



**Convention against Torture  
and Other Cruel, Inhuman  
or Degrading Treatment  
or Punishment**

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**Committee against Torture**

**Consideration of reports submitted by States parties under  
article 19 of the Convention pursuant to the optional  
reporting procedure**

**Third periodic reports of States parties due in 2014**

**Jordan\* \*\***

[Date received: 3 July 2014]

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\* The second periodic report of Jordan is contained in document CAT/C/JOR/2; it was considered by the Committee at its 932nd and 934th meetings, held on 29 and 30 April 2010 (CAT/C/SR.932 and 934). For its consideration, see the Committee's concluding observations (CAT/C/JOR/CO/2).  
\*\* The present document is being issued without formal editing.



## **Third report of the Hashemite Kingdom of Jordan on implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**

### **Articles 1 and 4**

#### **Reply to the issues raised in paragraphs 1 and 2 of the list of issues (CAT/C/JOR/Q/3)**

1. The constitutional amendments of 2011 contain a provision prohibiting torture. Article 8 (2) of the Constitution provides that: “Any person who is arrested, detained, imprisoned or whose liberty is subject to any restriction shall be treated with dignity, safeguarded from any form of torture or bodily or mental harm and held in no place other than a legally designated holding facility. Any statement obtained from any person by means of torture or the use of harm or threats shall be deemed invalid.”

2. Since Jordan ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the competent authorities conduct monitoring and follow-up activities and prepare reports on violations in general. In addition, the Human Trafficking Act contains a number of articles establishing acts covered by the Convention relating to trafficking in persons as offences. Article 3 identifies such acts as follows:

“(a) For the purposes of this Act, the term ‘human trafficking offences’ means the recruitment, transfer, harbouring or receipt of persons for the purpose of exploitation by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or of a position of vulnerability or the giving or receiving of payments or benefits to obtain the consent of a person having control over another person; or the recruitment, transfer, harbouring or receipt of a person under the age of 18 for the purpose of exploitation, even if the exploitation is not accompanied by the threat or use of force or any other methods.

“(b) The term ‘exploitation’ means the exploitation of persons in servitude, forced labour, slavery or practices similar to slavery, or the removal of organs, or the exploitation of the prostitution of others or any other form of sexual exploitation.”

3. Article 8 of the Act prescribes substantial penalties. “Anyone who commits the offence of human trafficking provided for under article 3 (a) (1) of this Act shall be liable to a minimum term of 6 months’ imprisonment and/or a fine ranging from a minimum of 1,000 dinars to a maximum of 5,000 dinars.” Article 9, prescribes criminal penalties for the offences mentioned, as follows:

“Notwithstanding the provisions of article 8 of this Act, a penalty of a minimum term of 10 years’ imprisonment with hard labour and a fine ranging from a minimum of 5,000 dinars to a maximum of 20,000 dinars shall apply to anyone who:

“(a) Commits one of the human trafficking offences set forth in paragraph 3 (a) (2) of this Act;

“(b) Commits any human trafficking offence in one of the following circumstances:

“1. If the perpetrator has established, organized or run an organized criminal group for the purpose of trafficking in persons or become a member of or participated in such a group;

“2. If the victims include females or persons with disabilities;

- “3. If the offence is committed through the exploitation of prostitution or any form of sexual exploitation or the removal of organs;
- “4. If the offence is committed with the use of a weapon or the threat of use of a weapon;
- “5. If as a result of one of the offences stipulated in this Act the victim becomes terminally ill with no hope of recovery;
- “6. If the perpetrator is the spouse, ascendant, descendant, tutor or guardian of the victim;
- “7. If the perpetrator is a public official or public servant and commits the offence through the abuse of his office or of the public service;
- “8. If the crime is transnational.”

4. Article 10 (a) prescribes a maximum penalty of 6 months’ imprisonment for failure to report knowledge of the intent to commit a human trafficking offence. In addition, article 10 (b) emphasizes that anyone who possesses, conceals or disposes of any funds in the knowledge that they have been obtained by means of one of the offences provided for in the Act shall be liable to a maximum penalty of 1 year’s imprisonment and/or a fine ranging from a minimum of 200 dinars to a maximum of 1,000 dinars and that the penalty prescribed in paragraph 10 (b) may exceed that prescribed in article 83 of the Criminal Code.

5. It is clear from the above that in the Jordanian legislative environment, special punitive laws exist which increase the penalties for criminal acts that constitute criminal offences under the Convention against Torture.

6. Recently, the Council of Representatives adopted the Criminal Code Amendment Act of 2013 as approved by the Legal Affairs Committee. The Government introduced amendments to the Code, pursuant to which penalties apply to anyone who extracts information from another person during questioning by means of physical or mental torture.

## **Article 2**

### **Reply to the issues raised in paragraph 3 of the list of issues**

7. Jordanian law (Code of Criminal Procedure, art. 100, as amended) specifies that a defendant may be detained at a police station for a period of 24 hours, after which he must be referred to the public prosecutor as the judicial authority competent to conduct the investigation. Article 63 of the Code provides for the right of the defendant to a defence lawyer, while article 66 (2) prohibits public prosecutors from denying a lawyer access to the defendant. In the event that a defendant alleges to have been subjected by a law enforcement official to any form of torture or physical or moral coercion established by law as an offence, the public prosecutor is required to note the incident in the investigation record and refer the defendant to the forensic physician, if his condition so warrants.

8. In addition, no person showing signs of any kind of injury may be admitted to a place of detention or rehabilitation centre without first being examined by a forensic physician in order to obtain a legal medical report and conduct the necessary investigations. The directives issued by the leadership of the Public Security Directorate require that if any inmate is not admitted to any correction or rehabilitation centre and complains of or appears to have sustained any kind of injury, due note of his condition is to be taken and he is to be presented to the physician; in addition, the public prosecutor at the centre concerned or the Office of Grievances and Human Rights is to be notified, so that the appropriate legal action can be taken. The attending physician at the centre concerned is required to conduct

a medical examination of the inmate and provide a report on his medical condition upon his entry to and prior to his release from the centre and when he is transferred from one centre to another, pursuant to article 24 of the Correction and Rehabilitation Centres Act. Persons are detained in public and widely-known detention centres that are subject to judicial inspection. Under article 106 of the Code of Criminal Procedure and article 8 of the Correction and Rehabilitation Centres Act, the Minister of Justice, the Chief Public Prosecutor, the heads of any of the courts of appeal, first instance and the higher criminal courts, public prosecutors and members of the public prosecution service in their respective areas of competence may enter a centre to verify that no inmate is illegally detained there, and to follow up on any complaint by an inmate regarding any violations committed against him. Detainees and inmates are informed of their rights, including the right to submit a complaint; article 13 provides that an inmate has the right to “contact and meet with his lawyer whenever needed, inform his family of his whereabouts, communicate with and contact his family and friends and receive visitors, unless forbidden to do so by decision of the centre director, and to contact his country’s diplomatic or consular representative if the inmate is a foreigner.”

9. Article 159 of the Code of Criminal Procedure provides that any evidence or statement obtained by physical or mental coercion and in the absence of the public prosecutor shall be considered legally invalid. It will not be accepted unless the prosecution provides evidence of the circumstances under which it was obtained and the court is convinced that the indicted or suspected person or the defendant has provided such evidence or statement voluntarily. The defendant may also dispute, before the public prosecutor and the court, a statement obtained from him by a law enforcement official on the grounds that it was obtained under duress or through physical or mental coercion.

#### **Informing detainees of their rights at the time of detention**

10. The Public Security Directorate adopts a clear approach in its work and operates on the basis of full transparency with all citizens without discrimination in accordance with article 6 (1) of the Jordanian Constitution. Under articles 7 and 8, it is bound to safeguard their personal freedom and to not detain or imprison any person. In the event that any person is detained at a security facility, he is informed of all his rights and duties and informed of the charge against him and the judicial authority to which he will be transferred, in accordance with the Code of Criminal Procedure. Article 113 of the Code provides that if a defendant is arrested under a warrant and remains in custody for more than 24 hours without being questioned or brought before the public prosecutor, his arrest shall be deemed an arbitrary act and the official responsible is liable to prosecution for the offence of deprivation of liberty as provided for in articles 178–181 of the Criminal Code.

#### **Right of detainees to access to a lawyer and provision of private rooms for lawyers**

11. Under Jordanian law, a detainee has the right to assistance from a lawyer from the moment of his detention. Article 66 (1) of the Code of Criminal Procedure stipulates that the public prosecutor may decide to prohibit communication with the defendant in detention for a period of not more than 10 days, renewable. Article 66 (2) provides that this prohibition does not include the defendant’s lawyer, who may contact him at any time without any supervision. Pursuant to this provision, the Public Security Directorate has signed a memorandum of understanding with the Lawyers’ Union under the terms of which lawyers are allowed to enter places of temporary detention in security facilities, meet in private with persons who have been arrested and attend the preliminary investigation with their clients. All correction and rehabilitation facilities have dedicated rooms in which inmates may meet individually with their lawyers and agents; specific days that do not conflict with visiting days at those facilities have been allocated, on which lawyers may meet with inmates.

### **Right of detainees to inform family members of their whereabouts**

12. The Public Security Directorate has issued instructions to all police stations and specialized security departments that in the event of an arrest, the person arrested should be allowed to make a telephone call to his family to inform them of his whereabouts. With regard to the rights and duties of inmates, correction and rehabilitation centres adopt a clear and fully transparent approach with all inmates through invoking the Correction and Rehabilitation Centres Act (Act No. 9 of 2004), the various articles of which set out the rights and duties of inmates and mechanisms for dealing with them. As soon as an inmate enters a correction centre, he is informed of his rights and duties, by means of lectures delivered by the chiefs of monitoring sections and also by means of noticeboards positioned prominently and visible to all inmates. Inmates are allowed to make telephone calls to family members upon entry to the centre and a daily programme for telephone calls for all inmates of correction and rehabilitation centres is established, on an individual basis. Inmates are permitted to receive guests three times per week through the regular visiting programme. A programme has been introduced to enable inmates to receive visitors through special family visits during which inmates can meet with their family members alone. In addition, inmates are allowed to meet with their lawyers and sign powers of attorney pertaining to the issues for which they have been detained.

### **Independent medical examination of detainees**

13. No detainee may be admitted to a detention wing in a security facility until the state of his health has been ascertained. If the inmate appears to be suffering from any health condition or asks to be sent for treatment, he is sent to the competent government hospital for a full medical examination and is admitted to the pretrial detention wing only after obtaining a medical report that states clearly that he is in good health and not suffering from any illness. In addition, under article 24 of the Correction and Rehabilitation Centres Act, the centre physician must conduct a medical examination of the inmate and submit a detailed report on his health status upon his entry to and prior to his release from the centre, when he is transferred from one centre to another and at the request of any judicial or competent authority, the centre director or the inmate.

### **Right of criminal suspects to habeas corpus**

14. Jordanian law guarantees all Jordanian citizens the right to habeas corpus. Article 7 of the Constitution provides that personal freedom shall be guaranteed, while article 8 guarantees that no person may be detained or imprisoned except in accordance with the provisions of the law. Article 100 (b) of the Code of Criminal Procedure requires law enforcement officials to hear the testimony of the defendant upon his arrest and to refer him within 24 hours to the competent public prosecutor; the public prosecutor is required to indicate in the minutes the date and time at which the defendant appeared before him for the first time and to initiate investigation procedures within 24 hours in accordance with the regulations. Under article 100 of the Code, this procedure must be followed at the risk of invalidating the procedures initiated previously that led to the arrest of the defendant in accordance with article 99.

### **Reply to the issues raised in paragraph 4 of the list of issues**

15. The Crime Prevention Act is a preventive law that applies before the commission of an offence. It includes precautionary measures to prevent the commission of offences and applies in specific cases (homicide, crimes committed in the name of honour, facial disfigurement, fornication). The administrative governor makes an arrest only when the person concerned is unable to give a binding undertaking to keep the peace.

16. With regard to measures taken to amend the Crime Prevention Act of 1954 with a view to bringing it into line with international standards, the criminal justice development project of 2014 included safeguards to ensure due process in administrative detention based on the study and evaluation of correct applications of the law. A committee was established, chaired by a governor in the Ministry of the Interior, for the purpose of drafting an official document for approval by the Minister. The document, which was approved, included best practices for the Crime Prevention Act and safeguards to ensure due process when the Act was applied.

**Reply to the issues raised in paragraph 5 of the list of issues**

17. The Public Security Directorate takes seriously the complaints it receives from citizens, detainees or inmates in which they allege to have been subjected to torture and abuse. It is committed to article 8 (2) of the Jordanian Constitution, which prohibits the mental or physical torture in any form of any person who has been arrested, prohibits the detention of such persons in any place other than a facility designated for that purpose and provides that any statement extracted from any person under threat of torture shall not be considered. Torture is established as an offence under article 208 (2) of the Criminal Code, which prescribes the applicable penalty. In this regard, the Public Security Directorate has:

- Appointed public prosecutors in correction and rehabilitation centres;
- Opened a human rights office in Sawaqah Correction and Rehabilitation Centre linked to the National Centre for Human Rights;
- Facilitated visits by the human rights directorate within the Ministry of the Interior to correction and rehabilitation centres;
- Facilitated visits by the correction and rehabilitation centres unit in the Ministry of Justice to correction and rehabilitation centres;
- Installed complaints boxes for inmates, subject to supervision by the Office of Grievances and Human Rights in the Public Security Directorate;
- Established an internal committee to conduct periodic inspections of correction and rehabilitation centres in order to ensure that the working standards adopted in correction and rehabilitation centres are applied in accordance with human rights principles and international standards in various areas;
- Developed models and records for the purpose of monitoring and regulating complaints from inmates.

18. Complaints from inmates are considered by public prosecutors from the Department of Legal Affairs, who enjoy full independence in decision-making and are overseen only by the public prosecutor in the Public Security Directorate. In the event that the public prosecutor hands down a decision in respect of a torture charge, the case is referred to the Police Court, which is competent to deal with cases in which the defendant works for Public Security. It is independent from all other public security units, adopts all fair trial standards and guarantees and applies all the procedural rules stipulated in the Code of Criminal Procedure that are applied in the ordinary courts. Its decisions are subject to appeal before the Court of Cassation, which has subject matter jurisdiction over the decisions of the Police Court and the power to deem its procedures invalid. The Public Security Act of 2010 has been amended to provide for the participation of ordinary court judges in the Police Court. At present, a Police Court Bill is being drafted to promote the idea that police justice is independent through the creation of a Police Court of Appeal and to strengthen one of the most important principles of fair trial guarantees, namely, access to multiple levels of judicial proceedings.

19. During 2013, one case of torture was referred to the Police Court in connection with the death of inmate Sultan Muhammad Ali Al-Khatatbah at Al-Juwaydah Correction and Rehabilitation Centre. The case remains pending. There was a total of 392 cases of ill-treatment of civilians by members of the police in 2013: 26 cases were referred to the Police Court, 11 were referred to the unit commander for trial, 101 were dropped and 254 remain pending. With regard to abuse of inmates in rehabilitation centres, 2 cases were referred to the Police Court, 9 were referred to unit commanders for trial, 18 were dropped and 7 remain pending.

20. The State Security Court is composed of civilian and military judges, all of whom are fully independent in their work. Each of them has the right to dissent with the majority view by issuing a dissenting opinion. State Security Court judgements are adopted unanimously, or by a majority opinion. State Security Court judges are highly qualified, experienced and independent. This enables the Court to rule on cases brought before it so as to ensure that the right to defence is respected and justice is served. State Security Court proceedings are the same as ordinary courts proceedings. The Court's judgements can be appealed before the Court of Appeal, which has subject matter jurisdiction for such appeals. In addition, article 3 (a) of the Military Code of Criminal Procedure (Act No. 34 of 2006) provides that: "The Military Prosecutor shall investigate cases in which any of the defendants is a member of the military. In such cases, he shall have the right to question non-military personnel."

21. The Police Court, which is also a prime example of a special court, is competent to deal with cases involving complaints lodged against public security officers. It is an independent court that adopts all standards and guarantees of fair trial and applies all the rules of procedure stipulated by the Code of Criminal Procedure that are applied by the ordinary courts. Its judgements are subject to appeal before the Court of Cassation, which has subject matter jurisdiction over its rulings and the power to deem its procedures invalid, as stipulated in article 85 (d) of the Public Security Act No. 38 of 1965, as amended. The Act provides as follows: "Taking into account the jurisdiction established for any other authority under this Act and under the Military Criminal Code, the Police Court is competent to consider offences stipulated in the Military Criminal Code and in the Criminal Code and other laws if such offences are committed by any member of the public security forces or by a forces cadet attending a university or institute or the College of Police Sciences or any individual who has ceased to work with the security forces for any reason, if the offence was committed during their service."

22. In 2010, the Public Security Act was amended with a view to making provision for the participation of regular judges in the establishment of Police Court bodies (art. 85). At present, a Police Court Bill is being drafted, with a view to enhancing the independence of the Police Court through the establishment of a Police Appeal Court, which would promote one of the most fundamental principles of fair trial, namely, the right to appeal.

### **Reply to the issues raised in paragraph 6 of the list of issues**

#### *Measures taken to guarantee the investigation of allegations of domestic violence*

23. The Jordanian legal system provides guarantees to ensure the independence of investigations into allegations of domestic violence. The Family Protection Department investigates such allegations in accordance with the Code of Criminal Procedure and the Domestic Violence Protection Act. Staff are required to interview and question victims of domestic violence, including women and children, when they attend the Department, in accordance with article 8 (1) of the Code of Criminal Procedure, which provides that: "Law enforcement officials are responsible for investigating offences, gathering evidence, arresting perpetrators and referring them to the courts competent to impose penalties." In

view of the nature of these cases, investigation procedures are confidential and are conducted by specialized officers in the presence of sociologists and psychologists working in the Ministry of Social Development. This practice is in accordance with article 4 (b) of the Domestic Violence Protection Act of 2008 which provides that: "All procedures and information relating to domestic violence cases being considered before any relevant body, including courts, shall enjoy full confidentiality." In the event that the Family Protection Department is informed by any official or private source or by any citizen that a woman or child has been assaulted by a family member, an officer is deployed, accompanied by a team of social workers, to verify the information and to take the appropriate legal action. This practice is in accordance with the provisions of article 21 of the Code of Criminal Procedure, which provides that: "Law enforcement officers who are aware that a serious offence has been committed are required to notify the public prosecutor of the offence and carry out his instructions regarding the legal procedures." Under articles 8 and 9 of the Domestic Violence Protection Act, "... law enforcement officials and public security officers are required to attend the location of an alleged domestic violence incident upon receiving a report that domestic violence is taking place or about to take place or that a restraining order issued pursuant to the provisions of this Act has been violated." Moreover, article 10 of the Act guarantees that those who report domestic violence offences shall be protected, since it requires law enforcement officials investigating such cases not to disclose the name or identity of the informant unless judicial procedure requires otherwise, under penalty of law.

24. The fundamental objective pursued by the Family Protection Department on an ongoing basis is to provide the necessary protection to victims of domestic violence in cooperation with civil society organizations. During 2013, it received 3,191 complaints from battered women and 52 from battered girls.

*Measures taken to protect women and girls from domestic violence by the provision of shelters and counselling services as well as training on domestic violence and measures taken to encourage awareness-raising about and reporting of cases of domestic violence by victims*

25. The Family Protection Department takes every legal and administrative measure to protect women and girls from violations. It ensures the protection and safety of victims throughout investigation procedures, as well as systematic respect for confidentiality and privacy. In addition, it adopts a scientific approach to policing that takes into account the need to maintain an appropriate atmosphere during investigation procedures, as well as the principle of maintaining family cohesion during police procedures.

26. The Family Reconciliation Shelter was established within the Ministry of Social Development in February 2007 as a place where women could find protection from violence. The philosophy underlying the working method of the shelter allows victims of domestic violence and their families to meet with a working group, composed of multidisciplinary actors from various authorities that provide relevant services to help both victims and perpetrators of domestic violence. The objective of this method is to break the cycle of domestic violence, build cohesive, secure families and provide a safe social space for battered women and their children, until their problem is solved. The approach adopted by the shelter is distinctive in that it is participatory. It is based on partnership and networking with government institutions and civil society organizations, with a view to consolidating efforts, organizing joint national action and providing high-quality participatory services for women under one roof.

27. The Family Reconciliation Shelter won a United Nations Public Service Award for 2013 in category 5, namely, promoting gender responsive delivery of public services.



28. In 2012, the Ministry of Social Development established a team of experts in coordination with various partners, including government institutions, voluntary bodies and community organizations, to work on submitting a bill on protection against domestic violence and so safeguard victims' rights and protect families from violence. It is expected that the bill, which includes provisions on reporting and on victim protection, will be completed in 2014 and submitted for approval in accordance with constitutional procedures.

*Child protection*

29. The following steps are taken with regard to child protection:

- Interviews with children are conducted in private rooms assigned to that purpose with a warm, quiet atmosphere. Children are not interviewed in the presence of their abuser or subject to any influence that might inhibit them from providing the required information. Girls are interviewed by female police officers;
- Interviews with abused children, including girls, are recorded on videotapes;
- A gradual approach is used in interviews with abused children, in view of the need to take into consideration their psychological state.

*Protection for women*

30. With respect to the provision of protection for women, we should like to note the following points:

- Women are interviewed in dedicated interview rooms by female police officers in a manner that puts them at ease and gives them peace of mind, so making it easier for them to give clear information about the abuse that they have undergone;
- Victims are provided with appropriate protection in view of their psychological state;
- Victims are offered solutions and alternatives and action is taken based on their choices and wishes;
- The Department holds regular training courses for female police officers and personnel to develop their skills for conducting interviews with battered women;
- Therapeutic medical services are provided free of charge to women and child victims, as necessary. They are examined by a competent physician assigned by the National Forensic Medicine Centre at a clinic within the Department that has been equipped for this purpose. The fact that victims do not need to be transferred to hospital limits the suffering or psychological pressure that they might experience and is consistent with the principle of confidentiality that applies in the Department. Moreover, this arrangement reduces the time required to take the necessary legal procedures as the courts rely on the clinic's medical reports;
- A competent psychiatrist assigned by the National Mental Health Centre works in the Department who examines cases, as necessary, issues the necessary medical reports and provides psychological support, as required.

*Social services*

31. With regard to the provision of social services, we should like to note the following points:

- The Social Services Office works within the Department. It includes social workers from the Ministry of Social Development and the Jordan River Foundation and provides advice and guidance in cases where individuals have been subjected to

domestic violence. In some cases, it conducts home visits to monitor and obtain a full picture of the social and family situation, identify the causes of the abuse and take the necessary measures to ensure that it does not recur;

- The Social Services Office works in coordination with Ministry of Social Development welfare homes and with the Jordan River Foundation to transfer children in need of protection and care, based on the recommendation of the probation officer and juvenile judge;
- Social Services Office social workers contribute to the Department's training programme on the role of social monitoring in cases involving violence;
- The Family Protection Department provides a special shelter for battered women, namely, the Family Reconciliation Shelter. Statistical data on the number of women hosted by the shelter during the period from 2010 to 2013 is provided below, in addition to statistical data on the number of cases dealt with by the Department.

#### **Number of women hosted by the Family Reconciliation Shelter**

<i>Year</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>Total</i>
Number of women	892	643	864	930	<b>3 329</b>

#### **Number of cases dealt with by the Family Protection Department from 2010 to 2013**

<i>Year</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>Total</i>
Cases brought to court	2 021	2 117	2 614	2 494	<b>9 246</b>
Cases referred to the governor	1 308	991	868	957	<b>4 124</b>
Cases referred to the Office of Social Services	5 274	4 820	4 392	4 022	<b>18 508</b>
<b>Total</b>	<b>8 603</b>	<b>7 928</b>	<b>7 874</b>	<b>7 473</b>	<b>31 878</b>

#### *Training and awareness-raising*

32. With regard to training and awareness-raising, we should like to note the following points:

- The Family Protection Department has established a regional training centre with a view to increasing the capacity of its personnel and personnel in other institutions and civil society organizations with regard to the issues of domestic violence, child abuse and sexual assault, in accordance with international standards and principles;
- The Family Protection Department conducts awareness campaigns in cooperation with the Ministry of Education, Greater Amman Municipality, international and local civil society organizations, local universities and government and private sector entities by holding lectures and specialized workshops and seminars to raise awareness of the dangers of domestic violence and of the services provided by the Department in this area;
- The Department works with various radio and television stations to disseminate programmes on the Family Protection Department and the services that it provides to groups at risk of domestic abuse and violence;

- During 2013, 35 training courses were held in the centre for 640 participants from various agencies including police officers, judges and public prosecutors working in partner institutions. In addition, 480 awareness-raising lectures were delivered and the Family Protection Department received 42 visits to find out about the services that it provided.

#### **Reply to the issues raised in paragraph 7 of the list of issues**

33. Article 340 of the Criminal Code was amended by Act No. 8 of 2011. The previous provision that a man who surprises one of his female relatives in the act of adultery could be exculpated [of an offence committed against her or her partner in that context] was repealed and replaced by a provision that defines such a situation as an attenuating circumstance. Article 340 as amended provides that the same consideration is extended to a wife who surprises her spouse in the act of adultery, or in an illicit bed in the marital home. In 2010 and 2011, the attenuating circumstances provided for under article 340 were not applied to any defendant.

34. A special judicial body was established to consider killings committed in the name of honour and to expedite the processing of such cases and deliver justice. Under article 345 bis of the Criminal Code, a person who commits homicide can no longer benefit from consideration of attenuating circumstances if the victim is under the age of 15 years.

35. Act No. 8 of 2011 amending the Jordanian Criminal Code increases penalties for crimes of physical and sexual violence such as rape (art. 292), indecent assault (arts. 296–298), abduction (arts. 302–303) and sexual harassment (arts. 304–307). These penalties are further increased if the perpetrator of any of the aforementioned offences meets any of the criteria listed in articles 295 and 300 of the Act. The penalty for pimping, indecency and causing grievous harm has also been increased, and penalties are increased taking into consideration the victim's age. The status of women has been enhanced with a view to eliminating all forms of violence against them and legislation has been enacted establishing violence against women as a criminal offence.

36. Reference is made to article 308 of the Criminal Code No. 8 of 2011, which provides that if the perpetrator of an honour crime under chapter 1, part VII of the Act concludes a valid marriage contract with the victim, legal proceedings are stayed. This provision shows that:

- The Criminal Code, in enshrining this consideration for family and social reasons, demonstrates the concern of the law for the fate of women and the desire to help and support them, especially in the event that the victim becomes pregnant;
- Consent is a fundamental element in the marriage contract, and women have complete freedom in their choice of spouse. A marriage is concluded only with the consent and free will of the woman, as established under article 6 of the Personal Status Law.

37. According to data obtained from MIZAN, the court systems management programme, 114 cases involving children under 18 years of age were recorded during the period 2009–2013. Legal proceedings were stayed in 16 of those cases. Proceedings have been stayed in only 2 of the 18 cases of rape recorded involving victims under 15 years of age.

38. With regard to domestic violence, we find that Jordan was the first Arab country to enact a special law on domestic violence, the Domestic Violence Protection Act (Act No. 6 of 2008), which organizes domestic violence provisions and requires providers of medical, social and educational services in the public and the private sector to notify the competent

authorities if they are aware of or see signs of violence. The procedures followed are confidential.

39. Article 3 of the Act defines family members as persons residing in the family home, namely:

1. A husband and wife by legal marriage and their children and grandchildren;
2. The children of one of the spouses from another legal marriage;
3. The father and mother of either spouse;
4. The brother and sister of either spouse;
5. A person under 18 years of age in the custody of foster parents in accordance with the provisions of any legislation in force.

40. Article 2 of the Act defines the family home as the dwelling in which the family resides together. This definition is absolute and encompasses all families to which the Act applies.

#### **Reply to the issues raised in paragraph 8 of the list of issues**

41. With regard to the protection of domestic workers, we wish to note the following points:

- In 2013, 41, 501 female domestic workers held work permits;
- The Inspection Department in the Domestic Workers Directorate received 1,050 complaints from various parties (employers, workers, recruitment companies) during 2013. Of those, 787 have been resolved and 263 are pending;
- A committee was formed to solve the problems of domestic workers pursuant to Regulation No. 89 of 2009 regulating private offices engaged in the recruitment and employment of domestic workers. Membership of the committee includes the Ministry of Labour, the Ministry of Interior, the Borders and Residence Department, the Preventive Security Department, a delegate from the Employers Syndicate and a delegate from the embassies of labour-exporting countries;
- Labour inspectors followed up the cases of domestic workers in the embassies of labour-exporting countries; a labour inspector was designated for each embassy;
- The Ministry of Interior issued a decision exempting a number of workers in embassies from fines for overstaying their term of residence, based on a recommendation by the labour inspectors, with a view to facilitating their return to their countries during 2012. This decision benefited 115 Indonesian citizens, 44 Filipino citizens and 18 Sri Lankan citizens;
- Ministry representatives in embassies prepared a joint report in cooperation with the Borders and Residence Department, with a view to facilitating the return of female domestic workers and women held in administrative detention in correction and rehabilitation centres; there were 22 Indonesian citizens, 53 Filipino citizens and 49 Sri Lankan citizens in such circumstances. Lists with the names of female domestic workers in embassies were drawn up by labour inspectors, with a view to facilitating their return to their countries pursuant to decisions issued by the Prime Minister; the lists included 404 Indonesian citizens, 218 Filipino citizens and 457 Sri Lankan citizens;
- Nine offices for the recruitment and employment of non-Jordanian domestic workers were closed by the Inspection Department in the Department;

- Warnings with orders to cease operation for various periods were issued to 87 companies recruiting and employing non-Jordanian domestic workers for violations of the legislation in force;
  - Regulation No. 15 of 2014 amending Regulation No. 89 of 2009 was issued, requiring private offices licensed to recruit and employ non-Jordanian domestic workers to compensate employers should the employee escape or refuse to work, and requiring them to take out life insurance and accident insurance covering work-related accidents;
  - In addition, Regulation No. 15 of 2014 guarantees that a female domestic worker arrested for a violation may be questioned only in the presence of a representative from the Embassy of the country of which she is a national;
  - The Minister of Labour issued a written instruction on the need for a translator to be present in court on behalf of female workers when they are parties to a case before the court;
  - A bank account is opened for female workers through an agreement with a private bank to ensure that they receive their wages;
  - The standard model contract has been reviewed with the embassies of labour-exporting countries, with a view to guaranteeing the rights and duties of all parties;
  - The Director of Public Security has instructed police stations not to hand over any female worker on their premises to their employer unless through a representative of the embassy concerned. In addition, embassies have been asked to provide the Ministry with the names of their representatives, for the purpose of coordinating with security agencies in connection with the handing over of female workers at police stations and all matters relating to female workers;
  - The so-called blacklist will be updated to include information about any employer proven to have violated the rights of female workers by battery or by sexual, physical or verbal abuse or by non-payment of or unfair deductions from salary. They will be deprived of the right to hire a female domestic worker for a set period of time under the terms of the blacklist;
  - A special hotline for female domestic workers will be created and operated in five languages in order to allow them to submit a complaint quickly and easily. In addition, brochures and pamphlets will be distributed to female workers at border crossings to raise their awareness in the event that they are subjected to any human trafficking or compulsory labour offence;
  - With regard to the prohibition of compulsory or forced labour, article 12 of the Regulation regulating private offices engaged in the recruitment and employment of non-Jordanian domestic workers affords protection to female workers in this sector. Under article 12, the Minister may close an office immediately and without prior notice or revoke its license, on the basis of reports from the competent authorities, in the event that the office commits violations that constitute a serious violation of human rights or that violate the legislation in force.
42. The following measures have been taken with regard to labour market inspections to protect migrant workers from being subjected to any form of torture or compulsory labour:
- Labour inspection: The Inspection Department has conducted a large number of intensive daily inspections throughout the country, in all sectors. Immediate and strong measures were taken against institutions found to be committing violations by employing foreign workers illegally. Inspectors verified compliance with the Labour Code, as well as the provision of an appropriate working environment in terms of

working hours and overtime. During 2013, inspectors conducted 70, 364 visits; 252 visits were conducted after official working hours. Legal action was taken and fines were imposed on employers who were not in compliance with the legal provisions;

- With regard to Jordanian or migrant workers' lack of knowledge of the Labour Code, the Inspection Department holds courses on labour culture for workers in Qualifying Industrial Zones that cover rights and duties under the Jordanian Labour Code; the courses are delivered using translators in the languages needed to convey the information to workers;
- Migrant workers can call the five-language hotline created by the Ministry to report any violation by an employer, at any time. Upon receiving a complaint, Ministry inspectors visit and inspect the facility concerned immediately.

43. With regard to occupational health and safety in the labour market, we wish to note the following points in connection with non-compliance with requirements at some factories in Qualifying Industrial Zones:

- There is an inspection department in every Qualifying Industrial Zone;
- The Ministry deploys labour and occupational health and safety inspectors to conduct periodic visits on a daily basis to factories in Qualifying Industrial Zones in order to verify their compliance with occupational health and safety requirements;
- The Ministry holds training courses for workers, employers and occupational health and safety supervisors at these factories on occupational hazards and illnesses and on accidents in the workplace. In addition, it distributes educational brochures on occupational health and safety legislation and the benefits obtained by applying this legislation to the production process;
- The management at all factories in Qualifying Industrial Zones has been instructed to translate all guidance and warning signs, evacuation plans and occupational health and safety instructions into the various languages spoken by their workers.

#### **Reply to the issues raised in paragraph 9 of the list of issues**

44. The National Strategy to Combat Human Trafficking (2010–2012) has been drafted. It includes the three main internationally agreed themes of prevention, protection and prosecution, in addition to a fourth theme, on promoting transparency and building local, international and regional partnerships.

##### *Theme 1. Prevention*

45. The Ministry of Justice has equipped its own library and those of the main courts with handbooks on human trafficking, in addition to mobile computers containing an electronic library on human trafficking. In addition, a guideline on human trafficking has also been drafted. One of the most notable amendments was that introduced to article 153 bis of the Criminal Code in 2011, which increased the penalty applicable to persons convicted of people smuggling across borders, whether public or private sector carriers or border post personnel, to a minimum term of 2 years' imprisonment and a minimum sentence of temporary hard labour if they were armed. In addition, the provisions relating to the offence of making a false maternity claim and to procuring, abduction and other related offences were amended.

46. The Ministry of Justice has taken the steps needed to create the website of the National Committee for the Prevention of Human Trafficking, which aims to promote awareness and strengthen channels of communication with all governmental and non-governmental bodies. A number of sessions have been held to raise awareness among

judges and public prosecutors on the definition of the offence of human trafficking, common forms of trafficking, how to identify victims and the means available to provide victims with legal protection. In addition, a number of awareness-raising sessions have been held in a number of civil society institutions and universities.

47. Under the auspices of Her Royal Highness Princess Basma Bint Tallal, the Arab Women's Legal Network held a workshop to raise awareness of human trafficking for 70 women judges and public prosecutors; training programmes have also been designed and implemented targeting judges, public prosecutors, police officers, lawyers, journalists and labour attachés to diplomatic missions, in addition to the owners of recruitment offices.

48. The Ministry of Justice has developed a training programme on human trafficking for diploma students at the Jordanian Judicial Institute. In addition, it has developed training material on human trafficking for the continuous training programme for judges and public prosecutors. The Public Security Directorate has also included human trafficking topics in mid-level leadership and advanced security courses held for senior public security personnel.

#### *Theme 2. Protection*

49. The Ministry of Justice drafted a national referral system that aims to identify the services provided by all of the authorities represented on the National Committee for the Prevention of Human Trafficking in 2011. In order to identify victims of human trafficking, the Ministry established a field team composed of delegates from various authorities to study the situation of female domestic workers in shelters at the Embassy of the Philippines and the Embassy of Indonesia. Training programmes for law enforcement officials were designed and implemented and mechanisms for recognizing victims of human trafficking and counterfeit documents were identified. In total, 549 public security agents working as experts at border points and crossings were trained to identify human trafficking victims and counterfeit documents. Regulation No. 30 of 2012 on shelters for victims and persons affected by human trafficking offences was issued, a 24-hour multilingual hotline that receives calls in Indonesian, Bengali, Hindi, Chinese, Pilipino and Sinhala was created and training courses were held for personnel.

#### *Theme 3. Prosecution*

50. Action is being taken to implement the Ordinary Courts Act (Act No. 17 of 2001), as amended, by the allocation of a number of judges to consider human trafficking cases. Under the Act, the President of the Court is empowered to establish specialized judicial chambers within the human rights chamber or the criminal chamber in courts of first instance, appeals courts and courts of cassation, in order to ensure that the judicial process functions smoothly. With regard to the implementation of the second strategic objective concerning the creation of a specialized and qualified executive body to combat human trafficking, an anti-human trafficking unit has been established by the Ministry of Labour in partnership with the Public Security Directorate on the basis of a decision by the National Committee.

#### *Theme 4. Building partnerships and local and regional cooperation*

51. Under the auspices of the Minister of Justice and the Chairperson of the National Committee for the Prevention of Human Trafficking, a coordination meeting was held for technical experts from the authorities represented on the National Committee and the bodies responsible for the implementation of projects in this area, namely, the American Bar Association (ABA), the International Organization for Migration (IOM), the International Labour Organization (ILO) and the Office of the United Nations High Commissioner for Refugees (UNHCR). At the coordination meeting, they discussed the

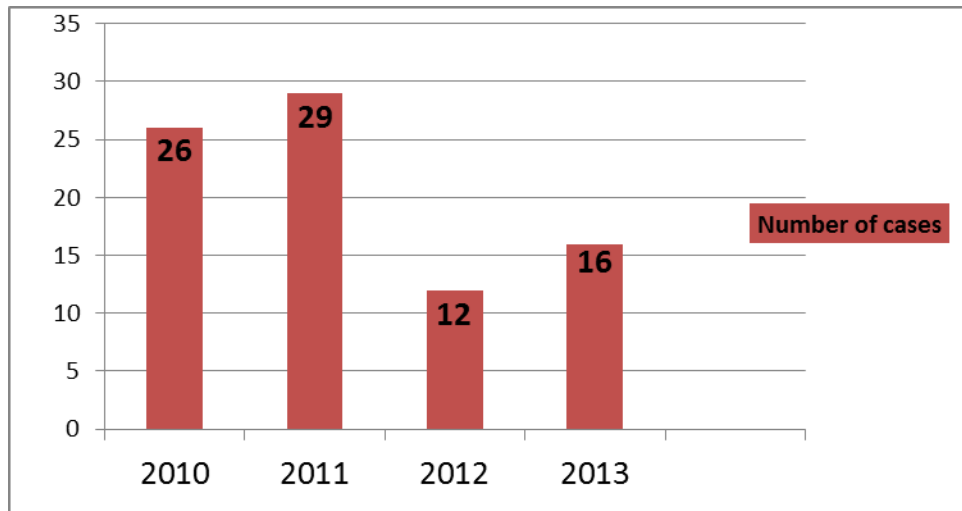
National Strategy to Combat Human Trafficking and the role played by each authority in achieving the goals set out therein.

52. The second strategic objective of the National Strategy is to achieve local, regional and international cooperation. In view of that objective, the Minister of Justice / President of the National Committee for the Prevention of Human Trafficking took part in the work of the Council of Arab Ministers of Justice at its twenty-seventh regular session on 15 February 2012. At that meeting, the Council issued resolution No. 879/D/27 of 15 February 2012 in which it took note of the draft Arab strategy to combat human trafficking.

**Statistics on human trafficking cases recorded by the courts**

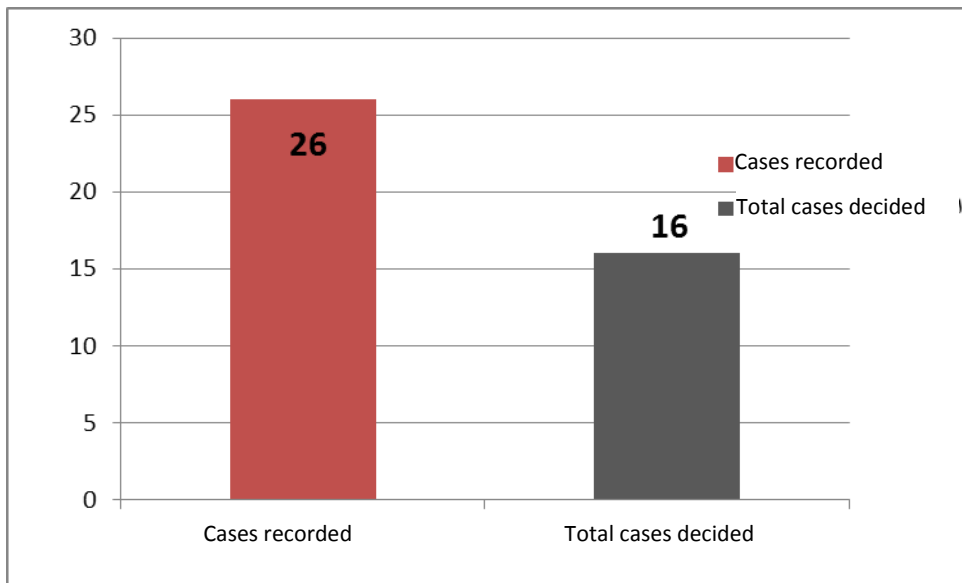
53. The Office of the Public Prosecutor launched investigations into numerous offences. It referred the cases in which it brought charges to the competent courts, which handed down judicial decisions in those cases. The following statistical tables show the number of cases recorded by the courts and of the judicial decisions handed down in respect of them.

**Human trafficking cases recorded by the courts, 2010–2013**

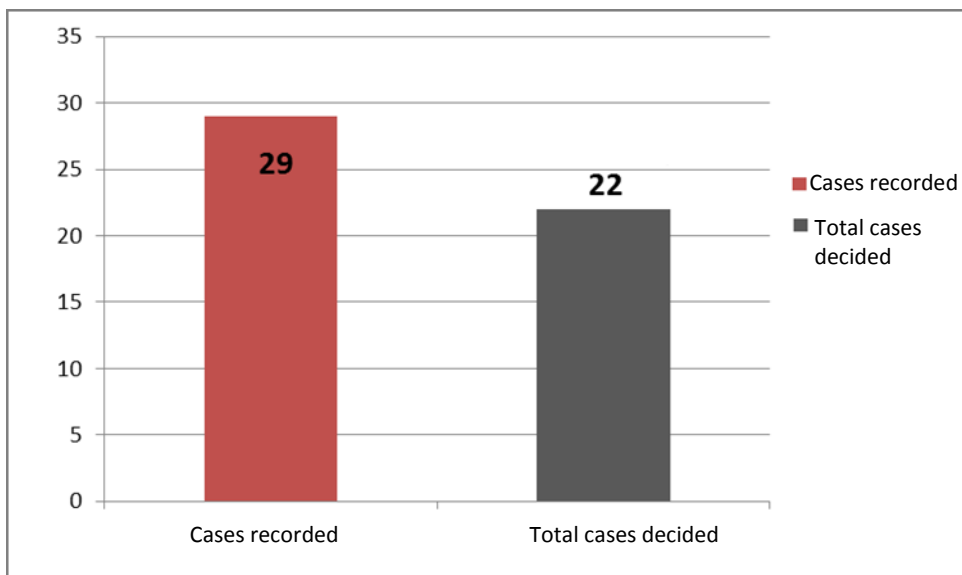




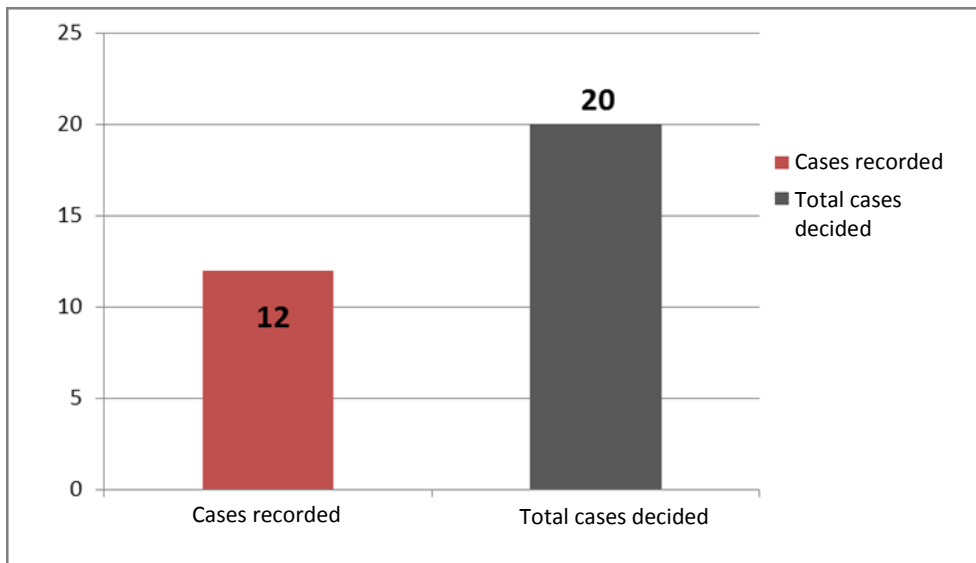
**Human trafficking cases recorded and decided by the courts in 2010**



**Human trafficking cases recorded and decided by the courts in 2011**



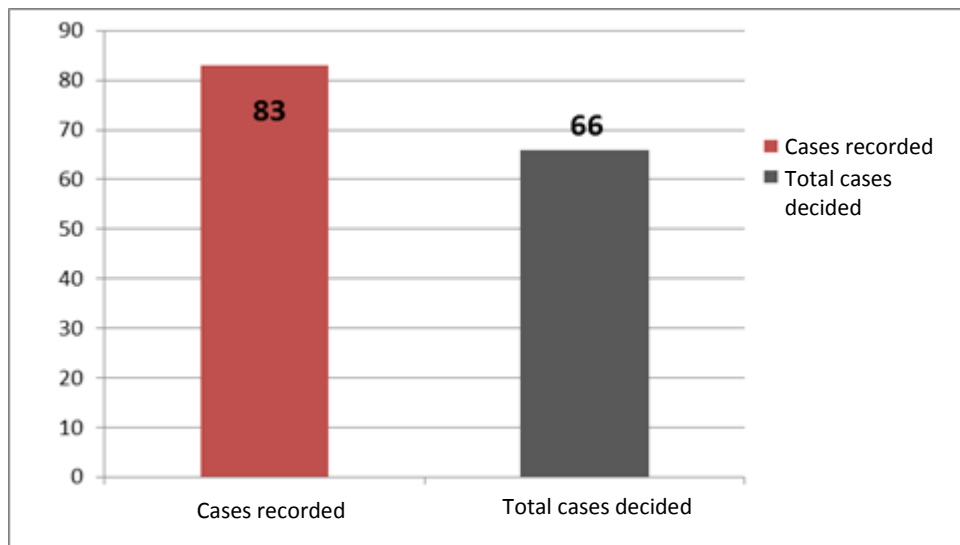
**Human trafficking cases recorded and decided by the courts in 2012**



**Human trafficking cases recorded and decided by the courts in 2013**



### Human trafficking cases recorded and decided by the courts, 2010–2013



#### Reply to the issues raised in paragraph 10 of the list of issues

54. In connection with the current situation of the juvenile justice reform programme, the Juveniles Bill has been finalized. The Bill increases the age of criminal responsibility to 12 years and includes a number of alternative disciplinary measures. The concept of criminal mediation is introduced in the Bill, which also emphasizes the need for specialized judges and public prosecutors.

55. The Ministry of Justice is working on future plans to create specialized juvenile courts; it envisions the creation of specialized courts to deal with juvenile cases, encompassing social workers, juvenile police, a special juvenile prosecution service and a special juvenile court, to ensure that juveniles are protected to the maximum extent possible. However, in reality, material resources would be needed in order to establish such courts, in terms of buildings, equipment and infrastructure. The Juveniles Act does not explicitly provide for the establishment of a juvenile court; magistrates' courts and courts of first instance function as juvenile courts in the event that a juvenile appears before them, provided that an adult is not also involved. In practice, buildings are allocated for the prosecution of lesser juvenile offences. Protection and welfare measures are provided in Amman, Irbid and Zarqa, and efforts are made to ensure that staff and judges are allocated to consider juvenile cases to the extent possible.

56. Recently, the Juveniles Bill was presented to the National Assembly in preparation for its approval. The Bill complies with the terms of the international conventions, instruments and standards that Jordan has ratified and applies a restorative justice approach in dealing with juveniles. The alternative penalties contained in the Bill and the measures to promote an approach involving the rehabilitation, reform and correction of the conduct of juveniles rather than imposing penalties, are designed to achieve the best interests of the child and, also, to simplify procedures, expedite the processing of cases and avoid the possible negative impact of proceedings on the psyche and future of juveniles. The Bill proposes alternative penalties (art. 24), conflict resolution committees (art. 12) and legal aid for juveniles (art. 21).

57. The Ministry of Justice has implemented a project to develop juvenile justice, under which courts of first instance in Jordan have been equipped with closed circuit television so that juveniles can be heard in a room separate from the courtroom.

58. Procedural manuals have been printed for judges, lawyers, court officers and social workers and, also, for children and their parents using the closed circuit television equipment. A specialized juvenile justice curriculum has been designed for diploma students at the Institute for Judicial Studies, and a training manual on juvenile justice has been developed for the purpose of continuous training. Training for trainers courses on juvenile justice will be held in order to establish a national base of trainers who will constitute the core of future continuous training activities.

59. Judges receive training in topics relating to human rights and juveniles. The study of human rights is a requirement for diploma students at the Judicial Institute of Jordan; their studies include the eight main conventions, including the Convention on the Rights of the Child. In addition, the continuous training programme for judges includes courses on juvenile justice and on communication with juveniles, with a view to better equipping them to deal with such cases.

60. The Government has submitted the Juveniles Bill, which is a modern initiative based on the idea of delivering corrective rather than retributive justice and of serving the best interests of the child, whether the child concerned is in need of protection or care or is in conflict with the law, in line with international standards. The Bill deals with a number of themes and calls for the introduction of legal provisions on:

- Raising the age of criminal responsibility from 7 to 12 years;
- Creating a specialized police department to deal with juveniles that is competent to deal with their particular social and psychological characteristics and granting it the special powers that it needs to reduce juvenile delinquency and handle the security and preventive dimensions of juvenile cases;
- Establishing a juvenile prosecution service that is competent to handle juvenile cases in accordance with restorative juvenile justice;
- Creating competent juvenile courts trained to deal with juvenile cases from a comprehensive social, psychological and restorative perspective and to take into account the best interest of the child, including a system for dispute resolution and for the enforcement of judicial decisions;
- Developing a system for the resolution of juvenile cases involving minor offences and matters requiring conciliation by the various security and judicial authorities, in partnership with civil society institutions, in order to avoid entering into judicial proceedings;
- Introducing alternative non-custodial penalties such as community service, vocational training, and judicial probation, in addition to custodial measures;
- Expanding the powers of probation officers to include their attendance and submission of reports on juveniles at all stages of their case, including those involving the police and courts, so that the psychological and social dimensions of the case are taken into account and reports are prepared efficiently;
- Introducing a system for the enforcement of judicial decisions in order to oversee the enforcement of final judicial decisions issued in respect of juveniles, in accordance with the principle that there should be oversight of enforcement of sentences;
- Extending the category of juveniles in need of care and protection to include juveniles engaged in unlawful activities and juvenile offenders under the age of criminal responsibility;
- Ensuring that the burden on the judiciary is reduced and encouraging the education and rehabilitation of juveniles by converting to a dispute resolution system;

- Guaranteeing the provision of legal assistance to juveniles in criminal proceedings;
- Establishing special juvenile custody rules that take into account the best interests of the child and are in conformity with international standards.

**Reply to the issues raised in paragraph 11 of the list of issues**

61. We would like to clarify that public security personnel are not granted any form of immunity from criminal prosecution if charged with any offence and, in particular, in cases involving torture and ill-treatment. In matters of conduct and criminal matters, they are treated in the same manner as all other citizens and are subject to the provisions of the Criminal Code and any other laws. An order from a superior officer or public authority may not under any circumstances be invoked as a justification for acts of torture; torture is criminalized under article 208 of the Criminal Code and any person found to have committed any act of torture is held legally liable. Should it be established during an investigation that the defendant committed torture on the orders of a direct superior or condoned such an act, both are liable to criminal prosecution under the law. Orders from a superior may not be invoked to seek exemption from criminal liability. In this regard, article 61 of the Criminal Code provides that: “A person shall not be held criminally liable for any act committed under any of the following circumstances: 1. While enforcing the law; 2. While obeying an order issued by a competent authority that must be obeyed by law, unless that order is illegal.”

**Reply to the issues raised in paragraph 12 of the list of issues**

62. With regard to the Committee’s question on the alleged use of excessive force by public security forces during the demonstrations on 24 and 25 March that led to the death of Khayri Sa’id Jamil, the Public Security Directorate emphasizes that the security forces did not use force to disperse the demonstrations of 24 March 2011 and that the allegations are completely unsubstantiated. The report issued by the National Centre for Forensic Medicine indicates that the cause of Mr. Jamil’s death was acute heart failure resulting from enlargement of the heart and narrowing of the coronary arteries and that he was not beaten.

**Reply to the issues raised in paragraph 13 of the list of issues**

63. In connection with the Committee’s question concerning allegations that more than 100 demonstrators arrested at a demonstration that turned violent in the city of Zarqa on 15 April 2011 had been severely beaten while in security forces custody, we would like to clarify that in fact, on that date in Zarqa, members of a group that conducted a takfirist campaign gathered illegally in the city and attacked innocent citizens and public security personnel with sharp instruments, sticks and swords. Group members caused dozens of injuries to citizens and public security personnel, endangering their lives and posing a threat to public order; they were arrested for those offences and brought before the court, which ordered that they should be detained in correction and rehabilitation centres.

64. In view of the seriousness of the illegal acts committed by this group, which threatened the lives and safety of citizens and security forces personnel alike, and the fact that some of them resisted arrest under warrants issued legally by the public prosecutor of the State Security Court, the necessary legal force was used in order to bring them under control and legal warrants to search the homes of a number of fugitives from justice were issued. As a result of the attack by this group, more than 50 public security personnel sustained moderate to serious injuries and were admitted to hospital at the time.

### Reply to the issues raised in paragraph 14 of the list of issues

65. With regard to the Committee's question concerning the outcome of investigations into the alleged use of excessive force by Public Security Directorate officers on 15 July 2011 during a demonstration in Al-Nakhil Square in Amman, we should like to clarify that an investigative panel was established, headed by the Assistant Director of Public Security. The panel concluded with the recommendation that public security forces personnel found to have been involved in beating protestors, to have been negligent or to have violated orders and instructions should be prosecuted in accordance with the law (a number of officers found to have been involved in beatings have been retired from service).

### Article 3

#### Reply to the issues raised in paragraph 15 of the list of issues

66. The statistical data for the reporting period requested, on refugees in general and Syrian refugees in particular, disaggregated by age, sex and ethnic origin, are as follows:

Number of persons registered with UNHCR	616 042
Number of registered cases of expulsion or refoulement	None
Number of cases of non-return or expulsion on the ground that the person might be subjected to torture	80
Number of persons registered and detained	175
Number of Syrian nationals registered with UNHCR	570 890

#### Number of Syrian nationals registered with UNHCR to 13 February 2014

<i>Age groups</i>	<i>0-4</i>	<i>5-11</i>	<i>12-17</i>	<i>18-35</i>	<i>35-59</i>	<i>60+</i>	<i>Total</i>
Males	52 419	59 974	40 911	76 499	38 555	8 213	<b>267 571</b>
Females	50 666	57 596	39 211	87 955	47 633	11 258	<b>294 319</b>
<b>Total</b>	<b>103 085</b>	<b>117 570</b>	<b>80 122</b>	<b>164 454</b>	<b>86 188</b>	<b>19 471</b>	<b>570 890</b>

67. Amendments were introduced to the Civil Service Code of 2008, such that under article 67, the use of any form of corporal punishment against children or causing harm to children in homes, including educational, rehabilitation or training institutions, welfare homes or shelters is prohibited. Moreover, the Code as amended prescribes harsher penalties for crimes of violence against children in such institutions. The directives regulating welfare institutions prohibit the use of corporal punishment and/or the use of violence against the beneficiaries of institutions for orphans, persons with disabilities or juveniles, or persons living in shelters or homes for the elderly.

68. Recently, the Ministry of Social Development established a national oversight and inspection team for such institutions in cooperation with Penal Reform International. The purpose of doing so was to introduce a new mechanism that would protect beneficiaries from abuse and violence and maintain the level of services in all social welfare institutions. The team consists of volunteers not working in the public sector who are experts in various fields, such as forensic physicians, social workers, psychologists, journalists and legal professionals, who have undergone training and acquired the necessary skills to discharge their oversight functions effectively.

**Reply to the issues raised in paragraph 16 of the list of issues**

69. Reference is made at the outset to article 21 (1) of the Jordanian Constitution, which provides for the protection of political refugees: “No political refugee shall be extradited because of their political principles or for their defence of freedom.” With regard to asylum on humanitarian grounds, Jordan has received successive waves of refugees since 1948, in 1967, 1982, 1991, 2003, 2011 and to date. Jordan is one of the top countries hosting refugees and, despite the scant material and economic resources available, the Government has not hesitated to provide them with their basic needs.

70. In 1997, the Government of Jordan signed a memorandum of understanding with UNHCR, in which it undertook to abide by specific mechanisms for dealing with refugees, including by:

1. Respecting the principle that no refugee seeking asylum in Jordan shall be expelled or returned in any manner whatsoever to borders or territories where his life or freedom would be threatened on account of his race, religion, nationality, membership in a particular social group or political opinions;
2. Treating refugees no less favourably than Jordanian nationals in terms of religious worship and religious education;
3. Ensuring that refugees enjoy the right of litigation and legal aid whenever possible and the same treatment as Jordanian nationals;
4. Granting refugees lawfully present in Jordan the right to self-employment if the applicable laws and regulations allow;
5. Exempting refugees from overstay of residence fines and from departure tax;
6. Establishing a special office for dealing with problems relating to asylum and refugees through the Coordination Office of the Ministry of the Interior.

71. Since consideration of its initial periodic report in 2009, Jordan has not extradited any person to another State. However, it received Mr. Umar Mahmud Uthman (alias Abu Qatada) from the United Kingdom, under the terms of a memorandum of understanding signed between the two countries which, essentially, stipulated that he would receive a fair trial and would not be subjected to torture or ill-treatment.

**Reply to the issues raised in paragraph 17 of the list of issues**

72. With regard to the Committee’s question concerning the outcome of the intended deportation — in May 2012 — of nine detained Eritrean refugees, including a 7-year-old girl, to Yemen as it is alleged that there are substantial grounds for believing that they would be in danger of being subjected to torture following their possible deportation by Yemen for prosecution in Eritrea, we would like to clarify that on 14 May 2012, nine Eritrean refugees entered Jordan from Aleppo in the Syrian Arab Republic, travelling via Queen Alia International Airport. They were denied entry to Jordan for security reasons, as they held counterfeit Sudanese passports and possessed personal identity cards issued by the Eritrean Government. Some held certificates of recognition of refugee status. On 15 May 2012, three of the refugees were removed to Sana`a on a Royal Jordanian Airlines flight, of their own volition. The others refused to leave for Sana`a. On 16 May 2012, they were interviewed by Ms. Sara Baschetti, an Italian national, and Mr. Firas Hattar, both from UNHCR, who gave them some money and told them that UNHCR was seeking to have them deported to Italy. On 18 May 2012, they were taken to Rome on board an Alitalia flight. They were deported because they attempted to enter the country illegally, using counterfeit passports.

**Reply to the issues raised in paragraph 18 of the list of issues**

73. Steps have been taken to adopt legislation prohibiting refoulement or extradition of a person to another State where there are substantial grounds to believe that that person would face a risk of torture. Article 2 of the memorandum of understanding signed between the Government of Jordan and UNHCR on 5 April 1998 stipulates that the principle of non-refoulement should be respected and that no refugee seeking asylum in Jordan will be returned in any manner whatsoever to borders or territories where his life or freedom would be threatened because of his race, religion, nationality, membership of a particular group or political opinions.

74. Consequently, the Government of Jordan has taken measures to ensure that refugees are not deported. It has:

- Instructed the relevant authorities not to expel or deport any person seeking asylum in Jordan. Most recently, it has issued a circular on Syrian refugees, which includes the instruction not to expel any Syrian national to Syria;
- Coordinated on a daily basis with the Office for the Coordination of Refugee Affairs in the Ministry of the Interior and UNHCR in order to suspend the deportation of any refugee or asylum seeker by addressing the authorities concerned.

**Reply to the issues raised in paragraph 19 of the list of issues**

75. With regard to the provision of information on judicial cooperation agreements with another State or regional organization in connection with the extradition of individuals suspected of having committed acts of torture and ill-treatment, it should be noted that under the Jordanian Constitution the extradition of criminals is regulated by international agreements. No person may be extradited unless a judicial decision has been issued confirming that the necessary conditions for extradition have been met; these usually include respect for due process of law by the requesting State. Moreover, extradition is not permitted for offences of a political nature, in accordance with the Constitution. With regard to extradition agreements, Jordan has ratified the Rome Statute of the International Criminal Court, as well as the 2012 Convention on Extradition between Jordan and France and a number of regional conventions, such as the 1954 Convention on Extradition between the Arab League States and the 1983 Riyadh Convention on Judicial Cooperation, as amended.

76. Bilateral judicial cooperation agreements include, for example, the Convention on Judicial Cooperation between Jordan and Algeria; the 1999 Agreement on Legal and Judicial Cooperation between Jordan and the United Arab Emirates; and the 1997 Convention on Judicial Cooperation between Jordan and Tunisia. These agreements identify offences by minimum applicable penalty, not by type of offence; in view of the applicable penalty, torture is an extraditable offence.

**Article 10****Reply to the issues raised in paragraph 20 of the list of issues**

77. The Committee requested information on measures to ensure that all relevant personnel involved with detainees, including officials dealing with the investigation and documentation of cases of torture, receive specific training on how to identify signs of torture and ill-treatment, on the basis of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1999) (the Istanbul Protocol). In that connection, the Public Security Directorate raises awareness among its personnel, from the rank of non-commissioned



officer, through courses, workshops and seminars on the definition of torture, ways of combating torture and the avoidance of ill-treatment and inhuman treatment of inmates. These activities play a significant role and have a palpable impact on levels of awareness among personnel with regard to combating torture and correct scientific methods of investigation. Personnel also receive training at correction centres on modern scientific methods of anger management, to ensure that anger does not lead to conduct that might result in cases of torture or inhuman treatment of inmates. These measures are in line with the genuine progress that Jordan has made in implementing the Convention against Torture. The Public Security Directorate is convinced of the importance of the Convention for the promotion and protection of human rights and has accomplished much at the institutional and administrative level to allow it to be implemented and prevent the use of torture or any form of cruel, inhuman or degrading treatment or punishment. The fact that its professional staff have greater awareness and knowledge of the Convention has substantially improved the performance of the Directorate in pursuing the ultimate goal of Jordan, namely, to put a definitive end to torture on Jordanian soil.

78. In connection with the Committee's question on the situation of the development and implementation of a methodology to regularly assess the effectiveness of such training provided to law enforcement officials on the reduction of cases of torture, violence and ill-treatment, it should be noted that the training courses held by the Public Security Directorate at all of its training centres to raise the awareness of officers and personnel of all aspects of human rights and the Convention against Torture, combined with its dissemination to all public security units of a booklet on the subject, have had a considerable impact in reducing the number of cases of torture, violence and ill-treatment. That impact can be discerned in the statistics relating to such cases in 2013, where a single case of torture, which remains pending, was referred to the Police Court. In 2013, there were 392 cases of ill-treatment of civilians by police officers in total, of which 26 were referred to the Police Court, 11 were referred to trial by the unit commander, 101 did not go to trial and 254 remain pending. In 2012, there were 837 cases of ill-treatment of civilians by police officers in total, of which 28 were referred to the Police Court, 38 were referred to trial by the unit commander, 669 cases did not go to trial and 102 remain pending. Moreover, 1 case of abuse involving inmates of correction centres was referred to the Police Court, 12 were referred for trial to unit commanders, 25 did not go to trial and 3 remain pending.

79. With regard to the Committee's question on the inclusion of information on all provisions of the Convention, especially on the absolute prohibition on torture, in the training modules on rules, instructions and methods of interrogation, since the establishment of the Office of Grievances and Human Rights, the Public Security Directorate has consistently accorded great importance to training. It has included the topic of human rights and agreements signed by Jordan, including the Convention against Torture, in all training courses held for its personnel at all of its training institutes. Moreover, it has held specialized courses in cooperation with civil society institutions, principally the National Centre for Human Rights, which aim specifically to strengthen of the role of public security in human rights. The courses, of which there were 16 in 2012, were delivered by lecturers specializing in this area.

80. The Public Security Directorate has also raised awareness among non-commissioned officers through courses, workshops and seminars on defining and combating torture and avoiding ill-treatment and inhuman treatment of inmates. These activities play a significant role and have a palpable impact on levels of awareness among personnel with regard to combating torture and correct scientific methods of investigation. Personnel also received training at correction centres on modern scientific methods of anger management, to ensure that anger does not lead to conduct that might result in cases of torture or inhuman treatment of inmates. These measures are in line with the genuine progress that Jordan has

made in implementing the Convention against Torture. The Public Security Directorate is convinced of the importance of the Convention for the promotion and protection of human rights and has accomplished much at the institutional and administrative level to allow it to be implemented and prevent the use of torture or any form of cruel, inhuman or degrading treatment or punishment. The fact that its professional personnel have greater awareness and knowledge of the Convention has substantially improved the performance of the Directorate in pursuing the ultimate goal of Jordan, namely, to put a definitive end to torture on Jordanian soil.

## Article 11

### Reply to the issues raised in paragraph 21 of the list of issues

81. The Committee requested statistics disaggregated by type of offence, ethnic origin, age and sex on the number of persons held in pretrial detention and convicted prisoners, in addition to statistics on the number of prisoners serving life sentences; statistical data on the number of detainees and convicted prisoners are provided below, as requested. It should be noted that 88 inmates are serving life sentences in correction and rehabilitation centres.

#### Number of convicted inmates at correction and rehabilitation centres by category of offence, 2013

<i>Category of offence</i>	<i>Number of inmates</i>
Serious offence	421
Ordinary offence	12 139
Lesser offence	673
<b>Total</b>	<b>13 233</b>

#### Number of inmates in judicial detention at correction and rehabilitation centres by category of offence, 2013

<i>Category of offence</i>	<i>Number of inmates</i>
Serious offence	2 020
Ordinary offence	21 476
Lesser offence	97
<b>Total</b>	<b>23 593</b>

#### Number of convicted inmates in administrative detention at correction and rehabilitation centres by category of offence, 2013

<i>Category of offence</i>	<i>Number of inmates</i>
Serious offence	-
Ordinary offence	-
Lesser offence	12 766
<b>Total</b>	<b>12 766</b>

**Number of inmates in administrative detention at correction and rehabilitation centres by age group, 2013**

<i>Age group</i>	<i>Number of inmates</i>
18–20	1 522
21–25	3 448
26–30	2 998
31–35	1 701
36–40	1 361
41–45	747
46–50	547
51–55	255
56–60	111
61–65	42
66–70	19
71–75	10
76–80	2
Over 80	3
<b>Total</b>	<b>12 766</b>

**Number of inmates in judicial detention at correction and rehabilitation centres by age group, 2013**

<i>Age group</i>	<i>Number of inmates</i>
18–20	2 820
21–25	6 596
26–30	5 225
31–35	3 323
36–40	2 495
41–45	1 525
46–50	902
51–55	401
56–60	188
61–65	73
66–70	28
71–75	12
76–80	3
Over 80	2
<b>Total</b>	<b>23 593</b>

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**Number of convicted inmates at correction and rehabilitation centres by age group, 2013**

<i>Age group</i>	<i>Number of inmates</i>
18–20	664
21–25	1 790
26–30	2 817
31–35	2 265
36–40	2 057
41–45	1 473
46–50	1 235
51–55	577
56–60	207
61–65	91
66–70	32
71–75	20
76–80	4
Over 80	1
<b>Total</b>	<b>13 233</b>

**Number of convicted inmates at correction and rehabilitation centres by sex, 2013**

<i>Sex</i>	<i>Number of inmates</i>
Male	13 011
Female	222
<b>Total</b>	<b>13 233</b>

**Number of inmates in judicial detention at correction and rehabilitation centres by sex, 2013**

<i>Sex</i>	<i>Number of inmates</i>
Male	22 961
Female	632
<b>Total</b>	<b>23 593</b>

**Number of inmates in administrative detention at correction and rehabilitation centres by sex, 2013**

<i>Sex</i>	<i>Number of inmates</i>
Male	11 170
Female	1 596
<b>Total</b>	<b>12 766</b>

**Number of convicted inmates at correction and rehabilitation centres by religion, 2013**

<i>Religion</i>	<i>Number of inmates</i>
Islam	13 163
Christianity	70
<b>Total</b>	<b>13 233</b>

**Number of inmates in judicial detention at correction and rehabilitation centres by religion, 2013**

<i>Religion</i>	<i>Number of inmates</i>
Islam	23 369
Christianity	206
Hinduism	10
Buddhism	8
<b>Total</b>	<b>23 593</b>

**Number of inmates in administrative detention at correction and rehabilitation centres by religion, 2013**

<i>Religion</i>	<i>Number of inmates</i>
Islam	12 524
Christianity	214
Sikhism	1
Hinduism	8
Buddhism	19
<b>Total</b>	<b>12 766</b>

**Reply to the issues raised in paragraph 22 of the list of issues**

82. With regard to the Committee's question concerning measures to ensure that persons in pretrial detention are separated from convicted persons, it should be noted that minors are detained separately from adults and women in places separate from men, and a system of special detention centres for juveniles and women at police headquarters has been in operation for decades. The categorization of detainees in correction and rehabilitation centres is consistent with international standards. Detainees are categorized by type of charge, by sex and age, risk posed and whether or not the detainee is a repeat offender, in accordance with all international standards. In addition, there is a correction centre for women.

**Reply to the issues raised in paragraph 23 of the list of issues**

83. The Committee requested information on any new interrogation rules, instructions, methods and practices, as well as arrangements for the custody of persons subject to any form of arrest, detention or imprisonment — including in the context of counter-terrorism measures — that may have been introduced since the consideration of the previous periodic report, and an indication of the frequency with which such new measures are reviewed, with a view to preventing any cases of torture or ill-treatment. It should be noted that the Public Security Directorate attaches great importance to complaints lodged by citizens,

detainees or inmates alleging that they have been subjected to torture and ill-treatment. It is bound by article 8 (2) of the Jordanian Constitution, which prohibits the physical or mental torture of any person under arrest and the detention of such persons in places other than those designated by law, and provides that any statement made by any person under torture shall be deemed invalid. Article 208 (2) of the Criminal Code criminalizes and prescribes penalties for torture. The Public Security Directorate has promoted awareness among its personnel, from the rank of non-commissioned officer, through courses, workshops and seminars on the definition of torture, ways of combating torture and the avoidance of ill-treatment and inhuman treatment of inmates. These activities have played a significant role and had a palpable impact on levels of awareness among personnel with regard to combating torture and correct scientific methods of investigation. Personnel also receive training at correction centres on modern scientific methods of anger management, to ensure that anger does not lead to conduct that might result in cases of torture or inhuman treatment of inmates.

84. Concerning persons detained on terrorism charges, measures to combat terrorism are taken in accordance with the Prevention of Terrorism Act of 2006. These measures are designed to protect the fundamental human right to life and the right to security. It should be emphasized that in no case do these measures imply a denial of human rights; on the contrary, there is a balance between measures for the prevention of terrorism and measures for the protection and promotion of human rights, including adherence to legal procedures and safeguards.

85. The Prevention of Terrorism Act was passed in 2006. It is a preventive law that aims to prevent the financing of terrorism as well as the recruitment of terrorists, in accordance with the international obligations of Jordan in the fight against terrorism. It is well-known that there is no international consensus on the definition of terrorism. However, there is a regional convention concluded within the framework of the Arab League that refers to the concept of terrorism in terms adopted by the Jordanian legislature. Nevertheless, it is necessary to identify the key elements of terrorist offences in precise terms, in view of the general principle that there is no crime and no punishment without law. The law must identify the key elements of the crime; at the same time, persons arrested under the law are subject to all the legal provisions contained in the Code of Criminal Procedure concerning arrest and investigation procedures, which guarantee their rights under the Universal Declaration of Human Rights. However, in view of the serious nature of terrorist offences and their detrimental impact on security, under the State Security Court Act the investigating authorities are empowered to retain suspects for seven days prior to referring them to the public prosecutor of the State Security Court. Public prosecutors apply the Code of Criminal Procedure, which applies to all offences in Jordan, and subsequently bring legal proceedings without the intervention of any other government authority. They are required by law to explain to the defendant that he is not obliged to answer questions unless a defence lawyer is present. The period of detention is determined by a judicial decision taken by the public prosecutor.

86. Under the Act, the judicial authorities (the public prosecutor) have sole authority to take decisions to combat terrorism, such as decisions to monitor or impose a travel ban on suspects, search their place of residence or seize their assets. Such decisions must be temporary measures, with a maximum duration of one month; they are subject to review and appeal before the competent courts, including the Court of Cassation, which is the highest judicial authority.

#### **Reply to the issues raised in paragraph 24 of the list of issues**

87. With regard to the Committee's question concerning the establishment of a national system to effectively monitor and inspect all places of detention, including the facilities of

the General Intelligence Department, including regular and unannounced visits by national and international monitors, a National Centre for Human Rights was established in accordance with a specific law on its establishment. The relevant law provides expressly that the Centre shall be a legal personality with financial and administrative autonomy, shall be responsible for monitoring violations of human rights and public freedoms in Jordan and shall endeavour to stop any violation. Moreover, it may request any information, data or statistics that it deems necessary to achieve its objectives from the relevant authorities, which are required to respond to such requests promptly and without delay. In addition, the Centre has the right to visit correction and rehabilitation centres, detention centres and juvenile welfare homes subject to the relevant regulations, including General Intelligence Department, Armed Forces, Civil Defence and Gendarmerie facilities, and to visit any public place where human rights violations are taking place or are reported to have taken place.

88. The Centre is supervised and managed by a board of trustees with a maximum of 21 members; the Chairperson of the board is appointed by royal decree on the basis of a recommendation by the Prime Minister. The membership of any member may be terminated in the same manner and an alternate appointed for the remainder of the membership period. The board elects a vice chairperson from among the members to replace the Chairperson in his absence. The board is appointed for a period of four years. The Commissioner-General is appointed by decision of the Council of Ministers, accompanied by a royal decree, on the basis of a recommendation by the board, for a renewable period of three years. The Commissioner-General's services may be terminated in the same manner. The Commissioner-General is assisted by a number of full-time commissioners appointed by the board upon the recommendation of the Chairperson; in practice, these commissioners are acknowledged qualified experts in the field of human rights.

89. The Public Security Directorate signed a memorandum of understanding with the National Centre for Human Rights, under the terms of which the Centre is permitted to conduct unannounced visits at any time. There is coordination with the Office of Grievances and Human Rights in this regard. The Centre has not been prevented from concluding or conducting any visits to correction centres that it has wished to visit. The National Centre for Human Rights, in partnership with the Office of Grievances, visited all temporary detention facilities at municipal and regional police headquarters and at criminal investigation, preventive security and narcotics facilities and drafted a report on those visits, of which it made 123 in the course of a month. In addition, the Centre conducted 59 inspection tours to inmates in correction and rehabilitation centres in 2013.

90. The General Intelligence Department detention centre is a declared centre and is subject to the Correction and Rehabilitation Centres Act. The centre is in line with the applicable international standards and norms for the treatment of inmates, who are detained with due process. It is subject to judicial and administrative inspections, which are conducted in order to verify that there is due process; since 2009, more than 236 judicial inspections have been carried out to date.

91. In addition, there is a mechanism for the receipt of complaints or inquiries submitted to the Department. Complaints may be received by electronic mail; such complaints are replied to by the relevant authority. The Department also receives any complaints or enquiries from the National Centre for Human Rights through a designated liaison officer; such complaints are verified, the appropriate action is taken and the Department replies to the Centre in respect of complaints, with transparency and flexibility.

92. The General Intelligence Department is a government security agency. Persons not employed by the Department may not enter its premises without undergoing certain preventive and security measures, in view of the type and specific nature of its work.

Nevertheless, systematic periodic visits to the Department detention centre by international and local human rights organizations (the Red Cross, the National Centre for Human Rights, Human Rights Watch) have been allowed; all such visits have involved inspection of the services provided, as well as private interviews with detainees in order to verify their health and living conditions in detention and to listen their comments and complaints, if any.

93. With regard to the Committee's question pertaining to the placing of all State security departments, and primarily the General Intelligence Department, under civilian authority and the establishment of independent oversight of these departments, it should be noted that the Intelligence Department is a government department established by law which operates with legal and constitutional legitimacy to maintain State security. Pursuant to the Intelligence Act, the General Intelligence Department is linked directly to the Prime Minister and is subject, in the same manner as any other government agency, to parliamentary oversight as well as internal oversight. Any member of the House of Representatives or of the Senate can direct questions or inquiries to the Prime Minister relating to the work or activities of the Intelligence Department, to which the Prime Minister is required to reply. In addition, the Public Security Directorate was established pursuant to the Public Security Act. Under the Act, the Directorate is a statutory body with legal personality, linked to the Minister of the Interior. It is represented by a director, appointed by royal decree upon the recommendation of the Interior Minister and with the approval of the Cabinet. The Act sets out the duties of the public security force and the circumstances under which security forces personnel may use force. The functions of public security personnel, who are ancillary law enforcement officials working for the Public Prosecution Service, are set out in articles 44 to 51 of the Code of Criminal Procedure. In accordance with these articles, any legal proceedings undertaken by public security personnel, including arrest and investigation, is subject to oversight by the Public Prosecution Service, as the judicial authority. Administrative proceedings and other matters relating to regulating the organization and functioning of public security units are under the authority of the Director of Public Security.

#### **Reply to the issues raised in paragraph 25 of the list of issues**

94. In connection with the Committee's request and in the light of the comments contained in the concluding observations of the Human Rights Committee (CCPR/CO/JOR/4, para. 10) concerning reports that non-governmental organizations were denied access to correction and rehabilitation centres, we wish to clarify that the entity authorized by law to inspect correction centres and places of detention for the purpose of ensuring that no inmate or detainee is held in such places unlawfully is the judicial authority, in the person of the Chief Public Prosecutor, public prosecutors and judges, as regulated by article 106 of the Code of Criminal Procedure. In addition, article 8 of the Correction and Rehabilitation Centres Act grants the Minister of Justice the power of oversight and the right to delegate this power to experienced jurists within the Ministry.

95. We should like to make clear that the Public Security Directorate signed a memorandum of understanding with the National Centre for Human Rights, a non-governmental entity, under the terms of which a team from the Centre may make unannounced visits to any detention centre in Jordan at any time. The team has not been prevented from making any visit that it has wished to make. The National Centre for Human Rights, with support from the Office of Grievances and Human Rights in the Public Security Directorate, visited all temporary detention facilities at municipal and regional police headquarters and at criminal investigation, preventive security and narcotics facilities and drafted a report on those visits, of which it made 123 in the course of a month. In addition, the Centre conducted 59 inspection tours to inmates in correction and rehabilitation centres in 2013. Under the terms of the Act establishing the National Human



Rights Centre, the Centre team is also allowed to visit General Intelligence Department, Armed Forces, Civil Defence and Gendarmerie detention centres anywhere in Jordan.

#### **Reply to the issues raised in paragraph 26 of the list of issues**

96. With regard to the Committee's request for an overview of further efforts undertaken to improve conditions in places of detention, to ensure that detainees have access to beds, bathrooms, toilets and medical care and to alleviate overcrowding in such places (para. 27), we should like to clarify that the Ministry of Health is responsible for the health care provided to inmates by Ministry physicians and nursing staff at all correction and rehabilitation centres. The administration of such centres guarantees that inmates have access to comprehensive health care. There has been cooperation with the Ministry of Health with regard to private treatment for inmates at the Government's expense, and a Ministry of Health liaison officer has been appointed to coordinate and facilitate procedures for the treatment of inmates. Periodic medical inspections take place, with a view to ensuring that there are no communicable diseases among inmates. Sufficient numbers of nurses are appointed at centres to work around the clock. Moreover, general medical clinics, pharmacies and dental clinics have been established at all correction and rehabilitation centres. Medical visits are coordinated on a continuous basis in cooperation with the Ministry of Health and provided free of charge by the private sector. The drinking water provided to inmates is the same as that provided to staff at centres. It is fit for drinking and is subject to periodic inspection and constant monitoring by the Ministry of Health. Efforts are made to keep drinking water clean. Although there have been no water-related health conditions, sufficient quantities of mineral water are available for sale in every centre at a supermarket for those who wish to purchase it.

97. Every inmate receives three adequate meals per day, in accordance with their specific health and nutrition needs. Meals exceed internationally recognized portions and are overseen by the centre physician. There have been no complaints in this regard at any correction and rehabilitation centre. It should be noted that private company has been contracted to provide meals for inmates at the majority of such centres; in addition, foodstuffs are available for purchase by any inmate at supermarkets.

98. Every inmate is provided with two blankets, a mattress and a pillow. Family members are allowed to bring blankets for inmates, in accordance with regulations. All correction and rehabilitation centres are equipped with a central heating system, which operates for sufficient periods to ensure that dormitories are kept warm and hot water is available for bathing.

99. With regard to overcrowding, numerous new correction and rehabilitation centres have been established. In 2012, the Irbid and Al-Tafilah correction centre was established, and in September 2013 the Marka correction and rehabilitation centre began to receive inmates, as an alternative to Al-Juwaydah correction and rehabilitation centre while the latter is refitted. At present, two wings will be maintained once the necessary maintenance work has been carried out, for the purpose of holding persons detained by the Criminal High Court, in view of the fact that it is adjacent to the centre and the tunnel that links them facilitates the transfer of inmates to court.

#### **Articles 12 and 13**

##### **Reply to the issues raised in paragraph 27 of the list of issues**

100. In connection with the Committee's request for detailed statistical data disaggregated by type of offence, ethnicity, age and sex, on complaints relating to torture and ill-treatment allegedly committed by law enforcement officials and on related

investigations, prosecutions, convictions and on the penalties or disciplinary sanctions applied, detailed statistical data on complaints of ill-treatment by police of civilians and of abuse by correction and rehabilitation centre staff in 2013 are provided below:

<i>Offence</i>	<i>Case dropped</i>	<i>Case referred to unit commander for trial</i>	<i>Case referred to Police Court</i>	<i>Case pending</i>	<i>Total cases</i>
Ill-treatment by police of civilians	101	11	26	254	<b>392</b>
Ill-treatment involving inmates in correction centres	18	9	3	7	<b>36</b>

#### **Reply to the issues raised in paragraph 28 of the list of issues**

101. With regard to the Committee's request for information on the number of officials prosecuted under article 208 of the Criminal Code for having committed torture, four members of the Public Security Directorate have been brought before the Police Court on charges of torture, pursuant to letter No. 539/13/Court from the Director of the Department of Legal Affairs. The case is pending.

#### **Article 14**

#### **Reply to the issues raised in paragraph 29 of the list of issues**

102. In connection with the request for information on compensation for torture victims, the Jordanian Constitution guarantees the general and absolute right of legal recourse to all. Under article 256 of the Civil Code, persons injured as a result of torture have the right to seek compensation for damages. Pursuant to article 288 (1) (b), defendants in such cases are liable for damages caused as a result of their actions when they occur in the course of or as a result of the performance of their duties, in accordance with the provisions relating to liability for consequential damages.

103. It was recommended that specialized centres should be established for the rehabilitation of torture victims and that the idea of establishing a national fund for the compensation of victims of torture and affected family members should be studied.

#### **Reply to the issues raised in paragraph 30 of the list of issues**

104. The Ministry of Justice convened a regional conference on combating torture and reducing pretrial detention at the Dead Sea during the period 2014–2015. At that conference, the topic of compensation for victims of torture was discussed. One of the recommendations arising from the conference was that compensation for torture victims should be studied; that recommendation was the first step towards regulating compensation for victims of torture. Under article 159 of the Code of Criminal Procedure any evidence or proof obtained by means of physical or moral coercion of any kind is deemed inadmissible and legally invalid; moreover, a defendant has the right to appeal to the Public Prosecutor and the court in the event that his statement was obtained by law enforcement officials by means of physical or moral coercion.

## Article 15

### Reply to the issues raised in paragraph 31 of the list of issues

105. The Ministry of Justice is concerned to prevent torture. As part of the Karama project being implemented with the Danish Rehabilitation and Research Centre for Torture Victims, a guideline on the investigation of crimes of torture has been drafted. All public prosecutors and magistrates with prosecutorial functions nationwide have been attended workshops at which they have received training on how to apply the guidelines.

106. One way of reducing the incidence of torture is to place tighter restrictions on the use of pretrial detention. A guideline for public prosecutors and judges has been drafted explaining the regulations, justifications, conditions and rules relating to the use of detention. An electronic programme is currently being introduced through MIZAN, the electronic case management programme that deals with cases from registration to verdict. In order to make it easier for public prosecutors to conduct a regular review and to ensure the legality of every detention and arrest, a detailed classification of criminal cases has been carried out that reflects the rules relating to the duration, renewal and extension of detention. A special feature has been added to the system that warns public prosecutors when the detention period is due to expire, in order to ensure that it does not exceed the maximum penalty period, in addition to a special feature that produces pretrial detention reports which can be used as a basis for analytical studies. A register of cases of torture and ill-treatment has been established at public prosecution offices in order to enable the Director of the Office of the Public Prosecutor, the Chief Public Prosecutor, to oversee the registration and progress of torture cases.

107. A number of national mechanisms have also been introduced by the Government to reduce the incidence of torture and give greater protection to individuals. The National Centre for Human Rights was established, with broad powers to follow up on complaints and inspect correction, rehabilitation and detention centres. The Office of Grievances was established to look into any such complaints and bring proceedings against anyone proven to have committed such violations.

108. A correction and rehabilitation centres unit has been established in the Ministry of Justice. The unit aims to ensure that inmates are treated in line with international conventions and standards and fundamental principles, and that any violations of their rights are documented. It liaises with all the relevant authorities with regard to due process in correction and rehabilitation centres, and monitors and follows up on violations with Office of the Public Prosecutor and the Police Court. In addition, it conducts regular periodic inspection visits to correction and rehabilitation centres.

109. The Jordanian Constitution, which is the supreme law of the land, guarantees Jordanian citizens this right. Article 2 (2) provides that: "Any person who is arrested, detained, imprisoned or whose liberty is subject to any restriction shall be treated with dignity, safeguarded from any form of torture or bodily or mental harm and held in no place other than a legally designated holding facility. Any statement obtained from any person by means of torture or the use of harm or threats shall be deemed invalid." Moreover, the Constitution guarantees the right of legal recourse to all citizens. Under article 159 of the Code of Criminal Procedure, any evidence or proof obtained by means of physical or moral coercion of any kind is deemed inadmissible and legally invalid. In addition, a defendant also has the right to appeal to the public prosecutor and the court in the event that his statement was obtained by law enforcement officials by means of physical or moral coercion. Article 208 of the Jordanian Criminal Code criminalizes torture, while article 333 prescribes a penalty of imprisonment for anyone who deliberately batters or harms another person so rendering the victim unfit to work. Article 288 (1) (b) of the Civil Code provides that a defendant shall be liable for damage caused by the action of a subordinate in the

course of or as a result of his duties, provided that the defendant had actual authority to oversee and direct that person. In addition, the competent authorities are working to find some form of administrative compensation for damage caused on some occasions by employees.

110. In response to the Committee's question as to whether officials had been tried and punished for extracting confessions, we should like to clarify that 11 cases involving complaints of ill-treatment lodged by civilians against members of the police in 2013 have been referred for trial by the unit commander, 26 have been referred for trial to the Police Court and 254 remain pending.

## **Article 16**

### **Reply to the issues raised in paragraph 32 of the list of issues**

111. With regard to instances of and justifications for withdrawals of citizenship from nationals of Palestinian origin and whether the Jordanian Government has considered restoring nationality to persons affected by the withdrawal of nationality on previous occasions and at present, we should like to clarify that this action was taken pursuant to a Cabinet decision issued in 1988 to sever administrative and legal ties with the West Bank. The objective of that decision was to help people from the West Bank to highlight their Palestinian identity, to establish their independent State on their land and to preserve Palestinian citizenship in the West Bank.

112. Since the decision to sever administrative and legal ties with the West Bank has historical, political and legal dimensions, the procedures and mechanisms required to give effect to it are set out clearly in the instructions issued to address situations arising as a result of it. The Oversight and Inspection Department in the Ministry of the Interior has rectified the situation of some individuals, in accordance with the decision to sever ties, through the mechanisms to give effect to that decision. In particular, it has rectified the situation of people living in the West Bank and working for Palestinian Authority agencies that opted for Palestinian nationality or obtained Palestinian Authority passports and became part of the Palestinian Authority. The situation of others is being rectified in accordance with the decision to sever legal and administrative ties with the West Bank and the applicable provisions of the Nationality Act (Act No. 6 of 1954).

### **Reply to the issues raised in paragraph 33 of the list of issues**

113. Assault against beneficiaries is a violation of human rights. Protection from corporal punishment includes all forms of care and is extended to persons with disabilities and orphans, persons in need of care and protection, youth, the elderly and victims of human trafficking. Jordan has taken the approach followed by most countries, formulating national legislation that reaffirms human worth, prohibits abuse and imposes penalties on those who abuse others. Consequently, we would like to make the following points clear:

1. Under article 86 (f) of the Civil Service Code, employees are prohibited under penalty of disciplinary action from any of the following acts: inflicting any form of corporal punishment whatsoever on or harming any child, including children in educational, rehabilitation or training institutions or in care homes or shelters. This provision extends to all government institutions that provide educational, cultural or rehabilitative services. In addition, all instructions issued under the regulations prohibit all forms of violence against beneficiaries in social welfare centres and institutions;
2. The regulations governing the functioning of the Centre and of private sector and voluntary institutions supervised by the Ministry of Social Development have

been amended to prohibit all forms of violence and abuse of beneficiaries and underscore the need to take all measures to ensure their safety;

3. The internal oversight unit in the Ministry of Social Development has recently been restructured: new sections have been added, staff numbers have been increased and staff have been trained in oversight and inspection skills to enable them to detect any abuse in social welfare institutions;

4. A national independent oversight team was formed pursuant to an agreement concluded between the Ministry and the Restorative Justice organization with a view to uncovering any ill-treatment or abuse of beneficiaries. The multidisciplinary team of volunteers includes physicians, social workers, lawyers, journalists and forensic physicians, who have been trained and qualified and who oversee and inspect public and private sector institutions and centres.

## Other issues

### Reply to the issues raised in paragraphs 34 and 35 of the list of issues

114. In the following points, we outline: the measures taken in response to threats of terrorism; the extent of the damage caused by counter-terrorism measures to human rights safeguards; the training received by law enforcement officers; the number of persons convicted under the legislation; the legal safeguards available to persons subjected to counter-terrorism measures in law; complaints of non-observance of international standards and the outcome of these complaints; and steps taken to review the definition of “terrorist activities” contained in the Prevention of Terrorism Act of 2006 and to bring Jordanian legislation into line with international human rights standards.

- The counter-terrorism measures that have been taken aim to protect the fundamental human right to life and the right to security. This does not under any circumstances mean that human rights have been undermined. Rather, a balance has been achieved between action against terrorism and the protection and promotion of human rights, including adherence to safeguards and legal procedures;
- The Prevention of Terrorism Act is a preventive law that aims to prevent the financing of terrorism as well as the recruitment of terrorists, in accordance with the international obligations of Jordan in the fight against terrorism. As is well-known, there is no international consensus on the definition of terrorism. However, there is a regional convention concluded within the framework of the Arab League that refers to the concept of terrorism in terms adopted by the Jordanian legislature. Nevertheless, the key elements of terrorist offences need to be identified in precise terms, in view of the general principle that there is no crime and no punishment without law. Therefore, the law must identify the key elements of the crime;
- All decisions taken in connection with combating terrorism pursuant to this Act shall be taken solely by the judicial authorities (the Public Prosecutor), shall be of a temporary nature, shall not exceed one month and shall be subject to review and appeal by the competent courts, including the Court of Cassation, which is the highest judicial authority in Jordan;
- Since its entry into force, there have been no criminal prosecutions under the Prevention of Terrorism Act;
- The powers and prerogatives of the Intelligence Department in the prosecution of terrorist offences are set out clearly, precisely and specifically in the national legislation, which the Department may not exceed. Under the General Intelligence Department Act, the Department is competent to prosecute terrorist offences. The

Code of Criminal Procedure defines its role purely in terms of law enforcement, which is exercised under the supervision of the courts;

- There are written and oral instructions in the Department that strictly prohibit, under any circumstances, the subjection of any detainee or person referred to the Department to any kind of coercion and abuse;
- There is participation in a number of courses and workshops on human rights organized by civil society organizations and international organizations such as the National Centre for Human Rights, the Red Cross, the Adaleh Centre, UNHCR, Mizan Law Group for Human Rights and the Geneva Institute for Human Rights;
- There is no obstacle to prevent any person who has been summoned or detained from seeking assistance from a lawyer. On the contrary, when a detainee is referred to the public prosecution he must be informed of his right to a lawyer; failure to do so could invalidate proceedings. In addition, the family of a person detained at a General Intelligence Department centre must be informed of his whereabouts.

#### **Reply to the issues raised in paragraph 36 of the list of issues**

115. Jordan has acceded to most international human rights conventions and the protocols thereto. The fact that it has not acceded to the Optional Protocol to the Convention against Torture should not be viewed as a lack of commitment. Jordan has numerous legal ways and means of dealing with complaints, and many remedies. The current priority is to develop national mechanisms and strategies in this context and create space for local action.

#### **Reply to the issues raised in paragraph 37 of the list of issues**

116. At the outset, we point out that the Jordanian Constitution guarantees the fundamental public rights and freedoms of persons in all areas of civil, political, economic, social and cultural life. The provisions of the Constitution are consistent with universal standards and principles pertaining to human rights and fundamental freedoms as set forth in established international instruments, notably, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. In April 2011, a royal decree was issued establishing a committee of experts on law-making and constitutional and political affairs to study and propose necessary amendments to the Constitution. Following consultations with civil society representatives, 42 articles dealing with the separation of powers were amended, and political and civil rights were promoted.

117. Since the initial periodic report was considered in 2009, more than 25 laws on the promotion and protection of human rights have been adopted and a number of others are pending adoption at the current legislative session. In addition, a number of national policies and strategies to promote various civil, political, economic, social and cultural rights and freedoms have been launched.

118. The Government of Jordan has continued to develop the institutional framework for human rights. In addition to institutions that were in place before the initial report was reviewed — the National Centre for Human Rights, the Commission to Combat Corruption, the Office of Grievances, the Economic and Social Council, human rights departments within various ministries, the National Commission for Women, the National Council on Family Affairs, and the Higher Council for Persons with Disabilities — a number of other institutions and entities have been established to promote and protect human rights, including:

- The Constitutional Court;
- The Independent Election Commission;

- The Teachers' Union;
- The Maintenance Credit Fund.

**Reply to the issues raised in paragraph 38 of the list of issues**

119. Since the consideration of its initial periodic report in 2009, Jordan has introduced numerous political and administrative measures and reforms in order to promote and protect human rights, as follows:

- Jordan has amended 42 articles, or almost one third, of the national Constitution. These amendments have established the principle of the separation of and balance of powers, and have promoted the independence of the judiciary and respect for human rights and for the principles of justice and equality. In addition, it has created a number of constitutional oversight bodies;
- A package of various legislative items relating to political parties, elections and public meetings has been updated. In addition, the Independent Election Commission has been established to oversee and manage the electoral process and to promote a fair and transparent approach;
- The second national report of Jordan was reviewed under the universal periodic review mechanism by the Human Rights Council in October 2013 and Jordan accepted 126 of the Council's 173 recommendations;
- The report submitted by Jordan in this context contained an overview of the achievements it had accomplished since submitting its initial periodic report in 2009 (for further information, the report can be consulted on the website of the Office of the United Nations High Commissioner for Human Rights (OHCHR));
- In early 2014, the Government established a ministerial committee to consider the report drafted by the National Centre for Human Rights for 2012 and to study the recommendations contained therein;
- The committee concluded its work and drafted a report on the steps that it would take to implement those recommendations;
- In addition, a committee chaired by the Minister of Justice was established in April 2014 to consider the development of a comprehensive national plan for human rights in Jordan.

**Reply to the issues raised in paragraph 39 of the list of issues**

120. Jordan attaches great importance to combating torture and consistently endeavours to make progress in this area. The constitutional amendments introduced in 2011 include a provision prohibiting torture. Article 8 (2) of the Constitution provides that: "Any person who is arrested, detained, imprisoned or whose liberty is subject to any restriction shall be treated with dignity, safeguarded from any form of torture or bodily or mental harm and held in no place other than a legally designated holding facility. Any statement obtained from any person by means of torture or the use of harm or threats shall be deemed invalid."

121. Moreover, article 208 of the Jordanian Criminal Code criminalizes torture or cruel, inhuman or degrading treatment and punishment. Since Jordan ratified the Convention against Torture, the relevant authorities have monitored, followed up and reported on violations in general.

122. Guidelines on the investigation of crimes of torture have been produced for public prosecutors. All public prosecutors and magistrates with prosecutorial functions nationwide have been given training, through special workshops, on how to apply the guidelines.

123. Since one way of reducing the incidence of torture is to place tighter restrictions on the use of pretrial detention, a guideline for public prosecutors and judges has been drafted explaining the regulations, justifications, conditions and rules relating to the use of detention.

124. At present, the court systems management programme, MIZAN, is being modified to make it easier for public prosecutors to monitor arrest and detention periods and ensure that the legal limit is not exceeded. The modifications entail: 1. the addition of a feature to the system that warns public prosecutors when the detention period is due to expire, in order to ensure that it does not exceed the maximum penalty period; and 2. the addition of a feature that produces pretrial detention reports, which can be used as a basis for analytical studies.

125. In addition, the establishment of a register of cases of torture and ill-treatment in public prosecution service departments has enabled the Director of the Office of the Public Prosecutor, the Chief Public Prosecutor, to monitor the registration and progress of torture cases.

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