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Amnesty International Report 2017/18 - The State of the World's Human Rights - Jordan

Parliament approved several reforms including the repeal of a law which allowed rapists to escape prosecution if they married their victims. Women continued to be discriminated against in law and in practice. Parliament passed a law that would guarantee certain rights for pre-trial detainees and reduce the length of custodial sentences. Local governors continued to issue orders to hold individuals in prolonged detention without charge. The rights to freedom of expression and of association continued to be restricted. Migrant workers were inadequately protected from exploitation and abuse. Around 50,000 refugees from Syria remained trapped in the desert on the border with Syria in appalling conditions. Death sentences were imposed and executions carried out.

Background

Jordan remained part of the US-led military coalition fighting in Iraq and Syria against the armed group Islamic State (IS) (see Iraq and Syria entries), and of the Saudi Arabia-led coalition engaged in the armed conflict in Yemen (see Yemen entry).

In August, local elections were held which, for the first time, included local governorate-level councils in accordance with the 2015 Decentralization Law.

In February, the government adopted several measures to address the economic crisis amid public protests driven mainly by rising unemployment and low wages. They included subsidy cuts, and tax hikes on fuel and commodities as well as telecommunication services.

In May, the national Law on the Rights of Persons with Disabilities came into force; its provisions were largely in line with the UN Convention on the Rights of Persons with Disabilities, which Jordan ratified in 2008.

In July, Parliament held ordinary and exceptional sessions to discuss a 16-bill package of draft laws and by-laws proposed by the Royal Committee for Developing the Judiciary and Enhancing the Rule of Law, which was established by the King in October 2016.

Detention

In April, the National Centre for Human Rights published a report that detailed ongoing human rights violations by security forces during arrest, including late-night security raids where excessive force was used, and in pre-trial detention in temporary detention facilities. Detainees were denied access to a lawyer during interrogations, and faced torture and other ill-treatment. The report also documented poor detention conditions and the lack of a classification system to protect detainees' safety, including by holding incompatible categories of detainees in the same cell.

In mid-2017, Parliament enacted laws that guaranteed suspects the right of access to a lawyer on arrest, created a legal aid fund, and limited the use of pre-trial detention as an “exceptional measure” for specific purposes. The new laws set a maximum three-month period for those charged with minor offences, and up to 18 months for serious charges. The legislation also introduced alternatives to pre-trial detention, such as electronic monitoring, travel bans and house arrest but did not cover detention under the General Intelligence Directorate.

Administrative detention

The authorities continued to detain suspects under the 1954 Crime Prevention Law that allowed detentions of up to one year without charge or trial or any means of legal remedy. It was used particularly in cases related to terrorism, espionage, treason, drugs and counterfeiting.

The NGO Sisterhood Is Global Institute in Jordan reported that women who were victims of domestic violence or at risk of so-called honour crimes were held under administrative detention for their protection. More than 1,700 such women were held in administrative detention, which represented a 16% decrease since 2015.

Freedom of association

In August, the Companies Control Department notified the Attorney General that the Center for Defending Freedom of Journalists (CDFJ) violated the 1997 Law on Companies by receiving foreign funding while registered as a “civil company” instead of a “non-profit company”. CDFJ received a copy of the notification which ordered it to stop receiving foreign or domestic funding and calling itself a non-profit company.

Prior to this, CDFJ had not received an official warning about its funding although it had been active for 19 years with the stated mission to protect media freedoms, address violations of journalists' rights, and to reform legislation to protect press freedoms.

Freedom of expression

The Audiovisual Commission continued to block access to several websites and online platforms under Article 49 of the Press and Publications Law, which required any “electronic publication that engages in publication of news, investigations, articles, or comments, which have to do with the internal or external affairs of the Kingdom” to obtain a licence, and granted executive authorities the power to close unlicensed sites.

Women’s rights

In February, the CEDAW Committee noted Jordan’s efforts to address discrimination against women in marriage and the family, but remained concerned about the continued application of discriminatory provisions in the Personal Status Act, particularly in relation to the guardianship of women. It also raised concerns about the persistence of child marriage in accordance with legislation that allows Shari’a courts and legal guardians the discretion to allow marriage, in certain circumstances, of girls aged 15 and over. The Committee further noted the continued discrimination in inheritance law, and the tendency of Shari’a courts to rule in favour of husbands in divorce, alimony and child custody proceedings.

In July, Parliament abolished Article 98 of the Penal Code which was invoked in so-called honour killing cases and allowed a man to receive a reduced sentence if he killed a woman relative and the act was deemed to have been committed in a “fit of rage caused by an unlawful or dangerous act on the part of the victim”. However, Article 340 remained; it allowed for a reduced sentence on grounds of mitigating circumstances in cases where a man murdered his wife or any woman relative after finding her in an “adulterous situation”. Although this applied to both men and women, men remained less likely to face adultery charges in a polygamous system.

In August, Parliament repealed Article 308, which allowed rapists to escape prosecution if they married their victims.

Workers’ rights – Migrant workers

The NGO Tamkeen Fields for Aid said that almost 1.2 million migrant workers resided in Jordan although only 315,016 had work permits. Migrant workers continued to face exploitation and abuse, including confiscation of their passports by employers, poor working and living conditions, the denial of their right to change employment, forced labour, and human trafficking.

Migrant women domestic workers continued to be denied their annual leave entitlement, and were subject to ill-defined working hours, verbal, physical and sexual abuse, confinement to their employers’ home and unpaid wages.

In February, the CEDAW Committee welcomed measures adopted to protect women migrant domestic workers’ rights, such as the issuing of unified standard contracts, protection under Labour Code provisions, regulation of employment agencies, and the adoption of a law which criminalized trafficking in people. It remained concerned, however, that the measures were insufficient due to the lack of shelters, restricted access to justice, the largely ineffective application of the Labour Code and lack of regular inspection visits to the workplace.

Refugees and asylum-seekers

Jordan hosted about 655,000 Syrian refugees registered by UNHCR, the UN refugee agency, in addition to over 13,000 Palestinian refugees from Syria, and over 2 million long-term Palestinian refugees, among others.

Some 50,000 refugees from Syria remained trapped at Rukban in the “berm”, a desert area between Jordan and Syria, with humanitarian access effectively blocked since June 2016, apart from in June 2017 when the authorities permitted one round of aid distribution. Refugees were trapped in appalling humanitarian conditions: food, medical assistance and shelter were extremely limited, and they had sporadic access to water.

In October, Jordan ended even limited cross-border aid and said that aid could only be delivered from Syria. The international community and Jordan failed to agree to a long-term solution for the stranded refugees who were denied access to asylum procedures or opportunities for resettlement to third countries.

According to humanitarian agencies, by September the authorities had forcibly returned more than 2,330 refugees to Syria.

International justice

In December, the ICC ruled that Jordan failed to comply with its obligations as a state party to the Rome Statute of the ICC after it did not execute the Court’s request for the arrest of Sudanese President Omar al-Bashir. The Court decided to refer Jordan’s non-compliance to the Assembly of States Parties of the Rome Statute and to the UN Security Council. Jordanian authorities failed to arrest President al-Bashir when he visited the country in March for the Arab League summit. The ICC has issued two arrest warrants against him on charges of genocide, war crimes and crimes against humanity in Darfur, Sudan.

Death penalty

Courts continued to hand down death sentences and several people were executed.

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