

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	579
Land:	Gaza-Vestbredden
Kilde:	Palestinian Centre for Human Rights
Titel:	Israeli Human Rights Violations in the occupied Palestinian Territory
Udgivet:	17. august 2023
Optaget på baggrundsmaterialet:	25. september 2023



International Covenant on Civil and Political Rights

Distr.: General
24 August 2023

Original: English

Human Rights Committee

Concluding observations on the initial report of the State of Palestine*

1. The Committee considered the initial report of the State of Palestine¹ at its 4007th and 4008th meetings,² held on 5 and 6 July 2023. At its 4030th meeting, held on 21 July 2023, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the submission of the initial periodic report of the State of Palestine and the information presented therein. It expresses appreciation for the opportunity to engage in a constructive dialogue with the State party's high-level delegation on the measures taken by the State party since the entry into force of the Covenant to implement its provisions. The Committee is grateful to the State party for its written replies³ to the list of issues,⁴ which were supplemented by the oral responses provided by the delegation, and for the additional information provided to it in writing.

3. The Committee recognizes that the ongoing Israeli occupation and partial annexation of the territory of the State party, the expansion of settlements and the continued blockade of the Gaza Strip, which are illegal under international law,⁵ pose severe challenges for the State party in fully implementing its obligations under the Covenant and lead to grave violations of the rights of Palestinians, such as arbitrary detention, torture and ill-treatment, excessive use of force and abuse by Israeli security forces, acts of violence by Israeli settlers, restrictions on freedom of movement, freedom of association and freedom of expression, forced displacement and evictions, seizure of private land, house demolitions and illegal settlements, restrictions on gaining access to health-care services and denial of access to humanitarian aid. The Committee recalls the obligations of Israel, as the occupying Power, under international humanitarian law and international human rights law.⁶ It recognizes that the above-mentioned challenges limit the State party's effective control of its jurisdiction over its own territory and its capacity to implement the Covenant. However, it reminds the State party that the Covenant is applicable in its entire territory and that the State party should take all possible measures to implement it in all parts of the territory. In that regard, the

* Adopted by the Committee at its 138th session (26 June–26 July 2023).

¹ [CCPR/C/PSE/1](#).

² See [CCPR/C/SR.4007](#) and [CCPR/C/SR.4008](#).

³ [CCPR/C/PSE/RQ/1](#).

⁴ [CCPR/C/PSE/Q/1](#).

⁵ See Security Council resolution [2334 \(2016\)](#) and other relevant Security Council resolutions, including resolutions 242 (1967), 338 (1973), 446 (1979), 452 (1979), 465 (1980), 476 (1980), 478 (1980), 1397 (2002), 1515 (2003), 1850 (2008) and 1860 (2009). See also International Court of Justice, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, *Advisory Opinion*, *I.C.J. Reports 2004*, p. 136; and Human Rights Council resolutions S-9/1 and S-12/1.

⁶ See [CCPR/C/ISR/CO/5](#).



Committee regrets that, notwithstanding the agreement between Fatah and Hamas to end Palestinian division, signed on 12 October 2017, the State party has made limited progress in resolving internal political issues that negatively affect the full enjoyment by Palestinians in the West Bank, including East Jerusalem, and the Gaza Strip of their rights under the Covenant and contribute to the political and geographic fragmentation of the State party's territory. It notes that, owing to this fragmentation, Palestinians continue to be subject to multiple legal systems that impede the full realization of their rights under the Covenant.⁷

B. Positive aspects

4. The Committee welcomes the accession to the following international instruments by the State party since its accession to the Covenant:

- (a) The Optional Protocol to the Convention on the Rights of the Child on a communications procedure, on 10 April 2019;
- (b) The Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto, on 2 April 2014 and 10 April 2019 respectively;
- (c) The Convention on the Rights of Persons with Disabilities and its Optional Protocol, on 2 April 2014 and 10 April 2019 respectively;
- (d) The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, on 18 March 2019;
- (e) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, on 29 December 2017;
- (f) The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on 29 December 2017;
- (g) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, on 29 December 2017;
- (h) The United Nations Convention against Transnational Organized Crime, on 2 January 2015;
- (i) The Rome Statute of the International Criminal Court, on 2 January 2015;
- (j) The International Convention on the Suppression and Punishment of the Crime of Apartheid, on 2 April 2014;
- (k) The International Convention on the Elimination of All Forms of Racial Discrimination, on 2 April 2014;
- (l) The International Covenant on Economic, Social and Cultural Rights, on 2 April 2014;
- (m) The Convention on the Rights of the Child and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, on 2 and 7 April 2014 respectively;
- (n) The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on 2 April 2014.

C. Principal matters of concern and recommendations

Legal framework

5. While welcoming the publication of the Covenant in the Official Gazette, the Committee regrets that the Second Optional Protocol has not yet been published. The

⁷ CEDAW/C/PSE/CO/1, para. 9; CERD/C/PSE/CO/1-2, para. 3; CRC/C/PSE/CO/1, para. 4; and CAT/C/PSE/CO/1, para. 4.

Committee is concerned about the lack of clarity during the dialogue as to why the Covenant and the Second Optional Protocol have not been promulgated under domestic law. The Committee is also concerned that the interpretation of the Supreme Constitutional Court in its decisions No. 4 (2017) of 19 November 2017 and No. 5 (2018) of 12 March 2018, according to which international treaties acceded to by the State party take precedence over national legislation only insofar as they are consistent with the national, religious and cultural identity of the Palestinian Arab people, may impede the enjoyment of the rights set forth in the Covenant. Furthermore, the Committee is concerned about the multiple non-unified legal systems in the West Bank and the Gaza strip (art. 2).

6. The State party should enact legislation to ensure the unification of its legal systems. It should finalize the publication of the Covenant and the Second Optional Protocol in the Official Gazette and promulgate them under domestic law. The State party should also revise existing legislation with a view to preventing legal uncertainty or ambiguity that could provide grounds for legal interpretations contradictory to the State party's legal obligations.

Anti-corruption measures

7. The Committee is concerned about reports that corruption, including nepotism, remains pervasive in many sectors of public life, particularly in appointing and promoting government officials and members of the judiciary. The Committee regrets the lack of specific information provided by the State party on the effectiveness of its National Cross-Sectoral Strategy for Integrity and Anti-Corruption (2020–2022) and on the specific measures in place to ensure the independence, transparency, effectiveness and accountability of anti-corruption bodies, such as the Anti-Corruption Commission, the Anti-Corruption Court and special prosecutors. The Committee is also concerned about reports of arrests of anti-corruption protesters and the lack of protection of whistle-blowers (arts. 2 and 25).

8. The State party should intensify its efforts to prevent and eradicate corruption and impunity at all levels, including by:

(a) Promptly, thoroughly, independently and impartially investigating and prosecuting all cases of corruption, particularly those involving high-level public officials, and, if a person is convicted, applying penalties commensurate with the seriousness of the offence;

(b) Ensuring the independence, transparency, effectiveness and accountability of all anti-corruption bodies, including the Anti-Corruption Commission, the Anti-Corruption Court and special prosecutors;

(c) Revising and supplementing the legal framework to better protect anti-corruption activists and whistle-blowers, preventing undue harassment of lawful anti-corruption activities and ensuring access to publicly held information;

(d) Expanding training and awareness-raising campaigns to inform judges and prosecutors, public officials, politicians, the business community and the general public about the economic and social costs of corruption and the mechanisms in place to address it.

State of emergency

9. The Committee is concerned about the far-reaching powers conferred on the Government under Decree-Law No. 7 of 2020 in the context of the coronavirus disease (COVID-19) pandemic, which allowed restrictions on the right to peaceful assembly. The Committee is also concerned that the state of emergency under the decree-law was extended beyond the lawful period provided for in article 110 of the Basic Law (art. 4).

10. In the light of the Committee's general comment No. 29 (2001) on derogations from provisions of the Covenant during a state of emergency, and the Committee's

statement on derogations from the Covenant in connection with the COVID-19 pandemic,⁸ the State party should:

(a) **Guarantee that any measures introduced to protect the population in the context of a state of emergency, including during pandemics, are temporary, proportionate, strictly necessary and subject to judicial review;**

(b) **Ensure that legislation is not used in times of emergency to unduly restrict the right to assembly, recognizing that this right constitutes an important safeguard for ensuring that the State party's use of emergency powers, including during pandemics, complies with its obligations under the Covenant.**

Non-discrimination

11. The Committee notes the information provided by the State party that a definition of discrimination has been included in the draft decree-law on protection of the family from violence, and also in the recommendations by the Legislative Harmonization Committee following its review of the Labour Code. It remains concerned, however, about the absence of comprehensive anti-discrimination legislation providing full and effective protection against all forms of discrimination prohibited under the Covenant, including direct, indirect and multiple discrimination, and effective remedies in judicial and administrative proceedings for victims. The Committee is also concerned about reports of discrimination, stigmatization, harassment and violence, including by law enforcement officials, against persons on the basis of their real or perceived sexual orientation or gender identity, Bedouin persons and persons with disabilities, and the lack of adequate investigations conducted into such acts (arts. 2, 3, 7, 17 and 26).

12. **The Committee recommends that the State party:**

(a) **Consider enacting comprehensive anti-discrimination legislation that provides full and effective protection against discrimination in all spheres and contains a comprehensive list of prohibited grounds for discrimination, in accordance with the Covenant, including sexual orientation and gender identity, and provides for effective remedies in case of violations;**

(b) **Take steps to combat stereotypes about and negative attitudes towards persons on the basis of their sexual orientation or gender identity, Bedouin persons and persons with disabilities, including training and awareness-raising programmes for law enforcement officials;**

(c) **Ensure that all acts of discrimination, stigmatization, harassment and violence against persons on the basis of their sexual orientation or gender identity, Bedouin persons and persons with disabilities are promptly and effectively investigated, that perpetrators are prosecuted and, if convicted, punished with penalties commensurate with the gravity of the offence and that victims receive full reparation.**

Violence against women and domestic violence

13. The Committee is concerned that a number of gaps remain in the scope and coverage of legislation on violence against women and girls and domestic violence and in enforcement mechanisms. The Committee is also concerned that domestic violence, including marital rape, is still not explicitly criminalized in national legislation, and that legal amendments removing lenient penalties and excuses for the killing of women have proven ineffective in combating femicide. The Committee is further concerned about reports that women are pressured by their families, often by the use of violence, torture or ill-treatment or threats thereof, to commit suicide to protect the so-called "honour" of the family. The Committee is concerned that women who pursue complaints through the courts are often revictimized by intrusive and negative media attention, including in the public space through smear campaigns, by intimidation by defendants and the prosecution, and by drawn-out investigations. It is concerned that administrative detention is used against women and girls who are victims of

⁸ CCPR/C/128/2.

gender-based violence, so-called “protective custody”, under the pretext of protecting them (arts. 2, 3, 7, 23 and 26).

14. The State party should:

(a) **Adopt and enforce comprehensive legislation criminalizing all forms of violence against women and girls, explicitly addressing domestic violence, marital rape and crimes committed in the name of so-called “honour”;**

(b) **Repeal laws discriminating against women and pass legislation and reinforce public policies to protect women from violence;**

(c) **Ensure that cases of violence against women and girls, whether violence in the public space or domestic violence, are promptly and thoroughly investigated, that steps are taken during investigations to avoid the revictimization of victims, that perpetrators are prosecuted and, if convicted, punished with penalties commensurate with the gravity of the offence and that victims receive full reparation;**

(d) **Enhance its efforts to provide training for law enforcement officials, members of the judiciary, prosecutors and other stakeholders on how to detect, investigate and handle cases of violence against women and girls, including domestic and sexual violence, effectively and in a gender-sensitive manner;**

(e) **Conduct public education programmes on discriminatory norms and beliefs to combat the stigmatization and revictimization of women seeking help through the existing services of the national authorities, including for judges, prosecutors, law enforcement authorities and the media;**

(f) **Abolish the practice of so-called “protective custody” in cases of gender-based violence and instead take protective measures, such as increasing the number of shelters, that ensure the full protection of women’s rights;**

(g) **Encourage the reporting of violence against women by, inter alia, reinforcing existing or creating new reporting mechanisms and informing women and girls of their rights and of the existence of legal assistance and other services through which they can receive protection and compensation;**

(h) **Strengthen awareness-raising among women and girls, including in rural areas, about the legal remedies available to ensure the protection of their rights.**

Voluntary termination of pregnancy and sexual and reproductive rights

15. The Committee is concerned about the highly restrictive legal framework for legal access to abortion, which subjects both doctors and patients to criminal prosecution under articles 321, 322 and 324 of the Jordanian Criminal Code of 1960, and which results in a high number of unsafe, clandestine abortions. The Committee is also concerned about reports that many women and girls experience barriers to access to a range of methods of contraception owing to their socioeconomic status (arts. 2, 3, 6, 7, 17 and 26).

16. In the light of paragraph 8 of the Committee’s general comment No. 36 (2018) on the right to life, the State party should:

(a) **Amend parts of the domestic legal and institutional framework, including articles 321, 322 and 324 of the Jordanian Criminal Code of 1960, as incorporated by the State party, to ensure that women and girls who undergo abortions and the doctors or others who attend to them are not subject to criminal penalties, and lift barriers such as those relating to medical and religious authorizations, since the existence of such penalties and barriers compel women and girls to resort to unsafe abortions;**

(b) **Take appropriate measures to facilitate women’s access to information about voluntary termination of pregnancy and strengthen the provision of sexual and reproductive health services, including equal and affordable access to contraceptive methods, especially for women and girls experiencing unfavourable socioeconomic circumstances.**

Right to life

17. The Committee is deeply concerned that, despite the State party's accession to the Second Optional Protocol to the Covenant, the death penalty continues to be applied in the State party. Furthermore, the Committee is deeply concerned by reports of the high and rising number of cases in which the death penalty is imposed in the Gaza Strip, the frequency of its application, and the lack of judicial guarantees, particularly when civilians are prosecuted in military courts. In this regard, the Committee is also concerned that a review of the draft criminal code has been pending since 2010 (arts. 6, 7 and 14).

18. The State party should immediately take all the measures necessary to ensure the implementation of the Second Optional Protocol to the Covenant, including by effectively abolishing the death penalty within its jurisdiction and ensuring that no one within its jurisdiction, including in the Gaza Strip, is executed, and by providing all required judicial guarantees and refraining from prosecuting civilians in military courts. The State party should also finalize the review of the draft criminal code.

19. The Committee is concerned about reports that in many cases the use of force and firearms by law enforcement officials, and in particular during the protests in 2021 following the postponement of elections, has been incompatible with the fundamental principles of legality, necessity, proportionality and accountability. The Committee is also concerned about the lack of independent monitoring mechanisms (art. 6).

20. The State party should take all the measures necessary to prevent the excessive use of force during law enforcement operations, including by:

(a) **Ensuring that Minister of the Interior Decree No. 187 of 2020 concerning instructions and procedures for the use of force and firearms by police officers is in conformity with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement;**

(b) **Strengthening its regular training of law enforcement officials on the use of force and ensuring that the principles of legality, necessity and proportionality are strictly adhered to in practice;**

(c) **Establishing an oversight mechanism, independent from the Ministry of the Interior, to ensure that all reports of excessive use of force by law enforcement officers are investigated promptly, effectively and impartially, that perpetrators are prosecuted and, if convicted, punished with penalties commensurate with the gravity of the offence and that victims of such violations receive full reparation and redress.**

21. Noting the continued occupation of the State party's territory, the Committee is concerned about the lack of health services for patients with chronic and terminal diseases, and about the suspension by the State party of its coordination agreement with Israel regarding medical referrals. The Committee is equally concerned about reports of a decrease in coordination among the competent authorities of the State party and hospitals to facilitate the medical referral system for patients living in the Gaza Strip seeking medical treatment outside the Gaza Strip (art. 6).

22. The State party should take all the measures necessary to ensure that everyone, in particular residents of the Gaza Strip, has adequate access to health-care services, particularly life-saving medical treatment and support. To this end, it should review the suspension of its coordination agreement with Israel regarding medical referrals and take measures to increase coordination among the competent authorities and hospitals to facilitate the medical referral system for patients living in the Gaza Strip seeking medical treatment outside the Gaza Strip, and implement the recommendations of the World Health Organization of 2023.

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment

23. The Committee is deeply concerned about reports that confessions have been obtained under duress, coercion, ill-treatment and/or torture, and that, despite article 13 (2) of the Basic

Law, regarding the inadmissibility of evidence obtained by duress or torture, such confessions are admitted as evidence in court (art. 7).

24. In the light of the recommendations of the Committee against Torture,⁹ article 15 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Principles on Effective Interviewing for Investigations and Information Gathering (the Méndez Principles), the State party should ensure in practice that confessions obtained through torture or ill-treatment are ruled inadmissible, and that cases of such confessions are investigated.

Liberty and security of person

25. The Committee is concerned about the use of administrative detention by the State party under the Jordanian Crime Prevention Act of 1954, which is applicable in the West Bank and allows for detention without charge. The Committee is also concerned about the increasing number of persons held in administrative detention, often on governors' orders, and for long periods, during which detainees are deprived of basic procedural guarantees. The Committee is further concerned about reports of widespread use of detention in cases of non-payment of debt. The Committee is seriously concerned about reports that individuals are held in unlawful and incommunicado detention by armed non-State actors, including for "collaboration with the enemy" and for criticizing armed groups (arts. 7 and 9).

26. In the light of article 9 of the Covenant and general comment No. 35 (2014) on liberty and security of person, the State party should:

(a) Take immediate measures to amend the Jordanian Crime Prevention Act of 1954 with a view to abolishing administrative detention without charge;

(b) Use administrative detention only as a last resort, when necessary and proportionate, for as short a period as possible and not beyond the legal limits, and subject to judicial review, respecting all procedural guarantees;

(c) Take all the measures necessary, including reviewing legislation, regulations, administrative orders and practices, to ensure that detention is used only commensurately with the gravity of the offence, and not in cases of non-repayment of debt;

(d) Take all possible measures to ensure that no one is held in unofficial places of detention on its territory, including by non-State actors; and investigate the existence of any unofficial places of detention and identify and punish those who establish and maintain them.

Treatment of persons deprived of their liberty

27. The Committee is gravely concerned about consistent reports indicating that persons in custody, including in the facilities under the authority of the security forces and intelligence services, are subjected to torture or ill-treatment, in particular during the investigation stage of proceedings, and that detainees are denied access to legal aid, to their family and to medical assistance. The Committee is also concerned about reports that fundamental legal safeguards are often not respected. The Committee is further concerned about reports that only a few complaints of torture and ill-treatment in places of deprivation of liberty have led to prosecution and even fewer to conviction of the perpetrators, which contributes to a climate of impunity. The Committee is concerned that the State party has not yet established a national preventive mechanism as required under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Committee is similarly concerned about reports that existing investigation bodies, principally the Public Prosecutor, lack independence (arts. 7, 9 and 10).

⁹ CAT/C/PSE/CO/1, para. 31.

28. **The State party should:**

(a) **Ensure that conditions of detention are compatible with such international standards as the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules);**

(b) **Ensure that all detainees, irrespective of the offence with which they have been charged, have prompt and regular access to their legal representatives, families and any medical assistance that they may require;**

(c) **Ensure that all detainees are afforded, in law and in practice, all fundamental legal safeguards from the very outset of their deprivation of liberty;**

(d) **Investigate promptly, thoroughly and effectively all cases of torture and ill-treatment in all places of deprivation of liberty, to ensure that perpetrators are prosecuted and, if convicted, punished with penalties commensurate with the gravity of the offence and that victims of such violations receive full reparation and are provided with redress;**

(e) **Ensure that all persons deprived of their liberty have access to an independent and effective complaints mechanism for the investigation of allegations of torture and ill-treatment that guarantees prompt, effective and direct access to the monitoring bodies responsible for handling such complaints and to the remedies referred to in article 2 (3) of the Covenant;**

(f) **Publish findings of related investigations and outcomes of cases of torture and ill-treatment with a view to strengthening transparency and accountability;**

(g) **Establish a national preventive mechanism and ensure its full operational independence and financial autonomy in accordance with its obligations under the Optional Protocol to the Convention against Torture;**

(h) **Implement governance reforms to ensure the institutional and functional independence of investigative bodies.**

Elimination of slavery, servitude and trafficking in persons

29. The Committee is concerned that various forms of labour exploitation remain prevalent, including of children, particularly in the Gaza Strip. Furthermore, the Committee is concerned about reports of trafficking in persons, and about the delay in enacting legislation thereon. Moreover, it is concerned about the extremely low wages, which are insufficient for workers to achieve a minimum acceptable standard of living (arts. 2, 7, 8, 24 and 26).

30. **The State party should intensify its efforts to eliminate forced labour, including by increasing labour inspections and ensuring continued accountability, including through follow-up and sanctions, particularly in the Gaza Strip, paying specific attention to labour performed by children. The State party should also consider enacting of legislation on trafficking in persons. The State party should take measures aimed at significantly improving working and living conditions, including through targeted measures to raise wages for workers.**

Right to freedom of movement

31. The Committee is concerned about the incompatibility of the legal grounds for issuing travel bans under the General Intelligence Service Act with the right to freedom of movement under the Covenant. The Committee is also concerned about reports that the Ministry of the Interior refuses to issue passports to Palestinian citizens residing in the Gaza Strip, including activists, human rights defenders and opposition leaders, and that women in the Gaza Strip are subjected to discriminatory restrictions on their freedom of movement, such as the practice of male guardians preventing women from travelling (arts. 3, 9, 12, 17 and 26).

32. **In the light of the Committee's general comment No. 27 (1999) on freedom of movement, the State party should ensure that its national legislation and practical application thereof guarantee freedom of movement without discrimination, including**

on the basis of gender, and avoid any restrictions that are incompatible with article 12 of the Covenant.

Treatment of refugees and internally displaced persons

33. The Committee is concerned about the high level of poverty and the poor living conditions in refugee camps, which are not suitable for long-term accommodation, often have no running water, electricity or sewage systems and are overcrowded, and about a general, widespread lack of adequate access to health-care services within and outside refugee camps (arts. 2, 7, 9, 12 and 26).

34. **The State party should provide durable housing solutions in a timely manner and improve the dire living conditions in refugee camps, provide sustainable income-generating opportunities and other livelihood measures, and revisit and strengthen current financial assistance schemes to ensure that the basic needs of refugees and internally displaced persons are met, paying particular attention to adequate access to health-care services. To this end, the State party should increase its coordination with international partners, including the United Nations Relief and Works Agency for Palestine Refugees in the Near East.**

Access to justice, independence of the judiciary and fair trial

35. The Committee is concerned about reports of the persistent lack of independence and impartiality in the prosecution service and the judiciary of the State party. It is particularly concerned about the lack of transparency in the procedure for the selection and appointment of prosecutors and judges, including the presidents of the Supreme Court and the Supreme Constitutional Court. The Committee is also concerned about the establishment and control by the executive branch of Government of the Supreme Council of Judicial Bodies and Authorities, significantly hampering the independence of the judicial system. The Committee is further concerned about allegations of politically motivated arrests and trials and violations of fair trial guarantees (art. 14).

36. **The State party should:**

(a) **Safeguard, in law and in practice, the full independence, impartiality and safety of judges and prosecutors and prevent them from being influenced in their decision-making by any form of undue political pressure;**

(b) **Ensure that procedures for the selection, appointment, suspension, removal and disciplining of judges and prosecutors comply with the Covenant and relevant international standards, including the Basic Principles on the Independence of the Judiciary and the Guidelines on the Role of Prosecutors;**

(c) **Take all the measures necessary to prevent and sanction any abuse of the powers granted to the Supreme Council of Judicial Bodies and Authorities caused by undue interference from the executive branch that undermines its independence;**

(d) **Ensure that all defendants are afforded all fair trial guarantees in practice, regardless of their political affiliation or opinion, including equality of arms and the presumption of innocence, in accordance with article 14 of the Covenant and the Committee's general comment No. 32 (2007) on the right to equality before courts and tribunals and to a fair trial.**

Right to privacy

37. The Committee is concerned about the incompatibility with the Covenant of Decree-Law No. 10 of 2018 regarding cybercrime, including the provisions that electronic search and wiretapping measures may be authorized by the Prosecutor General and are not subject to judicial review. The Committee is also concerned about the lack of sufficient safeguards against arbitrary interference with the right to privacy in the form of surveillance, interception activities, access to personal data, and the diffusion of personal data with a view to discrediting opposition leaders, activists, and individuals on the basis of their gender, gender identity and sexual orientation. The Committee is particularly concerned about reports that the Preventive Security Service, which conducts electronic surveillance, is granted extensive

monitoring powers, and that the existing oversight mechanism over its activities is not effective (art. 17).

38. In the light of the Committee's general comment No. 16 (1988) on right to privacy, the State party should:

(a) **Ensure that any interference with the right to privacy, including activities carried out by the Preventive Security Service under Decree-Law No. 10 of 2018 regarding cybercrime, is subject to judicial review and to effective and independent oversight mechanisms;**

(b) **Bring regulations governing data retention and access, surveillance and interception activities into conformity with the Covenant, and ensure strict adherence to the principles of legality, proportionality and necessity;**

(c) **Ensure that no personal data is shared arbitrarily;**

(d) **Strengthen existing monitoring mechanisms to ensure that all allegations of abuse are thoroughly investigated, that such investigations lead to appropriate sanctions where warranted and that victims have access to effective remedies in cases of abuse.**

Freedom of expression

39. The Committee is concerned that certain provisions of the Jordanian Criminal Code of 1960 criminalize expression in the State party, particularly under articles 144 (insulting a public official), 150 (inciting sectarian strife), 191 (slandering a public official) and 195 (insulting a higher authority). The Committee is deeply concerned about reports that these provisions have been used as legal grounds for intimidation, attacks, arbitrary arrests and prolonged detention against journalists, human rights defenders, including women defending women's rights, corruption whistle-blowers and government critics (arts. 19 and 20).

40. The State party should redouble its efforts to prevent and prohibit public officials from interfering with the legitimate exercise by journalists, human rights defenders, including women defending women's rights, corruption whistle-blowers and government critics of their right to freedom of expression, including by:

(a) **Bringing parts of the domestic legal and institutional framework that may unduly restrict media freedom, including the Jordanian Criminal Code of 1960, into full conformity with article 19 of the Covenant and with the principles of legal certainty, predictability and proportionality, taking into account the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression;**

(b) **Refraining from using criminal provisions as a tool to suppress critical reporting on matters of public interest;**

(c) **Strengthening the protection of journalists, human rights defenders, including women defending women's rights, corruption whistle-blowers and government critics from any kind of threat, pressure, intimidation or attack;**

(d) **Ensuring that all violations are promptly, effectively and impartially investigated, that those responsible are appropriately prosecuted and, if found guilty, punished with penalties commensurate with the gravity of the offence and that victims obtain redress and full reparation.**

Right of peaceful assembly

41. The Committee is concerned that Decree-Law No. 7 of 2021, amending the Charitable Associations and Civil Society Organizations Act (Act No. 1 of 2000), may unduly restrict the right of peaceful assembly, and about reports that its provisions have been invoked by police and law enforcement to hamper the organization of peaceful assemblies. The Committee is also concerned about reports of the arrest and ill-treatment of peaceful protestors and excessive use of force in dispersing peaceful assemblies by the Palestinian security forces, Gaza Strip security forces and non-uniformed individuals, against activists,

journalists and protestors, particularly in the aftermath of the postponement in April 2021 of national elections. The Committee regrets the lack of information provided by the State party regarding the status of the anti-corruption demonstrators arrested in July 2020 (art. 21).

42. In accordance with article 21 of the Covenant and in the light of the Committee's general comment No. 37 (2020) on the right of peaceful assembly, the State party should:

(a) **Consider reviewing Decree-Law No. 7 of 2021, amending the Charitable Associations and Civil Society Organizations Act (Act No. 1 of 2000), to ensure its conformity with the Covenant;**

(b) **Promptly, thoroughly and impartially ensure that all allegations of excessive use of force and arbitrary arrest and detention by law enforcement officials during peaceful assemblies are investigated, that those responsible are prosecuted and, if found guilty, punished with penalties commensurate with the gravity of the offence and that victims obtain redress and full reparation;**

(c) **Ensure the protection of peaceful demonstrators, human rights defenders, including women, and journalists covering peaceful demonstrations from threats, intimidation, harassment and attacks, including by private actors;**

(d) **Ensure that any potential proceedings against the 2020 anti-corruption demonstrators are in full compliance with the Covenant.**

Freedom of association

43. The Committee is concerned that Decree-Law No. 7 of 2021, amending the Charitable Associations and Civil Society Organizations Act (Act No. 1 of 2000), may unduly restrict the right to freedom of association. The Committee is also concerned about reports that the requirement for civil society organizations in the Gaza Strip to submit their funding documents to the Ministry of National Economy constitutes a de facto restriction of their right to freedom of association, as it significantly delays the disbursal of funds and hampers their operations. The Committee is further concerned about the dissolution of the Union of Public Employees (art. 22).

44. The State party should take appropriate measures to ensure a safe and enabling environment for civil society organizations, including by considering reviewing the Charitable Associations and Civil Society Organizations Act (Act No. 1 of 2000), which regulates civil society activities, with a view to removing unduly restrictive requirements regarding their funding and operation. The State party should also consider reviewing the decision to dissolve the Union of Public Employees.

Participation in public affairs

45. The Committee is concerned about the legal and institutional framework governing the holding of national parliamentary and presidential elections, notably as provided for in the presidential decree of 30 April 2021, by which the elections were postponed, and about the compatibility with the Covenant of the dissolution in 2018 of the Palestinian Legislative Council. The Committee is particularly concerned about reports of cases of intimidation, attacks, arbitrary arrests and detention, and killings of opposition candidates and politicians, prior to and following the postponement of the national elections, and during the local elections in the West Bank in 2022. The Committee is also concerned about reports of a lack of adequate guarantees to ensure the true and effective independence of the Central Elections Commission. The Committee is further concerned about prohibitively high financial fees and administrative barriers that prevent potential candidates from standing for election (arts. 2, 18, 22, 25 and 26).

46. The State party should review the legal and institutional framework governing the holding of elections, notably as provided for in the presidential decree of 30 April 2021, to ensure that any postponement of elections is in compliance with the Covenant, including articles 2, 18, 22 and 25 thereof. The State party should take all the measures necessary to prevent all cases of intimidation, attacks, arbitrary arrests and detention, and killings of opposition candidates and politicians, and ensure that such cases are promptly and thoroughly investigated, that the perpetrators are prosecuted and, if

convicted, punished with penalties commensurate with the gravity of the offence, and that victims receive full reparation. The State party should also take all the measures necessary to ensure that the Central Elections Commission is impartial and independent of the executive and is able to exercise its role as a guardian of democratic pluralism. The State party should remove prohibitively high financial fees and administrative barriers that prevent potential candidates from standing for election.

D. Dissemination and follow-up

47. The State party should widely disseminate the Covenant, the two Optional Protocols thereto, its initial 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 State, and the general public.

48. In accordance with rule 75 (1) of the Committee's rules of procedure, the State party is requested to provide, by 27 July 2026, information on the implementation of the recommendations made by the Committee in paragraphs 14 (violence against women and domestic violence), 36 (access to justice, independence of the judiciary and fair trial) and 46 (participation in public affairs) above.

49. In line with the Committee's predictable review cycle, the State party will receive in 2029 the Committee's list of issues prior to the submission of the report and will be expected to submit within one year its replies, which will constitute its second periodic report. The Committee also requests the State party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the State. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. The next constructive dialogue with the State party will take place in Geneva in 2031.
