

JORDAN

CCPR A/33/40 (1978)

399. The Committee considered the initial report (CCPR/C/1/Add.24) submitted by Jordan at its 103rd meeting held on 1 August 1978 (CCPR/C/SR. 103).

400. The report was introduced by the representative of the State party who apologized for the brevity of the report and the fact that it did not conform to the guidelines established by the Committee. He stated that the competent authorities in Jordan were currently preparing an addendum to the initial report which would meet fully the requirement of article 40 of the Covenant.

401. Noting that the report was incomplete in form as well as in substance, members of the Committee welcomed the intention of the Jordanian Government to submit an addendum to it and wished to ask general questions which the Government of Jordan might find helpful in drafting the supplementary report.

402. With reference to article 2 of the Covenant, it was noted that Jordanian legislation prohibited discrimination on grounds that fell short of the requirements of paragraph 1 of that article and of article 26 of the Covenant. Questions were asked concerning the manner in which Jordan implemented the provisions of the Covenant: whether there was any enactment rendering the Covenant as a whole internally applicable; whether an over-all review of Jordanian legislation was conducted to determine if it contained inconsistencies or deficiencies with respect to the Covenant; how contradictions between the articles of the Covenant and the provisions of Jordanian legislation were resolved; to what extent the provisions of customary law were in keeping with the articles of the Covenant; whether the Covenant had been published in Arabic and made available to the public; and whether a Jordanian citizen could invoke the Covenant in courts to defend his rights. Information was requested on the judicial as well as on the legal system of Jordan; on the current status of the Constitution; on whether there were any special courts, such as military courts, to deal with the current situation; and on which of the remedies laid down in article 2, paragraph 3 of the Covenant were available to a person who believed that his or her rights had been violated.

403. Noting that traditions as well as religious difficulties in many countries hindered the implementation of article 3 of the Covenant, regarding equality of the sexes, some members of the Committee enquired about Jordan's position in that connection and requested more information on the emancipation process of women in that country.

404. As regards article 4 of the Covenant, one member of the Committee wondered whether the Jordanian Government derogated from any of the provisions of the Covenant and whether it foresaw the possibility of returning to a full constitutional position in the near future.

405. It was noted that the report made little or no mention of the rights guaranteed in article 7 of the Covenant, concerning torture and other inhuman treatment, and in articles 9 and 10 concerning the treatment and rights of detainees and prisoners. Information was requested on regulations, measures and procedures established to ensure respect for the provisions of these articles and on the remedies

available in this regard to the persons concerned.

406. Noting that certain rights were subject to restrictions in Jordan, and stressing the importance of the rights and freedoms, especially those guaranteed in articles 17, 18, 19, 21, and 22 of the Covenant, members of the Committee wished to know what laws existed in Jordan which restricted fundamental freedoms and what their justification might be. In that connection, reference was made to a statement in the report that the right of publication was subject to "certain other conditions" and further details were requested regarding those conditions. Members asked to what extent the participation of the broad masses of the population was assured in the active and passive use of the mass media, what restrictions had been placed in Jordan on freedom of opinion and information and how much control was exercised over the mass media. With reference to a statement in the report that Jordanians had the right to hold meetings and to form societies and political parties provided that their objectives were lawful, the representative of Jordan was asked who made the judgement as to what was lawful and what recourse was available in case those rights were denied because of the said proviso. He was also asked whether trade unions could play a political role in Jordan.

407. Additional information was requested on the implementation of articles 23, 24 and 25 of the Covenant.

408. The representative of the State party stated that his Government would submit an additional report dealing specifically with the matters raised by the Committee.

CCPR A/37/40 (1982)

166. The Committee considered the supplementary report of Jordan (CCPR/C/1/Add. 55) 11/ at its 331st and 332nd meetings held on 29 October 1981 (CCPR/C/SR. 331 and 332).

167. The supplementary report was introduced by the representative of the State party who stated that it was not possible to understand the human rights situation in Jordan without having an idea of the political, social and economic obstacles that the country had been facing since Israel's occupation of the West Bank and the Gaza Strip in 1967 which had caused an influx of hundreds of thousands of refugees, living in wretched conditions, to the East Bank; that this grave situation had obliged the Government to proclaim a state of emergency in accordance with the Constitution and that the notification required under article 4 of the Covenant was being given consideration by his Government. Referring to an Amnesty International report about Jordan, he denied all the information contained in it and dismissed it as based on ill-intentioned and false rumours though acknowledging the sentencing to 10 years' imprisonment of four persons for belonging to the prohibited communist party of Jordan, and that the reason for the sentencing of one of them had been his involvement in subversive activities and instigation of illegal acts designed to undermine the security of the State.

168. The representative also stated that his Government strongly adhered to the right to self-determination and deplored the denial of this sacred principle to the Palestinian people; that the Constitution of Jordan, which was inspired by the teachings of Islam, prohibited all forms of discrimination on grounds of race, language or religion; that Muslim and Christian religions co-existed peacefully, neither prevailing over the other; that law was sovereign in Jordan, guaranteeing protection of human rights, within the limits permitted by the volatile political situation prevailing in the neighbouring countries; that the provisions of the Covenant were being observed both legislatively and in practice with the exception of certain rights which had been suspended because of "Israel's aggressive attitude towards Jordan"; that only four people had been executed in Jordan in recent years, all for premeditated murder; that although sentences of the martial law courts could not be appealed, they must be ratified by the Prime Minister who, in his capacity as Martial Law Governor, had the authority to increase, reduce or annul the sentence; that Jordanians could not be detained or imprisoned except in accordance with the provisions of the law and within the limits imposed by the situation which prompted the proclamation of public emergency.

169. Members of the Committee welcomed the submission by Jordan of a supplementary report as an obvious indication of its desire to continue its co-operation with the Committee and appreciated the frank introductory remarks made by its representative which shed some light on the factors and

11/ The initial report of Jordan (CCPR/C/1/Add.24) was considered by the Committee at its 103rd meeting, on 1 August 1978; see CCPR/C/SR.103 and Official Records of the General Assembly, Thirty-third Session, Supplement No. 40 (A/33/40), paras. 399-408.

difficulties affecting the implementation of the Covenant in his country and on the abnormal situation imposed upon Jordan by the Israeli occupation of the West Bank. They would have liked

the report, however, to be more explicit and specific in explaining how those factors and difficulties affected the civil and political rights of Jordanians.

170. With reference to article 1 of the Covenant, it was pointed out that the statement in the report that “Jordan believed that self-determination was a continuous process and did not end with the declaration of independence” was important and showed that the Government was conscious of its duties towards Jordanian society and its aspirations. In this connection, it was asked whether, with regard to the West Bank of the Jordan, the Jordanian Government considered that the Palestinian people should enjoy autonomy even insofar as Jordan was concerned, or whether it considered that the West Bank was an integral part of Jordan and that self-determination should therefore be interpreted as meaning integration into Jordan.

171. Commenting on article 2 of the Covenant, members referred to a statement in the report that international agreements which Jordan ratified or acceded to had the force of law and had precedence over all domestic laws with the exception of the Constitution and they asked how any possible inconsistencies between the provisions of the Covenant and the provisions of the Constitution were resolved; whether examples could be cited of cases in which the provisions of the Covenant had been invoked in the country’s courts; which bodies were responsible for implementing the Covenant; what remedies existed in peace-time and also when a state of emergency existed; and whether there were any special tribunals to deal with complaints by individuals that their rights under the Covenant had been violated.

172. As regards article 3 of the Covenant, more information was requested on the actual situation of women in Jordan and on the extent to which they had reached in the enjoyment of their civil and political rights, and it was asked what prevented women in Jordan from availing themselves of the provisions of article 2 of the Covenant and from occupying a municipal position.

173. In connection with article 4 of the Covenant, it was noted that there had been a state of emergency in Jordan for the previous 23 years, that although the Covenant had entered into force for Jordan several years before, the Jordanian Government had not yet informed the other States parties as required by article 4 of the Covenant of the provisions from which it had derogated because of the state of emergency, and it was asked what prevented the Government from doing so and when it intended to take such action. It was also noted that, under articles 124 and 125 of the Constitution, the application of all the provisions of the Covenant could be suspended, since those articles authorized the King to take any measures he deemed necessary, and it was asked what the effects of the state of emergency in Jordan were on the application of the provisions of the Covenant and what was left of the safeguards provided by the Covenant.

174. In relation to article 6 of the Covenant, it was noted with satisfaction that there had been only four executions in recent years in Jordan and it was asked whether the Jordanian Criminal Law provided for the guarantees stipulated in the Covenant in this respect and for the possibility of amnesty, pardon or commutation; whether there were, in Jordan, any movements favouring the abolition of the death penalty and, if so, what was the attitude of the Government towards them; and whether the Government had considered the possibility of repealing the provisions allowing for the execution of pregnant women three months after giving birth so as not to deprive a child of its mother.

175. Commenting on articles 7 and 10 of the Covenant, members noted that, in the report, the Government of Jordan had recognized that excesses were sometimes committed by some public security personnel but that those excesses were not institutionalized and had always been condemned and outlawed and information was requested on specific cases in which such excesses, had been penalized and on whether the victims of torture were entitled to compensation; on the legal provisions regulating solitary confinement in Jordan, the period of time for which it was permitted, whether it could be renewed, the physical conditions in which it was practised and on the family contacts of detained or imprisoned persons and their access to counsel. In this connection, it was pointed out that it was important that there should be adequate arrangements for supervisory bodies to monitor conditions in prisons and adequate procedures for receiving and investigating complaints by prisoners and that the members of those supervisory bodies should be independent of both the police and the prison authorities, and it was asked what kind of arrangements and procedures existed in Jordan in that respect and whether the International Committee of the Red Cross had been given an opportunity to visit prisons in Jordan and, if so, with what results.

176. Members of the Committee noted that the information in the report regarding article 9 of the Covenant was very brief and they requested information on the pertinent parts of the Criminal provisions as well as on the measures taken to implement this article, particularly, on whether there were any provisions for the preventive detention of politically suspect persons; on whether it was possible to detain a person for reasons not contemplated by the criminal law, on the arrangements for dealing with the mentally sick; and on whether an individual who had been arbitrarily arrested or detained was entitled to compensation.

177. In relation to article 13 of the Covenant, members requested more information on the Aliens Law of 1973 and on the measures adopted to ensure the guarantees provided for in this article.

178. Members of the Committee also sought more information on the Jordanian legislation with regard to the principles and guarantees provided for in article 14 of the Covenant. Particular emphasis was put on the principle of the independence of the judiciary and on the law governing the appointment and dismissal of judges by royal decree, and it was asked whether the Jordanian Government really considered that in the existing circumstances it was essential to give military courts jurisdiction over civilians and whether it would not be more satisfactory to have offences by civilians dealt with by the ordinary courts considering that the military courts tended to proceed in a summary manner and often with no normal right of appeal.

179. It was noted that no information at all was provided on the measures taken to implement article 15 of the Covenant and the Government of Jordan was requested to remedy that situation, particularly as far as the prohibition of retroactive punishment was concerned.

180. As regards article 18 of the Covenant, it was noted that the children of a Muslim were always Muslims according to the Sharia and it was asked whether that meant children up to a certain age or whether it meant that a child of Muslim parents could not change his religion; and it was pointed out that if the latter was the case, there might be some conflict with article 18 of the Covenant. Reference was also made to a statement in the report that freedom of religion was observed within the limits of the Islamic Sharia and that the Christian communities in Jordan practised freedom of religion within the limits and boundaries of their denominations, and it was asked whether the Sharia

was also applicable to the Christian communities or whether it applied only to Muslims, whether there was discrimination on grounds of religion and what the legal relationship was between the Islamic and Christian communities. The view was expressed that it would be desirable for Jordan, as well as other Muslim States parties, to give fuller information concerning the principles of Islam and the relationship between Muslims and persons of other religions in order to correct any misconceptions on the part of non-Muslims.

181. Detailed information was requested regarding laws and other measures restricting the freedoms provided for in articles 17, 19, 21 and 22 of the Covenant. It was asked why the Government of Jordan had not ratified the Conventions Nos. 29, 98 and 105 of the International Labour Organisation concerning Freedom of Association and Protection of the Right to Organize.

182. Commenting on article 23 of the Covenant, one member noted that, under Jordanian law, children held the nationality of their father and he pointed out that this might contravene article 23, paragraph 4, of the Covenant, which taken in conjunction with articles 3 and 26, suggested that the nationality should be transmitted equally through both the father and the mother.

183. In connection with article 25 of the Covenant, members asked why the Chamber of Deputies had been suspended and why elections to that assembly had been discontinued; could elections take place in the part of Jordanian territory over which the Government had full authority and, if not, what obstacles there were to prevent such elections from being held; what the situation was regarding the National Consultative Council, whether it was in a position to perform its role as an intermediary between the people and the Government and whether an expansion of its powers was being contemplated.

184. Replying to questions raised under article 1 of the Covenant, the representative of Jordan recalled that his Government had often stated that after the liberation of the West Bank from Israel's occupation, the Palestinian people would be able to practise self-determination.

185. As regards article 2 of the Covenant, he pointed out that Jordanian courts gave international agreements precedence over domestic laws except when public order was in danger; that most of the provisions of the Covenant were embodied in Jordanian legislation to a certain extent; that no discrepancies between that legislation and the articles of the Covenant had been noted; and that there was nothing to prevent any Jordanian citizen from gaining access to the courts, from the Magistrate's Court right up to the Court of Cassation.

186. In relation to article 3, the representative gave some information about the level of development achieved by women in the various fields and pointed out that the restrictions on the employment of women in the municipality had to be seen in the context of the widespread illiteracy that existed at the local level and that, in any event, legislation had been prepared to remedy this situation.

187. Replying to questions under article 4, he denied that a state of emergency had been in force in Jordan for the past 23 years since the emergency regulations introduced in 1957 had been lifted in 1958 and were not reintroduced until 1967 when the war with Israel broke out; that the notification required under article 4 was being considered by the Council of Ministers and that,

according to the Constitution, when the Defence Law was not considered to be sufficient for the protection of the country, the King could proclaim martial law; and that martial law had been in force in Jordan since 1967, but that nobody suffered unjustly from its application.

188. Replying to questions under article 25, he stated that the National Consultative Council was composed of representatives from different sectors of Jordanian life and that its role was to advise the Government on legislation, to help formulate Government policy in the social, political and economic fields, and that it had temporary status pending the holding of further elections. He informed the Committee that the Jordanian people had the possibility of participating in municipal elections every four years.

189. The representative of Jordan undertook to submit further information in writing for the consideration by the Committee at its fifteenth session.

190. The Committee decided to consider such supplementary information at its fifteenth session if submitted by January 1982 and that the date of submission of Jordan's subsequent report should be calculated on the basis of the date of that submission.

191. At its sixteenth session, the Committee considered the additional supplementary report submitted by Jordan (CCPR/C/1/Add.56), containing replies to the questions raised during the consideration of the supplementary report (CCPR/C/1/Add.55; see paras. 166-190) at its 361st and 362nd meetings on July 1982 (CCPR/C/SR.361 and 362).

192. The additional supplementary report was introduced by the representative of the State party who stated that since the submission of the supplementary report, the Middle East had witnessed a tremendous upheaval following the Israeli invasion of the Lebanon with serious effects on the human rights situation in the whole region, for the Israeli invasion has as its aim the extermination of the Palestinian people residing in that country.

193. The Committee began its consideration of the additional supplementary report with the question of the implementation of article 1 of the Covenant relating to self-determination. Members of the Committee expressed their appreciation for the continued co-operation of Jordan with the Committee, particularly under the present difficult circumstances. They expressed their deep concern at the situation resulting from the Israeli invasion of Lebanon which constituted one of the major factors affecting the enjoyment of human rights in the region to which Jordan belonged, particularly the enjoyment of the right to self-determination and the violation of the basic right to life. Noting that the Israeli occupation of the West Bank of Jordan, had already prevented Jordan from extending the implementation of the Covenant in that territory, members asked how many Palestinians inhabited the Kingdom of Jordan, what was the exact legal status of the West Bank from the Jordanian point of view, what steps the Government of Jordan had taken to implement article 1, paragraph 3, of the Covenant, whether it was possible for it to ensure by means of administrative and legislative measures that the crimes committed against the Palestinian people would not be forgotten when its right to self-determination was re-established and to what extent the Jordanian representative felt that the Committee and States parties to the Covenant could support the Government of Jordan in its present situation and assist it in overcoming the difficulties encountered in implementing the Covenant. A question was also asked whether a policy of non-recognition of

a State was compatible with a people's right of self-determination.

194. The representative of Jordan replied that the Government had proclaimed that, after the liberation of the West Bank, the Palestinians would exercise their right to self-determination and thus establish their own State. Legally, the West Bank was still part of the Hashemite Kingdom of Jordan and such a position did not involve any contradiction since the 1950 Parliamentary Declaration on the unity between the two banks of the River Jordan had included a provision to the effect that such unity did not affect the Palestinian people's right to self-determination. The number of Palestinians living in Jordan amounted to 1,250,000 persons. He stated that since the unification of the two Banks of Jordan in 1950 Palestinians and Jordanians shared responsibilities and enjoyed political representation. The Government had done its utmost to ensure that justice was done to the Palestinian people, both those living on the West Bank and those living in Jordan, and was providing them with financial assistance to enable them to remain on the West Bank and in order to foil Israel's persistent attempts to evict them from their homeland. Jordan's position was, he concluded, therefore, legally and politically in conformity with article 1 of the Covenant. His Government did not want to evict the Israelis from the area. It wanted them to stay on the land granted to them by the United Nations. Unless that was achieved, peace was not possible, since the Palestinians had lived in Palestine long before Israel had been created and could not forget their homeland. There ought to be two States living together, provided that Israel ceased to be covetous, expansionist and racist.

195. With regard to article 2 of the Covenant, some members of the Committee wished to know the extent to which the right to equal enjoyment of human rights prescribed in that article were implemented in Jordan since article 6 of the Constitution guaranteed equality before the law only to Jordanians. Members enquired about the position with regard to Palestinians in Jordan. The representative of Jordan replied that, since Palestinians living in Jordan had opted for Jordanian citizenship, that article of the Constitution applied to them. Insofar as those Palestinians still resident on the West Bank and who were in possession of Jordanian passports were concerned they were regarded as Jordanians for the purposes of that article.

196. With respect to the reply given by the representative during the consideration of the first supplementary report of Jordan that Jordanian courts gave international agreements precedence over domestic laws except when public order was in danger, it was asked whether since 1967 remedies have been available as required by article 2, paragraph 3, of the Covenant. The representative indicated that the Court of Cassation in its judgement No. 32/82 of 6 February 1982 has held that international covenants and treaties superseded local laws.

197. In relation to the equal rights of men and women, members asked whether there was, in fact, full equality in marriage between men and women; whether any steps were taken to ensure that the woman's consent to marriage had in fact been obtained; whether a woman could apply for divorce under the same conditions as a man; whether there was genuine equality within the family or did the man still occupy a dominant position; whether women had the right to vote; what measures were being taken to encourage female participation in secondary schooling so that women would be in a position to play a more equitable part at the decision-making level in the country; whether the Government through the mass media advised women of their rights. Information was also requested on the participation of women in the armed forces, the police and in the Government. In reply the

representatives of Jordan pointed out that men and women had equal rights in marriage and the founding of a family in accordance with the Personal Status Act of 1976. The Act provided that the consent of both parties was essential for a marriage to take place and also laid down the conditions governing the separation of the spouses and the rights of the children of the marriage. Women - both Moslem and Christian - were entitled under the law to apply to the courts for divorce. As regards the education of girls, he indicated that greater opportunities for girls to receive higher education were desirable, but the reforms of the educational system were hampered by budgetary considerations. The schools in the villages provided a limited standard of education but those girls who wished to attend secondary schools could do so by going to a nearby town, although their parents would probably prefer them to remain to help at home and in agriculture. The representatives also stated that women had the right to vote in parliamentary but not in municipal elections which were held in villages and small towns where most women were not well educated. However, a new law had been passed which gave women the right to vote in municipal elections. The country, in its television and radio programmes, encouraged girls to pursue their education and urged heads of families to allow them to do so. There were also programmes on the political and civil rights of women.

198. Commenting on article 4 of the Covenant, members of the Committee inquired whether emergency legislation had been enacted as a result of the emergency situation; what civil and political rights had been derogated from and the extent to which they had been derogated from; whether there had been any derogations from the normal application of the rule of law, in particular, insofar as it affected detention and arrest, investigation of offences, the appointment of special courts and judges, sentencing and the right of appeal; whether, since the Covenant had entered into force for Jordan, a state of emergency had been officially declared and, if so, whether Jordan had so informed the other State parties to the Covenant in accordance with article 4 of the Covenant and whether Jordan had also indicated to them the reasons of the emergency.

199. Regarding the emergency measures mentioned in the report, the representatives referred to article 124 of the Constitution and explained that the reason for the taking of emergency measures was the defence of the realm in view of the war with Israel. He stated that the present time was hardly propitious for the abolition of the state of emergency, but that the situation was kept under close scrutiny by the Government. He indicated that only a few people had been subjected to harsh treatment under the emergency regulations. Any person who considered that he had been wronged was entitled to appeal to the Court of Cassation against his conviction and sentence or against any administrative order made. The Court of Cassation in one of its judgements considered that any action taken by the executive power which was not fully justified on grounds of the internal or external safety of the realm could be rescinded. Such judgements had the force of law. The Government considered itself bound by them and respected them.

200. The representatives drew attention to the administrative regulations made under martial law and stated that the Military Governor General exercised all the functions delegated to him by the King to safeguard the country and to guarantee security. He could also issue an arrest warrant without a specific charge but if the person arrested was charged, he had to be brought before a military court after an investigation by the military prosecutor. Persons brought before a military court in that way suffered no kind of discrimination; they had the right to be represented and to be defended by a lawyer, and if they could not pay for the services of a lawyer, the court appointed an

attorney ex officio. These exceptional powers of the Governor General could be considered a derogation, but the Governor General, who was the Prime Minister of the Kingdom, took his decisions after consultations with highly experienced legal advisers and he could confirm or reduce a sentence imposed by a military tribunal. The military courts could decide on crimes against State security, crimes against the protection of State secrets and secret documents, crimes with weapons and possession of weapons, membership in a political party that had been dissolved, dealing with the enemy, infiltration or the sale of property to the enemy. However, the sentence passed in such cases could be reduced by the King and the convicted were treated with clemency.

201. In reply to questions concerning notification on the emergency measures under paragraph 3 of article 4 of the Covenant, the representatives stated that the legal authorities had informed the Jordanian Government of its obligation to inform the United Nations Secretary-General and other States parties of any provisions from which it had derogated. The reminder had been well received by the Government which might not yet have had time to comply with it, but it would do so in due course.

202. With regard to the right to life which it dealt with in article 6 of the Covenant, members of the Committee asked whether capital punishment could be imposed by the military courts and in which cases; whether the death penalty could be inflicted on someone who attempted to prevent the authorities from exercising their functions; who was empowered to judge the author of such an attempt, whether it knew the name of the persons condemned to death and executed in 1981 and whether hanging was the only form of execution. In reply the representatives explained that article 138 of the Penal Code prescribed the death penalty for all persons who prevented the Government from discharging its constitutional responsibility of conducting the smooth running of the affairs of the country. The representatives also indicated that seven or eight persons condemned to death for very serious crimes had been executed during the past few years and that the persons condemned to death were executed by hanging except members of the armed forces who were shot.

203. Commenting on articles 7, 9 and 10 of the Covenant, members of the Committee inquired as to what safeguards were available to persons; whether the remedy of habeas corpus was available; whether a detainee could be released on bail and, in view of the need to treat with humanity any person deprived of his liberty, what contacts a detainee could have with his family in the event that he was in solitary confinement. Members also asked whether the Jordanian prison system guaranteed the rehabilitation and social reintegration of prisoners; what measures were taken to guarantee humane treatment to any person deprived of his liberty, especially persons whose mental condition required special treatment; whether an individual could be arrested or detained for reasons other than those given in the report; whether the normal procedures for arrest were respected; and whether administrative detention existed and how long it could last.

204. The representatives replied that the remedy of habeas corpus did not exist in Jordan, but that it was possible for a person who had been arrested or imprisoned on the order of an administrative authority to appeal to the courts. Except for cases when it was necessary to keep a prisoner in solitary confinement, as in cases of espionage, the detainee had the right to receive visits from his lawyer and, if his detention was prolonged, visits from his family. The representatives also stated that no one could be imprisoned for debt, since cases of debt came under the jurisdiction of civil courts. If the court was convinced that the person in question was trying to evade his obligations,

it could order his detention for a period not exceeding 91 days a year. With regard to the rehabilitation of offenders, the representatives said that the Minister of Social Affairs had set up centres for young offenders where they could receive vocational training. In connection with the procedures for arrest, they explained that in Jordan no one could be arrested unless he was charged with an offence and that persons suffering from mental disorders which might disturb public order could be apprehended but only to be taken to institutions where they would be given appropriate treatment to the extent that available means permitted.

205. The representatives also said that anyone arrested or detained could submit a petition to the Supreme Court. If the Supreme Court decided that the arrest or detention was illegal, the person concerned was released without delay but, in certain cases for which express provision was made, for example premeditated murder or parricide, the accused could not be released and could not challenge the lawfulness of his arrest. However, a person could only be detained on the order of the prosecutor of the district responsible for the pre-trial procedure who decided whether that person had been lawfully arrested or not. The Government could not be sued for damages in the case of illegal arrest, but if the person concerned had been arrested as a result of untrue statements, he could sue the author of those statements in damages for the wrongs he had suffered.

206. Referring to freedom of movement, for which provision is made in article 12 of the Covenant, it was asked whether there were Palestinian camps in Jordan and, if so, how many, and what were the reasons justifying their existence. The representatives of the State party explained that freedom of movement was guaranteed in Jordan and that it was not necessary to obtain authorization or to apply to a police station in order to travel from one point in Jordanian territory to another. The Palestinians lived in five or six large camps and they were entirely free to move from one camp to another or to go anywhere they wished in Jordan.

207. Some members requested further information on the status of foreigners and the degree to which they were treated on a basis of equality with citizens of Jordan. The representatives explained that foreigners enjoyed the same rights as Jordanians except with regard to political rights. For example, a recent law granted them equal rights with regard to the pension scheme.

208. Concerning the right of any person to a fair and public hearing by a competent, independent and impartial tribunal, members observed that the report only dealt with cases of penal charges, whereas article 14 of the Covenant also envisaged rights and obligations of a civil nature. Further information was requested on that point. It was also asked whether the Government was giving consideration to putting an end to the jurisdictional authority of the military courts over matters which would normally be dealt with by civil courts and thus to abolish a form of summary justice which could only be justified by exceptionally serious circumstances. Referring to the statement in the report that, in Jordan, “. . . if the charge against the accused is punishable by the death penalty or by hard labour for life or imprisonment for life, he is asked whether he has chosen an attorney to defend him”, one member of the Committee asked if that meant that the accused was judged without an attorney when he did not risk the death penalty or a life sentence and, if so, whether this might not be in conflict with the provisions of article 14, paragraph 3 (b), of the Covenant.

209. The representatives of Jordan explained that the Jordanian judicial system included magistrates' courts, district courts, courts of appeal and a supreme court of appeal and that all of

them, except the latter, had jurisdiction in both penal and civil cases. They also said that the military courts would continue to function as long as long martial law remained in force, that their jurisdiction was being constantly extended and that martial law was ensuring respect for legality by everybody, whether civilians or soldiers. Questions were currently being raised in Jordan about the desirability of abolishing the jurisdiction of the military courts, but the present circumstances made any change impossible. As regards the choice of an attorney, the representatives pointed out that no court could judge a person who was not assisted by an attorney if that person was liable to a prison sentence of over five years and that if the accused had no means, the Government granted legal aid.

210. With reference to article 17 of the Covenant, one member inquired whether the military authorities had to obtain a warrant from a magistrate to undertake a search. The representatives of Jordan explained that the police could only undertake a search with a warrant from the District Prosecutor and that the village headman (“mukhtar”) also had to be present and the operation had to take place in daytime. However, if the search warrant was issued by the military authorities, that procedure was not followed and the operations were conducted according to the instructions of the military prosecutor of the district.

211. Referring to articles 19 and 22 of the Covenant whose implementation appeared to be limited by legal restrictions on certain political parties in Jordan, members of the Committee asked whether Jordanians could freely express their political opinions; which rules were applicable in Jordan in that respect and whether only those parties which advocated the use of force were banned or whether the ban was more general. The representatives of Jordan said that the right of individuals to freedom of expression did not necessarily depend on political parties whose existence was guaranteed by the Constitution, even if the Government had had to dissolve them in 1957. Since that period no request for the creation of a political party had been addressed to the Government.

212. As regards the protection of access to public office provided for in article 25 of the Covenant, it was requested whether the enforcement of martial law required every person holding public office to take an oath of allegiance or to undergo security clearance. Additional information was also asked on the work of the Jordanian Senate, the House of Deputies, the National Consultative Council as well as other local institutions. The representatives of the State party stated that no Jordanian civil servant had to take an oath of allegiance, except judges, who had to swear an oath before the President of the Judicial Council to apply the law with complete fairness and for the good of the people. All appointments were made on the basis of merit and nobody in Jordan was subjected to discriminatory treatment in his career. Security clearance was not provided for by law but was clearly a matter of internal procedure which could be applied by the administration when recruiting its personnel.

213. As regards the Senate, it continued to function and, every two years, the King appointed new members. In the absence of elections since the occupation of the West Bank, a new National Consultative Council had been created and could make recommendations about the country's economic and political affairs to the Government which the latter could accept or reject. The National Consultative Council was initially composed of 60 members when it was established in 1978 on the occasion of the renewal of its mandate; that number had been increased in 1982 to 75. The members of the Council were chosen in such a way as to represent a wide range of institutions

and sectors of the population.

CCPR A/46/40 (1991)

567. The Committee considered the second periodic report of Jordan (CCPR/C/46/Add.4) at its 1077th to 1079th meetings, on 17 and 18 July 1991 (see CCPR/C/SR. 1077-1079).

568. The report was introduced by the representative of the State party, who stated that democracy had been strengthened as a result of the general elections held in 1989, in which candidates of the four major political movements - Islamic, conservative, left-wing and nationalist - had taken part. During the elections, women had been able to stand as candidates under the same conditions as men. The Jordanian people had thus been able to elect their representatives freely and under conditions of complete equality. In order to strengthen the principles of democracy and political pluralism that characterized Jordanian society, His Majesty King Hussein had issued directives to set up a Royal Committee for the protection of the rights set forth in the National Charter, which itself stressed the need to protect all civil, political, social and cultural rights and enshrined the concepts of the rule of law and of political pluralism. The Jordanian system provided full legal and administrative safeguards for respect for human rights and fundamental freedoms.

569. The representative of the State party also informed the Committee that the state of emergency had been suspended by royal decision on 7 July 1991, in order to strengthen those democratic principles, and that a number of bills on matters that included political parties, elections and publications would shortly be considered by the Jordanian Parliament.

Constitutional and legal framework within which the Covenant is implemented

570. With regard to that issue, members of the Committee wished to know whether the statement that the Jordanian courts gave international conventions precedence over domestic legislation "unless public order would be jeopardized thereby" could apply to the Covenant; whether the Covenant's provisions could be invoked before the courts; whether a court could declare a law unconstitutional on grounds that it was contrary to the Covenant; what difficulties and factors that might possibly hinder the Covenant's implementation had been identified; and, in particular, what bearing the recent armed conflict in the region had had on the Covenant's implementation.

571. Members of the Committee, having noted that the adoption of the National Charter represented a genuine step forward in respect for human rights and democracy, asked for further information on the document's legal status and on the bill, currently before Parliament, intended to amend the 1953 Act relating to communist ideology. With reference to unwritten laws, including tribal laws, authorizing certain practices which could give rise to innocent victims, they asked whether the Government was taking steps to end the application of such of those laws as would run counter to the principles set forth in the Covenant. Some members of the Committee also asked whether the Jordanian Government was planning to repeal the Defence Act, in force since 1935, or at least to limit its application; what the composition of civil courts was; what the special courts were; how judges were recruited and what were the conditions in which they performed their duties, the grounds on which they could be dismissed and the criteria which governed their promotion; what exactly were the rules of the religious law applied by the Shariah courts; and whether corporal punishment stipulated by the law was applied. They also requested further details about the conduct

of the 1989 elections and asked whether there had been any specific cases in which the Covenant's provisions had in fact been applied by the Jordanian courts.

572. The representative of the State party, replying to the questions raised, explained that international conventions took precedence over national legislation except when the regime was threatened, such as, for example, in the case of a state of emergency or when an exceptional danger jeopardized the nation's future. That restriction did not apply in the case of natural disasters. At the present time, there was no court in Jordan with the power to rule on the constitutionality of a law, but it had been decided to establish a constitutional court. No difficulty had been encountered in domestic application of the Covenant; factors which had hindered the instrument's implementation had been beyond Jordan's control and related essentially to the region's political instability. The recent conflict concerning Kuwait had likewise given rise to difficulties in that regard.

573. With regard to the dissolution of the Chamber of Deputies, the representative said that the action had been determined by the country's historical evolution, including the fact that in 1967 the West Bank, which formed part of the Kingdom, had been occupied. Following that event, the Chamber of Deputies had been dissolved. The restoration of the normal constitutional situation had enabled full general elections to be organized in 1989. The representative assured the Committee that the elections were conducted in an atmosphere of freedom, democracy and openness, in conformity with the law in force. The Chamber of Deputies had enacted, early in 1991, a law repealing the 1953 act, which forbade the establishment of a Communist party in Jordan; henceforth all political parties could be freely set up in Jordan. The 1939 Defence Act concerned exceptional circumstances and cases; it was applied not throughout Jordanian territory but to clearly demarcated zones. The National Charter, a mark of Jordan's will to progress further towards democracy, had been adopted in June 1991 by representatives of all sectors of the population meeting in a National Congress; it took precedence over the Constitution, to the point that it even evoked the need to amend the latter. The National Charter enunciated all the principles of Jordan's national life, which were founded on full respect for human rights, freedom of expression and the free participation of citizens in the democratic conduct of public affairs.

574. The representative said that, during the Gulf war, Jordan had been confronted with a tragic situation following the influx into its territory of hundreds of thousands of refugees, whom the country had striven to provide with medical care and material assistance as far as its means permitted. During that time, in such a situation of crisis, it was possible that Jordan had departed from one or two of the Covenant's provisions in some areas.

575. Referring to the implementation of unwritten laws and to customs such as tribal vengeance, the representative affirmed that the latter custom had ceased, but that it would take a few years to achieve the level of education required to guarantee the primacy of written law. The Ministry of the Interior was endeavouring to restrict undesirable practices. The National Charter also recognized that problem and referred to the need to make legal provisions more specific and to abandon tribal customs.

State of emergency

576. With regard to this issue, members of the Committee asked whether the administrative regulations promulgated under the state of emergency were in conformity with article 4, paragraph 2, of the Covenant; what the maximum period was for which the state of emergency could be declared and what machinery there was for extending it or placing limitations on it; and what consideration was being given to complying with article 4, paragraph 3, of the Covenant relating to the notification by States parties of a state of emergency.

577. Members of the Committee pointed out that the announcement of the suspension of the state of emergency was very good news and also asked what remedies were available to Jordanian citizens in the courts when the state of emergency was in force; what the specific rights were the exercise of which had been restricted by the state of emergency and how the enjoyment of rights specifically recognized by the Covenant had been affected; and what distinction was made in Jordanian legislation between the state of emergency and martial law. In that connection, they pointed out that only martial law, which had been in force since December 1989, had been lifted in practice, by decree, and that the emergency legislation was actually still being applied, with the result that the Jordanian Government continued to derogate from certain provisions of the Covenant.

578. In reply to the questions asked, the representative of the State party said that the state of emergency had been proclaimed in 1967 during the war between Israel and the Arab countries. In those circumstances, the Jordanian Government had had to promulgate the state of emergency with martial law. He recalled that martial law had been suspended (“frozen”) since 1989 pending the promulgation of the order for its abrogation, which had subsequently been adopted by the second Royal Decree of 7 July 1991. He explained the difference between martial law and the Defence Act, noting in particular that the latter had been adopted as a result of the various types of the ordinary constitutional procedure and that it was in no way an emergency law. The persons who were still in detention after the state of emergency had been lifted were persons who had been found guilty of ordinary crimes. At present, no one was in detention because of his membership in a particular party or political organization. With regard to notification, he said that the Secretary-General and the United Nations as a whole were aware of the situation, as demonstrated by the adoption by the Security Council of resolutions 242 (1967) and 338 (1973).

Non-discrimination and equality of the sexes

579. In this connection, members of the Committee asked for examples of any laws or regulations specifically prohibiting discrimination and providing appropriate penalties; for comments on whether special difficulties were being encountered in ensuring respect for equality between men and women; for information on whether any specific remedies were available to a woman who claimed to have been a victim of discrimination and, in that connection, on whether there had been any cases where relief had been sought and, if so, with what results; and for clarifications concerning the basis for the different treatment under Jordanian law of men and women. They also requested current data on the number of women in public office, the liberal professions, senior ranks of the civil service and private business; recent data on the proportion of women receiving primary, secondary and higher education; and information on how the rights of aliens were restricted as compared with those of citizens.

580. Members of the Committee also pointed out that sex was not included as one of the possible

grounds for discrimination listed in article 6 (a) of the Jordanian Constitution, although it was referred to in article 3 of the Covenant, and they requested clarifications in that regard. They asked about the nature of the dangerous activities women were prohibited from engaging in under article 46 of the Jordanian Labour Act; whether men and women were equal in respect of the division of community property and the custody of children; and whether boys and girls had the same rights in relation to succession.

581. The representative of the State party said that article 6 (a) of the Constitution prohibited any discrimination between Jordanians, who were equal before the law in respect of rights and duties, and that the same terms were used in the 1960 Penal Code. The Jordanian Government did not have any difficulty in ensuring equality between men and women. He stated that equality between Jordanian citizens was guaranteed and that women had always taken part and continued to take part in economic, social and cultural life. There were women in the upper house of Parliament, and they played a particularly important role in education. There were nearly as many women as men in civil service posts and in the private sector. In schools and universities, there were equal numbers of students of both sexes.

582. With regard to nationality, he explained that Jordan applied jus sanguinis and that all children of Jordanian citizens were Jordanian, wherever they might have been born. The child of a Jordanian woman and a father of unknown nationality was also Jordanian. The representative indicated that the only constraints on the rights of aliens were political in nature and they related to the right to enter and leave the territory, which was applied according to the principle of reciprocity.

583. Article 46 of Labour Act No. 21 was in the interest of women. Matters of civil status relating to such matters as succession and inheritance, marriage and divorce were subject to the jurisdiction of religious tribunals in accordance with the belief of the individual.

Right to life

584. With reference to that issue, members of the Committee asked whether any further executions had been carried out since the submission of the report; how the right of persons sentenced to death to seek pardon or commutation of the sentence, pursuant to article 6, paragraph 4, of the Covenant, was ensured; in what way a person sentenced by a military court could become eligible for a special pardon; and what rules and regulations governed the use of firearms by the police and what measures had been taken to prevent the reoccurrence of violations of these rules and regulations, if any. They also wished to know how the provision in article 17, paragraph 2, of the Penal Code, stipulating that the death penalty would be commuted to hard labour for life in the case of pregnant women, was carried out in practice.

585. Additionally, members wished to know whether any death sentence had been passed by the martial law courts during the period 1990-1991 and wished to have explanations concerning five executions that there were to be carried out in the current year on the basis of sentences by the martial law courts. In this respect, they observed that the Government of Jordan, in its desire to move forward on human rights, might wish to review the implications of such actions. They also observed that the Penal Code provided for the death penalty for a large group of offences and asked whether the abrogation of martial law had any effect on reducing the number of offences carrying

the death penalty.

586. The representative of the reporting State pointed out that the martial law directives had been abrogated, and no further cases could be referred to the martial law courts. He said that while he personally favoured abolition of the death penalty, the checks and controls which surrounded its imposition in Jordan were comparable to those in other countries where it had not been abolished. The possibility of petitioning the King for a special pardon existed for all those sentenced to death, except when their crime had endangered the security of the State. The five death sentences had been imposed on persons who had committed specific crimes for which death was the punishment under the Penal Code.

587. The representative explained that Public Order Act No. 33 of 1965 provided that where arms were used improperly in cases involving security agents, the offenders were tried by special police tribunal; that the death penalty was never applied in respect of pregnant women but was commuted to hard labour for life; that the premeditated murder of a relative was regarded as a particularly heinous capital crime; and that no penalties whatsoever were imposed for the holding of political beliefs.

Liberty and security of the person

588. In connection with that issue, members of the Committee wished to know what the maximum period of pre-trial detention was in law and practice; in what cases, apart from espionage, a person could be kept in solitary confinement and whether this excluded visits from the detainee's lawyer; and what the criteria were for declaring that a person was suffering from a mental disorder that might induce him to disturb public order, what authority was responsible for making such a declaration, and what remedies were available. They also asked whether the denial of the possibility of appeal against the lawfulness of the arrest of persons accused of certain crimes, such as murder, was in conformity with article 9, paragraph 4, of the Covenant; how the enforceable right to compensation provided for in article 9, paragraph 5, of the Covenant was ensured; and how soon after arrest a person could contact a lawyer and how quickly after arrest a person's family was informed.

589. In addition, members wished to know what guarantees the law offered against abuses of the state of emergency regulations relating to the arrest of persons suffering from mental disorders; whether any form of legal aid was available to persons placed in institutions; whether legal or medical supervision was exercised in cases of such detention; and whether there was any possibility of appeal against certification. Members also wished to have more information concerning administrative detention in Jordan and, in particular, on the new legislation that was being prepared on that subject. They also wished to know whether detainees or prisoners had the right to complain at any time to others than the warden of the prison, and whether it was possible for independent visitors to receive complaints in places of detention.

590. The representative of the State party said that the maximum period of pre-trial detention was normally five days. Solitary confinement was only imposed in cases of espionage or where the person concerned constituted a danger to the security of the State or to other persons. Except in the case of espionage, all accused persons and detainees could contact a lawyer or members of their

family after arrest. Nothing in law prevented citizens from suing for damages as a result of unlawful arrest or from obtaining compensation. A Committee existed to protect the interests of prisoners, to inspect detention centres and to hear complaints. Officials of the Public Prosecutor's Office and representatives of the Chamber of Deputies, as well as delegates from bodies such as Amnesty International, had the possibility to ascertain the conditions under which persons were held in detention.

591. Administrative detention was reserved for very special circumstances, for example when there was a perceived danger to others. Thus, when a murder had been committed, persons likely to engage in acts of vengeance could be taken into preventive custody for a period not exceeding five days. House arrest, the restriction of freedom of movement or preventive detention could also be resorted to when information had been received concerning the preparation of a crime. The draft Law on State Security had been examined by the Chamber of Deputies and was currently before the Senate. At the present time, there were no political detainees in Jordan. Cases involving persons who were mentally ill were considered by a commission of medical specialties who were responsible for determining whether a person was suffering from a mental disorder that might induce him to disturb public order. If a crime had been committed, a lawyer was appointed and the responsibility of the person involved for his acts was investigated. Such cases called for close collaboration between the medical and legal professions.

Treatment of prisoners and other detainees

592. With regard to that issue, members of the Committee wished to know whether any restrictions were placed on the right of prisoners to receive visits and to maintain contacts with the outside world and to what extent the United Nations Standard Minimum Rules for the Treatment of Prisoners were complied with. They also sought information on the conditions and duration of solitary confinement and on any complaints received about ill-treatment of detainees, and about measures that had been taken to investigate complaints and punish those found guilty. In addition, members asked whether corporal punishment was prohibited under the new law and what provision had been made for the rehabilitation and retraining of prisoners.

593. The representative of the State party, in his reply, stated that a high-level committee had visited prisons and found no evidence of torture or ill-treatment. There were no legal restrictions on prisoners' visits, except where espionage and mental instability of detainees were involved. No discrimination was practised in regard to detention in particular centres. He further indicated that the Government, pursuing the path of reform, now referred to prisons as rehabilitation or correction centres where the emphasis was on activities and training which would be of use to prisoners after their release. After the "freezing" of martial law, no persons had been detained on political grounds.

Right to fair trial

594. With reference to that issue, members of the Committee sought further information on the relevant provisions of law governing the appointment and dismissal of judges by royal decree; on whether procedures applied in the military courts were consistent with the guarantees laid down in

article 14 of the Covenant, particularly in relation to the right of appeal; on the grounds for prohibiting certain categories of persons from attending criminal trials; and on schemes for legal aid and assistance as well as on the organization of the legal profession.

595. Members also asked whether there were any provisions for the victim of a miscarriage of justice to obtain compensation in accordance with article 14 (b) of the Covenant; what the procedure was for the removal of judges and whether the Commission responsible for the appointment and removal of judges acted at its own discretion or on some statutory basis; and whether Jordan was planning to accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

596. The representative of the State party stated that the applicants for the post of judge sat a competitive examination and that properly qualified candidates were appointed in the same way as in other services. Judges of the Supreme Court could not be dismissed by the executive, were obliged to retire at the age of 72 and could be brought before the Supreme Council of Judges on disciplinary grounds in the event of serious misconduct. The Law on the Independence of the judiciary governed the establishment of a commission on removal of judges and laid down the rules under which it operated. Martial law courts had been provisional organs of justice, which had been dismantled after the abrogation of martial law. Prisoners were entitled to sue for pardon to the Military Governor-General or to the King. The courts were responsible for appointing a defence lawyer in cases where the prisoner was not represented. Court sentences were open to review by higher courts in the normal way. All persons had the right to seek redress for damage incurred; that principle was enshrined in article 11 of the Constitution and was also referred to in the Code of Civil Procedure. According to article 125 of the Constitution, any person taking a legal decision (even under martial law) was held to be responsible for the consequences of his act.

597. Under existing Jordanian law, torture was a punishable offence and Jordan intended to accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Freedom of movement and expulsion of aliens

598. With reference to that issue, members of the Committee asked for further information on the law and practice in respect of freedom of movement and regarding the possibilities of appeal against expulsion and provisional detention. They also wished to know whether the privileges and immunities specified in articles 29 and 30 of Act No. 24 applied to diplomats in Jordan and requested clarification with respect to the employment of foreigners.

599. The representative of the State party said, in his reply, that Jordan had permitted very large numbers of aliens to enter and to leave the country on the basis of, and occasionally going well beyond, the principle of reciprocity. Under the law, any alien was entitled to appeal against an expulsion order, and an expelled person was even entitled seek redress while present on foreign soil. Jordan was ready and willing to extend all facilities to foreigners and, during the Gulf Crisis, had demonstrated that willingness by welcoming over 1 million refugees from Iraq and Kuwait, to whom extended visas had been granted and for whom humanitarian facilities had been provided. Jordan was a member of the Arab League and as such was bound to accord precedence to the employment of Arab professionals and experts.

Right to privacy

600. With respect to that issue, members of the Committee wished to have more information on the circumstances prescribed by law in which postal and telegraphic correspondence and telephonic communications might be seized or censored, and on the compatibility of such provisions with article 17 of the Covenant. In addition, they wished to know whether there was any judicial control over the actions of the public prosecutor and whether the police were permitted to use secret microphones in surveillance operations.

601. The representative of the State, in his response, said that telephonic conversations could be monitored and postal and telegraphic correspondence seized only where the public prosecutor considered it necessary to do so for the purpose of investigating a crime.

Freedom of thought, conscience and religion

602. With reference to that issue, members of the Committee asked for further information on relevant laws and practices including information on religious communities active in Jordan and their organization; on the applicability of Shariah to non-Muslims; and on religious education.

603. The representative of the State party, in his reply, stated that freedom of religion was guaranteed to all citizens in his country. All questions relating to religion were dealt with by religious courts. Religious communities were free to carry out their own activities and the Shariah was not imposed on other groups. Religious communities were also entitled to have their own schools.

Freedom of opinion and expression; prohibition of propaganda for war and of incitement to national, racial or religious hatred

604. With reference to that issue, members of the Committee wished to know what limits were imposed by law to article 15 of the Constitution and what was meant by the reference in that article to exercise of control “over the sources of income of newspapers”; whether there had been any cases of arrest and detention for the expression of political views; whether the Repression of Communism Act. No. 31 of 1953 was still in force and what effects that Act had had on the enjoyment of the rights set forth in article 19 of the Covenant; whether there was pre-censorship; whether licensing was still required in order to publish newspapers and, if so, what was the procedure; what formalities had to be fulfilled by foreign correspondents in order to work in Jordan; and whether such correspondents could move about the country freely.

605. The representative of the State party, in his response to the questions asked, said that censorship had been imposed during the state of emergency, but that there had been no cases of persons being arrested or detained for the expression of political views. Jordanian citizens were completely free to express their views, and freedom of the press was fully guaranteed in Jordan. Foreign newspapers could be freely imported into his country, and foreign correspondents had access to a wide range of information.

Freedom of assembly and association

606. On this issue, members of the Committee asked for information about the establishment of political parties since the submission of the report, particularly with regard to parties that had previously been banned, what guarantees there were that citizens could form political parties and what the criteria were for prohibiting the establishment of certain political parties. In addition, members of the Committee wanted to know what the conditions were for organizing a peaceful demonstration.

607. The representative of the State party, in his reply, said that the right in question was fully guaranteed in Jordan. Under the new bill before the Chamber of Deputies, political parties had to be registered with the Ministry of the Interior, and the sole requirement was that their aims and objectives had to be in keeping with the Constitution and the National Charter. He explained that, under the Associations Act, a group of persons wishing to organize a demonstration was required to give the local authorities 24 hours notice.

Protection of the family

608. In connection with this issue, members of the Committee asked for information on the rights and responsibilities of spouses with regard to household and children during marriage and at its dissolution, and information in particular on remaining practical problems, if any, in ensuring effective equality. They also asked for clarification on the subject of the age of criminal responsibility.

609. The representative of the State party said that the rights and responsibilities of spouses were identical in marriage. In the event of divorce, the father was required to pay an allowance for the children, an obligation that was regarded as progressive and of such a kind as to ensure protection of the wife and children. He confirmed that the age of criminal responsibility differed from country to country and that, while seven could be regarded as a very low age, it should be remembered that child delinquents were tried by special proceedings in juvenile courts in Jordan.

Right to participate in the conduct of public affairs

610. With reference to that issue, members of the Committee asked about the actual extent of women's participation in public affairs at the national, regional and municipal levels, and asked for information on the organization of elections at various levels of government. In addition, members of the Committee wished to know whether any movements and parties were considered illegal in Jordan and, if so, what criteria were used to determine whether they were legal or illegal and whether the Islamic movement called the Liberation Party was still deemed illegal in Jordan. In connection with elections, they asked for details about the new electoral legislation, with an indication of possible restrictions, as well as the division into constituencies. Members also wanted to know whether detainees, whether charged or convicted, had the right to vote.

611. The representative of the State party, in response to the questions asked, said that there were no accurate statistics in Jordan on the percentage of women who participated in the conduct of public affairs, but he assured the Committee that they played a very active part. As to elections, he

explained that they were held under the usual rules; in the municipalities and villages, women fully exercised their rights as candidates and as voters. He explained that the new Electoral Act guaranteed respect for international principles in the matter. The Government had embarked on a study of ways and means of giving effect to the Act and was considering, for example, that each citizen should receive an electoral number and should be entered in a register. The new Act would give the right to vote to all persons everywhere, including persons under arrest for criminal acts, whether charged or convicted. Since the latest elections, in 1989, no organization or association with aims that were in keeping with the Constitution and the National Charter had been declared illegal. The Islamic Liberation Party, which covered various extremist religious groups, could (as could all parties), apply to the Ministry of the Interior to be entered in the register of political organizations, an application that would be granted if their aims were in conformity with the Constitution.

Rights of persons belonging to minorities

612. On this issue, members of the Committee asked for information on the demographic composition of the Jordanian population. They also asked what the status of Jordanian citizens of Palestinian origin was and whether they were considered as Jordanians or chiefly as Palestinians.

613. The representative of the State party, in response to questions, said that the Jordanian population was more than 93 per cent Muslim, while the remainder were Christian. Each community had its own courts, which tried cases specific to each community. Under the new electoral provisions, the Christian minority could obtain seats in Parliament. Again, under the Jordanian Nationality Act, any citizen who had legally been naturalized was Jordanian, with all the rights and obligations involved, irrespective of the place of origin.

Concluding observations

614. Members of the Committee thanked the representatives of the State party for their readiness to cooperate with the Committee and welcomed the recent progress in the field of human rights in Jordan, as was demonstrated more particularly by the adoption of the National Charter, which had been elaborated by the representatives from the whole political spectrum in Jordan and hence was a work of undeniable unity. Members also noted that the trend in Jordan was towards abolition of the regulations applied under martial law and the new bills had been submitted to the Chamber of Deputies. Members also pointed out that despite the period profound political and social change, the Hashemite Kingdom of Jordan had not failed to submit its second periodic report and had sent representatives to the Committee.

615. At the same time, members of the Committee expressed concern about the broad powers conferred on the special courts; the fact that it was impossible to appeal against judgements by those courts; the excessive number of categories of offences referred to them; and the far too frequent use of administrative detention. They pointed out that a number of questions had not been answered, which impeded the Committee in its efforts to obtain a proper grasp of the real situation prevailing in Jordan. Consequently, they emphasized that the question of inequalities between the sexes should be studied in depth; that the number of offences involving the death sentence could be reviewed; that members of the police and the army could be better trained in respect for human rights; and that the

treatment of detainees and conditions of imprisonment could be improved. They also hoped that the Jordanian authorities would look into the questions of an independent judiciary; freedom of expression, more particularly on television; and the age of criminal responsibility.

616. Members of the Committee pointed out that under article 4 of the Covenant, a State party using the right of derogation was required to inform the Secretary-General immediately, which would enable the Committee to gain an accurate idea of the provisions of the Covenant derogated from by the State party and the reasons for the derogations. They urged the Jordanian authorities not to execute persons sentenced to death under the emergency laws. They considered that if real progress was to be made in respect for human rights, Jordan should engage in all overall review of its legislation, in the light of the provisions of the Covenant.

617. On completion of the consideration of the second periodic report by the Hashemite Kingdom of Jordan, the Chairman expressed the hope that the Jordanian delegation would convey to its Government the Committee's observations for the purposes of preparing the third periodic report, which was to be submitted shortly.

CCPR A/49/40 (1994)

226. The Committee considered the third periodic report of Jordan (CCPR/C/76/Add.1) at its 1321st to 1324th meetings, held on 5 and 6 July 1994, and adopted 28/ the following comments:

1. Introduction

227. The Committee welcomes the opportunity to continue its dialogue with the State party and thanks the Government of Jordan for its report (CCPR/C/76/Add.1) and core document (HRI/CORE/1/Add.18/Rev.1). It notes that the report and core document did not contain sufficient information on the effective implementation of the provisions of the Covenant. However, the presence of a high-level delegation, which provided additional information on many points not covered in the report enabled the Committee to obtain a better understanding of the human rights situation in Jordan and thus provided the basis for a frank and fruitful dialogue between the delegation and the Committee.

2. Factors and difficulties affecting the implementation of the Covenant

228. The Committee takes note of the difficult economic and social situation faced by Jordan as a result of the Gulf crisis and lack of stability in the region. The presence of a very large number of refugees constitutes another factor which renders the implementation of the Covenant more difficult.

3. Positive aspects

229. The Committee welcomes the democratic process initiated in 1989, the lifting of the state of emergency, and the abolition of the Martial Law and the 1935 Defence Act, as well as the release of political prisoners, restitution of withdrawn passports, reinstatement of civil servants who had been dismissed for political reasons and the institution of a right to appeal against decisions of the State Security Court to the Supreme Court. The Committee also notes with satisfaction the existence of an appeal procedure to the Supreme Court against administrative decisions, including those concerning civil servants. The efforts to undertake a thorough legal reform have already yielded many accomplishments, in particular with respect to the new Press Act and Political Parties Act. The Committee also appreciates the creation of a Commission for human rights and the establishment of Jordanian sections of the Arab Organization for Human Rights and Amnesty International. These new institutions and the drafting of new bills that may promote human rights, as well as the holding of multiparty elections, clearly illustrate the positive trend towards strengthening democracy and the promotion and protection of human rights in Jordan. Some progress made in recent years in promoting the status of women is also commendable and the notable achievements in the field of life expectancy together with reduction of child mortality rates are positive developments ensuring better respect of the right to life as provided for under article 6 of the Covenant.

28/ At the 1354th meeting (fifty-first session), held on 27 July 1994.

4. Principal subjects of concern

230. The Committee notes that the Constitution does not contain specific provisions as to the relationship between international conventions and domestic law. Accordingly, there is a need to define the place of the Covenant within the Jordanian legal system to ensure that domestic laws are construed in conformity with the provisions of the Covenant. Furthermore, it notes with concern that the general legal framework is still not in conformity with the provisions of the Covenant. The Committee also regrets that the Constitutional Court has not yet been established.

231. The Committee is concerned that the State Security Court continues to exercise special jurisdiction and that, in accordance with articles 124 and 125 of the Constitution and under the new Defence Act, ordinary law can be suspended in emergency situations, contrary to the provisions of article 4 of the Covenant, which prohibit derogation from some categories of human rights. The lack of clarity with regard to accountability for acts performed under provisions of the Martial Law is also a matter of concern.

232. The Committee regrets that, although some improvement has been achieved as regards the status of women, the State party has not embarked on all the necessary reforms to combat the factors still impeding equality between men and women. It notes with concern that the Constitution does not guarantee the principle of non-discrimination on the basis of sex, and that there are still gender disparities in law or practice with regard to such issues as status within the family, inheritance rights, and the right to leave the country, the acquisition of Jordanian nationality, access to work and participation in public life.

233. The Committee is concerned about the excessive number of offences punishable by the death penalty, as well as the number of death sentences handed down by the Courts.

234. The Committee is also concerned that the guarantees contained in articles 7, 9, 10 and 14 of the Covenant are not fully complied with. In particular, it is concerned that torture and ill-treatment of persons deprived of liberty continue to be reported. Cases of administrative detention, denial of access of detainees to legal counsel, long periods of pre-trial detention without charges and incommunicado detention are also matters of great concern. The Committee is particularly concerned at conditions of detention in the General Intelligence Department headquarters.

235. The Committee notes with concern the shortcomings in the observance of the provisions of article 18 of the Covenant, in particular the restrictions affecting the enjoyment by non-recognized or non-registered religious denominations, including the Baha'i, of their right to freedom of religion or belief. Concern is also expressed about the practical limitations to the right to have or adopt a religion or belief of one's choice, which should include the freedom to change religion.

236. The Committee also expresses concern that in spite of the positive developments resulting from the adoption of the new Press Act, freedom of expression is still restricted by the control exercised by the authorities over the State radio and television and by measures of harassment against some journalists. The Committee is also concerned that a rigid interpretation of the provisions of the new Press Act and Political Parties Act and prosecutions of offences of defamation might affect the effective enjoyment of those rights stipulated under articles 19 and 25 of the

Covenant.

5. Suggestions and recommendations

237. The Committee recommends that the State party continue the legislative review envisaged in the National Charter and use this process to incorporate all substantive provisions of the Covenant into domestic law and ensure that the restrictions imposed under national legislation do not go beyond those permitted under the Covenant.

238. The Committee hopes that the Government of Jordan will consider becoming a party to the First Optional Protocol to the Covenant.

239. The Committee further recommends that Jordan envisage measures towards the abolition of the death penalty, including giving consideration to accession to the Second Optional Protocol.

240. The Committee emphasizes the need for the Government to prevent and eliminate discriminatory attitudes and prejudices towards women and to achieve the effective implementation of article 3 of the Covenant, by adopting promotional measures to overcome the weight of certain traditions and customs.

241. The Committee recommends that consideration be given to the abolition of the State Security Court; that the detention premises controlled by the Central Intelligence Department be placed under close supervision of the judicial authorities; that necessary measures be taken to make sure that torture, ill-treatment and illegal detention do not occur and that any such cases be investigated in order to bring before the courts those suspected of having committed such acts and to punish them if found guilty. It also recommends that measures of administrative detention and incommunicado detention be restricted to very limited and exceptional cases, and that the guarantees concerning pre-trial detention provided for in article 9, paragraph 3, of the Covenant be implemented.

242. The Committee emphasizes the need to take further measures to guarantee the freedom of religion and eliminate discrimination on religious grounds, and suggests in this connection that the State party take into account the recommendations contained in the Committee's general comment on article 18 of the Covenant.

243. The Committee stresses that further measures should be taken to ensure that the provisions of the Covenant be made more widely known. It urges the Government to prepare its fourth periodic report in compliance with the guidelines for the preparation of State party reports, taking into account the general comments adopted by the Committee. The fourth periodic report should contain detailed information on the extent to which each right protected under the Covenant is enjoyed in practice, and refer to specific factors and difficulties that might impede its application. It should also highlight measures taken to follow up on the Committee's suggestions and recommendations.

244. The Committee recommends that the Jordanian authorities ensure that the report submitted by the State party and the comments of the Committee be disseminated as widely as possible in order to encourage the involvement of all sectors concerned in the improvement of human rights.

