

Human Rights Watch

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

<https://www.hrw.org/news/2009/07/10/missed-opportunity>

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On June 12, the UN Human Rights Council, consisting of 47 member states of the UN, concluded the first comprehensive human rights review of Jordan. The review produced 79 recommendations. (Jordan rejected 26 of them.) Most of Jordan's human rights organizations were absent from these important and detailed discussions of its human rights policies between February and June, and local media coverage was minimal.

Jordan was elected to the Human Rights Council at its creation in 2006, and again in May 2009. Elections instead of prearranged member state nominations were one of the improvements of the new Council over the old Human Rights Commission. The other improvement was the Universal Periodic Review (UPR) process, which Jordan has just completed.

The input into a UPR review consists of three reports - one by the state, one by the UN, and the third by nongovernmental organizations (NGOs). There were only two submissions from Jordanian groups, one from the National Center for Human Rights (NCHR) and another from a coalition of three organizations led by the Amman Center for Human Rights Studies (ACHRS). There were six submissions from international groups, including Human Rights Watch.

Jordan has numerous civil society organizations that claim to protect and promote human rights. Did they miss this important opportunity to advocate for greater protections because they were unaware or because they do not care to engage in shaping the country's human rights policies?

The UPR is significant because it embodies an unprecedented comprehensive international review of a country's human rights situation, and because the government's responses to its recommendations constitute official Jordanian human rights policy for years to come. Saudi Arabia pledged this month at its UPR to stop the juvenile death penalty and lift the shackles of the male guardianship system over women.

In its report to the Council, which arrived late, Jordan gave a detailed overview of new laws and programs to protect human rights, but said little about their effectiveness or continuing human rights deficits. International and local human rights organizations, independently of one another, articulated overlapping concerns and recommendations on the death penalty; honor killings; administrative detention; migrant labor and refugees; discrimination against women; freedom of expression, assembly, and association, and, especially, torture. Jordan accepted recommendations to end violence and discrimination against women, protect foreign workers, and uphold rights to access to education, health care, and water.

On June 11 NCHR and Human Rights Watch reiterated concerns voiced in February over freedom of association, administrative detention, and torture just prior to the Council's final review of Jordan. Nine of the recommendations Jordan accepted, and seven of those it rejected, concerned torture.

The UPR was Jordan's first international presentation of its efforts to eradicate torture. Since 1994 the government has failed to provide reports, due every four years, to the UN Committee against Torture.

During UPR hearings, Jordan promised to "investigate [...] in a timely, transparent and independent fashion," allegations of torture through "an independent and transparent complaints mechanism," "ensure detainees have access to effective legal remedy," and ensure "punishment" for torturers.

But Jordan then rejected the UPR recommendation to ratify the Optional Protocol to the Convention Against Torture (OP-CAT), which provides for independent inspection mechanisms. The NCHR had said it would make the Protocol's ratification a priority this year. International standards, such as the OP-CAT or the Istanbul Protocol for investigating torture, focus on independent investigations and prosecutions of those accused of torture.

Jordan also rejected the UPR recommendation to abolish the Police Court, where police prosecutors and judges appointed by the police chief can decide whether to prosecute fellow policemen or recommend they be only disciplined for acts of ill-treatment. (Jordan recently

criminalized torture, but ill-treatment remains undefined in the law.) At the conclusion of its UPR review on June 12, the government listed training measures to prevent and detect torture, but did not entertain proposals for structural reform. This was despite ongoing talks to transfer administration of prison affairs to the Ministry of Justice. Such a transfer of prison administration would make guards there civilian employs, and thus subject to civilian prosecutors and courts.

Unfortunately there has been no local advocacy to promote these greater protections. Nor have we seen informed media coverage of Jordan's pledges at the Human Rights Council.

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