



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

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**Written replies by the Government of Jordan to  
the list of issues to be taken up in connection with  
the consideration of the second periodic report of  
Jordan (CAT/C/JOR/2)\* \*\***

[7 April 2010]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

\*\* Annexes can be consulted in the files of the Secretariat.

## **Explanatory responses of Jordan to the list of issues addressed by the Committee against Torture in connection with the consideration of the second periodic report of Jordan on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**

1. In the context of the consideration by the Committee against Torture of the second periodic report on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Government of the Hashemite Kingdom of Jordan would like to thank the Committee for their queries and comments and is pleased to present the following explanatory responses to the list of issues to be discussed during the consideration of the periodic report by the Committee.

### **Articles 1 and 4 Criminalization of the practice of torture and imposing sanctions thereon commensurate with its gravity**

2. With respect to the Committee's request to comment on reports stating that torture is dealt with in Jordan as a misdemeanour and that the penalties imposed thereon are not commensurate with the seriousness of this crime, when committed, the Jordanian legislation has criminalized the practice of torture through the provision of article 208 of the Penal Code. Perpetrators of torture have been subject to various penalties based on the seriousness of the offence committed. Such penalty may ascend to temporary hard labour punishment (extended period of imprisonment) if the torture has lead to serious illness or injury. Thus, the offence of torture would be criminally classified as a felony (art. 208/3 of the Jordanian Penal Code). Torture has also been criminalized under article 49 of the Military Penal Code.

3. The Jordanian legislation currently in force, namely article 208 of the Penal Code, imposes punishments on perpetrating the crime of torture, inciting its exercise, or approval or acquiescence thereof by any official or any person acting in an official capacity. The penalties imposed on the perpetrator of this crime have been set forth under articles 208/1 and 208/3 of the Penal Code including imprisonment for six months to three years against exercising any kind of torture to obtain confession of a crime or information in connection thereof. This penalty would be increased to temporary hard labour if torture has lead to illness or serious injury. Furthermore, the court may not stop the enforcement of the sentenced punishment in the crimes listed in the said article 208, and it may not consider extenuating circumstances. As to the number of such cases and the statistics of the Public Security Directorate (PSD) on complaints received by the Grievances and Human Rights Office, they will be referred to in paragraph 18 below.

### **Article 2 Basic legal guarantees for detainees**

4. Jordanian legislation (article 100 of the amended Criminal Proceedings Law No. 16 of 2001) has determined the period of detention of an accused person at police stations to be 24 hours, after which the accused shall be referred to the concerned public prosecutor as the legal authority in charge of the investigation. The same article has identified the

procedures that the law enforcement officer must follow (otherwise the measures taken would be considered void) as follows. "Prepare a special record signed by the officer and served to the defendant or his attorney, if any, to include:

- (a) The name of the officer who issued and enforced the arrest warrant;
- (b) The name of the defendant, the date of his arrest, location and the causes;
- (c) Time and date of detaining the defendant and the place of arrest or detention;
- (d) The name of the person who prepared the record, heard the testimony of the defendant and had the records signed by the persons mentioned in the items above."

5. Article 63 of the Criminal Proceedings Law provides for the right of the defendant to have a defence attorney. Article 66/2 prohibits the public prosecutor from preventing the lawyer from contacting the defendant. In case the defendant claims that he has been tortured or has been subjected to physical or mental coercion by the law enforcement officer, torture being legally criminalized, the public prosecutor must register the incident in the investigation record and refer the defendant to the forensic doctor, if deemed necessary.

6. Also, no person with signs of any type of injury may be admitted to correctional and rehabilitation centres except after being examined by the forensic doctor to obtain a legal medical report and conduct the necessary investigations. The centre's doctor must examine the detainee and provide a report on his medical condition when he is admitted to the centre and before he is released therefrom, and when he is transferred from one centre to another pursuant to article 24 of the Rehabilitation Centers Law. In accordance with article 106 of the Criminal Proceedings Law and article 8 of the Rehabilitation Centers Law, persons should be confined in the correctional and rehabilitation centres which are subject to judicial inspection. The Minister of Justice or his authorized representative, who should be a competent and experienced officer of the Ministry, the Chief Public Prosecutor, the heads of any of the Courts of Appeal, First Instance and the Higher Court of Felonies, the Attorney General and members of the public prosecution office in their respective areas of competence, may access the centre to ensure that there is no illegally retained inmate and to follow up on any complaints by an inmate regarding any violations committed against him. Detainees and inmates are informed of their rights including the right to submit a complaint, as article 13 of the Rehabilitation Centers Law stipulates that the inmate has the right to "contact and meet his lawyer whenever needed, inform his family of his place of detention, communicate with his family and friends and receive visitors unless forbidden by the director of the centre, and to contact his country's diplomatic or consular representative if the inmate is a foreigner".

7. Article 159 of the Criminal Proceedings Law stipulates that any evidence or statement obtained by physical or mental coercion and in the absence of the public prosecutor is considered void, and of no legal effect. It will not be accepted unless the prosecution provides evidence of the circumstances under which it was obtained and the court is convinced that the indicted, suspect or defendant has provided such evidence or statement voluntarily. The defendant may also dispute, before the public prosecutor and the court, the statement obtained from him by the law enforcement officer on the grounds that it was obtained under pressure or through physical or mental coercion.

8. The Crime Prevention Law No. 7 of 1954 is a preventive law that does not aim at restricting personal freedoms but rather at pre-emptively preventing crimes against the security of the community and public order, especially homicide, crimes committed in the name of honour and robberies. The administrative governor intervenes to protect people and property when he is convinced that it is necessary to resort to administrative detention to ensure the safety of citizens and prevent crimes. Administrative detention under this law

shall be within specific controls. The application of this law is limited to specific cases of extremely dangerous persons, outlaws and criminals who attack and terrorize citizens. The administrative detention is a temporary measure pending the submission of a guarantee of good conduct and a pledge not to assault citizens in the future and not return to crime.

9. As noted above, the administrative detention is a precautionary measure only used for general and special deterrent purposes, and only applied in specific cases determined by law. The statistics of the Ministry of Interior indicated that the number of administrative detainees has declined in the last few years. The accumulated number of such detainees, which amounted to 20,071 in 2006, has declined by more than 4,000 detainees. It should be noted that these figures are cumulative over the year. Some persons are detained for a few hours or days only pending bail or undertaking not to repeat the crime. However, other persons are detained several times.

10. In October 2009, the Ministry of Interior instructed all administrative governors that they should, when applying laws and regulations including the Crime Prevention Law, allow lawyers to attend interrogations of suspects conducted by the administrative governors.

11. As for the “protective custody” mentioned in the Committee’s list of issues, the Government of Jordan wishes to state that there is no such “protective custody” of women, young girls and females vulnerable to domestic violence or honour killings. However, in certain very limited cases, protection is provided to girls and women in a safe house called the “Domestic Reconciliation House” which was established in 2007. This house lodges victims of domestic violence, particularly women subject to violence and their children. There are an increasing number of beneficiaries from this Reconciliation House amounting to 290 victims in 2007, 501 in 2008 and 791 up to November 2009. Such females make use of the psychological and rehabilitation programmes as well as legal assistance and the programmes to empower women to support themselves and their children through vocational training and enhanced productivity, in addition to benefiting from comprehensive health care for themselves and their children. It is worth noting that according to the protection houses’ regulations, new instructions were issued to allow civil society organizations to establish and run sanctuaries to contribute to promoting the concept of protection in the society, and use the collaborative approach in raising the level of protection in the society, such as the sanctuary affiliated to the Jordanian Women’s Union and the one affiliated to the Jordan River Foundation.

12. The Government of Jordan affirms its statement included in the national report, especially paragraphs 113–118, that there are specific legal criteria and controls for arresting criminal suspects. Such criteria are binding on all law enforcement agencies. Accordingly, there is no arbitrary detention of anyone and the General Intelligence Department (GID), like any other law enforcement agency, complies with the laws in force. The role of GID is to assume the role of the law enforcement when it comes to crimes committed against the security of the country. GID refers those involved in such crimes to courts, which have the final verdict on any complaint referred to them by the GID.

13. Under the State Security Court Law, the law enforcement unit may detain the defendant for seven days, and then he must be referred to the public prosecutor of the State Security Court who applies the Criminal Proceedings Law which is the same law applied to all crimes in the Kingdom. Afterwards, the legal procedures of the public prosecutor are applied to the defendant without interference from any other official body. The public prosecutor must, by law, explain to the defendant that he is not obliged to answer questions unless a defence lawyer is present. The period of detention is determined through a judicial decision taken by the public prosecutor without any intervention from the GID.

14. The Defence Law, under which a state of emergency can be declared, is not operative at present since there are no extraordinary conditions threatening the country.

15. The National Center for Human Rights (NCHR) became a member of the International Coordinating Committee of National Human Rights Institutions (ICC) after the ICC recognized the Center as an independent and neutral national institution. The Paris Principles identified ways and methods to finance these institutions. Further, the Center's website ([www.nchr.org.jo](http://www.nchr.org.jo)) provides information on its activities and accomplishments since its inception in 2003. Attached is a copy of the law incorporating the Center and information on the human and financial resources allocated to it to effectively deliver its duties (annex 1).

16. In 2008, the Ombudsman Bureau was established as an independent body under a special law to look into all complaints concerning any decisions, procedures or practices of the administration or its officers. The Bureau investigates complaints and grievances submitted by citizens against government institutions. On 1 February 2009, the Bureau started receiving complaints from citizens. The number of such complaints amounted to 2,716 by the end of 2009, where 1,124 of which were accepted, while the remaining complaints were dismissed for being outside its jurisdiction. The head of the Bureau meets with, listens to and counsels the complainants, and helps them through providing advice or by mediating on their behalf when appropriate. He has conducted many interviews with the audio, visual and print media to increase awareness of the work and mandate of the Bureau and the type of complaints it accepts. The Bureau also holds meetings with government institutions and follows up on developments in the public sector. On 11 January 2009, an agreement was signed between the Bureau and the Jordan Post to distribute complaint forms to post offices spread throughout the country, to be filled and sent by complainants to the Bureau at no cost.

17. The Grievances and Human Rights Office affiliated to the PSD was established on 21 July 2005 to monitor and follow up on cases of human rights violations. It was also mandated to follow up on any violations committed by police officers, investigate them, issue the appropriate decisions in relation thereto, redress rights to their rightful owners, and coordinate with concerned official and unofficial bodies, whether within the PSD or beyond, particularly governmental and non-governmental organizations concerned with human rights. The Office also conducts regular and surprise inspections of detention and interrogation centres and places where citizens are dealt with at all public security units and rehabilitation centres in order to ensure human rights are respected and no person is abused. Moreover, the Office prepares reports to the competent authorities for proper decision-making. It trains and educates policemen to respect human rights while performing their duties and to promote their code of ethics in a legal manner in order to provide an ideal security service.

18. During 2009, the Grievances and Human Rights Office received 377 various complaints against administrative procedures and legal violations sorted by gender of the complainant as follows: 314 complaints from males, 63 from females and 4 from juveniles. These complaints were duly investigated where 10 cases were referred to the police court, 22 cases to unit commanders, the trial of 19 persons was prevented for lack of evidence, and the remaining complaints were kept after taking the required action in their regard and ensuring justice to complainants as there was no justification for legal prosecution. As for statistics made pursuant to article 208 of the Penal Code concerning torture, it was established through investigation that there was no single incident of torture committed by the public security personnel since the aforementioned article was amended on 15 November 2007. If such crime of torture is proved pursuant to article 208, there would be no compromise in applying the law to anyone proven guilty of committing such crime.

19. There are many mechanisms and methods by which the Grievances and Human Rights Office deals with complaints, the most important of which is to immediately initiate criminal investigation if a complaint is duly received involving a crime entailing penal prosecution and requiring referral of the case to the competent judiciary, i.e. the police court, after completing the investigations and establishing evidence to convict the defendant. On the other hand, the mechanisms of handling administrative complaints are several including addressing the concerned authorities and issuing the required recommendations, reports and suggestions. Complaints are also received in many ways such as reporting in person to the Office or submitting the complaint through official and unofficial correspondence, by e-mail or by other means. The complaints are then investigated, verified and followed up in an effective, immediate, comprehensive and impartial manner in order to reach a just conclusion. As for complaints from within the correctional and rehabilitation centres, they are looked into by the Grievances Office or by the public prosecutors in those centres, and all legal procedures with respect to each complaint are taken. Complaint boxes affiliated with this Office were placed in all correctional and rehabilitation centres to receive complaints from all inmates and to investigate them.

20. The NCHR receives complaints concerning human rights violations. The Center monitors transgressions and violations against human rights and public freedoms by official bodies. It takes action toward bringing these violations to an end and educating citizens about their rights guaranteed by the Constitution.

21. As for the independence of the judiciary, this principle is enshrined in many provisions of the Jordanian Constitution, the most important of which is article 97 which states that “judges are independent with no authority over them except that of the law”, and article 98 which states “judges of the Civil and Shari’a Courts are appointed and removed by a royal decree pursuant to the provisions of law”. Independence of the Judiciary Act by its article 3 provides that “judges are independent with no authority over them except that of the law”.

22. The conditions for the appointment of judges were set forth in article 10 of the Independence of the Judiciary Act, which states that “An individual appointed as a judge must:

- (a) Be a Jordanian citizen not enjoying a foreign protection;
- (b) Be at least 27 years old and fit in terms of health;
- (c) Enjoy civil capacity and not have been convicted of any misdemeanour, except for political crimes;
- (d) Not have been convicted by a court or a disciplinary council for a matter contrary to honour even if redressed or included in a general amnesty;
- (e) Be of a good conduct and reputation;
- (f) Be a holder of a bachelor’s degree in law from a Jordanian university, or an equivalent degree in law acceptable by the Council after consulting the competent authority concerned with certificate accreditation provided that such certificate is acceptable for appointment in the Judiciary in the country in which it was issued;
- (g) He should also:
  - (i) Have served as a law professor for at least four years after attaining the Masters degree in law or for two years after attaining the PhD in law; or

(ii) Hold the first university degree in law, have worked as a court clerk for at least three years thereafter and have been approved by the Council to attend a one-year course in the Judicial Institute; or

(iii) Hold a diploma from the Judicial Institute. Graduates and students of the Institute, before the enforcement of this law, are exempted from the age condition.”

23. Article 11 elucidates that:

(a) “Notwithstanding the provisions of any other law, no individual may be appointed as a judge before his competency, good conduct and fitness to be a judge are verified. A competition must be held to fill 4th, 5th and 6th grade vacancies by a committee appointed by a panel of judges with members holding no less than the 1st grade. Such vacancies and the competition date must be advertised by the head of the panel; and

(b) Graduates and students of the Judiciary Institute prior to the enforcement of the provisions of this law are exempted from the condition of the competition.”

24. As for removal of a judge, article 26 of the Independence of the Judiciary Act states that “a judge may neither be removed nor dismissed from service nor his grade lowered except by a decision of the Council and a Royal Decree”.

25. The number of female judges amounted to 48 ladies. A female judge can assume the same functions and exercise the same authorities as her male counterparts.

26. In addition, a strategy was set forth for the development of the judiciary during 2010–2012, with the main focus on enhancing the independence and integrity of the judiciary and several sub-objectives were identified. The first is to enhance the judge’s individual independence through programmes to amend the Independence of the Judiciary Act to ensure the institutionalization of procedures, development of work basics related to judges, setting mechanisms to improve and review the judicial conduct and allocating adequate funds and staff for the judiciary in addition to establishing a club for judges. The second objective is to enhance the institutionalized independence of the judiciary through institutional capacity-building of the judiciary council by issuing the administrative units system of the council, appointing the required staff for these units and computerizing the work procedures. The third objective is to enhance the integrity of the judiciary through promoting the role of judicial inspection by amending the law to ensure the judicial inspector’s immunity and neutrality, and to conduct annual inspections of all judges subject to inspection, as well as enhancing accountability through programmes to amend the Independence of the Judiciary Act to ensure compliance with the approved judicial code of conduct and accountability on an effective and objective basis.

27. In respect of the Prevention of Terrorism Act of 2006, the Government of Jordan confirms that no criminal charges were raised under this law since its adoption. Further information appears in paragraph 91 below.

28. As to incorporating provisions pertaining to violations of the Convention against Torture based on gender in the Jordanian legislation which criminalizes torture, the Government of Jordan refers to paragraph 15 of its national report that the Convention against Torture, since its ratification and publication in the Official Gazette on 15 June 2006, has become an integral part of the Jordanian national legislation. Moreover, it transcends in its application to national law. Accordingly, if any cases are presented before the national judiciary relating to violations of this international Convention, the Jordanian courts are obliged to apply the Convention’s provisions and to refer to the definition of torture under article 1 of the Convention.

29. As for the so-called “crimes of honour”, article 340 of the Penal Code stipulated, before it was amended by the provisional law No. 86 of 2001, that:

“(a) A man who surprises his wife or one of his female relatives in the act of adultery with another person and kills, wounds or hurts one or both of them, shall benefit from the pardonable excuse;

(b) A perpetrator of a murder, injury or harm shall benefit from the mitigating circumstances if he/she surprises his/her spouse or an ancestor or a descendant or a sibling in an illicit bed with another person;

(c) Anyone who benefits from this excuse may not use the right of legal self-defence and shall not be subject to stringent punishment provisions.”

30. According to court records, this pardonable excuse was used only once. Later, this article was amended by the provisional law indicated above, and accordingly the article now states:

“(a) A man who surprises his wife, an ancestor, a descendent or a sibling with another person in adultery or in an illicit bed and kills her and/or her partner immediately or assaults her and/or her partner in a manner causing death, injury, harm or permanent disability, shall benefit from mitigating excuse;

(b) A wife who surprises her husband in adultery or in an illicit bed in their home and kills him and/or his partner immediately or assaults him and/or his partner in a manner causing death, injury, harm or permanent disability, shall benefit from the same mitigating excuse;

(c) Anyone who benefits from this excuse may not use the right of legal self-defence and shall not be subject to stringent punishment provisions.”

31. Article 98 of the Penal Code, however, establishes a legal principle for the mitigating excuse, applicable to all crimes, whether committed by a man or a woman. The article grants a mitigating excuse to a perpetrator who commits the crime in a fit of rage caused by a wrongful and very serious act by the victim. In cases where a mitigating excuse exists, the sentence is reduced according to article 97 to at least one year imprisonment for murders meriting the death penalty, hard labour for life or life confinement; imprisonment for six months to two years for other crimes, including premeditated murder punishable by 15 years of hard labour; and imprisonment for no longer than six months or a fine of JD 25 if the act is a misdemeanour.

32. It was proposed to amend article 97 of the Penal Code under the draft law amending the Penal Code of 2004. Under this amendment, the minimum punishment for crimes imposed on perpetrators in cases where the mitigating excuse is applicable was tightened to at least 7 years' imprisonment if the crime is punishable by death, hard labour for life or life confinement, and 5 years if it is a felony punishable by 15 years of temporary hard labour. If the act was another felony, the punishment is changed to six months to two years imprisonment, but if the act was a misdemeanour, the punishment is imprisonment for no longer than six months.

33. Statistics of court decisions show that the mitigating excuse was used only once during 2009 out of a total of 13 cases. In 2008, it was used in 2 cases out of 10 and in 5 cases out of 11 in 2007.

34. In the event the family of the female victim waives their civil right, article 99 of the Penal Code states that “If there is a case involving mitigating circumstances, the court shall rule as follows:

(a) Hard labour for life or 10–20 years' temporary hard labour instead of death;

(b) At least eight years of temporary hard labour instead of hard labour for life, and temporary confinement for at least eight years instead of life confinement;



(c) The court may reduce any other penalty by half;

(d) The court may also reduce any jail sentence where the minimum sentence is no more than three years to at least one year imprisonment, except in recurring crimes.”

35. Under this provision, if the family of the female victim waives their civil right, the court shall reduce the sentence for premeditated murder by half. And under the provisions of the draft law amending the Penal Code of 2004, it is prohibited to use mitigating circumstances in felonies and misdemeanours if the sentence has already been altered due to mitigating excuse.

36. Statistics of court decisions also show that mitigating circumstances in the aforementioned type of crimes were used only in 10 cases out of 13 in 2009, 5 out of 10 cases in 2008, and in 6 out of 11 cases in 2007.

37. It is worth noting that the two amended laws of 2004 and 2009 were presented before the parliament in its last extraordinary session, but due to lack of time, they were not discussed. Studies are under way to amend penal codes to promote human rights and freedoms, including the introduction of a system for a penalty execution and alternative punishments.

38. At the level of protection against domestic violence, numerous achievements were accomplished for the benefit of the family which is the building block of a modern civilized society that repulses all forms of discrimination and violations of any source. The first such achievement was the enactment of the Law on Protection from Domestic Violence No. 6 of 2008, which is considered a modern law to regulate the family and preserve its cohesion through primary intervention and reconciliation among the parties before referring the case to the court. Criminalization of domestic violence or prosecuting its perpetrators does not fall within the field of this law. The question of criminalization is left to the Jordanian Penal Code to address.

39. In the same context of domestic violence, a cooperation agreement was signed between the PSD and the Ministry of Social Development to provide social and economic support to victims of domestic violence, as well as providing social services to children who are in conflict with the law through establishing social services offices in several police stations. In addition, with the support of the National Council for Family Affairs, an office to receive complaints (a toll-free line) and a sophisticated call centre were established to receive complaints by telephone from victims of domestic violence around the clock. Cooperation agreements were signed with various civil society organizations (Jordan River Foundation, All Jordan Youth Commission, Greater Amman Municipality and Queen Zein Al Sharaf Institute for Development), in order to conduct awareness campaigns targeting all sectors on the impact and negative effects of domestic violence on family members through lectures and participation in relevant forums, workshops and activities in schools, universities, colleges, clubs and youth centres in all governorates of the Kingdom. The PSD has implemented a two-phase project with the Ministry of Foreign Affairs of Denmark and Save the Children/Denmark, aiming at offering its services throughout the Kingdom. The project supported the establishment of four departments in Karak, Madaba, Mafraq, Jerash and Ajloun governorates affiliated to the directorate and provided them with the necessary equipment and supplies. In collaboration with UNRWA, a capacity-building project was implemented for the agency's staff on how to deal with child abuse cases and early detection mechanisms. Another project was implemented with UNIFEM for capacity-building of staff at the PSD Family Protection Department on women's human rights. The project included supporting the department with equipment and supplies.

40. According to statistics by the PSD Family Protection Department related to cases of sexual abuse of children addressed by the department in 2009, there were 36 cases of rape,

6 cases of attempted rape, 354 cases of sexual abuse, 32 cases of immoral conduct, 4 cases of kidnapping and 3 cases of incitement to prostitution.

### **Article 3**

#### **Freedom of movement and implementing the “non-refoulement” principle or expulsion of foreigners, returning or extraditing them to another country where they are vulnerable to torture**

41. Jordanian legislation has granted legal status to a foreigner, in terms of residence, possessing a property, work, litigation or exercising all rights and public freedoms. In this context, a foreigner has the right to reside in the Kingdom according to the Law of Residence and Foreigners Affairs. No person may be expelled except in accordance with the provisions of law. He has a right to appeal against the decision of deportation before the Supreme Court of Justice, and there are many cases where the decision of deportation was repealed by the competent court. As for extradition of criminals, no person is extradited unless the judicial authority issues a court decision that the extradition conditions are satisfied. Such conditions usually include the soundness of the judicial process and its compliance with the law of the country requesting the extradition. It should be noted that extradition is not permissible in crimes of a political nature in accordance with the provisions of the Constitution.

42. The refugees in Jordan enjoy humane treatment consistent with international standards in this regard. Palestinian refugees of 1948 were granted Jordanian citizenship and have the full rights and duties of citizenship until their cause is resolved. Regarding refugees of other nationalities who are listed with the United Nations High Commissioner for Refugees (UNHCR), the Jordanian Government did not return any asylum-seeker where sufficient grounds to believe that there was a threat or risk to his life existed. The Kingdom respects human rights and complies with generally accepted human rights standards, especially since the principle of “non-refoulement” is one of the basic principles of customary international law. There is also close cooperation with the Office of the High Commissioner for Refugees. The Government of Jordan signed in 1994 a memorandum of understanding with UNHCR that was widely consistent with the articles of the 1951 Convention relating to the Status of Refugees and its Additional Protocol of 1967. The Jordanian Government reiterates the statements included in paragraphs 80–95 of its national report on the same subject.

43. The Jordanian Government confirms what was stated in paragraph 116 of its national report since the Law on Correction and Rehabilitation Centers applies to all centres affiliated to the PSD. Furthermore, these centres, including the Detention Center of the GID, are controlled through periodic inspections by judges, representatives of local and international NGOs, the NCHR and the International Committee of the Red Cross (ICRC). Private and individual meetings with inmates are arranged and all procedures carried out by the directors of those centres are verified in order to ensure that inmates are not abused or mistreated and that their human rights are respected.

44. With regard to the two cases of Mohammad Bashmilah and Salah Nasser Salem Ali, Yemeni nationals, the Jordanian Government has confirmed earlier that the allegations made by the above named that they have been detained by the U.S. forces in secret detention facilities in Jordan were groundless. The first called on the GID on 21 October 2003 where he was interrogated and left the country afterwards on 26 October 2003. The second was arrested on 4 September 2005 for his connection with Al-Qaida and for entering Jordan with a forged passport in the name of his brother Waddah Nasser Salem Ali. He was deported on 8 September 2005.

45. The particulars of the case of Maher Arar, a Syrian-Canadian dual citizen, can be summarized, as stated to the Special Rapporteur on torture, that the said person arrived at the Queen Alia International Airport on 9 October 2002 on board a regular flight of Royal Jordanian Airlines, deported from the United States. As the name of the said person was on the list of wanted terrorists, he was asked to leave the country with liberty of determining his destination. He opted to go to Syria, to which he was deported by car on the same day.

### **Articles 5, 7, 8 and 9**

46. There have been no trials (as set out in paragraph 18 of the list of issues) for lack of evidence that any crime has been committed pursuant to article 208 of the Jordanian Penal Code.

47. With respect to the agreements on extradition of criminals, Jordan ratified the Rome Statute of the International Criminal Court (ICC). There are also a number of regional agreements such as the Agreement on Extradition between member States of the Arab League in 1954 and the Riyadh Agreement on Judicial Cooperation and amendments thereto of 1983.

48. Examples of the bilateral agreements on judicial cooperation include the agreement on judicial cooperation between Jordan and Algeria, and the agreement on legal and judicial cooperation between Jordan and the UAE of 1999 as well as the addendum to the agreement on judicial cooperation between Jordan and Tunisia of 1997. However, these agreements determine the crime by the maximum penalty and not by the type of crime. The amount of penalty for the crime of torture falls within the scope of crimes for which extradition may be made.

### **Article 10**

49. The PSD has established a Press Office and opened the (Security FM) radio station, which are independent entities representing a real translation of the policy of security and media openness, transparency in dealing with citizens, accepting constructive criticism and receiving notes of interest to all concerned parties. In addition to contributing to solving and responding to any problems and providing security and social awareness, the radio station is a means of receiving complaints and reports from citizens or residents in Jordan. It aims at saving the citizens the trouble of going to police stations to file complaints. Complaints are received and guidance is provided to the person on how to follow up on his complaint, and then the competent authority is contacted to process the complaint or the remark and directly solve it based on the nature of the remark. Also, community police sections were introduced in all police departments to be closer to the citizen and more capable of detecting his problems and concerns and helping him to resolve them. This is based on the desire of the security agencies to promote respect for and protection of human rights and dignity, and its thrust to working towards not subjecting people to any form of inhuman or degrading treatment.

50. Paragraphs 77–79 of the national report contain information about providing internal and external training courses and scholarships to members of the armed forces and the General Security Service (GSS). These courses cover most areas, particularly those relating to human rights concepts and international conventions. Such training aims at enabling them to efficiently perform their duties in accordance with the applicable regulations and laws and in line with Jordan's international obligations. Some of these courses are foundational and others are specialized. The issue of combating torture is one of the major training programmes provided to security personnel.

51. The personnel of the Correctional and Rehabilitation Centers are major beneficiaries of such training. A training centre associated with the Department of Correction and Rehabilitation Centers was established. This centre prepared and developed special courses as a step in the field of correctional work. Specialized courses were held in the area of guarding and dealing with inmates as well as on cases of using weapons and force. In addition, workshops were conducted to emphasize to senior officers the need to respect human rights and update them on the latest developments related to torture cases.

52. There is cooperation with many parties such as non-governmental organizations and the NCHR to train officers of the Correction and Rehabilitation Centers, Criminal Investigation Department (CID) and GID. Several special training courses were held on subjects like caring for inmates of the correction centres, the standard minimum rules for the treatment of prisoners, ensuring fair trial, the prevention of crimes, the Convention against Torture and others.

53. The training courses are also available to the staff of the PSD Family Protection Department, which in turn assumes the functions of investigating and providing the necessary protection for girls at risk for reasons of honour.

54. Training courses were organized for judges and public prosecutors on anti-torture during the years 2007–2008. More courses are currently being organized for them and for a number of legal scholars on how to make inspection visits to the Correction and Rehabilitation Centers in accordance with the provisions of articles 16 and 106 of the Criminal Proceedings Law, which was drafted during 2009. It was used as a reference for the guide on effective investigation and documentation of torture and other forms of cruel, inhuman, or degrading treatment or punishment and for a number of other relevant guides. A number of judges and public prosecutors went on exploration visits to other countries for the purpose of being acquainted with the best practices adopted in those countries.

## **Article 11**

55. The law enforcement units cannot detain suspects when they are arrested for more than 24 hours for the purposes of preliminary investigation. They are kept in places of temporary detention, which are known to the public and subject to judicial inspection. Then, they are transferred to the competent judicial authority (the Public Prosecution) to conduct the investigation. Furthermore, the orders to arrest any suspect in Jordan are issued under an arrest warrant by a judicial prosecutor within his powers provided by law. The Jordanian Constitution in its article VIII guarantees the right of every person not to be arrested or imprisoned except in accordance with the provisions of the law. Article 103 of the Criminal Proceedings Law states that “no one shall be arrested or detained except through an order from the competent authorities under that law”. Jordanian laws also guarantee public trials and the defendant’s right to appoint a lawyer to defend him and apply the law that is more favourable to the accused. The interrogation process was also developed through scientific techniques. Currently, scientific methods such as examining genetic DNA are utilized.

56. As for visits, a large number of visits were made to Correction and Rehabilitation Centers in Jordan by organizations concerned with human rights and by members of the public prosecution. The total number of such visits amounted to 869 in 2009.

57. Delegations from the ICRC made periodic and unannounced visits to the detention center of the GID. There were 26 such visits during the year 2007, 25 during the year 2008 and 19 during the year 2009. The NCHR also made three visits to the Center during the year 2007, two visits during the year 2008 and two visits during the year 2009. Human Rights Watch also visited the centre once in the year 2007. The Jordan National Movement

Parties made one visit during the year 2007. It should be noted that meetings with detainees were made privately during all visits. A medical care clinic was established within the detention centre, where two doctors and two nurses are available around the clock, in addition to a dental clinic and a pharmacy. Each detainee is examined by a doctor and given the necessary treatment; and a medical file is opened for him. A counsellor is also made available to follow up the psychological aspects of the detainees and solve their psychosocial problems.

58. As to public services provided to inmates of the GID Detention Center, the detainees are allowed to go in the open under the sun on a daily basis for a sufficient time. A basking yard dedicated for this purpose is available within the detention centre. Furthermore, each cell is provided with all hygienic aspects for the detainees (good ventilation, anti-humidity, a bed, heating, cold and hot water, bath accessories, a copy of the Koran or Bible and a prayer rug to exercise religious rites). In addition, there is a twice-a-week barber schedule for hair and beard grooming (for those who wish to do so). Also made available within the centre are washing machines where the clothes and sleeping blankets of detainees are washed every other day. A kitchen for the detainees and the staff of the centre is also provided; three meals are served on a daily basis. Workers in the kitchen are examined on a regular basis, in addition to examining the quality of the food by specialist supervisors. There is also a library containing religious, historical, and scientific books, with a record for lending books to detainees. The detainee is allowed to purchase his personal needs twice a week. If a detainee does not have the money, he is provided with all his needs (toothbrush, toothpaste, underwear, shoes and cigarettes, etc.) at the expense of the centre. Further to all the aforesaid, the detainees are visited by their relatives every Friday from 9 o'clock in the morning to 3 o'clock in the afternoon.

59. Paragraphs 18 and 19 above contain the answer to the queries of the Committee against Torture related to the procedures followed in the case of receiving complaints of torture and ill-treatment, and the official statistics issued by the PSD in this regard. Paragraph 99 of the national report also stressed that police officers are treated like any other ordinary citizens in terms of being subject to the Penal Code and any other relevant laws such as the Public Security Act and the Military Penal Code with respect to crimes committed by them. They are prosecuted and punished in accordance with the law, whether by imprisonment or fine. Moreover, the implementation of the penalty is not decided unless the legal description of the offence is determined. All penal sentences by the Police Court are subject to the oversight of the Court of Cassation.

60. Regarding the events of the Sowaqa Correction and Rehabilitation Center, a group of dangerous prisoners, on 26 August 2007, intentionally inflicted self injuries using sharp tools as a result of alleging they had been subjected to ill-treatment by the management of the centre on 21 August 2007. An investigation panel was formed and decided to refer the Director of the centre to the police court on charges of exercising illegal authority and disobeying orders and instructions contrary to the Public Security Act for his ill-treatment of a group of inmates. The court convicted and sentenced him to two months' imprisonment. He was dismissed from service as soon as he had violated the law. As for the other personnel of the centre, they were also referred to the police court, which decided not to convict them because they were not found guilty of any abuse, but they had only intervened to restore control of the centre after the rampage by inmates and the subsequent riots and agitation.

61. On the allegations of the injured inmates that they have not received medical care, the Jordanian Government asserts that after the break out of the riots and the subsequent self-inflicted injury of inmates, all injured inmates received first aid and necessary treatment, and no inmate was denied treatment.

62. It has been previously indicated in paragraph 55 above that the detention of suspects (upon their capture by a law enforcement unit) takes place in temporary retention locations, which are known to the public and subject to judicial inspection. Inspection is also conducted on Correction and Rehabilitation Centers to monitor the performance of personnel by the senior command authorities, the Inspector General Office, the Preventive Security Department and the Department of Correction and Rehabilitation Centers. Hence, necessary legal action is taken against those who are found guilty of abusing any prisoner. Further, the Grievances and Human Rights Office makes periodic and surprise inspections, either individually or jointly with the NCHR, to Correction and Rehabilitation Centers and temporary detention facilities. In total, there have been 394 such visits during 2009. International bodies concerned with human rights, including ICRC, also conduct periodic and unannounced visits to the GID detention center as detailed in paragraph 57 above.

63. The table below contains statistics by gender of the number of inmates in correction and rehabilitation centres since 2000 through 2009.

**Statistics of numbers of inmates in Correction and Rehabilitation Centers, broken down by gender from 2000 through 2009**

<i>Year</i>	<i>Male inmates</i>	<i>Female inmates</i>	<i>Total number of inmates</i>
2000	46 546	1 615	48 161
2001	39 484	1 564	41 048
2002	39 097	1 569	40 666
2003	38 169	1 249	39 418
2004	41 751	1 379	43 130
2005	43 093	1 458	44 551
2006	52 005	1 632	53 637
2007	56 362	1 908	58 270
2008	66 558	1 830	68 388
2009	67 805	1 921	69 726

64. The accommodative capacity of all correction and rehabilitation centres have amounted to a total of 8,124 inmates by the end of 2009, while the actual number of existing inmates is 7,804 inmates at the rate of 96 per cent of the actual capacity as shown in the attached table (annex 2).

65. The comprehensive plan adopted by the Jordanian Government for the development and renovation of correction and rehabilitation centres incorporated targeting a significant number of accomplishments during 2009 and the first months of 2010. They can be detailed as follows:

## **I. In the area of human rights**

(a) Opening of an office associated with the NCHR in the Sowaqa Correction and Rehabilitation Center;

(b) Appointment of public prosecutors in most correction and rehabilitation centres;

(c) Facilitating the visits of delegations and organizations concerned with human rights and members of the Public Prosecution to all correction and rehabilitation centres. The total of such visits amounted to 869 during 2009;

(d) Incorporating subjects related to human rights and the minimum standard rules for the treatment of prisoners in accordance with international standards in the training courses held for the various ranks of personnel;

(e) Developing manuals which include the rights and duties of inmates in all libraries at the correction and rehabilitation centres, and providing inmates with access thereto;

(f) Developing a draft law to amend the current law on correction and rehabilitation centres including provisions related to conditional release, inmates' leave system, suspension of penalty, penalty execution judge, and assigning work to inmates in return for wages;

(g) Following up the recommendations of the "Karama (i.e. Dignity)" Project with the Danish Government for the period 2008–2010, which aims at improving the treatment and conditions of inmates deprived of their freedom and combating torture and ill-treatment within the correction and rehabilitation centres.

## II. Policies, procedures and training

66. The Center of Training and Development at the administration of the Rehabilitation Centers was established to develop the policies and procedural instructions of the rehabilitation centres. Its aims include the following: conducting field surveys, visiting relevant centres and directorates to learn from their experience, participating in the activities and events of the rehabilitation centres, making recommendations for the development and work environment of the rehabilitation centres, creating cultural and police awareness to promote working at these centres, developing the curricula and programmes for the cadres of the centres, holding workshops and basic and specialized courses, opening and maintaining channels of communication with international and local organizations concerned with reform and human rights, coordinating and participating with international parties which are interested to help Jordan in the reformation of these centres, such as the Euro-Jordanian Twinning Project and the "Karama (i.e. Dignity)" Project with the Danish Government.

67. The centre trained 1,207 officers and staff of the administrations of rehabilitation centres through holding 33 various workshops since 2008. In addition, six courses about reformation were held and the curricula of these courses were designed to take into account the training needs of reform which are different from those given at the public security training institutions.

68. The courses held dealt with the subjects of guarding the inmates, dealing with them and cases of using weapons and force. Workshops were also held to train the personnel on the concepts of human rights, how to respect these rights and on the issue of torture.

## III. Inmates care

(a) Giving instructions to the libraries at the rehabilitation centres to organize and computerize the process of lending and reading books;

(b) The minimum wage for working inmates and those subject to social security was raised from JD 110 to JD 150;

(c) Providing the departments of the rehabilitation centres with 25 PCs to be used by the inmates at the rehabilitation centers of Sowaqa and Muwagar;

(d) Providing inmates with special needs with wheelchairs and crutches;

- (e) Appointing liaison officers from the Ministry of Social Development, the Ministry of Education and the Vocational Training Corporation in the administration, and naming others from the Ministry of Health and the Ministry of Awqaf;
- (f) Forming the Rehabilitation Centers Committee, headed by the Director of the Public Security, to accelerate the procedures and requirements for the development of the rehabilitation centres;
- (g) Launching the “Care” Initiative at the Rehabilitation Center of Juwaidah to prepare a special ward for inmates with special needs;
- (h) Launching the “Comfort” Programme on 1 August 2009 at the Rehabilitation Center of Balqa to ease the first time offenders;
- (i) Launching the “Preparation” Programme on 1 November 2009 at the Rehabilitation Center of Um loulou to prepare the inmates who are about to complete their sentence for post-release;
- (j) Forming the Inmates Council at the Rehabilitation Center of Um loulou on 9 August 2009. The Council includes representatives of the inmates who work to establish channels of communication between the centres administrations and the inmates, and the representatives are elected by the inmates. The first Inmates Council was formed on 18 August 2009;
- (k) A nursery called “Al Amal House for the Children of Inmates” was opened on 16 November 2009 at the Rehabilitation Center of Women;
- (l) The Rehabilitation Center of Um loulou was officially opened on 23 November 2009;
- (m) A cooperation agreement with the Ministry of Culture was signed on 11 August 2009 to start cultural programmes for the inmates (such as theatre, painting, music and handicrafts);
- (n) Continuing the dialogue programme with the religious extremist inmates;
- (o) Increasing the number of sociologists from the Ministry of Social Development to 23;
- (p) Appointing 18 sociologists and 52 nurses and assistant nurses at the expense of the PSD;
- (q) Publishing the first, second and third issues of the “Inmate” magazine;
- (r) Providing a service to request for the visit of lawyers on the website of the Rehabilitation Administration;
- (s) A doctoral thesis of an inmate from the Rehabilitation Center of Juwaidah was discussed by professors from Yarmouk University;
- (t) Offering ICDL courses in collaboration with the Ministry of Education for the inmates at the Rehabilitation Center of Sowaqa;
- (u) Holding five workshops on “People Deprived from Freedom” with the Red Cross on 27–29 July 2009 and 3–4 August 2009;
- (v) Organizing bazaars for the handicrafts of inmates of the Rehabilitation Center of Women at the Royal Cultural Center on 11 January 2010;
- (w) Holding 245 courses on vocational training for the inmates.



## The accomplishments of 2010

(a) Conducting a comprehensive medical survey about communicable diseases for convicted inmates at the rehabilitation centres in collaboration with the Ministry of Health;

(b) The 18-month twin project to develop the rehabilitation centres under the Euro-Jordanian partnership agreement was concluded on 10 January 2010. The project applied the international and European standards of the reformation process;

(c) Holding a meeting with the Ministry of Justice to follow the recommendations of the “Karama (i.e. Dignity)” Project with the Danish Government (2008–2010) which aims at improving the conditions and treatment of inmates who are deprived of freedom and to combat torture and mistreatment at the rehabilitation centres;

(d) Setting specific bases and mechanisms to transfer inmates from a centre to another taking into account the inmate’s place of residence, court, adversaries and other relevant considerations;

(e) Forming a preparatory committee to prepare for the First National Conference on Rehabilitation;

(f) Devising a five-year development strategy for rehabilitation centres which includes the following areas:

(i) Amending the legislation governing rehabilitation centres and adopting the concept of alternative punishments;

(ii) Solving the problem of overcrowding in the rehabilitation centres;

(iii) Expanding the concept of employing the inmates;

(g) Conducting visits by the Freedom Committee at the Lawyers Bar Association to facilitate the visits of lawyers to the rehabilitation centres;

(h) Starting the Cultural Season of the first quarter of 2010;

(i) Providing the rehabilitation centres with 30 nurses to work at the clinics in the rehabilitation centres;

(j) Providing the Rehabilitation Center of Aqaba with 10 PCs by the Ministry of Education to be used in training the inmates.

69. Following the order of His Majesty the King, the Rehabilitation Center of Jafer was shut down on 17 December 2006 and converted to a vocational training school (as stated in paragraph 13 of the national report).

70. According to the statistics of the Ministry of Social Development, the following table shows the number of juvenile delinquents, their age group and sex during the period from 1 January 2009 to 31 December 2009.

**The number of juvenile delinquents by age group and sex during the period from 1 January 2009 to 31 December 2009**

Number	Under 12		From 12 to less than 15		From 15 to less than 18		Total	
	Male	Female	Male	Female	Male	Female	Male	Female
	383	35	1 131	63	4 697	143	<b>6 211</b>	<b>241</b>
<b>Total</b>	<b>418</b>		<b>1 194</b>		<b>4 840</b>		<b>6 452</b>	
Percentage	6%		19%		75%		100%	

71. Juvenile delinquents aged 7 to 12 are placed under protective measures without being charged. The Juveniles Act, however, is applied to those aged 12 and above. The provisions of the Juveniles Act are being amended in order to raise the minimum age of penal liability from 7 to 12, and to establish Juvenile Courts, Juvenile General Prosecution Offices and Juvenile Police. The type of sanctions adopted will not include imprisonment. The draft law included many amendments to achieve reformed approaches to bring justice to juvenile delinquents and to be in accordance with international standards in this regard.

### Articles 12 and 13

72. Responding to the report of the Special Rapporteur on the question of torture, and especially in regard to his findings that “Torture is widely spread in Jordan and is routinely exercised in certain locations,” the Government of Jordan assured that the Special Rapporteur based his findings on individual undocumented allegations and on information from some civil society organizations which could never lead to the conclusions made. There is no State policy in Jordan that supports or encourages such practices. As a matter of fact, mistreating the detained and those in rehabilitation centres is condemned and considered a crime punishable by the law. As previously mentioned, effective legislative measures are adopted to criminalize torture, and, since the ratification and publication of the Convention against Torture in the Official Gazette, it has become part of the national penal legislation. Thus, article 208 of the Penal Code was amended to explicitly and specifically criminalize torture and mistreatment and tighten the sanctions thereto. The Convention was circulated to all security forces who were instructed to adhere with its provisions and include its articles in the training courses of the security forces. Moreover, since its inception, the Grievances and Human Rights Office issued nine circulars that included the Convention against Torture, Police Charter of Honour, legal inspection procedures and the use of force cases and distributed them to all public security units.

73. In addition, operational procedures were carried out to apply the principle of accountability in which those who commit such practices are criminally prosecuted by public prosecutors in their independent judicial capacity according to the Independence of the Judiciary Act and also by investigation panels. No transgressor can escape punishment and he will be prosecuted and punished.

74. The claim that the State Security Court accepts “confessions” that are alleged to be obtained under torture while in custody is an unfounded and undocumented allegation. The Government of Jordan reconfirms that the legality of the special courts, including the State Security Court, is based on the Jordanian Constitution and that the State Security Court has but limited authority over limited criminal offences against the country’s security and public order. The litigation procedures applied at the special courts are done according to the provisions of the law and are the same procedures applied at the regular courts. Public prosecutors apply the provisions of the articles set forth in the Criminal Proceedings Law No. 9 of 1961. By virtue of article 159 of this law, the court does not accept a proof or

evidence that has been obtained under any kind of physical or mental coercion and considers it false and of no legal effect. A complainant has the right to challenge his statement before the prosecutor and court if he believes that it was obtained through physical or mental coercion by the law enforcement unit. The decisions of the special court are subject to appeal before the Court of Cassation, which is classified as a court of merit and court of law, and a trial or any of its stages can be voided if it was proved to violate the Criminal Proceedings Law, all this done to guarantee human rights. The Government of Jordan therefore finds no reason to abolish these courts' systems.

75. The procedures used to ensure investigation in case there was any report of complaints about torture or mistreatment practices and the official statistics from the PSD were clarified in paragraphs 18, 19 and 59 above.

76. The Media Office and *Amen* FM Radio receive complaints and remarks from citizens and residents in Jordan, guide them to ways of following up their complaints and contact competent authorities to follow up on these complaints and solve them.

## Article 14

77. The Government of Jordan reconfirms what has been mentioned in paragraph 50 of its national report that the Jordanian legislation guarantees the right of any person who believes he was tortured to bring his case to court and lodge a complaint against the person or party he claims to have committed the torture. A person also has the right to take civil action to demand compensation by virtue of article 256 of the Civil Law.

78. The Department of Correctional and Rehabilitation Centers launched on 1 November 2009 a rehabilitation programme for the inmates of the Rehabilitation Center of Um Ioulou who are about to complete their sentences, and this is in order to help them integrate in the society after their release.

79. The security authorities are looking forward to establishing a national centre for post-rehabilitation (an independent national body with various technical and academic cadres) in order to help those who are released in the following areas:

- Creating job opportunities
- Following-up programmes
- Helping them get small loans to start their own business
- Supervising the implementation of a community service programme in case it was applied as an alternative punishment substituting jail sentence

## Article 16

80. In 2007, the Government of Jordan launched a pioneering project against domestic violence through establishing the Domestic Reconciliation House affiliated to the Ministry of Social Development. The centre lodges victims of domestic violence, especially battered women and children. The number of the beneficiaries of the centre is increasing which reflects the awareness and trust in the programme. In 2007, the beneficiaries were 290 victims, 501 victims in 2008 and 791 victims until November 2009.

81. The PSD implemented a partnership project with the Danish Foreign Ministry and the Save the Children/Denmark in two phases that aimed to offer the services provided by the Family Protection Department (which is a directorate specialized in domestic violence cases and affiliated to the PSD) in the rest of the governorates of the Kingdom. The project

supported the establishment of four departments affiliated to the directorate in the governorates of Karak, Madaba, Mafraq, Jerash and Ajloun and prepared them with the required equipments and facilities. The directorate has also contributed with other partners in the establishment of the Domestic Justice Center which provides comprehensive services to battered women with the Domestic Reconciliation House as its office.

82. The Ministry of Justice, in collaboration with the concerned authorities, is working on creating a system for centres to lodge the victims of crimes related to trafficking in humans.

83. The law amending the Labour Law No. 48 of 2008 was passed and published in the Official Gazette No. 4924 on 17 August 2009. The law included amendments to its items of which the following are the most important:

(a) All agricultural and domestic workers, gardeners and house cooks and those in their position are subject to the provisions of the Labour Law, and their employment must be in accordance with special regulations of employment contracts, that include inspection, working hours and time of rest;

(b) To provide for a punishment against the employer or anyone representing him if he commits any form of sexual or physical assault. The punishment may be closing the institution;

(c) To impose sanctions against the employer if he commits any violation through forcing, threatening, or deceiving any worker such as withholding his passport. The same punishment is imposed against partners, instigators and accomplices.

84. Regulation No. 90 of 2009 pertaining to labourers, gardeners and house cooks and those in their position has been issued and published in the Official Gazette No. 4989 on 1 October 2009 in order to organize the rights, duties and responsibilities of the workers and employers and the inspection procedures to ensure the compliance of house owners to these rights.

85. Furthermore, Regulation No. 89 of 2009 concerning the organization of the establishments which recruit non-Jordanian domestic labourers has been issued and published in the Official Gazette No. 4989 and the former Regulation No. 3 of 2003 was thus repealed. The most important part of the Regulation is providing for punishments such as shutting down the establishment or revoking its licence without warning if the violations committed were of gross nature and against the legislation in force or human rights such as:

(a) Recruiting workers illegally or using forged papers;

(b) Recruiting workers who are under the legal age;

(c) Employing workers in jobs other than domestic work or as day labourers or force them to work for other house owners where they are not authorized to work;

(d) Economic exploitation of the worker and confiscation of his wage or part of it;

(e) Assaulting the workers physically or sexually, abusing them or facilitating such practices;

(f) Transferring workers illegally to other countries.

86. Domestic workers have the right to allege labour complaints either through lodging the complaints at the Ministry of Labour or calling the free service hotline for labour complaints which receives complaints in Arabic, Indian, Sri Lankan, Indonesian, Chinese and Filipino languages. The Ministry's inspectors verify these complaints and resolve them.

87. Concerning cooperation and bilateral agreements, the Ministry of Labour prepared a study of the memoranda of understanding signed with countries exporting domestic labour (Indonesia, the Philippines and Sri Lanka). It also prepared drafts of new memoranda of understanding with these countries to organize the recruitment of labourers in order to combat the exploitation and trafficking of labourers. A memorandum of understanding between the Jordanian Ministry of Labour and the Indonesian Ministry of Labour was signed on 27 June 2009 in Bali and other memoranda of understanding with other countries will be signed in the near future.

88. In practice, a special committee was formed by the Minister of Labour according to article 9/A of the Domestic Labour Regulation No. 90 of 2009 to solve the problems of domestic workers in the embassies of countries that export labour. Members of the committee include representatives of the Ministry of Labour, PSD, the Ministry of Foreign Affairs, the Ministry of Interior, Syndicate of Domestic Labour Recruitment Offices and the attorneys of the embassies of the countries that export domestic labour. Since October 2009 until February 2010, the committee solved 477 cases of domestic workers staying at the Indonesian Embassy. Those workers were exempted from residency fines, deported at the expense of the embassy and were given their entitlement amounting to about half a million Jordanian Dinars. The Domestic Labour Directorate of the Ministry of Labour was electronically linked with the Ministry of Interior. The Inspection Department at the Ministry of Labour was activated to resolve the complaints of citizens. Indeed, about 400 complaints were resolved during 2009.

89. As for establishing shelters for migrant workers who escaped from exploitation and mistreatment, it has been previously mentioned that the Ministry of Labour, in collaboration with the relevant authorities, is currently working to create a system for centres to lodge the victims of crimes related to trafficking in humans.

90. In relation to the efforts exerted to combat trafficking in humans, which includes sexual exploitation of children for trading, the Law on Anti-Trafficking in Humans No. 9 of 2009 was passed and entered into force on 1 April 2009. The PSD coordinates with other competent ministries to apply the provisions of the law. The directorate has also established a branch to combat trafficking in human beings in the CID, and has sent officers to European countries for training purposes. Also under this law, some cases have been considered by the competent courts. A special unit for anti-trafficking in humans is currently under formation. By the aforementioned law, a higher committee called "The National Committee for anti-trafficking in humans" has been established to combat trafficking in humans, it is headed by the Minister of Justice and its members represent the concerned authorities.

## **Other issues**

91. Following the terrorist attacks on Amman in November 2005, the Prevention of Terrorism Act No. 55 of 2006 was passed to combat and detect terrorist acts. This law is in accordance with the public legal rules; it neither restricts the basic freedoms nor contradicts with international conventions on human rights. Since the date the law came into force, no trials were conducted under this law.

92. There is currently no intention to ratify the Optional Protocol of the Convention against Torture since the human rights situation in Jordan is being monitored by the international mechanisms and special procedures of the United Nations, in addition to being scrutinized by a number of committees such as the Committee against Torture. As previously stated in this report, a number of bodies such as the Grievances and Human Rights Office of the PSD, the NCHR and some international NGOs perform regular visits

to all investigation and detention centres as well as rehabilitation facilities to ensure compliance and respect for human rights.

93. With regard to issuing the announcement provided in articles 21 and 22 of the Convention against Torture concerning acknowledging the committee's competence to receive and study the complaints from countries and individuals, the Government of Jordan reconfirms what was mentioned in article 119 of its national report that there is no intention currently to change its position regarding the articles 21 and 22 for the same reasons previously mentioned about the political instability in the region. These articles, however, may be considered and studied in the future when suitable circumstances arise.

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