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Evaluation of the partnership for democracy in respect of the Parliament of Jordan

Report[1]
Committee on Political Affairs and Democracy
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Summary

Almost two years ago, the Parliamentary Assembly adopted Resolution 2086 (2016), which granted partner for democracy status to the Parliament of Jordan. It is now time to assess the state of progress achieved in implementing the political commitments entered into by this parliament, as well as the reforms in the areas mentioned in that resolution.

Jordan is moving in the right direction, even though the reforms are advancing more slowly than planned. While its status of partner for democracy is confirmed, the Parliament of Jordan is urged to intervene with the authorities to stop executions and reinstate the moratorium pending the abolition of the death penalty and to step up the revision of the Criminal Code with a view to abolishing discrimination against women.

The Assembly should definitely not abandon Jordan at this difficult time, but continue to support it as it moves towards the democracy to which it aspires and the rule of law which it is patiently building.

1. Reference to committee: Bureau decision, Reference 4182 of 29 January 2016.

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A. Draft resolution[2]

1. On 26 January 2016, the Parliamentary Assembly adopted Resolution 2086 (2016) on the request for partner for democracy status with the Parliamentary Assembly submitted by the Parliament of Jordan, whereby it granted the latter partner for democracy status. The Parliament of Jordan thus became the fourth parliament to request and to be granted this status, introduced by the Assembly in 2009 to develop institutional co-operation with the parliaments of the Council of Europe's neighbouring States.

2. Upon making its official request for this status, the Parliament of Jordan declared that it shared the same values as those upheld by the Council of Europe and made a number of political commitments in accordance with Rule 64.2 of the Rules of Procedure of the Assembly. These commitments are set out in paragraph 3 of Resolution 2086 (2016).

3. In addition, the Assembly stated in paragraph 9 of the aforementioned resolution that a number of specific measures were of key importance for strengthening democracy, the rule of law and respect for human rights and fundamental freedoms in Jordan. It stressed that progress in moving reforms forward was the prime aim of the partnership for democracy and constituted the benchmark for assessing its efficiency.

4. The Assembly deems it important that the Jordanians want to modernise and stabilise their political institutions so as to continue firmly on the path of democratic transformation. It is following with close attention the constitutional, institutional, political and legal reforms which are continuing to be pursued in Jordan, under the impetus of King Abdullah II, in spite of the instability in the region and on the country's borders.

5. As the Assembly has already stressed, the war in Syria has led to an unprecedented influx of refugees into Jordan, a small country which is making considerable efforts to accommodate them in decent conditions. The Assembly again warmly congratulates Jordan on its efforts and its exemplary hospitality. It again urges the international community to increase its support for the Jordanian authorities, either directly or through the international organisations operating on the ground, and notes with satisfaction the sum of over €700 million granted to Jordan by the European Union.

6. In this context, the Assembly:

6.1. welcomes the efforts of the Jordanian Parliament in striving to comply with the political commitments of a partner for democracy despite all the difficulties and obstacles related to the instability in the region;

6.2. considers positively the continuing constitutional, institutional, political and legal reforms and in particular those concerning the judiciary, political parties, decentralisation and education, and urges Jordan to keep up these efforts;

6.3. welcomes the passage of the new electoral law and the holding of early parliamentary elections on 20 September 2016, which it was invited to observe. While it was disappointed by the low turnout, it noted with satisfaction that the elections were free and well organised, even though tribal and financial powers remained influential. At the same time, the representation of women in parliament increased substantially;

6.4. regrets the fact that Article 6.1 of the Constitution, which is discriminatory towards women, has not been revised;

6.5. welcomes the amendment of the Criminal Code, in particular the abolition of Article 308, which provided that a rapist shall not be prosecuted if he marries his victim;

6.6. acknowledges the efforts made, in particular by women's organisations, to promote the participation of women in political and public life, to fight discrimination based on gender, to ensure effective equality between women and men, and to fight gender-based violence. It calls on the Jordanian authorities to take resolute action against this scourge, in co-operation with civil society and more specifically women's organisations;

6.7. regrets the fact that, while a *de facto* moratorium on executions has been in place since 2006, courts continue to hand down death sentences. In December 2014, Jordan hanged 11 men, a month later it executed two prisoners and on 4 March 2017 it executed 15 people. The Assembly strongly condemns all forms of capital punishment. It urges the Jordanian Parliament to intervene with the

2. Draft resolution adopted unanimously by the committee on 6 September 2017.

authorities to stop executions and reinstate the moratorium pending the abolition of the death penalty in the Criminal Code, in line with the expectations indicated by the Assembly upon granting partner for democracy status;

6.8. welcomes the fact that the media in Jordan are in general free and pluralistic, but regrets a degree of pressure from the authorities that leads to self-censorship;

6.9. welcomes the efforts made in combating corruption and money laundering. These efforts should be supported and continued;

6.10. notes that local elections were held in Jordan on 15 August 2017 under the new decentralisation legislation.

7. The Assembly calls on the Jordanian Parliament to speed up the implementation of its general commitment to promote the core values of the rule of law and respect for human rights and fundamental freedoms, while showing determination to address issues in these areas, including those reported by civil society and the media. The Assembly offers, upon request, its assistance to the Jordanian delegation to enable it to make full use of its rights to participate in the work of the Assembly.

8. In granting partner for democracy status to the Jordanian Parliament, the Assembly wanted to foster closer relations and co-operation between Jordan and the Council of Europe. Such relations have not, however, really been established. The expertise of Council of Europe bodies (Assembly, Secretariat, European Commission for Democracy through Law (Venice Commission), Congress of Local and Regional Authorities) is at the disposal of the Jordanian authorities to help with strengthening human rights, the rule of law and democracy in Jordan.

9. The Assembly notes with regret that, since being granted partner for democracy status, Jordan has not become party to any Council of Europe conventions or partial agreements, nor has it joined any relevant international instruments relating to human rights as requested by the Assembly.

10. Nevertheless, the Assembly welcomes the Jordanian parliamentary delegation’s active participation in the work of the Assembly and its committees, which provides opportunities to keep the Assembly informed about political developments in the country in the direction of the values upheld by the Council of Europe. It encourages the delegation members to keep a watchful eye on the implementation of the process of reforms needed for the establishment of the rule of law and respect for human rights and fundamental freedoms, in line with the commitments entered into under the partnership.

11. Even though the reforms are advancing more slowly than planned, some vital reforms have been carried out, both as regards democracy and the elections scheduled and as regards decentralisation and social affairs (legislation favourable to women). We must therefore support Jordan at this difficult time and continue and expand our support under a progressive and trusting approach leading towards greater democracy and greater rights. Jordan and Europe have everything to gain from this partnership. Jordan is moving in the right direction.

12. In conclusion, the Assembly resolves to continue following very closely the implementation of the reforms in Jordan and to offer the Jordanian Parliament its full assistance. It will make a new assessment of the partnership within two years of the adoption of this resolution.

B. Explanatory memorandum by Ms Josette Durrieu, rapporteur

1. Introduction

1. In adopting Resolution 2086 (2016) on 26 January 2016, which granted partner for democracy status to the Parliament of Jordan, the Parliamentary Assembly took note of the commitments made by the Speakers of the two chambers of the Jordanian Parliament; called on the parliament to take practical measures; and resolved to review, no later than two years after the adoption of the resolution, the progress achieved in implementing the political commitments entered into by the Jordanian Parliament, as well as the reforms in the areas mentioned in the resolution.

2. On 21 April 2016, the Committee on Political Affairs and Democracy appointed me rapporteur on "The evaluation of the partnership for democracy in respect of the Parliament of Jordan", to check to what extent Jordan had honoured its commitments and taken into account the Assembly's recommendations.

3. In preparing my report, I visited the country from 2 to 4 May 2017. Before that, I participated in the observation of the early parliamentary elections on 20 September 2016, and I visited Jordan again from 10 to 11 September 2017 to check on the ground the results of the local elections on 15 August 2017, which will establish decentralisation. I will present an addendum to this report before it is debated by the Assembly in October 2017.

2. Background

4. The situation in Jordan has not changed much since January 2016. There are still around 2 million refugees in the country, including 650 000 Syrian refugees, and their situation has not improved. The war is still going on in Syria and Jordan continues to suffer the direct impact in political, economic and social terms. Terrorist threats remain.

5. Jordan's economy is one of the weakest in the Middle East. The country is lacking in vital resources such as water, oil and other natural resources and is therefore heavily dependent on foreign aid. Jordan also has to deal with other economic challenges, including high levels of chronic poverty, unemployment (especially youth unemployment) and underemployment. Budget deficits are high and public debt is growing.

6. Jordan is almost totally dependent on imported energy – mainly natural gas – which accounts for 25% to 30% of its imports. To diversify its energy mix, Jordan has negotiated liquefied natural gas contracts and is currently developing nuclear energy generation, the extraction of substantial shale oil deposits, renewable technologies and the import of gas from Israeli offshore fields. In August 2016, Jordan and the International Monetary Fund (IMF) agreed an expanded package of US$723 million to help the country correct fiscal imbalances and the balance of payments.

7. It should be noted that Jordanian society is conservative and that the tribal and family system is still strong. At the same time, the nomadic and rural population are now greatly outnumbered by those living in urban areas and of Palestinian descent.

8. After the Parliament of Jordan was granted partner for democracy status with the Assembly, it appointed a delegation to participate in Assembly activities. This delegation changed after the parliamentary elections. Like its predecessor, the new delegation has been very active. It organised my first visit very effectively, at the highest institutional levels (the King, the Prime Minister, the main ministers, the speakers of the parliamentary chambers, the representatives of the parliamentary blocs and representatives of the Constitutional Court).

3. The first visit (2-4 May 2017)

9. The visit was organised by the Parliament of Jordan, particularly Mr Khaled Albakkar, Chairperson of the Jordanian partner for democracy delegation, whom I thank for his support and his hospitality. I would also like to thank the French Ambassador, Mr David Bertolotti, and his colleagues, who offered us much assistance.

10. At the beginning of all my meetings, I pointed out the purpose of my visit as a rapporteur for the Council of Europe and reminded my discussion partners of Jordan's commitments. All those we spoke to were open and co-operative, and were keen to support the Jordanian Parliament's partner for democracy status with our

Assembly. They stressed that Jordan was continuing to make reforms to increase citizen's rights and freedoms. Some of them regretted that the reforms did not go further, while mentioning the legitimate justification of the country's geopolitical situation and the wars surrounding it.

3.1. The meeting with the King

11. His Majesty King Abdullah II granted me an audience on 3 May 2017. It was frank and informative and took place in the presence of the Head of the Royal Court, the Speaker of the House of Representatives and the Chairperson of the Jordanian Delegation to the Assembly.

12. His Majesty King Abdullah II is a clear-sighted, reformist and brave monarch. However, he leads a country surrounded by conflicts on its borders (Syria and Iraq, in addition to the Israeli-Palestinian conflict). He keeps the small island of peace and stability that is Jordan afloat while dealing with war, terrorism and constant influxes of refugees (2 million). Security and stability are the cornerstones of its governance. It should be noted that the country has more than 1 500 jihadists. In spite of this situation, the King has decided to continue with the reforms, even if only gradually, notably through the establishment of a royal committee and recommendations made by the monarch. During our meeting, he referred in particular to:

– the electoral law and the parliamentary elections held as planned in 2016, while, however, regretting that the political parties had not succeeded in bringing about change in the blocs;

– decentralisation and the municipal elections in August 2017; commitments made in this area of political reform had been honoured;

– ongoing judicial reforms and specifically the announced abolition of Article 308 relating to women who have been raped, which he said was "a challenge and a great victory".

13. However, he indicated that if the State wanted to govern by the rule of law while respecting human rights, the fight against Daesh was an absolute priority. There needed to be a political solution to the situation in Syria. In this context, the Astana agreements were a military step, a "cease-fire", and peace had to be achieved in Geneva.

14. In the short term, safe zones must be developed along the border. Between the unpredictable actions of Presidents Trump and Putin, the monarch said he was "cautious and optimistic", including about the development of the Israeli-Palestinian conflict. In this connection, as sitting President of the Arab League Council, he intended to promote the Arab peace initiative of 2002 and called for the necessary support from Europe, which should play a greater part in restoring peace and security in the region.

15. However, it must be said that the reforms undertaken have not all been equally successful and that the imposed security offensive has clearly been harmful to certain freedoms. This is true of the practice of administrative detention used for preventive purposes. It is also true, of course, of the use of the death penalty, a subject on which the King dodged the questions.

3.2. Political meetings

16. In Amman, I met Mr Faisal Al Fayez, Speaker of the Jordanian Senate, and Mr Atef Tarawneh, Speaker of the House of Representatives. The latter noted that political change was taking place. Approximately 10 parties had emerged during the parliamentary elections, and the Muslim Brotherhood was in decline. In his view, the decentralisation laws and the municipal elections in August 2017 should accentuate the trend at local level.

17. The new parliament has 130 representatives and six blocs. The Jordanian population seems to be gradually opening up to change (40 representatives are under 40 years old, there are noticeably more female representatives). However, it is taking a long time to develop programmes.

18. I met the leaders of the political blocs in the parliament, the members of the Jordan-France parliamentary friendship group and the Jordanian delegation to the Parliamentary Assembly. I also briefly attended a parliamentary session in the House of Representatives.

19. Lastly, I had a meeting with representatives of the diplomatic community in Amman: Mr David Bertolotti, Ambassador of France; Mr Ralf Schröer, Deputy to the Ambassador of Germany; Mr Hendrik Van de Velde, Ambassador of Belgium; and Mr Erik Ullenhag, Ambassador of Sweden.

3.3. The ministers

20. Meetings with:

– Mr Hani Al-Mulki, Prime Minister. He emphasised that the message to be passed on was that "Jordan needs help". Jordan's extremely challenging economic outlook demanded assistance from the IMF (US $2 billion). Jordan was not able to meet the three-year deadline set by the IMF and asked Europe to put pressure on the IMF to extend it to five years.

– Mr Ghaleb Zu'bi, Minister of the Interior, who told us that "Jordan [was] seeking to achieve democracy" and that social justice was a serious concern.

– Mr Omar Al Razaz, Minister of Education, who made a strong impression. He expressed the hope for and set out the objectives of a "civil State" geared towards citizens' needs, which schools must promote using the values of tolerance and pluralism.

– Mr Awad Al Mashaqbeh, Minister of Justice. He emphasised "the supremacy of law" and the need to raise the level of citizens' rights, particularly young people's rights.

3.4. The institutions

21. Meetings with:

– Mr Khaled Alkalaldeh, President of the Independent Electoral Commission. He also noted the weakness of the parties, excluding the Communist Party and the Muslim Brotherhood, which were, however, in decline. He also emphasised the role that tribal and financial powers continued to play during the parliamentary elections. He noted, with regret, the lack of young people in the political arena, as in other countries, and stressed the future role of schools for changing attitudes.

– Mr Taher Hikmat, President of the Constitutional Court. We were not convinced regarding the strength of this institution, which was nevertheless working on over 14 important bills, or regarding the role its President could play.

– Mr Abdul Karim Khasawneh, President of the Islamic Supreme Court, and six other judges, who explained the jurisdiction and the functioning of the "Sharia courts", which enforce family law (marriages, pensions, relatives, divorce/separation, dispute settlement between spouses, child custody, wills and inheritance, ransoms, guardianship and generally anything that affects families).

3.5. Civil society and international and non-governmental organisations

22. I had meetings with several representatives of civil society and international and non-governmental organisations: Mr Marwan Muasher, diplomat and politician, former Minister of Foreign Affairs; Mr Hassan Abu Hanieh, researcher; Ms Sara Ferrer Olivella, United Nations Development Programme (UNDP); Ms Shuma Ismaïl, IDare (NGO promoting youth participation); and Ms Eva Abu Halaweh, Director General of Mizan (human rights NGO), who stressed the positive developments linked to the elections and the involvement of women. The ongoing legislative changes to Articles 308, 98 and 340 of the Criminal Code were an expression of this. The new parliament is more favourable to the development of women's rights and supports the political will expressed by the royal committee. I was also able to meet Mr Adam Coogle, Human Rights Watch, and Ms Lina Eijelat, 7iber (multimedia organisation), who told me about issues concerning freedom of expression.

23. Freedom of expression, along with media independence and plurality, does not seem to pose a major problem, even though we were told that self-censorship was still practised and that freedoms had narrowed somewhat due to stricter controls by the authorities. According to those we spoke to, the situation is, however, "a lot better than in Turkey or Egypt".

3.6. Shaghaf group of young activists

24. These are young, dynamic Jordanians who are passionate and well organised and reach out to a predominantly young society. They gathered momentum with the elections, and their movement already has over 5 000 members. They keep on repeating their desire for "a civil State" and the "rule of law" and are competing with the powerful and conservative institutions formed by the tribes and the Muslim Brotherhood. New ideas, initial programmes…

25. Understandably, their focus is on the education reforms and the decentralisation laws, which will involve local governments assuming greater responsibility. They condemn the "covert" role of money in politics and call for "electoral integrity" and training for citizens. Things are certainly changing in Jordan!

3.7. Prince Hamzah Hospital

26. It is always important to be able to assess the health-care situation in a society. Therefore, at my request, our delegation and the Minister of Health visited the paediatric and emergency care departments of Prince Hamzah Hospital.

27. We noted the good state of the premises and the eagerness of the young doctors. It was comforting to see so many families visiting patients. In addition, the standard of technology available seemed completely appropriate.

3.8. Jubaiha secondary school for girls

28. Since education reforms are in progress, it seemed fitting that we visit a school and meet its teachers.

29. I was pleasantly surprised. Nothing had been scripted, and the pupils' spontaneity was obviously genuine.

30. The pupils presented the winning school plan from a competition between upper secondary schools in Amman on learning English.

31. As a former teacher myself, I noted the young girls' desire for direct educational involvement and their criticism of boring lectures. I found their liveliness, their easy replies and their self-confidence extremely moving. These young people have much to offer.

32. I was surprised by the "School Parliament", which was part of the reform initiated by the Minister of Education.

33. One of the very quiet girls caught my attention. She was the President of the parliament. When I asked her why she was standing back, she replied, "I prefer action to words". Those young people are definitely motivated.

3.9. Marka correctional and rehabilitation centre

34. We had hoped to visit a detention centre for those subject to preventive or precautionary "administrative measures". In Marka, we met around thirty of them.

35. The visit was particularly unsettling, even moving. While some of them had clearly been guilty of misdemeanours in the past, in principle none of them had been convicted of any further wrongdoing. Here we touch upon one of the issues that we need to study and, of course, make progress on.

4. The second visit (10-11 September 2017)

36. As indicated in the introduction, details of this visit will be set out in an addendum to this report.

5. Evaluation of the implementation of Jordan's commitments

37. When the status of partner for democracy was granted, the Speakers of the two chambers of the Jordanian Parliament reaffirmed that the parliament they represented shared "the same values as our colleagues, the members of the Council of Europe: a pluralist and gender parity-based democracy, the rule of law and respect for human rights and fundamental freedoms" (see Resolution 2086 (2016)).

5.1. Elections

38. As planned, and that in itself is important, Jordan held early parliamentary elections on 20 September 2016 in accordance with a new electoral law and an open-list proportional system, whose aim was also to encourage the formation of political parties and to rise above tribal allegiances. The number of representatives was reduced from 150 to 130. The elections were observed by an ad hoc committee from the Parliamentary Assembly led by Mr René Rouquet (France, SOC), in which I also participated.

39. The members of the ad hoc committee assessed the election process, which is now organised by an independent electoral commission, as being very positive and professional, including the counting of the votes. However, turnout remained very low (36% in comparison to 56% in 2013). It should also be noted that tribal and financial powers remained influential and that the number of women elected is still low even though it has increased.

40. The composition of the House of Representatives following these elections was not substantially very different from the previous one: tribal leaders, businessmen and conservatives still have a controlling influence, and the emergence of political parties, which the new law seemed to encourage, did not fully materialise, although some progress was made. More time is needed. Some of those we spoke to criticised the parliament for still being linked to the security services.

41. Seventy-four of the members are new and five women were elected outside the quota. The Muslim Brotherhood, which boycotted the previous two elections, returned to parliament with 16 members through the three lists of the Islamic Action Front (Al-Islah, Al-Aqsa and Zamzam). The elections saw the emergence for the first time of a secular movement, the Ma'an (Together) list, which advocated a civil State and managed to win most of the votes in Amman's third district.

5.2. Gender parity

42. Despite the reduction in the number of representatives, the quota for women remained at 15. The number of women elected to the parliament was 20 out of 130, which is a noticeably better result than 18 out of 150 in the previous parliament.

43. Our first visit took place the day after a government decision aimed at revising Article 308 of the Criminal Code, which stipulates that a rapist will not be prosecuted if he marries his victim. This reform, which was called for by civil society and, in particular, women's rights groups was included on a list of 49 recommendations made by the royal committee in charge of drawing up a reform of the Jordanian judicial system. The other recommendations included the revision of Article 98, which reduces the sentence for honour crimes if the crime was "impulsive", and Article 340, which exempts from punishment men who kill their wives or female members of their families caught committing adultery and which reduces sentences if there is a presumption of adultery on the part of the victim. The King said that the repeal of Article 308 would be an important first step in changing what was (still) considered to be culturally acceptable. He even spoke of a "challenge".

44. Thus, despite the fact that the authorities seem aware of the need to combat gender-based discrimination, nobody we spoke to mentioned the possibility of constitutionally guaranteeing equality between women and men by revising Article 6.1 of the Constitution, which is discriminatory ("Jordanians are equal before the law without discrimination between them as regards their rights and duties, even if they differ in race, language or religion"), and adding the word "gender" to the list.

45. In addition, no one was able to tell me why Jordan has not yet signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, "Istanbul Convention"). Nevertheless, Jordan did pass a law on protection against domestic violence in 2007.

5.3. Administrative detention

46. As I wrote in my report on "The request for partner for democracy status with the Parliamentary Assembly submitted by the Parliament of Jordan", the 1954 Crime Prevention Act (or act on administrative detention) allows governors as administrative authorities to initiate preventive administrative proceedings against persons who are about to commit a crime or aid and abet one, as well as those who commit theft regularly, protect thieves or receive stolen goods. The law accordingly allows the imprisonment of any individuals who might pose a danger to others.

47. The administrative authorities may also detain persons "for their personal protection", particularly in the event of threats of family or tribal vengeance. However, in these cases, governors violate the basic principles of justice by punishing the victims twice instead of prosecuting those making the relevant threats. Women and men in administrative detention can be held for a long time, even though they theoretically have the right of appeal. In practice, many of them have no real means of doing so and, in particular, do not have access to a lawyer for challenging their detention.

48. During my visit to the Marka correctional and rehabilitation centre, I was able to talk with some thirty or so prisoners, whom I met in their cell. Five were not Jordanian and had been ordered to be expelled by court decisions, but were being kept there as no one was providing bail for them. Some were accused of drug trafficking, rape or other crimes. It was not clear what the different situations were: some were waiting for the judgment of their case; some had already served their sentences. Going by what was said, the time in detention in these circumstances could vary between one week and 16 months. Mr Albakkar, who

accompanied us, promised to investigate the status of these prisoners and to keep me informed. Initial impressions of the detention conditions suggested overcrowding. The prison staff appeared competent, especially the management.

49. It should be noted that the measures recommended by the royal committee rightly include a restriction on pretrial detention and respect for an accused person's right to a lawyer from the beginning of proceedings. The vast majority of those we spoke to from the relevant institutions said that they were in favour of the abolition or a reform of administrative detention. The Minister of the Interior told us that police custody and administrative detention should only be used in rare cases. However, the Minister of Justice still believes that "Governors have the right to prevent crimes taking place by imprisoning suspects". Fortunately, in contrast, the King regards judicial reform as a priority.

5.4. Death penalty

50. When it adopted Resolution 2086 (2016) on the "Request for partner for democracy status with the Parliamentary Assembly submitted by the Parliament of Jordan", the Assembly noted that the Speakers of the two chambers of the Parliament of Jordan undertook to continue with the "endeavours to raise the awareness of public authorities and civil society as regards abolishing the death penalty and the introduction of a moratorium on executions" (paragraph 3.3). At the same time, the Assembly also called on the Jordanian Parliament to "apply consistently the moratorium on executions that was established in 2006, and go a step further by abolishing the death penalty set out in the Criminal Code" (paragraph 9.7).

51. In 2005, King Abdullah II had declared that Jordan was aiming to become the first country in the Middle East to end executions, like most European countries. The courts, however, continued to hand down death sentences even though they were not carried out. Nevertheless, the public blamed this policy for the increase in crime. In December 2014, Jordan hanged 11 men convicted of murder. At the beginning of 2015, Jordan executed two prisoners, a man and a woman linked to the al-Qaeda terrorist network, in response to the barbaric murder of a Jordanian fighter pilot by Daesh.

52. When I met the King in September 2015, he had assured me that despite all the country's difficulties, he would try to have the moratorium on executions upheld. However, Jordan executed another 15 people on 4 March 2017, 10 of whom had been convicted of terrorism and five of "heinous" crimes, including rape. All were Jordanians and they were hanged in Suwaqa prison, located south of the capital, Amman.

53. The Parliamentary Assembly condemned these executions when they were announced, pointing out that "when the Jordanian Parliament was granted partner for democracy status in January 2016, it undertook to pursue its efforts to raise the awareness of the public authorities and civil society as regards abolishing the death penalty and to consistently apply the moratorium on executions that was established in 2006. These executions … stand in contrast with the commitments made by Jordan. The use of the death penalty, wherever it takes place, is simply unjustifiable".[3] Several human rights groups expressed their criticism and concern. The issue was also raised with the Committee of Ministers of the Council of Europe.

54. I emphasised to all those we spoke to, without exception, the importance of this issue for the Council of Europe, pointing out that the death penalty was the main reason why Belarus remained the only European country to have no status with the Council of Europe. Likewise, Turkey risked expulsion from the Organisation if it reinstated the death penalty. Even though the criteria and demands are not the same for full members and for partners for democracy such as Jordan, the Assembly cannot ignore such an attack on the most fundamental human right – the right to life. During our discussion with the King, the question was asked again but no answer was given.

55. Many of those we spoke to from the Jordanian authorities told us that they would welcome the abolition of the death penalty, but Jordanian society was not ready for it. Terrorism and the increase in crime were put forward in justification of the death penalty in the country. I consistently replied that in Europe, not all members of the public welcomed the abolition of the death penalty either. It is up to the authorities in charge to change public opinion rather than follow it.

56. In this connection, I note some contradictions following the meeting with the President of the Islamic Supreme Court and six other judges. They stated that Islam regards human life as sacred and that it must be protected. So why should somebody who deliberately kills someone else be executed in turn? I did not receive a clear answer. We should note, however, the importance granted to pardons in this culture: if the family of a victim forgives the guilty person, they can be freed.

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3. Press release, President of the Assembly, 4 March 2017.

5.5. Continuing reforms

57. In the field of constitutional reforms, Jordan continues to make progress. Alongside the judicial reform already mentioned, and which is due to be discussed in parliament in July 2017, there is an ongoing process of decentralisation, with local elections being held in August 2017. It will be necessary to study more closely the impact of this reform, which is more a form of "administrative decentralisation" than "devolution". There will be elected local assemblies, but the executive will still be subject to administrative authority.

58. Another royal committee has been tasked with looking into education reform. Many of those we spoke to told us that the quality of education was deteriorating in Jordan and that wealthy Jordanians were sending their children abroad to study. I must clarify that education is considered to be heavily influenced by Islamic thinking. The Ministry of Education has long been the preserve of the Muslim Brotherhood. In the past, a few small attempts at change have been met with strong opposition.

59. However, I am still optimistic for three reasons: firstly, the King supports the reform. Secondly, the new Minister of Education appears to be progressive, brave and competent. The third reason for my optimism presented itself during my visit to Jubaiha secondary school for girls. After a long discussion with the management and teachers, I watched an animated presentation of an educational project by a group of pupils from the school. The lively debate that took place made me think about how mature and dynamic these young girls were.

60. It is not clear whether all the reforms are aimed solely at strengthening the role of the parliament. In April 2016, the parliament adopted a controversial amendment to the Constitution allowing the King to appoint and dismiss senior officials without consulting the government. It is clear that the monarch, who wants to develop the regime through far-reaching reforms, is seeking to consolidate the system during this period of great political and regional instability.

5.6. Co-operation with the Parliamentary Assembly and the Council of Europe

61. The Assembly expressed the hope that Jordan would accede in due course to the relevant Council of Europe conventions and partial agreements (the list of the 162 conventions of the Council of Europe open to non-European non-member States can be consulted on the internet site of the Treaty Office of the Council of Europe), particularly those dealing with human rights, the rule of law and democracy, in accordance with the commitment expressed in the joint letter dated 25 July 2013 from the Speakers of the two chambers of the Jordanian Parliament.

62. The most relevant conventions are as follows: Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine (ETS No. 164); Convention on Cybercrime (ETS No. 185); Council of Europe Convention on the Prevention of Terrorism (CETS No. 196); Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197); Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS No. 198); Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201); Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence; Council of Europe Convention against Trafficking in Human Organs (CETS No. 216), as well as their additional protocols. The relevant partial agreements include the European Commission for Democracy through Law (Venice Commission), the Group of States against Corruption (GRECO) and the European Centre for Global Interdependence and Solidarity (North-South Centre).

63. However, it is regrettable that, since being granted partner for democracy status, Jordan has not become party to any of the Council of Europe conventions previously mentioned or any partial agreement, nor has it joined any relevant international instruments relating to human rights as requested by the Assembly.

64. Co-operation with the Council of Europe at intergovernmental level, which began in 2012 under the Neighbourhood Programme, particularly through the Venice Commission and the European Commission for the Efficiency of Justice (CEPEJ), has not been developed much since 2016 either. It must be revived by both Jordan and the Council of Europe.

6. Conclusion

65. It seems that Jordan has withstood the Arab Springs, but over the past two years, in particular, developments have been more chaotic and there has been a decline in public freedoms and individual rights. Security issues take priority and the regime is clearly trying to consolidate its position. While education

reforms still clash with social and religious conservatism, a new movement known as the “civil movement” or the “civil State” is emerging. The economic situation in Jordan, which is not improving, demands both a realistic approach and consideration of the King’s desire to make progress and to roll out reforms.

66. Since partner for democracy status was granted to the Parliament of Jordan in January 2016, I have noticed with satisfaction significant advances in several areas, no change on other issues and an unfortunate step backwards in terms of application of the death penalty.

67. As I already indicated in my previous report on Jordan, the role of a rapporteur in this instance is to analyse the situation of the country in question and assess objectively, responsibly and carefully whether changes are taking place and whether the circumstances and the measures implemented enable the country to press ahead with the commitments made. Jordan is on track in this respect.

68. Your rapporteur would like to say that the Assembly should definitely not abandon Jordan at this difficult time, but continue to support it as it moves towards the democracy to which it aspires and the rule of law which it is patiently building. The process will, admittedly, be gradual and necessarily lengthy. Jordan and Europe have everything to gain from this partnership.