



International Covenant on Civil and Political Rights

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Summary record of the 2748th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 13 October 2010, at 3 p.m.

Chairperson: Mr. Iwasawa

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

Fourth periodic report of Jordan (CCPR/C/JOR/4; CCPR/C/JOR/Q/4 and Add.1; HRI/CORE/1/Add.18/Rev.1)

1. *At the invitation of the Chairperson, the members of the delegation of Jordan took places at the Committee table.*
2. **Mr. Twal** (Jordan) said that his country was proud of its achievements since embarking on the process of democratic transformation in 1989 and was determined to pursue its reform agenda in all areas, particularly that of human rights. The political leadership was reviewing national legislation and promoting a human rights culture in State institutions and among the public as whole.
3. Jordan's commitment to political reform was reflected in its establishment, in 2003, of the Ministry of Political Development, which reviewed the legislation governing political parties, elections, the media, publications and associations, and was also a major stakeholder in the propagation of a human rights culture. The Ministry's Strategic Plan had four major objectives: enhancement of youth participation in political life; political empowerment of women; empowerment of civil society; and empowerment of political parties.
4. As Secretary-General of the Ministry of Political Development, he chaired an inter-agency committee tasked with updating the National Agenda and other political reform initiatives in the light of the human rights obligations set forth in the Constitution and international treaties. The exercise would be conducted in close partnership with civil society, and the Ministry also counted on the support of the Committee and other international partners.
5. A new Personal Status Code had been enacted in September 2010 after a year of consultations with civil society. A temporary Elections Act adopted in May 2010 introduced a set of transparency and fairness criteria. International observers would be permitted for the first time and many international NGOs had already asked to participate.
6. Turning to the first question on the list of issues (CCPR/C/JOR/Q/4), he said that the Covenant and other international instruments became part of domestic legislation as soon as they were ratified and published in the *Official Gazette*. Judges had invoked the Covenant in their rulings in more than 160 cases.
7. With regard to question 2, the National Centre for Human Rights was an independent institution that was deemed to comply with the Principles relating to the Status of National Institutions (Paris Principles). It had issued many useful critical reports that had led to the review of certain governmental measures. It promoted a human rights culture and organized training courses for the officials and staff of all ministries. It was also a recognized partner of law enforcement agencies, especially those responsible for detention and rehabilitation centres. It was currently leading a coalition of civil society organizations that would monitor the parliamentary elections scheduled for November 2010.
8. **Mr. Masarweh** (Jordan), replying to question 3, said that the purpose of the legislative and practical measures taken to combat terrorism was to protect the fundamental human right to life and security. They should on no account violate the human rights enshrined in the Covenant or other international human rights instruments. The Criminal Code defined terrorist offences and prescribed the applicable penalties on the basis of the principle of *nulla poena sine lege, nullum crimen sine lege*. The Code of Criminal Procedure prescribed the investigatory measures to be taken in the case of terrorist offences

and laid down the rules governing the prosecution of the perpetrators. Procedures that failed to comply with the Code could be invalidated.

9. The bodies that implemented the legislation concerning terrorist offences had also been established by law and their jurisdiction had been clearly spelled out. Their staff received continuing training in the applicable domestic and international human rights legislation and participated with civil society institutions in human rights seminars. They were also held legally responsible for any breach of the law in force.

10. The goal of the Prevention of Terrorism Act was to protect national security by detecting and preventing planned terrorist offences. The necessary measures were taken by the competent public prosecutor for a period not exceeding one month. They were subject to judicial oversight and were open to appeal. Cases concerning terrorist offences were heard by the State Security Court. The highly qualified civilian and military judges complied with the principles of impartiality and transparency and strictly applied the Code of Criminal Procedure. Their judgements were appealable to the Court of Cassation, which was the highest judicial authority and composed entirely of civilian judges. A number of judgements had been quashed on various grounds.

11. Replying to question 10, he said that all defendants were presumed to be innocent until proved guilty. Persons were detained only for specific offences, and arrests and detentions were effected by the regular law enforcement authorities for a maximum period of 24 hours. The detainee must then be brought before a judge, who was required to inform him or her of the right to remain silent until a lawyer was present. Detainees could appeal against their detention, invoking the relevant provision of the Constitution.

12. The detention centre at the General Intelligence Directorate was a public facility that was subject to the general regulations governing places of detention and rehabilitation. All detainees were arrested on the basis of warrants issued by the competent public prosecutor and underwent a medical examination by an impartial physician. Records were kept of the originator of the arrest warrant, the time and date of arrest, and the outcome of the medical examination.

13. With regard to conditions in the General Intelligence Directorate facility, detainees were held in cells with fresh air and natural lighting. Provision was made for appropriate hygiene and nutrition, and detainees had access to doctors, nurses, psychiatrists and dentists. Their families were informed of their whereabouts and family visits were permitted.

14. The staff received training in international standards pertaining to the treatment of detainees and participated in workshops and seminars on the subject. The detention centre was subject to judicial inspection and was visited by representatives of the International Committee of the Red Cross (ICRC), the National Centre for Human Rights and Human Rights Watch.

15. **Mr. Twal** (Jordan), replying to question 4, said article 6 of the Constitution stipulated that all Jordanians were equal before the law, regardless of sex, religion or race. Men and women were thus equal in legal terms. However, in matters of personal and civil status, Muslims were subject to sharia law and Christians to canon law. Both Muslims and Christians in Jordan were content with that situation.

16. With regard to the political empowerment of women, although women were now ministers, members of parliament, senators and senior officials, a great deal remained to be done. The new Elections Act had doubled the minimum number of seats allocated to women. He stressed that although the minimum number was now 12 out of a total of 120 seats, women also competed for the remaining 108 seats.

17. **Mr. Twalbah** (Jordan) said that the Jordanian National Charter also enshrined the principle of equality between men and women, as did the Personal Status Code promulgated in 2010. The Code contained provisions governing marriage, divorce and custody rights and was viewed as a qualitative step forward in the promotion of women's rights. For example, women were recognized as parties to a marriage contract, which could be concluded only with their full consent. Women were also recognized as enjoying financial independence.

18. While polygamy was authorized, it was no longer an unconditional option but was subject to certain restrictions. It was thus hoped that the new Code would promote a gradual change in social traditions and attitudes. In practice, polygamy was not widespread. In most cases, a second marriage was contracted pending a divorce decree after the de facto dissolution of the first marriage.

19. The Personal Status Code also allowed women to include certain conditions in the marriage contract aimed at protecting their interests, such as the right to initiate divorce proceedings. Possible grounds for divorce included inability to pay a dowry, physical or moral defects, infertility, and physical or psychological ill-treatment. Women were accorded a priority entitlement to custody of children and the age of custody had been raised to 15 years. Children over 15 were free to choose between their parents. Women also had the right to travel with the child under their custody, but the child's best interests must be taken into account.

20. **Mr. Twalbah** (Jordan) said that the Sharia Code of Criminal Procedure provided for the establishment of family reconciliation offices. The scheme would be implemented shortly and would enhance the rights of women and children. The Personal Status Code recognized that women could suffer as a result of a husband's inability to pay alimony. Article 320 therefore provided for the establishment of a fund to make advance payments of alimony in such circumstances.

21. **Ms. Ajwa** (Jordan), replying to question 5, said that Criminal Code No. 16 of 1960 prohibited all physical, sexual and verbal acts of violence against both males and females, and Criminal Code No. 11 of 2010 provided for heavier penalties for crimes such as rape and sexual assault, and violent acts against victims under 18 years of age.

22. The Protection against Family Violence Act (No. 6) of 2008 required that all proceedings and information concerning domestic violence should remain strictly confidential. Priority was given to the role of Family Reconciliation Committees, which endeavoured to reconcile family members before ordering protective measures or referring the matter to a court. The Act provided for precautionary measures such as injunctions preventing perpetrators of domestic violence from entering the family home.

23. Women at risk of domestic violence were currently housed in shelters and were not taken into protective custody. A Family Reconciliation Centre for women victims had been set up pursuant to an initiative by Her Majesty Queen Rania Al-Abdullah. They were offered guidance and psychological care and assistance in achieving family reconciliation. A total of 806 women had benefited from such services in 2009.

24. **Mr. Twalbah** (Jordan) said that he had recently been assigned the task of drafting new provisions aimed at improving and expanding the Protection against Family Violence Act in order to offer the best possible services to women victims of domestic violence.

25. **Mr. Twal** (Jordan), commenting on question 6, said that he was opposed to the use of the term "honour crimes". He preferred the term "crimes of passion" but "so-called honour crimes" might also be acceptable. Crimes of passion had nothing to do with legislation or religion but were an unfortunate social phenomenon occurring among Christians and Muslims who had failed to relinquish long-standing bad habits and

traditions. His Government and civil society were jointly tackling such negative aspects of the country's culture.

26. **Ms. Ajwa** (Jordan) said that Jordanian courts had formerly applied the general rule set forth in articles 97 and 98 of the Criminal Code, which allowed perpetrators of crimes committed in the heat of passion to benefit from mitigating circumstances. The legislature had addressed the matter in the amended Criminal Code, ruling out mitigating circumstances in the case of so-called honour crimes if the perpetrator failed to meet the conditions laid down in article 340 of the Code.

27. **Mr. Alshishani** (Jordan) said that the Public Security Directorate and other law enforcement agencies aimed to establish maximum public security with due respect for human rights. Representatives of the ICRC, human rights organizations and other NGOs were authorized to make unannounced visits to prisons, and hold private consultations with prisoners. A total of 869 such visits had been conducted in 2009. Torture and ill-treatment were criminalized under Jordanian law and Islamic law (sharia). Perpetrators of torture were brought to justice in accordance with the provisions of the Criminal Code, and appropriate administrative measures were taken. The Government and security bodies did not have a policy of practising torture or other ill-treatment, and monitoring mechanisms were in place to ensure that security officers maintained respect for human rights.

28. Further to an amendment to the Public Security Act intended to guarantee the independence of the State Security Court, civil and military judges now sat in that Court. The Court maintained the standards of fair trial, and its decisions could be appealed. Measures to increase the independence of the Court had been taken in line with the recommendations made by the United Nations Committee against Torture. In no circumstances could a public security official invoke orders from a higher-ranking official as justification for having committed torture. Any person entering the public security service was required to solemnly swear that he would only carry out legal orders. The Public Security Directorate had taken measures to implement the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the text of that Convention had been included in training courses for public security officials. Training seminars on human rights had also been held in all law enforcement agencies. Efforts were under way to increase transparency and accountability in the activities of the security services.

29. **Mr. Twal** (Jordan) said that the Jordanian police force had a code of ethics, which stated that all police officers should conduct their duties with due respect for human rights as enshrined in Islam, international instruments and the Constitution. The Crime Prevention Act (No. 7) had been adopted after Jordan had gained independence, and reflected the social and political circumstances in Jordan. It was intended to prevent detainees from being able to commit crimes and from becoming victims of crime.

30. **Ms. Ajwa** (Jordan) said that the functions and rules of procedure of the State Security Court were defined in law. The military courts could hear cases involving offences committed by members of the public security forces provided for under the Military Criminal Code, the Criminal Code and other Acts. On the use of confessions obtained under torture as evidence before the State Security Court, she drew attention to article 159 of the Criminal Code, which stated that proof was required that confessions by defendants had been made voluntarily and without use of force. Courts rejected confession-based evidence when no such proof was available.

31. **Mr. Amor** asked what status the Covenant held in the Jordanian legal system, since no mention was made in the Constitution of the relationship between domestic and international law. The Covenant should have primacy over national law, particularly since

the State party had ratified the Covenant without reservation. He would appreciate information on cases where courts had directly invoked the Covenant.

32. The Committee on the Elimination of Discrimination against Women had expressed concern about the civil and political status of women in Jordan, an issue which had also been raised in Jordan's universal periodic review. In that regard, he drew particular attention to the widespread polygamy in the State party, which violated the dignity of women, was incompatible with the provisions of the Covenant, and seemed contrary to Jordan's efforts to include women in the upper echelons of its national and international politics. He requested clarification on women's rights in divorce proceedings, and particularly wished to know whether women could initiate a divorce, and in what circumstances a woman could lose custody of children aged over 15. He wondered whether all divorced fathers were required to pay alimony, or whether there were circumstances in which divorced mothers could be financially self-sufficient. Turning to the issue of violence against women, he requested further information on the content of the bill currently under debate, and asked when the Government expected it to be adopted and implemented.

33. He expressed concern about the regulations on administrative detention under the Crime Prevention Act (No. 7) of 1954, which provided for the arrest and indefinite detention of a person "deemed to be a danger to society". The reduction in the number of such detentions from some 20,000 in 2006 to around 6,000 in 2010 was insufficient: such detentions should be discontinued. Under no circumstances should detention be allowed without an offence having been committed. The continued use of such detention detracted from Jordan's progress in other aspects of human rights protection.

34. **Mr. O'Flaherty** said that the Committee on the Rights of the Child had recommended that the mandate of the National Centre for Human Rights should be broadened to encompass all government agencies, including the police and the armed forces. He asked whether that recommendation had been implemented. He also asked how the Centre's senior staff members were appointed, and whether the Centre was allocated sufficient financial resources to be able to fulfil its mandate. He expressed disappointment that the Centre had not engaged with the Committee in preparing the dialogue with the State party. The Centre should be encouraged to interact with all treaty bodies, since it was an independent voice and its contribution would be most valuable.

35. While commending the State party for the efforts it had made to prevent so-called "honour killings", he asked whether mitigation could still be invoked in a clear case of adultery. If so, he failed to understand how the State party ensured the right to life, which was its obligation under the Covenant; a life was no less valuable or deserving of protection because a person had engaged in adultery. He would welcome the delegation's comments on the possibility of removing that exception. It would also be useful to have clarification of information the Committee had received indicating that, even with the removal of the mitigation provision, courts could still categorize such killings as misdemeanours, thereby imposing sentences as lenient as three months' imprisonment. He asked what measures the State party was taking to raise public awareness of the phenomenon in order to eradicate it from Jordanian society.

36. **Mr. Lallah** said that, while it was understandable that the State party had introduced anti-terrorism legislation, given the regrettable losses it had suffered at the hands of terrorists, it was incumbent on the Committee to ensure that the rights the State party had committed to guarantee on ratifying the Covenant were upheld.

37. Recalling the Committee's concerns and recommendations regarding the State Security Court and the use of torture, ill-treatment and illegal, administrative and incommunicado detention in its concluding observations in 1994 (CCPR/C/79/Add.35, paras. 6 and 16), he noted that the State party had indicated that offences under anti-

terrorism legislation could be taken to the highest appeal court and that the judiciary was independent. He asked how many State Security Court judges had been removed from office in the previous five years before they had reached pensionable age and he would appreciate an indication of the extent to which military officers who sat in the Court were answerable to the military establishment. The Attorney-General of the Security Court appeared to have extensive powers to monitor any person he suspected of being linked to terrorist acts, even to ban them from travelling, inspect their homes or workplaces, and seize their assets. It would be useful to learn how many times the Attorney-General had exercised those powers, how many appeals had been lodged against such actions and what proportion of the appeals had been successful.

38. He recalled that under both *jus cogens* and the Covenant, torture was categorically prohibited. Article 4 of the Covenant provided that there could be no derogation whatsoever from that prohibition. He would therefore welcome information on the extent to which NGOs had access to places of deprivation of liberty. The Committee would appreciate additional information on whether independent mechanisms were in place to deal with complaints of torture or ill-treatment allegedly perpetrated by public officials at any stage of deprivation of liberty. He asked for details of specific cases in which detainees had made allegations of torture or ill-treatment. In particular, the delegation should indicate whether the courts trying the detainee had ordered investigations into those allegations. If so, and if there were grounds to suspect that the detainee had been tortured, had the forced confessions been considered inadmissible as evidence?

39. **Mr. El-Haiba** asked how long individuals could be held in police custody before being brought before a judge. It would be useful to know whether persons in custody enjoyed the right to be seen by a doctor and to legal counsel. Additional information should be provided on the measures that had been taken to regulate and monitor conditions in all facilities where people were held in administrative detention. In particular, he requested data on the number of independent inspections conducted in detention centres in rural and remote areas.

40. It appeared that some women victims of domestic violence, particularly in rural areas, had no option but to take shelter in detention centres. He asked how many women found themselves in that situation in the different detention centres around the country.

41. Given that the Office of the Ombudsman reported to the Public Security Department, he asked to what degree that institution was truly independent. Were NGOs and individuals able to lodge complaints with the Ombudsman?

42. **Mr. Rivas Posada** requested clarification of the basis for the legitimacy of the State Security Court. The Committee would welcome more specific information on the independence of the Court, particularly as its members were directly appointed by the Government. He asked which of the requirements established in article 14 of the Covenant were respected in practice in the work of the Court. Had the Court ever tried civilians in cases that were not necessarily linked to public order and State security?

43. Additional information should be provided on any other courts that existed outside the ordinary legal system. In particular, he wished to know whether the jurisdiction of the court that heard cases involving the police had ever been extended to try civilians.

44. It would be useful to know on how many occasions courts had accepted confessions obtained through torture and other ill-treatment as admissible evidence. While the Code of Criminal Procedure provided that confessions should be made voluntarily, that did not constitute a requirement to investigate whether they could have been obtained through torture or other ill-treatment.

45. **Ms. Motoc** reiterated concerns expressed in the Committee's most recent concluding observations (CCPR/C/79/Add.35) at the relationship between international instruments and domestic law and the need to define the place of the Covenant within the Jordanian legal system in order to ensure the conformity of domestic law with the provisions of the Covenant. She also reiterated the Committee's regret that the Constitutional Court had not yet been established. The existence of such a court would provide a guarantee of the applicability of the provisions of human rights treaties in all courts.

46. She asked the delegation to comment on NGO reports of alleged abuses of power on the part of the internal security forces, including the fact that they exerted undue influence over all branches of government and allegations of arbitrary detention, torture and ill-treatment. She wished to know what measures the Government planned to take to monitor the conduct of the security forces.

47. She welcomed the progress that had been made in the electoral law and the promotion of women's participation in political and parliamentary life. However, she remained concerned at the unequal status of women in terms of inheritance rights, the right to leave the country, the right to Jordanian nationality and opportunities for employment. She asked how the Government was addressing the reportedly high level of domestic violence, particularly against female domestic workers. What measures were being taken to rectify that situation?

48. She requested additional information on the way in which the judicial authorities recognized Catholic tribunals, given the fact that the decisions of such tribunals could not be challenged in the State party but only through the Vatican. She recalled the Committee's general comment No. 32, which stated that such courts could not hand down binding judgements recognized by the State unless their judgements were validated by State courts in light of the guarantees set out in the Covenant and could be challenged by the parties concerned in a procedure meeting the requirements of article 14 of the Covenant.

49. **Mr. Bhagwati** said that he would welcome additional information concerning the Jordanian Juveniles Act (No. 24). In particular, he wished to know the statutory requirements for the appointment of judges to the special juvenile courts and what qualifications were required of such appointees. He also asked how the juvenile courts functioned, what types of decisions they handed down, and whether there was any provision for appealing them. Similarly, he would be grateful to have an explanation of the functions of the social defence offices referred to in paragraph 76 of the periodic report.

50. **Mr. Thelin** said that he would be grateful for clarification concerning the functioning of the State Security Court, whose jurisdiction was, according to information he had received from NGOs, subject to the discretion of the Prime Minister. He recalled that, in its previous concluding observations, the Committee had recommended the abolition of that court.

51. He asked for additional information on how the judiciary was organized. In particular, he would appreciate details concerning the selection, tenure, removal and discipline of judges. Paragraph 56 of the written replies said that the judgements of the State Security Court could be appealed before the Court of Appeal. However, such a review could only be effective if the Court of Appeal was composed of fully independent judges. To that end, the State party might wish to consider, if it had not already done so, inviting the national bar associations to take part in the selection and appointment of judges to the State Security Court.

52. **Mr. Bouzid** asked what types of complaints were lodged with the National Centre for Human Rights and what were the criteria for their admissibility. He enquired whether the decisions or recommendations issued by the Centre were binding on the State. He

wondered whether branch offices of the Centre had been established throughout the country.

53. **Mr. Twal** (Jordan) said that his country was in the midst of a democratic transformation aimed at achieving a fully functional democracy by the end of the next decade. The Ministry of Political Development had been tasked with formulating a time-bound reform plan over that period. He assured the members of the Committee that, to that end, their comments and suggestions would be thoroughly analysed at the highest levels. His Government had embarked on a plan to tackle the backlog of periodic reports it was required to submit to United Nations human rights treaty bodies and hoped to comply with its reporting obligations more promptly in the future.

54. In response to questions concerning the practice of polygamy, he said that the Government did not wish to convey the message that it condoned that practice. It recognized the need to address the cultural and religious dimensions of that and other practices and looked forward to finding effective mechanisms in order to do so.

55. **Mr. Twalbah** (Jordan) said that the Personal Status Code had been adopted in 2010 and would enter into force in the near future. The provisions of the Code regulating and restricting the practice of polygamy were aimed at reducing the number of cases of polygamy and encouraging a new understanding of its practice among the population. The Government's next objective was to clarify the situation of polygamy in Islamic jurisprudence by giving it a new interpretation, while remaining true to the Koranic texts. One progressive aspect of the provisions of the Personal Status Code was that it granted women the right to request the dissolution of a marriage on the grounds of marital conflict.

56. The provisions of the Personal Status Code concerning inheritance had been derived from Islamic law and endeavoured to take account of the best interests of women. The law on inheritance provided a fair and balanced system in which women could be granted an equal share, a lesser share or a greater share of the inheritance than a male heir, depending on need. One of the most notable improvements brought about by the Code was that all aspects of personal status, including inheritance, had been set out explicitly in the Code. That fact alone made it easier for future spouses to be fully aware of their rights under the marriage contract before marrying.

57. With regard to the issue of divorce, the Personal Status Code authorized the husband to divorce his wife on his own initiative and granted women the right to include in the marriage contract a conditional provision entitling them to initiate divorce proceedings, while retaining the rights which they had exercised under the marriage contract. The difference was that a man who exercised his right to divorce was responsible for meeting the financial obligations contracted during marriage, whereas women who had provided for the right to file for divorce on their own initiative incurred no financial liability and retained their rights under the marriage contract. One of the innovations of the Personal Status Code was the stipulation that when a woman divorced her husband on her own initiative, the decision was irreversible and the husband could not seek to reinstate the marriage.

58. **Mr. Twal** (Jordan) said that the governing body and high commissioner of the National Centre for Human Rights were appointed by the King and could be removed only by him or by a decision of the governing body. Since the Cabinet had no authority over the Centre, it meant that the governing body was free to comment on or criticize the policy or action of the Government or the conduct of its officials. The Centre was one of the main partners of the Ministry of Political Development, which was considered to be the ministry that represented civil society within the Cabinet.

59. On the question of its financial independence, the National Centre for Human Rights received financial support from both the Government and international donors. Activities relating to election monitoring were funded by the international community. The Centre

had been responsible for the training of all national observers and coordinated the participation of international observers of Jordanian elections.

60. The National Centre for Human Rights was authorized under its by-laws to receive complaints directly from individuals, who were not required to process their complaints through the courts at any level. Although the Centre did not have branch offices owing to the country's small size, it did have representatives in cities in the provinces. The majority of the complaints submitted to the Centre were sent by e-mail or fax, further obviating the need for branch offices.

The meeting rose at 6 p.m.