

Submission to Office of the High Commissioner for Human Rights

Second Universal Periodic Review of the Hashemite Kingdom of Jordan

**SEVENTEENTH SESSION OF THE WORKING GROUP
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**Submitted by
INSAN Coalition for Universal Periodic Review**

Joint Submission, Jordan, October 2013

“INSAN Coalition for Universal Periodic Review” was formed in December 2012 by a group of Jordanian Civil Society Organizations (CSOs), media professionals and experts on human rights. The Coalition included the following CSOs: Phenix Centre for Economic and Informatics Studies, Da’am Centre for Training and Consultancy, Tamkeen for Human Rights and Legal Aid, Justice Centre for Legal Aid, Jordanian Women’s Union, Human and Environment Observatory, Jordanian Federation of Independent Trade Unions, and Jordanian Labor Watch. Joining these CSOs are Mr. Moath Al Momani, lawyer, Mrs. Rania Al Sarayreh, Mrs. Nadeen Al Nimiri and Mr. Mohamed Shamma, Journalists. The Arab NGO Network for Development endorses this joint submission.

The purpose of the Coalition was to prepare a report for the second universal periodic review for Jordan and to follow-up on issues concerning the application of human rights principles and standards in the Kingdom along with the recommendations of the Working Group members during the first cycle revision. This report was prepared through intensive and periodic consultations amongst, and discussions with, members of the Coalition. The members constitute a wide range of experts on human rights issues who collaborated on the preparation of the report. The collaboration included consecutive and periodic meetings between members and other CSOs. The report is constructed in two main parts; civil and political rights, and economic, social and cultural rights.

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PART ONE: CIVIL AND POLITICAL RIGHTS

1. Guarantees of a Fair Trial and Equality before the Law

1.1 Administrative Detention and Arbitrary Arrest or Detention

1. Jordan Constitution explicitly states that personal freedom is safeguarded, and the Penal Code criminalizes any infringement on personal freedoms. Yet, Jordan has one of the highest records in the world of use of administrative detention, exceeding 25% of total number of detainees.

2. Although Jordan accepted the recommendations with regard to addressing concerns on the administrative detention in 2009, it is noted that the number of administrative detainees in 2012 reached about 12 thousand.

Under the crime prevention law, governors have authority to use administrative detention, house arrest or deportation without judicial order which means both governors combine executive and judicial powers.

Governors also have the authority to order the arrest of any woman and place her in a correctional facility on the pretext of preserving her life for suspicion of dishonorable conduct, such as if she was absent from her husband's or family home for an extended period.

3. Administrative Detention is still used to override the statutory detention extending 24 hours on regular issues and 7 days on state security issues.

4. Jordan also has a high rate of salutatory detention, while the law limits arrest at the police for 24 hours, it grants prosecutors the authority to issue detention orders without sufficient justification or court decision.

5. A study reported that approximately 20% of defendants in criminal cases are detained at pretrial stage for periods exceeding their final adjudicated sentences, and over 35% of defendants are detained then later through trial are acquitted or found not liable¹.

6. Although the law criminalizes the act of arresting any person without order of prosecutor for a period exceeding 24 hours, in practice, officials responsible for such prolonged arrests are not brought to justice, impunity is very common for such acts.

Recommendations:

7. Amend criminal procedures law to impose limitations on authorities of Public Prosecutors pertaining detention, mandate proper justification of detention orders, and improve judiciary oversight on due process.

8. Mandate compensation for prolonged or unlawful detention.

9. Improve law enforcement against police officials responsible for detaining suspects for a period exceeding 24 hours.

10. Repeal the Crime Prevention Law and end all administrative detention powers, and establish shelters for victims of domestic violence or honor crimes to substitute preventive detention.

11. Amend criminal procedures law to mandate due process including informing detainees of legal charges upon arrest.

1.2 The right to Freedom from Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

12. Jordan's 2011 constitutional amendments mandate prohibition of use of torture, however, Jordanian legislations still allow for inclusion of crimes of torture in pardons or statute of limitations, and do not recognize it as one of the most severe felonies.

13. In practice, perpetrators are rarely brought to justice. Moreover, allegations of torture are investigated, prosecuted and tried before special courts (Police Court or Intelligence Court) that are under the umbrella

14. of the same authorities accused of liability of such crimes. which construes a conflict of interest, violates the fair trial standards and creates suspicion of reliability of investigations.

15. Cassation Court has many rulings finding defendants not guilty despite their confessions due to proven allegations of torture, still the officers investigating such cases were not prosecuted.

Recommendations:

16. Establish a transparent and independent mechanism to investigate and monitor allegations of torture and ill treatment.

17. Legislate competency of civil judiciary to adjudicate all cases relating to allegations of torture.

18. Amend national laws to include victims' right to compensation.

19. Amend Penal Code and relevant legislations to end impunity and ensure victim's right to justice.

1.3 Independence of Judiciary

20. Although Jordan accepted recommendations towards strengthening the judiciary system by trainings, and that constitutional amendments affirming the independence of the judiciary system and the adoption of a judicial strategy took place; further revision of relevant laws still needs to be carried out regarding the financial and administrative aspects of independence.

21. Appointment of judges is mandated to the Judicial Council, whereas candidates are selected from graduates of the Judicial Institute that is administratively connected to the Ministry of Justice (MOJ) and chaired by the Minister of Justice. In addition, the Judicial Inspection Directorate is administratively located within MOJ.

22. Judges should be better protected to enhance their independence as they can be subjected to arbitrary reassignment or early retirement. Additionally, Judges also carry out public prosecution positions undermining specialization and impacting fair trial standards.

Recommendations:

23. Align national legislations to international standards in relation to independence of the judiciary.

24. Include the Judicial Institute under the umbrella of the Judicial Council

25. Review law of judicial independence, enhance independence of judicial inspection and institutionalize specialization of prosecution.

26. Train judges and prosecutors on implementation of international conventions in their judgments.

1.4 State Security Court/ Special Courts

27. The trial of civilians before military courts contradicts fundamental fair trial standards enshrined in the International Covenant on Civil and Political Rights which Jordan is party to. Moreover, Jordanian Constitution in its recent amendments limits trying civilians before Court with non-civil judges. Yet more than 200 Jordanian citizens, in 2011 and 2012, were referred to the State Security Court on charges of undermining the regime or other political charges.

28. During protests for lifting subsidies on fuels in Jordan, 12 children were tried before State Security Court instead of juvenile court.

Recommendations:

29. Amend the Constitution and laws, including the Anti-Terrorism Law, in accordance with Jordan's obligations arising from human rights conventions; particularly article 14 of the International Covenant on Civil and Political Rights.

30. Amend legislation to put an end to trials of civilians by the State Security Court.

1.5 The Right to Legal Assistance

31. Jordan accepted the recommendation in 2009 with regard to ensuring legal representations to detainees, Jordanian Constitution was amended in 2011 to stipulate the presumption of innocence for the accused. Yet the right of defendants to legal representation is not guaranteed in Jordanian laws except for serious felonies that are punishable by execution or life imprisonment. In all other criminal charges, the defendant is expected to hire his/her own attorney or stand trial without legal counsel.

32. Even in felonies where counsel is provided by the court, representation is only guaranteed for the trial period and is not provided at the pretrial stage.

33. Jordan Bar Association Law allows chairman of the bar to require lawyers to take on one pro bono case each year to represent the indigent. However, this right is not institutionalized properly and not enforced except in a small scale.

34. Studies show that most defendant are not represented in criminal cases, as 68.4% of defendants in criminal cases are not represented during trial, the percentage rises up to 83% in the prosecution stage, and access to legal counsel is almost non-existent in police stations².

Recommendation:

35. Amend legislation to guarantee the right to legal aid and representation in all criminal cases including pretrial stage, and institutionalize such right through creation of needed institutions.

1.6 Equality before the Law

36. In accordance with the recommendations received during the 2009 revision, in a positive step, Jordan removed its reservation from article 15 of CEDAW. Yet, the remaining reservations of Jordan, namely Article 9, Paragraph 2 dealing with women's ability to pass on their nationality to husbands and children, and Article 16, Paragraph 1 removing discrimination in marriage, divorce, and custody remain. Jordan did not ratify the Optional Protocol to the Convention.

37. Despite women activists' calls to include "sex" to the grounds of discrimination prohibited under article 6 of the Constitution, these calls have not been met yet.

38. As Jordan rejected recommendations calling reviewing its Nationality Law in 2009, the nationality law still discriminates against women by denying them the right to pass their nationality on to their spouses and children. Another form of discrimination within this law concerns the matter of renunciation of citizenship to acquire the nationality of another State. While men are entitled to reclaim their nationality, the law does not grant such right to women, unless in the event of the separation due to divorce or death.

39. The Residence and Immigration law does not grant the right of a Jordanian wife's children and husband of foreign nationality to reside in the country, but leaves such matter to the authority.

40. Although Jordan withdrew its reservation on article 15 (4) of CEDAW, which gives women freedom of mobility, the Passports Act still requires the husband's consent before a wife can obtain a passport for herself and her minor sons and/or daughters.

41. Although Jordan responded positively to recommendations regarding the freedom of belief and religion in 2009 and was appreciated for its good practices, The Personal Status Act continues to discriminate on the custody rights of children between Muslim and Christian women married to a Muslim man.³The law also denies custody to the mother if she remarries, while this does not apply to the father.

42. Religious minorities face discrimination that affect their civil rights. These include non-recognition of some communities and religions. Moreover, the government, for example, still refuses to recognize Bahai's and Evangelical churches. This limits their abilities to openly perform their religious practices, and not to issue a marriage certificate of the Baha'is, and only granting them a family book that does not include private data to the marriage contract. Restrictions also extend to marriage between different religions

Recommendations:

43. Lift reservations on CEDAW provisions and ratify the Optional Protocol to CEDAW.
44. Amend legislations that discriminates against women.
45. Issue laws criminalizing discrimination in all its forms and ensure their genuine implementation.
46. Amend the Constitution by adding sex to grounds of discrimination, and stipulate supremacy of human rights treaties over national laws.
47. Ensure that the Department of Civil Status issues marriage certificates to the Baha'is and other unrecognized religious groups, whether the marriage is between Jordanians or not.
48. Take effective legal and practical measures to eliminate all forms of discrimination based on religious beliefs in ensuring the full enjoyment of human rights.

2. The Right to Form Associations and Political Parties

49. Despite Jordan's acceptance of the recommendation calling for examination and revising the recently adopted Law on Societies⁴, the provisions of the Law on Societies remain incompatible with relevant international standards that ensure the right of Association; constraining the exercise of this right.
50. Although Article 16/2 of the amended constitution expressly provides Jordanians the right to form associations, unions and political parties, this right is restricted to Governmental approval of formulation and receiving foreign aid. It also remains under the control of the Government in exercising its agenda.
51. In regards to forming political parties, restrictions on this right still exist in the amended law on political parties for 2012. These restrictions include a minimum registration number of 500 people to form a party, in which 7 provinces are represented by a percentage of 10% each. Political parties still need to obtain a license for publicity and a working permit from the Government, instead of a notification.

Recommendations:

52. Review legal texts and allow parties to work without the need for government approval, allowing registration of political parties through notification, and remove provisions requiring a minimum number for registration and percentage of representation.
53. Review legal texts limiting the right to exercise establishment, the associations' work and funding without Government consent.

4. Freedom of Opinion, Expression, and Peaceful Assembly

54. The amendments made to the Constitution in 2011 confirmed, in article 15, the freedom of opinion and expression and ensured the freedom of scientific research and creativity in its various aspects. Article 128 stated the inadmissibility of laws, issued under the Constitution, which affect the rights and freedoms stated above. Still, the amendments made to the Press and Publications Law constitutes a restriction on freedom of opinion and expression.
55. In regard to the Statistics law No. 12 for the year 2012, the second paragraph of article (8), clearly states that any informal gathering and publication of statistical information should first be authorized, in writing, by the Director-General of the Statistics Department. The Prime Minister placed in February of 2011, under this article, restrictions⁵ on conducting surveys and opinion polls. These declared that research centers conducting a survey should request an official approval to conduct such activity. Such restrictions are not in agreement with the freedom of opinion, speech, and scientific research laws nor with access to information laws.
56. With regard to the right of peaceful assembly, a positive adjustment has taken place, in 2011, on Public Meetings Law No. (7) for the year 2004. The adjustment included annulling the Administrative Governors prior approval to hold a public meeting and replacing the approval with a

notice from the meetings organizers. However, many of the protests over the past two years witnessed some sort of “harassment” and “attacks” by the government to force protests to come to an end. This was evident in the famous protests that took place in the Interior Circle area, on March 25, 2011, the Palm Yard area, on July 15 July 2011, and some other labor protests, all of which ended forcefully, along with arresting dozens of political activists who participated in the mid-November of 2012 marches against increasing gas prices.

Recommendations:

57. Amend the Press and Publications Law to ensure more guarantees for freedom of opinion and expression.

58. Amend the Statistics Act and regulations issued under it by the Prime Minister to allow freedom of collection of statistical information, conduct surveys without obtaining prior approvals from the government.

59. Amend the Public Meetings Act so as to enhance the role of Government and security forces to protect participants in meetings and marches.

60. Activate the contents of the Jordanian Penal Code in order to criminalize those who refrain from duty of protecting participants in marches and to prosecute abusers during marches.

PART II: ECONOMIC, SOCIAL AND CULTURAL RIGHTS

2.1 The Right to Adequate and Appropriate Standards of Living

61. There is a weakness in Jordanian legislations that ensures a decent standard of living. The Constitution does not include any content to ensure such right. However, many of the strategies related to fighting poverty exist. Still, figures of various standards of living indicators has shown tremendous decline during the past few years due to successive increases in the prices of basic commodities and inflation, by an average of 28%⁶.

62. Average wages have increased at a lower rate and reached about 26.7%⁷. A large segment of Jordanians are still suffering from difficult living circumstances and inability to provide for their families. Besides, 72% of salaried workers are getting JD 400 or less monthly⁸, while the absolute poverty line (food and non-food) is JD 400 per month⁹. The minimum wage is low; JD 190 per month, with tens of thousands of Jordanian workers earning below minimum wage¹⁰.

63. All such figures have reflected on increasing the poverty pockets, the spread of working-poor phenomena, and on the formation of informal employment, which reached about 44% and that does not have any form of social support¹¹ and lack stability. In addition, the poverty rate is in increase, stood at 14.4% in 2010, compared with 13.3% in 2008.¹²

64. Poverty is worse in rural areas; whereas 17.4 % of Jordanians live in rural areas, approximately 19 % of the rural population is classified as poor.¹³

Recommendations:

65. Amend the Constitution in order to ensure the State’s obligation to provide a decent and adequate standard of living.

66. Ensure decent and quality employment generation policies as fundamental first step in raising income levels and combating widespread poverty.

67. Reconsider the wage levels in the private and public sectors in order to ensure an adequate standard of living and link the wage levels to inflation rates, and raise the minimum wage to the level of the absolute poverty line.

2.2 The Right to Work:

68. The economic policy choices in Jordan, based on economic growth concentrated in non-productive sectors and with an export-led strategy, create negative consequences for the Jordanian labour force; including lack of sufficient number of jobs and lack of quality jobs to match between the labour market demand and the skills and educational backgrounds of the workers.¹⁴

69. Unemployment rates are still fixed as for the last ten years, between 12 and 14%¹⁵. It is estimated that one third of young Jordanians are unemployed¹⁶, while the unemployment rate is twice as high among females compared to males; 10% among males and 20% among females¹⁷.

70. Labor legislations also discriminate against women; civil service system grants working men a family allowance that is not granted to women unless they have a deceased or disabled spouse. The system also deprives the family of a deceased female employee from her retirement salary unless there is a demonstrated need for such, while this need is not required for males.

71. The rate of women's participation in, and contribution to, the labor market is modest: 14.2%¹⁸, which reflects the fact that implementation of economic reform policies did not take into account the social dimension.

72. Child labor rates are still significantly high and are now continuously increasing due to the poverty levels and lower living standards. Reports announced that 50 thousand children, (under 16 years old) are in the labor market.

Recommendations:

73. Adopt a new development model with a human rights-based approach. Review economic and educational policies in order to achieve the goal of creating decent jobs and meeting the needs of labor market.

74. Eliminate all forms of discrimination against women with regard to granting of family allowance, granting of salary and retirement benefits to their families when they are deceased.

2.3 Fair and Satisfactory Working Conditions:

75. A large segment of workers suffer difficult working conditions and violation of international labor standards; lower wages compared to already low minimum wage, long working hours (more than 8 hours per day), and weakness in the application of minimum health and safety standards. Workers are as well exposed to collective dismissal processes¹⁹.

76. The efforts to equalize earnings between males and females and reduce gender discrimination in the market are neither effective nor efficient. The gap is still wide between males and females with males making JD 63 and JD 69 more than females in the public and private sectors, respectively²⁰.

Recommendations:

77. Amend Article 31 of the Labor Law related to the restructuring of institutions that allow collective dismissal of workers.

78. Apply the principles and standards of decent work in different elements to all workers.

79. Activate the application of labor law and the civil service regulation in order to ensure gender equality in wages.

2.4 The Right to Social Security:

80. The coverage of the Jordanian social services is still at a shy figure of only 56%²¹. Subscribers and retirees of the System have no health insurance benefits, which is one of the minimum standards of social security as per ILO Convention No. 102 concerning Minimum Standards of Social Security.

Recommendations:

81. Expand the social security umbrella to include all waged workers in Jordan.

82. Include all subscribers in the social security health insurance.

2.5 The Right to Form and Join Trade Unions

83. Article 97/A of the Jordanian labor law allow workers in any profession to establish a trade union. However, this context was withdrawn in article 98 that granted the rights to form trade

unions according to certain classification of professions. The classification is determined by a committee that is formed by; government, trade unions, and employers' unions. The Committee allowed the establishment of only 17 trade unions in 1976²²; these house hundreds of professions. Since then, the Ministry did not allow the establishment of any other new trade unions. As such, the Ministry has refused all attempts regarding the formation of many trade unions for the lack of required licensing from the government. It's worth mentioning that new trade unions should seek governmental approval and licensing and not only notifies the government as known by international standards. The Ministry has declined the request of association formation for the workers in the Phosphate Sector, Jordanian Electric Power Company, and drivers Sector. Such act is considered a clear violation of the principles and the freedom to organize and form labor associations stated in international agreements and conventions²³.

Recommendations:

84. Modify the provisions of labor law relating to the formation of trade unions and allow all salaried workers in Jordan to freely form their trade unions.
85. Amend civil service regulation regulations to allow workers in the public sector to establish trade unions as they see fit.
86. Ratify the ILO Convention No. 87 on Freedom of Association and Protection of the Right to Organize.

2.6 The Right to Collective Bargaining:

87. Collective bargaining is one of the fundamental rights of all wage-earners, but this right is only confined to trade unions recognized by the Jordanian labor law. These associations constitute less than 5% of the total workers.

88. The civil service regulation prohibits all workers in the public sector from exercising the right to collective bargaining and also considers any strike action as absent from work without an excuse; which requires administrative punishment. Dozens of workers in the Jordan Department of Statistics, in 2012, were sentenced to administrative punishment because they conducted a strike demanding better working conditions. In 2012, the Ministry of Labor and the employers' association refused to negotiate, with the workers in the Electric Power Company and their independent trade union, for conducting a 17 day strike, claiming that the strike is illegal and the association organizing it is also illegal. While Jordan has witnessed about 900 worker strikes in 2012²⁴, the government only acknowledged 47 strikes and 100 labor disputes.

89. Labor dispute settlement mechanisms in place today, and according to the provisions of labor law, do not succeed in alleviating labor protests. This is because they still rely on conventional methods that allow government intervention; appointing a representative or a conciliation board. Such mechanisms focus on conflicts that take place merely between trade unions and employers in the private sector, but do not relate to conflicts that occur among workers themselves or independent labor organizations or labor committees with employers. Civil service regulation does not include any article dealing with the settlement of labor disputes between workers organizations and public administrations. The regulation recognizes this as punishable offense.

Recommendations:

90. Amend the labor law and the civil service regulation to ensure that all workers and their organizations have the right to bargain collectively with employers and the public administrations.
91. Modify the provisions of labor law and the civil service regulation on concepts that relate to labor dispute to ensure recognition of all labor disputes and mechanisms of settlement. This is along with the use of new mechanisms and techniques for settling labor disputes, such as independent arbitration and ensuring access to equitable settlements.

92. Cancel materials that permit punishment of workers in the public sector involved in labor strikes.

2.7 Migrant Workers

93. Jordan has taken considerable steps in amending legislations to improve protection of rights of migrant workers. Still, the majority of such legislative amendments have been passed rapidly and some of them have also lost their values by not being implemented.

94. Domestic and agricultural workers have been included under the umbrella of Jordanian Labor law, but the effectiveness of such protection was conditioned on issuance of a bylaw. The domestic workers bylaw was issued but agricultural workers bylaw still not issued.

95. Recent increases in minimum wages excluded migrant workers, which is considered discriminatory against them. Moreover, regulations discriminate between migrant workers based on their nationality.

96. In practice not law, Jordan implements a "sponsorship" system, particularly in dealing with Egyptian workers, as such workers are linked to their employer, they are not allowed to leave Jordan, or change employers without permission of the employer. This led to blackmail and promoted practices of forced labor.

97. Although Jordan accepted recommendations in 2009 calling for efforts to protecting the rights of foreign workers and prohibiting abuses that might be practiced against them, migrant workers in Jordan are still exposed to verbal, physical, and sexual abuse by employers; especially domestic workers who are forced to stay in their work place, work for long hours, and are denied vacations and weekends.

98. Deportation of migrant workers has become a random, common, and arbitrary procedure²⁵ amongst employers to the extent that upon recommendations of competent authorities worker is temporarily detained until deported, sometimes despite having residency / work permit.

99. Migrant Workers are subjected to administrative detention, and suffer from prolonged litigation process, sometimes their rights are compromised due to lack of professional interpretation of court proceedings.

Recommendations:

100. Include all workers in protection of labor law without conditioning such protection on issuance of bylaws.

101. Accede to the Convention on protection of the rights of migrant workers and members of their families.

102. Ensure equality between migrant and Jordanian workers in regard to minimum wages and enrolment in the social security system.

2.8 Forced labor and Human Trafficking

103. In 2009, Jordan passed a law to combat human trafficking. The judiciary application of such law, however, is still modest except in case of organ trafficking. Confusion has also been noticed among judges as they handle such cases as labor issues or traditional abuse or by withholding of passports.

104. Forced labor issues are still viewed in court as regular labor cases. The Jordanian law, to date, does not criminalize forced labor until it evolves in to any form of human trafficking.

105. On the other hand, victims of human trafficking still face lack of safe shelters, which is a critical component of combating human trafficking. Access of victims to psychological, social or legal support to the victims is also limited, if any. Victims also have no access to rehabilitation or training and temporary work permits are not provided during periods of perpetrators' trials.

Recommendations:

106. Amend anti human trafficking law, to include protection provisions and compensation for victims.

107. Establish proper shelter for migrant workers and victims of human trafficking and provide them with temporary work permit until legal issues are resolved.

2.9 The Right to Education

108. Basically, the Jordanian Constitution and the Education Act grant free basic education to all citizens. In recent years, there have been some concerns regarding expensive tuitions of private schools. This has a financial impact on families of private school students and forced them to transfer them to public schools, making the latter overcrowded. In addition, public school students are also asked each year to pay "school donations", which are then cancelled annually by his Majesty the King, but are then collected in other forms by public school administrations to cover some school expenses.

109. Whereas the government spending on education in Jordan witnessed a decline since 2000, from 13% of public expenditures to 9% in year 2010²⁶, the government imposes taxes on education in the form of "Knowledge tax" and has imposed sales tax on stationery items.

110. Despite increasing the age of marriage for males and females to 18 years of age, the exceptions to the law still take place, allowing marriage of minors. Given the fact that the Ministry of Education deprives married women from returning to its regular schooling system, allowing minor marriages directly threatens the enjoyment of right to education for girls.

111. School dropout is also considered a major problem in Jordan during the recent years, which mainly emanated from socio-economic difficulties and the aggravation of poverty. While official sources (Ministry of Education) state that school dropout rates do not exceed 0.4%, reality checks in rural areas and camps do not display the same results, whereby school administrators admit that the rates vary between 4 and 6 per cent.²⁷

112. As for the anti-dropout programs, it is still weak in curbing the phenomenon of children dropping out from schools and entering the illegal workforce. It is estimated that approximately 50 thousand children are in the labor market.

113. In regard to the higher education system, university admissions are still based on exceptions in admission (quotas) that account for more than 60% of admissions. Admission has also been influenced by adopting the parallel admission of students to what is known as "parallel programs", where students with lower GPA pay three times as much tuition fees as regular program students just to be admitted. This is considered part of the social discrimination that reflects on equality and efficiency standards of education.

114. It is monitored by civil society organizations that because of their participation in some protesting activities within campuses that demanded greater political reforms and reduction of tuition fees, some students were dismissed from Jordanian universities.²⁸

Recommendations:

115. Enforce efficient tools to ensure mandatory basic education to all children of primary school age, including controlling dropouts from basic education.

116. Abolish voluntary donations students forced to pay each year in primary and secondary schools.

117. Reduce the tuition fees in public universities and expand them to accommodate more students and not push them into the private university education.

118. Terminate discriminatory admission criteria (quotas) in public universities.

119. Increase public spending on education and, at the same time, ensuring higher quality of education at various levels.

2.10 The Right to Health

120. Whereas Jordan received appreciation for its health system and recommendations relevant to continue its efforts during 2009 revision, the lack of recognition of right to health in Jordanian Constitution and the lack of explicit commitment to universal access to health services within the national health plan remains challenging for the full enjoyment of the right.²⁹

121. Still, there has been an obvious expansion in the spread of primary health care centers in the various parts of the Kingdom. These centers focus on providing primary health care services, but not specialized services. This limits their abilities to provide the proper health services on the adequate time.

122. According to official statements, 35% of citizens do not enjoy any form of medical insurance, with a large number of them seeking exemptions from the Royal Court to receive medical services for their serious diseases in hospitals of the Ministry of Health and the Royal Medical Services.

123. The government issued, in February 2013, a decision to impose wage service on the ambulances transfer of Jordanian patients, without health insurance, and non-Jordanians patients.

124. With regard to the size of public spending on health, it has shown a decline from 12% of GDP in 2009 to 10% in 2011. This is reflected in the limited and moderate quality of health services in the public sector. In the private sector, the health care costs are extremely expensive.

125. Cases of uterus removal (hysterectomy) for girls with disabilities³⁰ in order to avoid hassles in menstrual periods or fear of rape and therefore pregnancies constitute a serious violation to the bodies of the disabled girls.

126. The civil society demands to allow abortion for rape victims still remains valid. The permission of abortion in cases of rape and incest would reduce the life risks they face during medical procedure in the private sector.

Recommendations:

127. Amend the constitution to include a provision guaranteeing the right to health for all citizens.

128. Establish a universal health insurance for all citizens without any form of discrimination.

129. Increase public spending on health services as a percentage of GDP.

130. Allow abortion in cases of sexual assault, especially for women with disabilities.

131. Prevent uterus removal (hysterectomy) for girls with intellectual disabilities and enforce penalties to the medical staff conducting these practices.

2.11 Rights of the Child:

132. Jordan ratified the Convention on the Rights of the Child and agreed to the recommendation of the Human Rights Council on strengthening the legal protection of children.

133. Yet the Commission assigned to monitor and evaluate social care sector, in June 2012, documented multiple shortcomings in the management and implementation of social welfare. It also stated the lack of comprehensive vision for children without parental care within the social care system.

134. Other deficiencies were also found in education; with regard to low levels of achievement at the elementary level children without parental care and with regard to failure to provide education to children in conflict with law in juvenile care centers. after age of 18, the state is not responsible in giving any kind of post social care for children without parental care who benefit from state shelters.

135. As for the Juvenile Act, the minimum age of criminal responsibility (7 years) remains below international standards, and there is a lack of alternatives to imprisonment. Furthermore a juvenile who commits a crime with an adult is tried before the court competent such as Criminal Court and State Security. The Juvenils act does not necessitate appointing a lawyer to the child, does not take into account for the "child's best interests ".

Recommendations:

136. Strengthen governmental efforts in ensuring comprehensive social care services for undocumented children.
137. Adopt anti-discriminatory policies in order to prohibit discriminatory acts against undocumented children.

¹ Justice Center for Legal Aid, Legal Counsel and Detention in Jordan criminal System, study 2012

² Justice Center for Legal Aid, Legal Counsel and Detention in Jordan criminal System, study 2012

³ While Muslim mothers have custody of children till 15, and may possibly be extend till they are 18 years of age, the custody of a Christian wife is up to 7 years only.

⁴ to ensure that the provisions of this law are in line with international human rights standards and in particular with the right to the freedom of association enshrined in the ICCPR

⁵ The request should be accompanied by the goal and objectives, the methodological approaches, data collection and sampling procedures start and finish dates, and the geographical area for the study. In addition, the request should include a copy of the questionnaire. The restrictions also extended to request to provide the Department of Statistics with: full names, social numbers and photograph of the researchers, their date and place of birth, place of residence, educational level, mother's name, and a valid certificate of no criminal record.

⁶ Jordan Department of Statistics, Census Report 2011, Inflation Indicators for 2012.

⁷ Jordan Department of Statistics, Census Report 2011, Unemployment Indicators 2012.

⁸ Social Security Corporation, Annual Report 2011

⁹ Jordan Department of Statistics, Poverty Report 2010, Inflation rate calculations for 2011 and 2012 of about 9.2%.

¹⁰ Jordanian Labor Watch, Reports of 2009-2012.

¹¹ Ministry of Planning, Study about Informal Workers, 2012

¹² <http://jordantimes.com/poverty-rate-up-to-144-in-2010>

¹³ Moreover, the geographical imbalances for the distribution of income persist as, The 2010 Department of Statistics of Jordan's Poverty Report revealed that 57% of individuals surviving below the official poverty line were to be found in the most densely populated locations: Amman, Irbid and Zarqa OCHA-Country Fact Sheet-Jordan August 2012, <http://ocha-romena.org/Portals/0/DynamisMaps/CountryProfile/Jordan.pdf>

¹⁴ http://www.ilo.org/wcmsp5/groups/public/---ed_emp/documents/publication/wcms_191243.pdf

¹⁵ Jordan Department of Statistics, Unemployment Rate Reports, various years.

¹⁶ Jordan Department of Statistics, Unemployment Rate Report, 2012

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Jordan Labor Watch, Series of Reports 2009-2012. www.labor-watch.net

²⁰ Jordan Department of Statistics, Unemployment Rate Report, 2011.

²¹ Same previous reference.

²² The authority allowing the establishment of trade unions to the Minister of Labour before 2008.

²³ For more related details of this subject, please refer to the Labor Watch report available at:

http://phenixcenter.net/en/files/docs/Freedome_of_association_in_Jordan_english_report_final_copy_copy.pdf

²⁴ Jordan Labor Watch, Labor Protests Report, February 2013.

²⁵ Tamkeen for Legal Aid and Human Rights, (The Weakest Link), Annual Report 2011

²⁶ Haiajna, Adnan, "the promotion of human rights, economic and social development in the budgets of governments of Jordan: Evaluation Study: 2000-2010. National Center for Human Rights, 2011.

²⁷ Arab Watch Report 2012, available at www.csr-dar.org

²⁸ Three students were separated from Yarmouk University in May 2012 because of organizing a protest inside the university calling for further political reforms in Jordan and reduced the university fees.

²⁹ Quoted as Backman 2008, Economic and Social Fulfillment Index: Country Scores and Rankings, <http://www.serfindex.org/wp-content/uploads/2010/10/Research-SERF-Country-Rankings-2010.pdf>

³⁰ Monitored by civil society organizations in Jordan.