficking. Further, the Legal Assistance System No. (119) of (2018) has been issued upon Article (208) of penal trial principles No. (9) of (1961) as amended in November (2018). The system is a good step to aid individuals to obtain legal assistance.

Recommendations (51, 56): The NCHR has a Jurisdiction to carry out announced and unannounced regular visits to the reform and rehabilitation centers, temporary detentions and all juvenile care homes. The NCHR practices this jurisdiction periodically and in sustained manner, as it, in 2022, carried out (95) monitoring visits to the reform and rehabilitation centers, temporary detentions and police stations. In (2021), it published a special report about the conditions at the reform and rehabilitation centers⁽¹⁾ and issued a number of recommendations that represent a legal

¹- The NCHR has participated in many such courses, as in 2018 it conducted about (27) training courses and workshops, whereby (441) law enforcement personnel have participated, in addition to (48) workshops in (2019) with (522) participants from the law enforcement departments. In (2020), 19 training courses and workshops were held with (88) participants.

roadmap to develop these centers comprehensively and in accordance with the responsibilities sharing principle among the official establishments.²

Recommendation (58): The NCHR has observed an advancement in using modern technology in trial procedures, starting from the electronic receipt of evidence and cases, until holding trial sessions through electronic communication in order to speed up the trials and alleviate the physical presence of the judges and case parties. The NCHR believes that the distance trial procedures need special equipment for operation and activation, simultaneously with a strong and stable communication with the website.

Recommendations (60, 61, 62): The Justice Independence Law No. (29) of (2014) as amended by law No. (26) of (2017) has promoted the independence and immunity of the Judicial inspection apparatus, as Article (40) of the law has stipulated that the inspector should be supported and should not be transferred or mandated to another job within (4) years, as a protected legal period for its job. The Justice Independence Law No. (29) of (2014), upon the amended Law No. (26) of (2017), has also promoted the financial independence of the Judicial Council, whereby it should have an independent budget, shown as an independent chapter in the name of the (Judicial Council) within the state's general budget. The independence of the Judicial Institute has been promoted in (2019), through administrative liaison with the Head of Judicial Council, instead of Minister of Justice.

Recommendations (63, 100): The NCHR has noticed that the Public Security Directorate (PSD) has created special departments related to the transparency and human rights at all the reform and rehabilitation centers in late (2022). It has also, noted, through its monitoring visits, the procedures followed when the inmates are entered at the reform and rehabilitation centers and the adopted procedures, as they are checked by the Center Doctor, mandated by the Ministry of Health. If the inmate does not inform the Doctor about the diseases from which it suffers or if the Doctor does not notice any disorders, the medical checking would become routine and rapid, given the fact that the reform and rehabilitation centers are crowded. Regarding the legal system, no amendment has been made concerning a compensation against the judicial or administrative arrest, as such matter is still subject to the legal rules of Jordan Civil Law No. (43) of (1976) as amended, especially Article (256) of the said law.

Recommendations (8, 52, 53): The NCHR practices its mandate to carry out unannounced periodic visits, upon Article (10) of its Law No. (51) of (2006), as amended. During the year 2022, it made (95) monitoring visits to the initial arrest centers and temporary detention (Security centers detention places), reform and rehabilitation centers, (90) monitoring visits during (2020) and (15) monitoring visits to the temporary detention centers during (2022). The NCHR has noted the continuation of the legal and practical problems, related to criminalizing the torture and relevant penalty, in addition to the equity, compensation and rehabilitation of the victims.

As for the follow up of the complaints sent to the NCHR, it was decided in (2021) to form a higher permanent committee between the NCHR and Public Security Directorate (PSD) to hold periodic meetings within the framework of follow up and coordination. The outcomes of the committee has contributed to enforce many of the NCHR recommendations within the framework of awakening and training of PSD personnel and dealing with the complaints received by the NCHR.

Recommendations (26, 71, 72): With regard to reviewing the legislations related to the freedom of expression, the press and publication law has not been amended to a manner that includes only sending a notice when the press material is licensed or amend the Articles that constitute crimes to ensure controlling the criminal acts. Further, several legislations are still imposed on the Journalists, such as the cybercrime law and some texts of penalties law as a result of the acts done by them. The NCHR has recommended that the press and publication law should expressly include a text not to raise any legal case against the Journalists on the ground of their acts that are related to their profession, unless within the framework of the press and publication law. As for the recommendedations related to amendment of the anti-terrorism law, no such amendment has still been made. Regarding the recommendation related to reviewing and defining the incitation for hate speech, the parliament has refused the cybercrime draft law for the year (2018) which contained criminalization of rumors and put a general and expended definition for the hate speech. No amendments have been made on the cybercrime law No. (27) of 2015.³

As for the right to access to the info, the government has prepared a draft project to amend (the right to access to the information law) a matter which has been on parliament agenda since more than two years but still to be discussed. As for detaining and arresting the journalists, the four previous years have witnessed a significant decrease in the incarceration of the journalists, a positive development on all levels.

⁽¹⁾ For more info, please see the 3rd periodic report about the conditions at the reform and rehabilitation centers for the years (2019-2020) published at the NCHR website: www.nchr.org.jo

Recommendations (3, 18, 19, 24, 73, 77, 80, 81, 82, 84): The law amending the Anti-Human Trafficking Law No. (10) of (2021), has been ratified, as it included the organized begging as an anti-human trafficking crime, originally recommended by the NCHR. Further, an anti-human trafficking crime victims fund has been established to offer legal assistance to the relevant victims and affected persons. The NCHR recommends that an express text should be added within the same law to allocate financial resources for such fund within the annual budget of Ministry of Justice and not to rely only upon the donations, gifts or grants. The national strategy for anti-human trafficking for the years 2019-2022 should also be adopted, as it included four main axes: Prevention, protection, legal pursuit and cooperation.

Recommendations (12,16,17,45,48,74,76,85,129,130,131): Amendments have been made on the Labor Law No. (8) of 1996 upon the amending Law No. (10) of 2023, as follows, among other things:

To exempt the sons of Jordanian women who are married to a non Jordanian residing in the Kingdom from obtaining a work license, as stipulated in Article (12) of the amended Law and to add a provision upon Article (5) of the Law amending the labor Law that considers the worker who is sexually abused as a reason that grants it the right to leave the work without notice, without prejudice to its rights and related compensation for damage. The agriculture workers regulation No. (19) of (2021) has also been issued in (2021), as it contributed to put an organizational framework to protect the workers of the agricultural sector, to fix the number of daily working hours, the right to have rest during the week-ends and annual leaves, to ban children aged less than (16) years old from work, equity in wages, preparing appropriate housing, if applicable, as per the work nature, availing safety and vocational health conditions, the obligation to include the agriculture workers in the insurances upon provisions of the Social Insurance Law and to ban confiscating the worker's passport under administrative liability.

Regarding the wages, the minimum wages in (2020) was raised to become JD (260) as of 01/01/2021, while the decision would be effective for some sectors affected by Covid-19 pandemic as from 01/06/2021. the tripartite committee for labor affairs has also decided early (2023) that the minimum wage would remain JD (260) for the years (2023-2024), provided that the minimum wages would be reviewed by the committee early (2025) to recalculate them in such manner as they would be increased from the current JD (260) by adding the accumulated inflation rations for the years (2022-2024). However, the year (2020) was exceptional for the workers and employers and caused heavy damage, as Covid-19 pandemic has imposed more challenges on Jordan Labor Market, especially thousands have lost their jobs as many factories, industrial and commercial establishments were closed and unemployment rose up to (21,9%) during the first quarter of (2022). Covid-19 pandemic has especially affected the unregulated sector (Daily workers, free job workers) as they became unable to secure their daily needs due to their work nature.

Recommendations (32,46,47,49): The NCHR has noted several challenges and problems which affected Jordan development path, such as, among other things, the spreading of Covid-19 pandemic which has affected the developmental, economic and social domains, thus adding new burdens on Jordan, let alone the previous burdens, such as the indebtedness, budget deficit, limited resources and weak competitiveness. There is also the water challenge which is a strategic one. At the same time, Jordan continued to host a big number of refugees and avail the necessary services to them.

The year (2021) has witnessed the adoption of the national strategy for food security for the years (2021-2023) in order to gain sustainable food systems to contribute to achieve the second goal of the sustainable development. The year (2021) has also witnessed the endorsement of several systems and instructions related to the environment to contribute to regulate the genetic, environmental and controlled materials in addition to the management of the electric and electronic waste. In (2022) the national plan for waste management has been endorsed within the framework of the Public Policies, in addition to the endorsement of the national plan for waste management (2022-2026) and the national policy for the climate change (2022-2050).⁴

Recommendations (86,87): The health sector is still witnessing several problems and challenges that need more efforts to improve the quality of all types of services (the initial, secondary and tertiary) to ensure the safety of the service providers and receivers, as NCHR has already raised such issues in its previous annual reports, such as, among other things, the lack of medical staff and equipment in some hospitals and health centers in the Kingdom, compared to the increased number of patients, the lack of the structural facilities in some hospitals and health centers for the disabled and aged people, in addition to non availability of a comprehensive health insurance umbrella.

Recommendations (88, 89, 90, 97, 115): The Covid-19 pandemic has multiplied the challenges faced by the education sector and learning process, especially with regard to the educational loss which the Ministry of Education is still putting plans to tackle it. Several axles have been implemented by the Ministry of Education within its strategic plan fort the years (2018-2022) that dealt with several fields, such as, among other things, the early education, early childhood, access, equity and vocational education. The Ministry and the National Center of Curricula Development have continued to integrate the human right concepts in the curricula. However, there are still some challenges that face education in Jordan, such as congestion in some schools, the high university fees and shortage of educational staff in some areas.⁵

Recommendations (6,10,14,27,28,30,42,43,44,91, 98,103,104,105,108): The year (2022) has witnessed an amendment on chapter two title of the Jordan constitution, by adding the term "Jordanian Women" so that the title has become "the Rights of the Jordanian men and women" and adding a paragraph to Article (6) of the constitution "The state ensures to enable and support the woman to have an effective role to build the society to ensure equity of opportunities on basis of justice and equity and to protect her from all types of violence or discrimination".

2- The Jordanian constitutional court has on 15/01/2023 issued a judgment No. (3) for 2022 to appeal against the constitutional validity of three basic Articles of Crime Prevention Law (3/3, 2/ 5 and 8) as the court has noted that it is a "preventive Law with the aim or preventing the crime and keep up the security and safety of the society" and that the provisions of this law ensures the contestation of the decision issued thereupon before the administrative justice establishment, so the court decided to refuse the appeal regarding the non-constitutionality of this law.

A law amending the Social Security Law No. (24) of (2019) has been issued to protect the working woman through expanding the services included in the maternity insurance and raising the early retirement age for the woman to become (52) years with regard to those who joined the social security after 01/10/2019. A law amending the Labor Law No. (14) of (2019) has also been issued, whereby the flexible work was defined and a system has been issued thereto. The wage discrimination has also been defined and penalties were imposed against the employer who practices wage discrimination between men and women who do works of equal value. Further, the sons of Jordanian women married to a non Jordanian residing in the Kingdom have been exempted from paying for work permits fee, in accordance with Article (12/E) of the mentioned law. Article (72) of the mentioned law has also been amended, whereby the employer who employs a number of workers, no matter of gender, at one place, who have at least (15) children aged no more than (5) years old should avail a suitable place for such children to be under the care of one or more qualified baby sisters. The employers may also share to avail such place in one geographic location, otherwise they should avail alternatives for institutional nurseries. Despite the fact that the NCHR welcomes the aforesaid amendments, it thinks that it is necessary to amend Article (70) of the law to raise the maternity leave to become (3) months, as it is the case with those who work at the civil service departments, in addition to availing full protection to the woman.⁶

Recommendations (25,31,35,92,93,96,102): The government has endorsed the woman national strategy (2020-2025) to enable the women and girls and achieve gender equity as part of the sustainable development agenda (2030). Work is also underway to prepare the executive plan, follow up and evaluation plan. The government has endorsed the national plan to activate the UN Security Council Resolution No. (1325) related to the woman, security and peace (2018-2021).

Recommendations (34,78,110,113,114): The national work plan has been issued to implement the recommendations related to the "marriage of minor girls", study in Jordan to limit the marriage of those under (18) years old in Jordan for the years (2018-2022). The NCHR is a member of the plan that includes procedures and awakening programs. The Civil Status Law No. (15) of (2019) has been endorsed, it replaced the temporary personal status law No. (36) of (2010) that raised marriage age in special and exceptional cases to the person who has completed (16) years of age, in accordance with instructions to be issued for such purpose to put criteria to control the concept to justified interest for marriage. For information, the NCHR demands to cancel such exemption.⁷

⁶ - The Government had already submitted amendments to the cybercrime law, but the parliament has, in its 22nd legislative session held on 19/02/2019, refused the draft law that amends the cybercrime law for the year (2018) re-submitted by the government two days after withdrawing a previous draft law. The NCHR recommends that Article (11) of the cybercrime law should be abolished and to rely only upon the general rules of the penal law with regard to criminalizing the slander, defaming and insult and to generally review the legislative matrix related to the freedom of expression, free press and media to comply with the international human right standards.

⁷ - The NCHR would like to confirm its consecutive annual reports with regard to the recommendations related to the necessity to take into account the social, economic and environmental dimensions in an integrated manner when drawing the environmental policies and the necessity to take care of the waste recycling of all types and disposal at the Kingdom level through the best means, in addition to the necessity to intensify the awakening campaign to raise awareness of the environment issues and their relations to the Human Rights and the setting up of Central Stations to treat heavy, industrial and natural water all over the Kingdom.

The juvenile aftercare regulation has been issued. Also Instructions have also been issued on the foundations of the juvenile aftercare system for 2021.⁸

Recommendations (50,117,118,119,120,121,128): After issuing a law concerning the disabled persons rights in (2017), several regulations and instructions have been issued to implement the provisions of this law. Despite the exerted efforts, there are still challenges related to the disabled people in the different economic, educational health and other fields due to the lack of facilitating arrangements, structural facilities and access.

The aged people regulation No. (97) of (2021) has been issued, in addition to the instructions related to the benefit and expenditure by the aged people from aged people care account for year (2022). Despite this, no law has been issued in Jordan to avail protection and appropriate care of the aged people, despite the NCHR recommendations in its annual reports regarding the human rights conditions in Jordan, including a recommendation to issue a law relating to the aged people rights.