



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

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Summary record of the 1374th meeting*

Held at the Palais Wilson, Geneva, on Friday, 20 November 2015, at 10 a.m.

Chair: Mr. Grossman

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* No summary record was issued for the 1373rd meeting.

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 19 of the Convention *(continued)*

Third periodic report of Jordan (CAT/C/JOR/3; CAT/C/JOR/Q/3; HRI/CORE/1/Add.18/Rev.1)

1. *At the invitation of the Chairperson, the delegation of Jordan took places at the Committee table.*

2. **Mr. Ayyad** (Jordan), introducing the third periodic report of Jordan (CAT/C/JOR/3), said that articles 5 to 23 of the Constitution set forth fundamental guarantees in respect of human rights. The Jordanian authorities were committed to providing legal, judicial and administrative safeguards to protect human rights and fundamental freedoms, and any violations that did occur in no way reflected government policy. There was no such thing as a culture of impunity in Jordan and every effort was being made to foster adherence to basic human values.

3. In 2011, amendments had been made to 42 articles of the Constitution (one third of the total number of provisions) that dealt with the principle of separation of powers, checks and balances and the independence of the judiciary, and with fundamental freedoms, justice, equality and human rights.

4. Under article 8, paragraph 2, of the Constitution, all persons who were arrested, detained or deprived of their liberty must be treated with the respect due to a human being, must not be tortured for any reason and must be detained only in a facility duly designated for that purpose in law. The use or threat of torture was unlawful and no evidence obtained through torture was admissible in court.

5. Under the Criminal Code, anyone found guilty of torture was liable to 6 months' to 3 years' imprisonment, and where serious illness resulted or serious injury was inflicted the penalty was increased to include hard labour. No mitigating circumstances or suspension of sentence were permitted. In 2013 the Council of Representatives had adopted amendments to the Criminal Code introducing penalties for anyone extracting a confession by physical or mental torture during questioning. If a superior officer was complicit or acquiesced in such acts, that officer would also be liable to punishment.

6. The Ministry of Justice and other competent authorities had formed a commission to review criminal legislation and propose amendments. The Code of Criminal Procedure was being amended to bring it into line with international law, including international human rights law. In 2014 a human rights coordinator and a human rights unit had been established in the Prime Minister's Office. The coordinator's mandate was to review legislation and determine whether it was in conformity with the international human rights treaties ratified by Jordan. The coordinator was also required to draw up a national human rights plan.

7. Steps had been taken to ensure that administrative detention was brought into line with international standards. A committee chaired by the Ministry of the Interior had been set up to review the 1954 Crime Prevention Act and had prepared a document containing the relevant legal guarantees. The Crime Prevention Act contained measures to be applied in certain cases, to stop a crime being committed. The administrative governor could place a person in preventive detention only if the person refused to sign an undertaking to keep the peace.

8. As to violence against women, Act No. 8 of 2011 had amended the Criminal Code to provide greater protection for victims and increase the penalties for all types of physical and sexual violence, rape, kidnapping and sexual harassment. The Family

Protection Department acted to protect women and children in a confidential procedure designed to maintain family cohesion.

9. In order to protect women migrant domestic workers, regulations governing the operation of recruitment agencies had been adopted in 2014. Agencies were now required to take out insurance against employees absconding, as well as health insurance and life and accident insurance for employees.

10. For victims of trafficking, shelters had been established and were run by the Ministry of Social Development. Victims could stay there until either the problem was resolved or they returned to their country of origin or went to a third country of their choice.

11. The Constitution guaranteed an inalienable right of recourse to justice to seek compensation for acts of torture under article 256 of the Civil Code.

12. The Directorate of Public Security, as the main law enforcement body, provided training workshops and seminars for officers to enable them to recognize the offence of torture and detect signs of torture or degrading treatment.

13. With regard to impunity, he said that the body responsible for prosecuting torture was a special prosecutor's office. Investigations and prosecutions were carried out in accordance with all the rules of due process and the defendant enjoyed all legal guarantees. A manual for prosecutors had been produced, setting out the steps to be taken if torture was detected or a complaint against a law enforcement official was made to the Ministry of Justice.

14. The Police Court was independent of all other public security institutions. It was a separate jurisdiction and tried cases where one of the parties was a member of the security forces. It functioned in conformity with international standards. The law had recently been amended to admit ordinary judges to sit in the Police Court. The Court's rulings could be appealed in the new Police Appeals Court. As to the State Security Court, it was made up of a mix of military and civil judges and was completely independent. Its decisions could be taken by consensus or by majority. It was competent to try covered cases of high treason, espionage, terrorism, drug trafficking and counterfeiting.

15. **Ms. Belmir** (Country Rapporteur) said that the status of the Convention in the State party's legal order was not clear. Article 208 of the Criminal Code failed to reflect the content of article 1 of the Convention, referring as it did to "any type of torture prohibited by law" — as though there might be other kinds of torture that were permitted by law — and defining the potential perpetrator as "anyone" rather than making specific reference to persons tasked with enforcing the law; indeed, there was no reference to public officials at all.

16. In the list of issues prior to reporting (CAT/C/JOR/Q/3), the Committee had asked the State party to provide information on legal reforms to increase the penalties for torture. However, she noted that the penalties had not changed. A proposal had apparently been made to parliament to increase the penalty to 7 years, but there was no sign that the commission on legislative reform intended to discuss such a change. It was to be hoped that the issue would be addressed.

17. She noted that torture was still classed as a minor offence. It ought to be defined as a crime or serious offence. No mention was made of accomplices or other participants in the offence, or of the non-applicability of the statute of limitations.

18. The State party had not provided any examples of references to the Convention in court rulings, but she had been encouraged to note that, in a recent case, the Court of Cassation, while not referring to the Convention specifically, had excluded some

confessions extracted under torture. That constituted a useful precedent in case law; the State party's courts should be encouraged to refer to the Convention as often as possible.

19. With regard to fundamental legal safeguards in judicial proceedings, the State party's report referred to article 66 of the Code of Criminal Procedure, whereby the prosecutor could decide to prohibit communication with the defendant for a period of up to 10 days, renewable. That prohibition did not cover the defendant's lawyer, who could remain in contact, which was clearly a good thing, but elsewhere it was stated that a detainee had the right to contact his or her lawyer "whenever needed", and she would like to know who determined whether such contact was needed.

20. She expressed concern that access to a lawyer was not always ensured in places of detention and that suspects were not informed of their rights and the charges against them at the time of arrest. She asked whether the rule requiring that persons with injuries undergo a medical examination before being admitted to a penitentiary institution applied to all cases without exception. Referring to paragraph 12 of the report, she stressed the need for the relevant officials to inform a detainee's family members of his or her place and length of detention.

21. Referring to paragraph 14 of the report, she said that the time limits for bringing a suspect before a public prosecutor were often not respected. Some suspects were not brought before the competent public prosecutor at all. Others were brought before one several days late and then questioned without a lawyer. According to the State party, detainees could be questioned without a lawyer only in the event of an emergency. Could the delegation specify what type of emergency justified the absence of a lawyer during questioning? In how many cases had detainees not been brought before a judge within the prescribed time limit and how many officials had been prosecuted for failing to fulfil their duty in that regard? What had been the reasons behind the failure to respect the time limit? What sanctions, if any, had been imposed as a result?

22. She expressed concern that, under the Crime Prevention Act, people could be placed in administrative detention without any legal grounds and held there until they signed a binding agreement that they would not commit a crime. Such preventive detention constituted a flagrant violation of human rights. She was also concerned about the fact that governors, who were in charge of administrative detention, were public officials within the Ministry of the Interior rather than judges.

23. The existence of special courts raised a number of concerns, including the fact that fundamental guarantees of human rights were not properly respected. For example, she enquired whether the death of Mr. Nejmeddine al-Azaiza in military detention had occurred as a result of natural causes or ill-treatment. Referring to paragraph 19 of the report, she expressed concern that the case of Sultan Muhammad Ali Al-Khatatbah remained pending. She stressed the need to ensure the right to a fair trial and to physical and mental integrity, and reiterated the Committee's recommendation to replace the special court system with a system that was in full conformity with international standards and the Convention.

24. **Mr. Zhang** asked whether specific training was provided to officials on how to identify signs of torture and ill-treatment, in full conformity with the Istanbul Protocol. Referring to paragraph 78 of the report, he asked why so few cases of ill-treatment of civilians by police officers had been referred for examination. He would be interested to know what other measures were in place to assess the impact of the training provided to law enforcement officials and what provisions of the Convention were covered in the training.

25. Referring to the tables in the report showing the number of persons in detention, he enquired about the definitions of ordinary and serious offences and asked whether

torture was considered an ordinary or a serious offence. He expressed concern that the number of persons in pretrial detention was similar to the number of persons in administrative detention. Could the delegation confirm that the data were accurate? It would also be useful to know whether convicted prisoners were held separately from persons awaiting trial.

26. The information provided in paragraphs 83 to 85 of the report in response to question 23 of the list of issues was insufficient. He requested additional information in that regard. According to paragraph 87 of the report, visits to correctional and rehabilitation centres, detention centres and juvenile welfare homes by officials from the National Centre for Human Rights were subject to the relevant regulations. Could the delegation explain what the relevant regulations were? He would also welcome updated information on the results of the monitoring activities conducted by the National Centre for Human Rights within the General Intelligence Department facilities. Had anyone been prosecuted for human rights violations as a result of those activities?

27. Referring to question 25 of the list of issues, he asked the delegation to comment on reports, that NGOs were frequently denied access to correctional and rehabilitation facilities. Was the Government considering changing its policies to facilitate NGO visits to places of detention? Furthermore, overcrowding continued to be a problem in many prisons. He took note of the information that new correctional facilities had been built but asked what further steps were being taken to reduce overcrowding in prisons. Had the Government considered alternatives to detention in tackling that problem?

28. The data provided in the report seemed to indicate that few complaints by civilians of ill-treatment by law enforcement officials resulted in criminal proceedings. What steps were being taken to ensure that all torture complaints were thoroughly and independently investigated? How many cases had resulted in conviction of public officials and what sentences had been handed down in each case?

29. He requested information on the case referred to in paragraph 101 and asked what had caused the delay in criminal proceedings and what had been the focus of the relevant inquiries carried out by the National Centre for Human Rights. Had any prosecutions taken place following the investigation by the Centre's fact-finding team into the death of a detainee at the headquarters of the Criminal Investigation Department?

30. Under Jordanian legislation, redress was allegedly provided to victims of torture only if victims sought compensation directly from the perpetrator. Did the Government plan to establish a national fund to provide compensation to victims of torture? How did the Government recognize and fulfil its own obligation to provide compensation for physical and mental torture? Could the delegation provide data on any compensation paid to victims following a court order to that effect.

31. Referring to paragraph 110 of the report, he asked how many of the cases referred for trial had resulted in a judgement and how many cases had involved allegations of police officers extracting confessions under torture. In how many of those cases had the police officers been convicted and what sentences had been handed down? Had there been any cases during the reporting period in which a criminal defendant had claimed in court that his or her complaint should be deemed inadmissible because it had been obtained under torture and, if so, had the claims been investigated?

32. He asked whether the Government had continued withdrawing citizenship from Jordanian nationals of Palestinian origin. Had the State party considered restoring the citizenship rights of the persons concerned? It would also be useful to know whether

those persons were notified in advance about the decision to revoke their citizenship. Were they given the opportunity to show that the measure was inappropriate in their case and to appeal against it in court?

33. According to the Committee on the Rights of the Child, violent disciplinary methods was still widely used in the country. He asked whether the Government had considered taking steps to prohibit the corporal punishment of children in the home and in early-childhood and day-care centres.

34. He asked what steps were being taken to review the definition of terrorist activities contained in the 2006 Prevention of Terrorism Act in order to bring the Act into line with international human rights standards. The Committee had received complaints from NGOs that journalists had been detained on charges of violations of the above-mentioned Act. Did the Government consider narrowing the definition of terrorism contained in the Act to ensure that it did not result in criminalization of the non-violent expression of opinion.

35. **Ms. Pradhan-Malla** said that although, following the legal and constitutional reform, the use of torture had been explicitly prohibited in Jordan, torture was reportedly still permitted under certain Jordanian laws. She asked the delegation whether that information was correct. Furthermore, one law imposed a statute of limitations on the crime of torture, which was contrary to the Committee's general comment No. 3.

36. She requested updated data on the number of women in "protective custody" and asked whether the Government had considered abolishing the practice. She asked why article 340 of the Criminal Code was applicable, *inter alia*, to cases in which the victim was aged over 18. Was the Government considering abolishing that provision? Had articles 98 and 99 of the Criminal Code, which provided for reduced penalties for honour crimes, been abolished? She would welcome information on investigations into alleged honour crimes in 2013 and 2014, and on the number of prosecutions and consequent sentences.

37. What steps had the Government taken to repeal article 308 of the Criminal Code, as had previously been recommended by the Committee? According to the Government, the woman's consent was required for the article to apply. However, given that in the 114 cases referred to in the report, the women involved had been under the age of 18, how had the authorities determined that these women had consented to marriage?

38. Referring to question 11 of the list of issues, she asked what measures were in place to allow subordinates to lodge a complaint against their superiors for ordering acts of torture. She also asked whether the National Centre for Human Rights could carry out unannounced visits to detention centres and police stations, and whether it was provided with the necessary financial and human resources. Lastly, she asked whether the Government was considering alternatives to detention in order to reduce overcrowding in detention centres.

39. **Mr. Gaye** said that the Committee commended the efforts made in the State to respect human rights and implement the provisions of the Convention. He expressed support for Ms. Belmir's comment on the importance of the impartiality and independence of investigative mechanisms. Such mechanisms should operate in line with article 13 of the Convention; it was important to avoid conflicts of interest in that regard. He was surprised at the fact that no criminal convictions for torture were mentioned in the State party report.

40. He asked for further information on safeguards to ensure due process in administrative detention as mentioned in paragraph 16 of the report. The State party

had not answered question 16 of the list of issues, on diplomatic assurances. In addition, no information had been provided on investigations or prosecutions in response to complaints of domestic violence, as mentioned in paragraph 24 of the report. Further information on those issues would be appreciated. With regard to the draft law on family protection in cases of domestic violence, he invited the delegation to provide updated information on its progress.

41. **Mr. Bruni** asked about the outcome of the recent visits by members of the National Centre for Human Rights to a number of detention facilities. He asked whether visits by the Centre to facilities of the General Intelligence Department were unannounced, as was the case with visits to facilities of the Public Security Directorate. Were public reports issued on the judicial inspections carried out in General Intelligence Department facilities? Referring to a newspaper article which discussed a report issued by the National Centre for Human Rights on prison conditions, he noted that numerous accusations were made in that report regarding alleged cases of torture and ill-treatment of inmates. The article quoted a Government source as stating that the report would be studied and that the issue would be referred to the Prime Minister. He asked if the delegation could provide information on the outcome of the analysis of the report and its recommendations by the Government.

42. Article 13 of the Code of Criminal Procedure provided that a detainee could be deprived of the right to contact his family and legal representative by decision of the director of a detention facility. He asked in what circumstances such a decision would be taken. He noted that the periodic report did not contain a reply to question 36 of the list of issues. Lastly, he asked if the delegation could indicate whether the State would consider permitting individual complaints under article 22 of the Convention.

43. **Mr. Domah** said that the high-level delegation was impressive and reflected Jordan's understanding of the importance of the issues covered by the Convention. He commended Jordan for criminalizing the violation of freedoms in its Constitution. On the subject of credible transparency mechanisms, he asked for further information on the independence of the investigations carried out by the police and whether the rights enshrined in the Constitution were observed in practice.

44. He asked what constitutional law allowed special courts to be set up. The Committee would appreciate more information on the allegation concerning the setting-up of a security court that was entirely separate from the rest of the court system. He asked whether the judiciary had been made aware of the unconstitutionality of such a court.

45. He enquired if the judge who was a member of the delegation was acting as a representative of the judiciary or of a government ministry; he expressed concern that a judge should not represent a ministry during the Committee's consideration of State party reports.

46. He asked whether there was a specific government entity responsible for matters relating to torture. Was a system in place to provide compensation to citizens in the event that their constitutional rights were breached? He enquired whether mechanisms had been set up to allow investigations to be carried out in response to allegations of torture and whether such allegations were examined by an independent and impartial court.

47. **Mr. Tugushi** asked whether the Government planned to allow NGOs unimpeded access to detention facilities. Alternative sources had indicated that access to detention facilities had been denied, even to those organizations that had signed an agreement on that matter. Would the Government consider allowing the National Centre for Human Rights to access detention facilities without prior notice and to interview inmates in private? He commended the Government on the Juveniles Bill, which raised the age of

criminal responsibility, and asked whether there were plans to operate special juvenile courts. Would special police facilities for juveniles be set up? Were juveniles held in detention with adults? He noted that some improvements had been made to the prison system, but the problem of overcrowding remained endemic. He requested data on the capacity of the prison system and the current size of the prison population. Were there plans to reduce the number of prisoners by implementing alternatives to incarceration? Had training been provided for prosecutors and judges on alternatives to detention?

48. **Mr. Modvig** said that the number of complaints of ill-treatment mentioned in the State party report was low and he wondered whether that was a good sign. Information had been received by the Committee indicating that persons submitting complaints to the authorities were subject to reprisals and threats and were pressured into withdrawing their complaints, which would explain the low number of complaints. He asked what measures the State would take, as a matter of urgency, to ensure that complaints could be lodged by anyone with a body that was independent of the Government, without threat of reprisals or intimidation. What steps would the State take to guarantee that such complaints would be independently and impartially investigated within the normal judicial system, as required under the Convention?

49. With reference to cases referred to the Police Court, he asked the delegation for further information about their outcome, whether the final decisions were made public and whether cases were investigated in accordance with article 208 of the Code of Criminal Procedure. He commended the State on the plan to set up specialized centres for the rehabilitation of torture victims and asked when the first centre would become operational. He also asked for further information on measures taken to ensure that the detention facilities and interrogation procedures of the General Intelligence Directorate complied with national and international anti-torture standards. Lastly, he enquired if any progress had been made regarding the ratification by the State party of the Optional Protocol to the Convention against Torture.

50. **The Chair**, said that prosecution was important in cases of torture. Referring to a report by Human Rights Watch which recommended that a number of Jordanian police officers should face charges of torture, he asked for more information on the outcome of that case in the Police Court. Regarding the “family reconciliation shelters” mentioned in the report, he asked about action taken when a woman who had been the victim of domestic violence did not wish to live again with her partner. Why was the shelter designed with a view to family reconciliation and reunification?

51. He asked whether the term administrative detention was appropriate to refer to circumstances where individuals were held in protective custody for their own safety. On the subject of honour crimes he expressed concern that an opportunity was provided to the perpetrators of such crimes to escape prosecution or receive lesser sentences and pointed out that such an approach did not conform to the provisions of the Convention.

52. Recalling paragraph 19 of the Committee’s previous concluding observations (CAT/C/JOR/CO/2) on the practice of allowing perpetrators of rape to escape prosecution by marrying their victims, he noted that, according to an article in the Jordanian media, the Council of Ministers had agreed to repeal the legislation in question, subject to certain exceptions. He would appreciate further information on progress made in that regard.

53. He asked for further information on the limits placed on access to lawyers. The Committee had heard the testimony of individuals who had alleged that they been returned to the Syrian Arab Republic without their risk of torture having been examined on an individual basis. While commending the tremendous efforts made by the State party in welcoming refugees, he reminded the delegation that, under article 3

of the Convention, an individual assessment of the risk of torture must be carried out in compliance with the principle of non-refoulement. He asked if it was true that residents of refugee camps could not leave the camps without sponsorship from a Jordanian national.

The meeting was suspended at noon and resumed at 12.20 p.m.

54. **Mr. Alnsour** (Jordan) said that, as part of efforts to reduce prison overcrowding, the Ministry of Justice had drafted a bill that provided for the introduction of alternatives to detention, such as electronic bracelets. It was expected that the new provisions would come into effect in 2016. Article 208 of the Criminal Code, which provided for the offence of torture, had been amended in 2013 in order to bring it more closely into line with the definition of torture set out in the Convention and to ensure that senior officials could be held criminally responsible for acts of torture committed by subordinates.

55. A legal aid office had been established to ensure that persons who could not afford a lawyer had access to the services of a counsel. Furthermore, article 308 of the Code of Criminal Procedure required the courts to provide all persons accused of a serious offence with legal representation. A revised version of a government manual setting out guidelines on the investigation of torture had recently been launched. The updated version included, in particular, new directions concerning forensic medical evaluations of torture that were in line with international standards, such as the Istanbul Protocol. A number of training sessions on the new guidelines had already been provided for the competent officials.

56. **Mr. Alhudban** (Jordan) said that the recent sharp increase in the number of persons housed in rehabilitation and correction centres, which was in line with the rise in the population of the country as a whole, meant that it was not possible to envisage the closure of particular facilities at the present time. However, steps had been taken to reduce overcrowding in centres where the situation was particularly acute, including by transferring inmates to facilities that were nearer to their usual place of residence and by carrying out renovation and refurbishment work. The competent authorities had also taken action to ensure that practices and procedures within such centres were in line with international standards on the treatment of prisoners.

57. Under a memorandum of understanding concluded with the Government, the National Centre for Human Rights was able to conduct unannounced inspection visits to all detention facilities, including those operated by the General Intelligence Department, whenever it wished. Prisoners were entitled to lodge complaints and were eligible for legal assistance so as to guarantee representation by legal counsel in all proceedings affecting them. Steps had also been taken to ensure that all prisoners received adequate food, blankets and medical care. Anyone who presented signs of ill health during the routine pre-admission medical examination was referred to a State hospital for treatment if necessary. Prisoners also received a medical examination before and after their placement in solitary confinement.

58. **Mr. Armoti** (Jordan) said that administrative detention was a discretionary measure available to governors with a view to preventing serious public order violations. Its application was subject to a number of procedural safeguards. For instance, all such detention decisions were reviewed by an administrative judge and could in addition be appealed to a court of second instance. Furthermore, under a memorandum of understanding between the Ministry of Justice and the Bar Association all detainees were ensured access to legal counsel.

59. Article 5 of the Constitution provided that citizenship could be withdrawn only in accordance with the law. Furthermore, the Government was committed to ensuring that all relevant laws were applied in a fully transparent manner and with respect for

due process. Decisions to revoke citizenship, which were proposed by the Ministry of the Interior, had to be approved by the Council of Ministers and were subject to judicial review. According to a recent report issued by the National Centre for Human Rights, no complaints regarding the withdrawal of nationality had been filed in 2014. The courts had examined and resolved a number of earlier complaints from persons with links to the West Bank.

60. The authorities abided strictly by the principle of non-refoulement of refugees; it was not the case that refugees required sponsorship to be allowed into Jordan. As part of a strategic response to the influx of Syrian refugees, a special bureau had been established to work in coordination with the Ministry of the Interior with a view to ensuring that refugees received proper protection. Refugees were treated without discrimination of any kind and on an equal footing with Jordanian nationals with regard to, for example, freedom of worship and religion, the right to legal assistance and the right to work. It was also important that the international community should take steps to ensure that assistance was provided in a transparent and coordinated manner.

61. **Mr. Al Smeirat** (Jordan) said that, as part of a major social, economic and political reform process, a number of laws and legislative proposals had been introduced in recent years in relation to the rights of women and children. The most recent development in that regard was the decision that had been taken just three days previously to submit to the National Assembly a bill on the prevention of domestic violence. The bill, which had been prepared with input from experts in various fields, including psychologists, sociologists and religious leaders, sought to ensure that women and children were fully protected in all situations. In terms of practical measures, new shelters had been built where women victims of domestic violence received full legal, social and psychological support. Under no circumstances were women obliged to return to their homes.

62. The Juveniles Act, which had entered into force on 1 January 2015, provided for, among other things, the raising of the age of criminal responsibility from 7 to 12 years, the establishment of juvenile courts and a juvenile prosecution service, and the introduction of alternatives to detention.

63. As part of social reforms, a new law was being prepared that would allow the establishment and free operation of charity and not-for-profit organizations throughout the country. The authorities were currently seeking input on the draft text from civil society before the bill was presented to the National Assembly.

The meeting rose at 1 p.m.