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Communication du Centre national pour les droits de l'homme de la Jordanie*

Note du secrétariat

Le secrétariat a l'honneur de transmettre au Conseil des droits de l'homme une communication soumise par le Centre national pour les droits de l'homme de la Jordanie**, qui est distribuée conformément à l'article 7 b) du Règlement intérieur du Conseil (voir résolution 5/1, annexe) et selon les modalités et les pratiques que la Commission des droits de l'homme a arrêtées dans sa résolution 2005/74.

* Institution nationale des droits de l'homme accréditée avec le statut « A » par l'Alliance mondiale des institutions nationales des droits de l'homme.

** La communication est distribuée telle qu'elle a été reçue, dans la langue de l'original seulement.



Annexe

Communication soumise par le Centre national pour les droits de l'homme de la Jordanie

Written statement on the adoption of the report of Working Group- the fourth session of the universal periodic review of Jordan

1. About the National Center for Human Rights: The National Center for Human Rights is a national institution of public benefit. It enjoys financial and administrative independence and a legal personality. The Center carries out its duties and all activities and events related to human rights, including monitoring, and receiving complaints, in accordance with Law No. (51) of 2006, and its amendments. It is rated (A) by the International Accreditation Body of the Global Alliance of National Human Rights Institutions.

2. The Center's mandate includes protecting and promoting human rights, including monitoring, receiving and following up on complaints, and taking the necessary administrative and legal measures to end violations and abuses of human rights, to limit them, stop them, and remove their effects, spread their culture, monitor their conditions, provide advice and legal assistance to those in need, prepare studies and research, provide information, hold seminars and training courses, manage campaigns, declare positions, issue statements and publications, and prepare the necessary reports, including issuing comprehensive annual report on the human rights situation in the Kingdom, in addition to monitoring the elections and preparing shadow reports.

3. There are still some structural challenges indicated by the Center's annual reports, which can be summarized as follows: completing the harmonization of some national legislation with international human rights standards, accelerating the implementation of the Center's recommendations and providing allocations and financial resources for the enforcement process, increasing numbers of complaints in light of limited human and financial resources. While the Center welcomes the increase in the value of the financial support provided to it within the General Budget Law by one hundred thousand Dinars, in 2024 to become (950) thousand Jordanian Dinars annually, after it was (850) Jordanian Dinars, it indicates that these financial resources are still insufficient to enable it to carry out its tasks and powers in the manner established by the Centre's law, especially in light of the limited human resources, especially with the increasing number of complaints received by the Centre, in light of the Centre's adoption of new communication and monitoring mechanisms.

As for the recommendations related to civil and political rights, over the past four years, the Hashemite Kingdom of Jordan witnessed comprehensive modernization programs that contributed to strengthening the legal structure and reinforcing political life, which contributed to improving the reality of human rights and deepening the approach based on respecting and promoting human rights. Through the National Center for Human Rights' diagnosis of the reality of human rights as stated in the Center's annual reports on the situation of human rights under its legal mandate based on Law No. (51) of 2006 and its amendments, the Center finds it necessary to complete the process of harmonizing some national legislation with international human rights standards, and to accelerate the implementation of the Center's recommendations.

4. Regarding the principle of equality, Article (6) of the Constitution established the principle of absolute equality between Jordanian men and women on the basis of the values of citizenship, and the absolute prohibition of discrimination based on any other discriminatory reason, so the Center finds it necessary to study national legislation from this standpoint and achieve harmony of all legal texts with the constitutional principle.

5. Regarding the Crime Prevention Law, the National Center for Human Rights emphasizes its successive recommendations on the necessity of amending the Crime Prevention Law leading to its abolition. Until the law is reviewed and abolished, the Center refers to its recommendations, which include the need to ensure respect for judicial rulings

and decisions or decisions issued to release detainees as they are a source of truth in accordance with an explicit text in the law, it is not permissible to administratively arrest those who are released by the judiciary, subjecting the arrest to the principle of causation, referring the detainees to the regular public prosecution after their arrest within the period specified by the law to decide on their matter, arranging the penalty for failure to adhere to these principles, and setting an a maximum limit of bail and not leaving the value of the bail and approval of the guarantor to the discretionary authority of the administrative ruler, and stipulating that appeals before the administrative judiciary against decisions issued by the administrative rule shall be free of charge.

6. With regard to Cybercrime Law No. (17) of 2023, the Center is currently testing the law in practice by studying the legislative impact of this law in order to harmonize it with constitutional and international standards for freedom of expression. The Center reviewed the content of the law in its early stages, and the Center emphasizes the necessary positive developments in the cybercrime law by introducing some texts that addressed existing legal loopholes; including a text related to publishing a recording, photo, or video of what a person is careful not to show or conceal from the public, which is a text that protects the right to the private life of individuals in the digital space, as well as including a text related to blackmail and electronic threats.

7. The Center also recommends that the general rules contained in the Penal Code No. (16) of 1960 and its amendments be enough with regard to the crime of defamation, slander, and contempt, due to the sufficiency of the existing texts in the Penal Code, to avoid legislative repetition, to ensure general consistency between these legislations, and to emphasize the establishment of non-arrest in this crime. If the text of this article is maintained in the Cybercrimes Law, the penalty will be reduced in a manner consistent with Penal Code No. (16) of 1960 and its amendments to ensure non-arrest. In addition to controlling the criminal acts and terms mentioned in some texts of the law, especially those related to hate speech, false news, and character assassination, and cancelling the presumed liability contained in the text of Article (25) of the Cybercrime Law, in implementation of the principle of personal punishment, which is one of the established principles in public penal policy, and adherence to the general rules in penal legislation, especially with regard to the rules of criminal participation, and the adoption of the principle of punitive individualization in this context, and the Center calls for a reconsideration of the text of Article (27) of the law.

8. With regard to combating torture and other cruel, inhuman or degrading treatment or punishment, the Center recommends that the concept of torture be comprehensive, as contained in the definition of torture under the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and not be limited to extracting an acknowledgment or confession, abolishing the possibility of the crime of torture being included in the statute of limitations and amnesties, and assigning subject-matter jurisdiction in investigating and prosecuting torture cases to the Public Prosecution and the regular judiciary instead of special courts, in addition to adopting the concept of compensation contained in the International Convention, including compensation, rehabilitation, and psychological and physical rehabilitation of victims, and not limiting it to the general rules contained in the Civil Code.

9. As for the right to health: health services are provided under the regulatory framework (Regulation of Civil Health Insurance No. (83) of 2004), and despite the breadth of the categories covered under the regulation, including the provision of many services under Article (19) thereof, this Regulation does not provide a comprehensive umbrella for the provision of primary health care services. In a recent development, according to Article 10 of the Child Rights Law No. (17) of 2022, the child has the right to obtain primary health services free of charge, and this right includes all health services in emergency cases. In the context of promoting the right to health, the Center recommends the need to take the following measures:

(a) Unifying and comprehensive health insurance systems to prevent duplication and waste, with the aim of providing resources for patients who are not insure;

(b) The Center reiterates its recommendation on the necessity of increasing the proportion of spending on primary health care, as this would reduce the pressure on hospitals and save time and effort on citizens and health personnel;

(c) The need for the government to take the initiative to adopt special legislation to ensure the provision of high-quality mental health services;

(d) The necessity of activating the Medical Accountability Law of 2018, in cooperation with partners in the medical sector and health unions and finding solutions that guarantee the rights of the patient, the doctor, the hospital, and all parties to the equation within clear and fair mechanisms.

10. As for the recommendations related to women in general and the repeated recommendations related to limiting the marriage of minors in particular, the constitutional protection for women's rights has been expanded, as in the year 2022 an amendment was made to the title of Chapter Two of the Jordanian Constitution, adding the word Jordanian women to become the title "The Rights of Jordanian Men and Women," and adding a paragraph to Article 6 of the Constitution, "The State guarantees the empowerment and support of women to play an active role in building society in a way that guarantees equal opportunities on the basis of justice and equity, and protects them from all forms of violence and discrimination."

11. In the context of the same recommendations, the National Action Plan was issued to implement the recommendations of the study on "marriage of minors" in Jordan to limit the marriage of those under the age of 18 in Jordan, and the National Center for Human Rights is a member of the plan, which includes awareness measures and programs in this regard. Personal Status Law No. (15) of 2019 was also approved, which replaced the Temporary Personal Status Law No. (36) of 2010, which raised the age of marriage in special and exceptional cases to those who have reached the age of sixteen, according to instructions issued for this purpose that stipulate Criteria to control the concept of interest justifying marriage, noting that the Center demands the abolition of this exception. On another positive level, the legislator expanded on proving the lineage of the newborn through definitive scientific means. Article (172/b) of the Temporary Law of 2010, relating to the custody of a non-Muslim mother, was also abolished, leaving the matter to the discretion of the court and the Sharia judge in order to achieve the best interest of the child. The age of custody for the child in custody was also raised until the child reaches (15) years instead of (12) years.

12. With regard to children's rights, the Child Rights Law No. (17) of 2022 was issued, which formed a comprehensive legislative umbrella for children's rights in all fields, most notably: including children in free health care, and included obligations on relevant authorities to ensure that children do not drop out of schools, and to establish safe playing places for children, protecting them from all forms of exploitation, ensuring the child's right to an adequate standard of living, committing to reporting cases of child abuse, ensuring the right to legal assistance for them, and other rights that are consistent with the Convention on the Rights of the Child. The National Council for Family Affairs has established a committee for the purposes of monitoring the enforcement and implementation of the Child Rights Law.
