

Report Submitted by IRCKHF under Article 19 of the Convention Against Torture (CAT)
Shadow Report to the United Nations Committee Against Torture
Submitted by the Information and Research Center – King Hussein Foundation
(IRCKHF)

1. Introduction

Established in 1995, the Information and Research Center – King Hussein Foundation (IRCKHF) serves as a catalyst for improved socio-economic development through multidisciplinary research and knowledge sharing with practitioners, policymakers, and advocacy campaigns in Jordan and the Middle East. The IRCKHF employs a human-rights-based approach and ethical participatory qualitative and quantitative research. It generates information on critical issues, including gender justice, civil society empowerment, and the inclusion of marginalized groups. The Centre bridges research to action by presenting policy briefs to decision-makers and development experts on both local and international platforms.

IRCKHF has several research products related to refugees, including data-driven approaches for change, as detailed in its 2024 briefing document "Refugees in Jordan: A Data-Driven Approach for Change."¹

This shadow report is submitted under Article 19 of the Convention Against Torture (CAT) and focuses on violations of Article 3 of the Convention by Jordan through the expulsion or return ("refouler") of individuals to states where they could be subjected to torture. The report also covers specific violations related to the forced sterilization of women and girls with disabilities, which IRCKHF considers a violation of the CAT.

2. Summary of Key Concerns

This shadow report highlights two primary areas of concern:

1. **Violations of Article 3 of the CAT:** Jordan has failed to uphold the principle of non-refoulement, expelling or returning individuals to states where they risk being tortured. There are deficiencies in the legal framework, the use of discretionary powers by officials, and inadequate judicial oversight.
2. **Forced Sterilization of Women and Girls with Disabilities:** The practice of forced or coerced sterilization remains widespread, despite its prohibition under Jordanian law.

¹ [Refugees in Jordan: a data-driven approach for change](#), last visited 30 Sep 2024.

This practice violates Articles 1 and 16 of the CAT, as it constitutes a form of cruel, inhuman, and degrading treatment or punishment.

3. Violations of Article 3 of the CAT

A. Discretionary Powers of the Interior Minister

Jordanian law grants significant discretionary powers to the Minister of Interior in deporting non-citizens, including refugees and asylum seekers. The broad and vague criteria used to justify these deportations often fail to consider the risk of torture upon return.² The Minister of Labor also possesses the authority to deport foreign workers who do not hold valid work permits, irrespective of their refugee or asylum status. This lack of differentiation exposes vulnerable groups to deportation and violates Jordan's obligations under the CAT.³

B. Legal Grounds for Deportation

Jordan's laws, including the Labor Law⁴ and Residency and Foreigners Affairs Law, provide grounds for deportation without specific provisions for individuals with refugee or asylum status. The indiscriminate application of these laws exposes refugees and asylum seekers to the risk of torture upon deportation, contradicting the non-refoulement principle enshrined in the CAT.

C. Inadequate Judicial Oversight

Jordanian courts exercise limited oversight over deportation decisions, often deferring to the executive branch. The judiciary frequently justifies deportation under broad security or public order concerns, relying on discretionary powers. Additionally, although Jordan is not a signatory

² Pursuant to Article 37 of the Residence and Foreigners Affairs Law No. 24/1974, the Minister of the Interior, upon the recommendation of the Director of Public Security, has the authority to deport foreigners and may order the temporary detention of those who have been decided to be deported until the deportation procedures are completed. A foreigner who has previously been deported is not permitted to return to the Kingdom's territory except with special permission from the Minister.

³ This is a practice that has been previously documented by numerous human rights organizations. [In 2017, for instance, mass deportation orders and individual expulsions of Syrian refugees were observed](#), along with the deportation [of approximately 800 Sudanese individuals in 2015](#), some of whom were refugees while others held asylum-seeker status.

⁴ Also, pursuant to the provisions of Article 12 of the Labor Law No. 8/1996, the Minister of Labor has the authority to deport a non-Jordanian worker who leaves employment with an employer or who works without obtaining a license or permit in accordance with the applicable laws and regulations.

to the 1951 Refugee Convention, courts have selectively applied its provisions to justify deportations, ignoring international human rights standards.⁵

D. The Role of the Memorandum of Understanding (MoU) with UNHCR

The 1998 MoU between Jordan and the UNHCR includes the principle of non-refoulement but is limited in scope. It primarily applies to individual cases and does not extend adequate protections to larger groups, such as Syrian refugees. The government's reliance on UNHCR for refugee protection shifts its responsibilities under the CAT.

4. Violations of Articles 1 and 16 of the CAT: Forced Sterilization of Women and Girls with Disabilities

A. Background

Despite the outlawing of forced sterilization in Jordan (Fatwa No. 194-02 of 2014), women and girls with intellectual and psychosocial disabilities continue to be subjected to this practice. IRCKHF's research, supported by investigative reports and social narratives, estimates that around 65 women with disabilities undergo hysterectomies annually.⁶ This practice violates Articles 1 and 16 of the CAT, as it constitutes torture, inhuman treatment, and discrimination based on disability.

As part of a **quantitative study** conducted by the **Information and Research Center – King Hussein Foundation (IRCKHF)**, public opinion on the necessity of sterilizing women and girls with disabilities was assessed. Alarming, **27.6%** of respondents either "agreed" or "strongly agreed" that the removal of the uterus in girls with disabilities was necessary. This result is deeply concerning, highlighting a significant portion of the population supporting a practice that violates

⁵ Jordanian courts have sometimes selectively applied international agreements, such as the 1951 Refugee Convention, to justify deportations, despite Jordan not being a signatory to these agreements. For example, the Jordanian judiciary has relied on the 1951 Convention to justify deportations. In a case before the Administrative Court, ruling number 40 of 2020, a challenge was brought against the deportation of an Iraqi citizen on the grounds that the decision violated international refugee law. The court indicated that "international law permits the expulsion of a refugee on grounds of national security or public order, and since the challenged decision was issued pursuant to the discretionary powers granted to the Minister of the Interior in matters of deportation, the deportation decision was therefore justified and the appeal is without merit.

⁶ [Sexual and Reproductive Health Rights and Gaps in Practice in Jordan: Rights of Recipients and Vulnerable Populations](#). Information and Research Center – King Hussein Foundation, 2023. Last visited 30 Sep 2024. The study was funded by Arab Network for Civic Education- ANHRE.

the bodily autonomy and human rights of women with disabilities. Conversely, **56.3%** of respondents opposed this action, demonstrating a divided societal stance⁷.

Additionally, nearly **two-thirds (70.5%)** of the sample acknowledged that women with disabilities face **social stigma** regarding pregnancy and childbirth. In a focus group discussion conducted with young women with disabilities, several participants confirmed that some families continue to support the removal of their daughters' uteruses, reflecting the persistence of deeply rooted misconceptions and discriminatory attitudes within the community.⁸

It should be noted that this concern has been raised by other treaty bodies including Committee on the Rights of Persons with Disabilities.⁹

B. Definition of Torture (Article 1)

Under Article 1 of the CAT, torture is defined as any act intentionally inflicting severe pain or suffering, whether physical or mental, on a person for purposes such as punishment, intimidation, coercion, or discrimination. Forced sterilization results in severe physical and psychological suffering, meeting the threshold of torture under the Convention.

C. Discrimination and Violation of Human Dignity

The sterilization of women and girls with disabilities without their free and informed consent is an act of discrimination and a violation of human dignity. This practice violates bodily autonomy and reproductive rights, amounting to cruel and degrading treatment under Article 16 of the CAT.

D. General Comment No. 3 of the Committee Against Torture

General Comment No. 3 highlights that acts of torture or ill-treatment can be motivated by discrimination, including against individuals with disabilities. Forced sterilization fits within this framework, as it inflicts severe harm and is often sanctioned by public officials.

⁷ [Sexual and Reproductive Health Rights and Gaps in Practice in Jordan: Rights of Recipients and Vulnerable Populations](#). Information and Research Center – King Hussein Foundation, 2023, p 30. Last visited 30 Sep 2024. The study was funded by Arab Network for Civic Education- ANHRE.

⁸ IBID.

⁹ Committee on the Rights of Persons with Disabilities, Concluding observations on the initial report of Jordan, CRPD/C/JOR/CO/1, 15 May 2017, paragraph 35 “The Committee is deeply concerned about the practice of subjecting persons with disabilities, especially women and girls with intellectual and psychosocial disabilities, to sterilization, despite its prohibition in the fatwa issued in Decision No. 194-02 of 2014”

5. Recommendations

A. Amendment of Legal Provisions

- The Jordanian government should amend the **Residency and Foreigners Law** and the **Labor Law** to explicitly prohibit the deportation of refugees and asylum seekers, ensuring compliance with Article 3 of the CAT.
- **Article 14 of the Medical Liability Law** should be amended to clearly define “medical necessity” in cases involving the sterilization of women with disabilities.

B. Judicial Review and Oversight

- Deportation decisions should be subject to **independent judicial review**, ensuring that individuals can challenge deportation orders before an impartial court.
- Medical interventions involving sterilization should require prior approval from the **Sharia Public Prosecutor**, and procedural guidelines must be developed in collaboration with relevant governmental bodies.

C. Strengthen the MoU with UNHCR

- The existing **MoU with UNHCR** should be expanded to enhance cooperation in providing legal aid, resettlement, and essential services to refugees and asylum seekers.

D. Inclusive Healthcare Services

- The Ministry of Health should ensure that healthcare facilities are accessible and inclusive for women with disabilities. Training programs for medical staff must emphasize a rights-based approach in treating persons with disabilities.

E. Criminal and Penal Reforms

- Introduce a new provision in the **Penal Code** that criminalizes the sterilization of individuals with disabilities for non-medical reasons.
- Amend **Article 297** to include psychological and intellectual disabilities in its protections, ensuring harsher penalties for offenses against individuals with disabilities.

6. Conclusion

The Information and Research Center – King Hussein Foundation urges the Committee Against Torture to address the violations of Articles 1, 3, and 16 of the CAT by the Jordanian government.

The deportation of refugees and the forced sterilization of women and girls with disabilities are severe violations that require immediate attention. IRCKHF calls for legislative reforms, independent judicial oversight, and greater accountability to protect these vulnerable groups from torture and inhuman treatment.