



General Assembly

Distr.: General
11 March 2019
English
Original: Arabic

Human Rights Council
Fortieth session
25 February–22 March 2019
Agenda item 6
Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Jordan

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.



The official position on the 21 recommendations which – during the review of its third national report before the universal periodic review mechanism before the Human Rights Council in Geneva – Jordan promised it would examine.

I. Recommendations noted

Recommendation 136.4

Modify article 208 of the Criminal Code so that torture is categorized as a serious crime instead of a minor crime (Spain)

Reply

- Article 208 of the Jordanian Criminal Code covers the offence of torture of all kinds as practices or actions that may be carried out by law enforcement officials for the purpose of obtaining a confession. If those actions are so grave as to result in serious consequences – such as beatings resulting in death, attempted murder or murder in any form – they are considered as serious offences that are liable to punishment under Jordanian law.
- Actions that may constitute a violation of a person’s rights and that may be carried out by law enforcement officials without the intention of obtaining a confession are criminalized and punished under other provisions of Jordanian legislation. This includes crimes of abuse, threats, vilification, defamation and contempt. Actions that are so grave as to result in serious consequences, as outlined above, are criminalized under Jordanian law as serious offences.
- Under Jordanian law, penalties are more severe if the act of torture leaves traces. Article 208 (3) of the Criminal Code states: “If the torture leads to illness or severe injury the penalty shall be a fixed term of hard labour.”
- The Criminal Code was amended in 2018 to raise the minimum penalty for the crime of torture from a term of imprisonment of 3 months to a term of 1 year.

Recommendation 136.7

Adopt comprehensive national legislation to prohibit direct and indirect racial discrimination, in accordance with the International Convention on the Elimination of All Forms of Racial Discrimination, including all prohibited grounds of discrimination under article 1 (Côte d’Ivoire)

Reply

- The 1952 Constitution of Jordan enshrines the principle of equality and of non-discrimination on any grounds, be they race, language or religion. Moreover, Jordanian legislation includes provisions to criminalize any dissemination of ideas based on racial superiority or racial hatred, any incitement of racial discrimination, any acts of violence or incitement to violence against any race or group defined by colour or ethnic origin, and any support of racist activities, including through funding.

Recommendation 136.15

Enable unrestricted access to the Internet for all members of society by ensuring cybersecurity and the safe flow of information, without violating freedom of expression or the right to privacy (Estonia)

Reply

- Jordanian legislation regulates freedom of use of the Internet in the light of the wide dissemination of social media sites and blogs, striking a balance that takes account of freedom of opinion and expression while curbing such phenomena as character assassination, infringement of privacy and the spread of terrorism. State-controlled Internet platforms have been established to receive complaints and proposals from citizens and to refute rumours; they include the platforms: “Your right to know” and “At your service”.

Recommendation 136.16

Facilitate the creation and operation of civil society organizations by amending the law of societies in accordance with the requirements of the International Covenant on Civil and Political Rights, by limiting State interference, in particular restrictions on funding, and by ensuring that any such interference is exercised in an accountable and transparent way (Germany)

Reply

- It is important to prevent duplication in the delivery of services to target groups and to link services to national development goals. The aim is to create a database of the services provided in all regions of Jordan, their funding sources, their equitable distribution and their target groups. It is also important to identify the funding party and to verify their good intentions in providing the funding, in order to interact with them and to ensure the well-being of beneficiaries.
- In addition, financial oversight needs to be exercised in order to prevent personal profit and gain, to ensure that funding has no links with money-laundering or the financing of terrorism and to safeguard against funds being used to encourage extremism or divisive agendas. Such oversight helps to establish a national map of funding and of target groups and guides civil society to work with local actors.
- The freedom to form and join associations is regulated by the Associations Act No. 51 of 2008 as amended. Article 17 of the Act stipulates that, in order to ensure transparency, jurisdiction to approve donations and funding lies with the Council of Ministers. The Council’s decisions in that regard are not final and may be appealed before the Supreme Administrative Court.

Recommendation 136.19

Amend the labour code to align it with international labour standards, including allowing foreign workers to form and head trade unions (United States of America)

Reply

- Articles 6 and 23 of the Constitution of Jordan grant all Jordanians, without discrimination, the right to work, while laws and regulations governing work provide supplementary protection for Jordanian and non-Jordanian workers. The

1996 Labour Code, as amended to date, protects both Jordanian and non-Jordanian workers and its provisions are applicable to all irrespective of gender, nationality, race, colour or religion. Any rights or privileges enshrined therein are applicable to all workers without distinction, including the right to join trade unions and the right to have recourse to the courts to demand any labour rights enshrined in law.

- Article 2 of the 1996 Labour Code, as amended, defines a worker as follows: “Any male or female who performs work in return for remuneration or is subordinate to and under the authority of an employer, including juveniles and those undergoing probation or training.”
- Under the law, foreign workers have the right to join Jordanian unions and to benefit from the concomitant privileges, including the right to collective bargaining.

II. Recommendations accepted

Recommendation 136.1

Define in law the crime of torture in accordance with article 1 of the Convention against Torture, with appropriate punishment attached to it (Chile)

Explanation

- This recommendation has been implemented. Article 208 of the Jordanian Criminal Code covers the offence of torture of all kinds as practices or actions that may be carried out by law enforcement officials for the purpose of obtaining a confession. The Criminal Code was amended in 2018 to raise the minimum penalty for the crime of torture from a term of imprisonment of 3 months to a term of 1 year. Article 208 (3) of the Criminal Code states: “If the torture leads to illness or severe injury the penalty shall be a fixed term of hard labour.”

Recommendation 136.2

Amend laws that impede freedom of expression and information (France)

Explanation

- The Government has again amended the bill amending the Cybercrime Act and has resubmitted it to the House of Representatives for constitutional procedures to follow their course.
- The Government has withdrawn a bill amending the Access to Information Act of 2012 from the House of Representatives; the bill will be amended then resubmitted to the House during its current regular session.

Recommendation 136.3

Expand the authority and available resources of the National Centre for Human Rights, the national human rights institution (Republic of Korea)

Explanation

- This recommendation has been implemented. Under the law, the National Centre for Human Rights has authority to receive complaints, to monitor government

performance and to criticize that performance in its annual report. In addition, the Government is acting to empower the Centre by increasing its financial allocations in the general State budget, to the extent possible.

Recommendation 136.5

Revise and specify the definition of incitement of hatred in the amended 2011 law on cybercrime (Sweden)

Explanation

- New amendments to the bill amending the Cybercrime Act include a revision of the definition of hate speech. The bill is currently being reviewed by the National Assembly.

Recommendation 136.6

Form a committee of independent experts to consider amendments to media-related legislation and institutions (Sweden)

Explanation

- This recommendation is consistent with the procedures currently followed for proposing media-related bills and introducing amendments to media-related laws. Those procedures envisage consultations with all stakeholders – including the participation of citizens via the website of the Legislation Bureau and taking account of relevant comments – before the final wording of a draft is approved by the Council of Ministers then submitted to the House of Representatives for discussion and the completion of constitutional procedures.

Recommendation 136.8

Pursue efforts to prevent torture, including by reviewing the Criminal Code (Republic of Korea)

Explanation

- This recommendation has been implemented, and all law enforcement agencies are making increased efforts to raise awareness about torture prevention among their personnel.

Recommendation 136.9

Increase the number of shelters for victims of gender-based violence and honour crimes (Spain)

Explanation

- Currently, there is a shelter for women in situations of risk and two homes for victims of domestic violence affiliated to the Ministry of Social Development. Although these facilities are sufficient for the numbers of victims currently requiring shelter, the Ministry has plans to establish a new shelter in southern Jordan during the course of 2021.

Recommendation 136.10

Limit the use of administrative detention, respecting the rights of prisoners as specified in article 9 of the International Covenant on Civil and Political Rights (Ireland)

Explanation

- Administrative detention is restricted to persons with a criminal record who are known to the security services and who, by remaining at large, pose a threat to individual and collective security and to public and private property. Administrative detention is regulated by the Crime Prevention Act under which persons in detention are treated fairly in accordance with human rights standards. These include the procedural aspects of the investigation, the hearing of witnesses, the presence of legal counsel and the entitlement of an injured party to appeal against administrative decisions to the administrative courts. Furthermore, the law does not allow an administrative governor to imprison a person appearing before him unless that person fails to provide an undertaking to keep the peace or refrain from committing acts that disturb public order.

Recommendation 136.11

Consider revising the use of administrative detention and take measures to guarantee access to legal assistance (Italy)

Explanation

- Administrative detention is regulated by the Crime Prevention Act under which persons in detention are treated fairly in accordance with human rights standards. These include the procedural aspects of the investigation, the hearing of witnesses, the presence of legal counsel and the entitlement of an injured party to appeal against administrative decisions to the administrative courts.
- Administrative detention procedures are preventive in nature, designed to prevent breaches of public order by anticipating and forestalling contingencies. They are administrative decisions that are subject to oversight by the administrative courts, which may abrogate them or order redress without being bound by legal deadlines. These procedures are constantly being reviewed and evaluated to ensure that they comply with human rights standards, raise awareness among the officials responsible for implementing them and facilitate access to legal assistance for detainees. The Public Security Directorate has signed a memorandum of understanding with the Bar Association to facilitate proceedings before an administrative governor in cases of persons who are subject to administrative detention.

Recommendation 136.12

Recognize the need to adopt a definition of torture in keeping with article 1 of the Convention against Torture (Mexico)

Explanation

- This recommendation has been implemented.

Recommendation 136.13**Amend the Anti-Terrorism Law to bring it into line with the International Covenant on Civil and Political Rights (Belgium)****Explanation**

- This recommendation has been implemented and there is therefore no conflict between the Anti-Terrorism Act and the International Covenant on Civil and Political Rights.

Recommendation 136.14**Guarantee freedom of expression and halt the detention of all writers, journalists and website editors based on charges related to freedom of expression, and abolish the Criminal Code articles which place impermissible restrictions on freedom of expression both offline and online (Czechia)****Explanation**

- Article 8 of the Press and Publications Act No. 8 of 1998, as amended, prohibits the imposition of any restrictions that impede press freedom or interference in any activities carried out by journalists in the course of their profession.
- Accordingly, no citizen or journalist may be arrested or tried in connection with an issue relating to opinion or freedom of expression, and any arrest or trial only ensues if they have committed criminal acts that violate the provisions of other laws.
- In addition, the latest amendments to the bill amending the Cybercrime Act include a modification to article 11 of the original Act envisaging a maximum penalty of two years. Therefore, there is no need to arrest the perpetrator. Nor may the perpetrator be pursued before the courts save pursuant to a complaint in pursuit of a personal right, and the legal action is suspended if the complaint is dropped.

Recommendation 136.17**Review its legislation and practices with the aim of ensuring that all persons and civil society actors, including human rights defenders and journalists, can freely exercise their rights to freedom of expression, association and peaceful assembly, both online and offline, as provided for by international human rights law (Lithuania)****Explanation**

- A committee has been formed to analyse and review the international human rights treaty system, compare it with domestic law and determine to what extent it is necessary to intervene with amendments, alterations and new legislation in order to ensure consistency between the national and international systems. The committee also has the task of examining the consistency of domestic law with international and regional human rights treaties with a view to the eventual ratification of those treaties on the part of Jordan.

Recommendation 136.18

Re-evaluate the recent amendments to the Press and Publications Act, the law on cybercrime and the Criminal Code to ensure that legislation and practice are in conformity with international human rights law and standards, in particular the right to freedom of expression under article 19 of the International Covenant on Civil and Political Rights (Austria)

Explanation

- A committee has been formed to analyse and review the international human rights treaty system, compare it with domestic law and determine to what extent it is necessary to intervene with amendments, alterations and new legislation in order to ensure consistency between the national and international systems. The committee also has the task of examining the consistency of domestic law with international and regional human rights treaties with a view to the eventual ratification of those treaties on the part of Jordan.

Recommendation 136.20

Continue to ensure effective access to justice for women migrant domestic workers, including by guaranteeing their safety and residence, while legal proceedings are under way (Indonesia)

Explanation

- This recommendation has been implemented. Jordanian labour laws and labour regulations provide legal protection for domestic workers and ensure that they are able to obtain justice and, when necessary, to access the shelters affiliated to the Ministry of Social Development. Financial challenges are currently impeding the possibility of establishing shelters affiliated to the Ministry of Labour.

Recommendation 136.21

Deepen the measures to guarantee the principle of non-refoulement (Argentina)

Explanation

- Although Jordan is not a party to the 1951 Convention relating to the Status of Refugees, it does effectively apply the principle of non-refoulement in its dealings with refugees on national soil, despite the fact that Jordan hosts more than 4 million refugees, who make up about 40 of the population on its territory.

Recommendations in relation to which the position of Jordan will be corrected to “accepted” after they had been incorrectly classified as “noted”.

Recommendation 137.41

Continue with cooperation efforts for capacity-building of the Office of the Government Coordinator for Human Rights, representing ministries, institutions and official bodies, the Government and security forces, which has been in place since 2014 (United Arab Emirates)

Recommendation 137.62

Create legislative and social conditions to allow the de facto empowerment of Jordanian women and launch awareness campaigns on women’s rights (Angola)
