

Maat for Peace's Report on Jordan

First: scope of international obligations and cooperation with human rights mechanisms

We commend the accession of Jordan to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, and its ratification on June 26, 2018, and its entry into force on September 26, 2018¹. We also commend the fruitful cooperation between Jordan and the Special Procedures, since 2013, the Office of the Government Coordinator for Human Rights has been established in the Office of the Prime Minister; to strengthen national efforts in reporting and follow-up to international human rights mechanisms. On May 4, 2023, the Office of the High Commissioner for Human Rights completed a workshop on international human rights mechanisms, especially the universal periodic review mechanism, in cooperation with civil society institutions and national human rights bodies². Jordan has demonstrated impressive advancements by promptly submitting reports to human rights treaty bodies, in addition to establishing numerous domestic mechanisms to report and monitor activities concerning international human rights bodies and obligations³.

On the other hand, we are concerned that the Hashemite Kingdom of Jordan has not yet ratified a number of international conventions and covenants related to human rights, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the International Convention for the Protection of All Persons from Enforced Disappearance; and the two Additional Protocols to the International Covenant on Civil and Political Rights; the Additional Protocol to the International Covenant on Economic, Social, and Cultural Rights; the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women; the Optional Protocol to the Convention on the Rights of the Child relating to the procedure for submitting communications; the Optional Protocol to the Convention on the Rights of Persons with Disabilities; 1954 Convention relating to the Status of Stateless Persons; the 1961 Convention on the Reduction

¹ Marrakesh VIP Treaty, Wikipedia, Available at: <https://cutt.us/1Y2Yb>

² Jordan: Workshop on international human rights mechanisms, especially the universal periodic review mechanism, OHCHR Regional Office for the Middle East and North Africa, May 4, 2023 <https://cutt.us/STCEn>

³ Advancing International Human Rights Mechanisms, Middle East and North Africa Office, available at the following link <https://cutt.us/9WH17>



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of Statelessness; Convention concerning decent work for domestic workers, 2011 (No. 189), and 1951 Convention relating to the Status of Refugees and its Protocol of 1967⁴.

Recommendations:

- Taking further action to strengthen cooperation between the State and international human rights mechanisms, and extending invitations to special procedures for conducting visits to the country.
- Ratification of the international conventions that Jordan has not yet ratified, as described above.
- Withdrawing reservations to articles 9 and 16 of the Convention on the Elimination of All Forms of Discrimination against Women.

Second: National framework for human rights

Jordan has taken important steps to strengthen the national framework for human rights, it established the National Center for Human Rights (NCHR), as a national institution of public interest, enjoying financial and administrative independence and a legal personality. In 2006, and the Global Alliance of National Human Rights Institutions granted the National Center for Human Rights an accreditation rating (A)⁵. Despite Positive amendments to the law of the National Center for Human Rights in 2017, as well as the amended draft law for the center in 2022 to devote the principle of impartiality and objectivity, preventing conflicts of interest, and the impact of partisan and intellectual affiliation on the work of the Chairman of the Board of Trustees of the National Center for Human Rights and the Commissioner-General for Human Rights, so that they are equidistant from everyone⁶, and the amendments to the Law of the National Center entered on September 1, 2022⁷. There is apprehension about the center's independence, where the president and the members working in the center are appointed through a royal decree, recently, the center's authority in monitoring human rights violations, as well as addressing administrative and financial issues, has declined. Furthermore, internal conflicts have arisen among the council members, resulting in a four-month strike by the General Secretariat of the Centre in protest against the administrative decisions related to the

⁴ Jordan, Treaty Bodies Database, Available at: <https://cutt.us/KTcve>

⁵ The National Center for Human Rights. For more information and how the center works, please visit the following link: <https://www.nchr.org.jo/>

⁶ The Cabinet approves a law amending the National Center for Human Rights Law, Jordan News Agency, July 14, 2022. <https://cutt.us/4IPIS>

⁷ Amendments to the National Human Rights Law enter into force - Document, Jo 24, September 1, 2022. <https://cutt.us/8b1DU>



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promotions of some employees, and the implementation of the decisions of the Complaints Committee⁸.

Jordan has also launched the Comprehensive National Plan for Human Rights (2016-2025) in cooperation with the various ministries, official, national, and security institutions, as well as local, regional, and international civil society organizations and diplomatic bodies. The plan focused in its content on the axes of civil, political, economic, social, and cultural rights and guarantees them for all without discrimination, additionally the most vulnerable groups in society, such as women, children, and people with disabilities⁹.

Recommendations:

- Restructuring the National Center for Human Rights by establishing a fully independent legislative and institutional framework through which the center operates; to ensure that the Center operates impartially and independently.
- Allowing the National Center for Human Rights to conduct unannounced and regular visits to all facilities and places of detention in the country.

Third: Civil and political rights

1- Individual's right to life, liberty, and security

Jordan stopped carrying out the death penalty for eight years between 2006 and 2014, and then re-executed and carried out death sentences against 28 convicts, between 2014 and 2017, the majority of whom were terrorists and perpetrators of horrific murders. According to the data, there are 219 convicts and men sentenced to death (197 male - 22 (female) according to the courts' decision to execute them by hanging, but the penalty has not yet been implemented despite the elapse of years since the issuance of some of these rulings. Although the death penalty in Jordan has not been implemented since 2017, it has not been banned or permanently stopped according to the law in light of the existence of legal texts that still punish the death penalty for a number of crimes¹⁰.

It should be noted that there are about 30 articles in Jordanian legislation, including 17 articles in the Jordanian Penal Code, 8 articles in the Military Penal Code, 2 articles in the Narcotic Drugs and Psychotropic Substances Law, and 3 articles in the Law on the Protection of

⁸Jordan: The National Center for Human Rights is "in trouble," Al-Araby Al-Jadeed, September 21, 2021. <https://cutt.us/x03XR>

⁹ Launching the Comprehensive National Plan for Human Rights, Ministry of Justice - Hashemite Kingdom of Jordan, available at the following link: <https://cutt.us/bE6Nt>

¹⁰ The death penalty...between demands for the implementation of sentences and calls for its final cessation, Al-Dustour, July 19, 2022. <https://cutt.us/FwBbm>



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State Secrets & Documents. Unfortunately, this is a number that is 10 times what is stated in Islamic Sharia, the scope of punishment was limited to retribution, which was legally defined in three main texts (intentional homicide, adultery, and intimidation, i.e. terrorism) with the accompanying strictness of those texts that makes it impossible to implement them in many cases. This urges Jordan to limit the death penalty to the most serious crimes only and to abolish or amend many of these articles related to the death penalty replacing it with other forms of punishment¹¹.

Maat commends the reforms undertaken by Jordan with regard to the crime of torture and conditions of detention; Such as rehabilitating places of temporary detention, improving services and procedures related to dealing with detainees, and also reforming a large part of criminal justice. which included reforming the Penal Code in 2018, to include raising the minimum penalty for torture from three months' imprisonment to one year as well as subsequent amendments to 2022¹²; beside the comprehensive national plan for human rights to develop the legal framework regulating the right to life and physical integrity to harmonize it with the constitution and international covenants within the limits ratified by Jordan. It also stipulated the amendment of domestic legislation to ensure the expansion of the concept of the crime of torture to be in line with the Convention Combating torture and increasing the punishment for its perpetrators, as well as providing for the prosecution of perpetrators of torture crimes before a civil court without delay by applicable international standards¹³.

On the other hand, we have concerns about the non-application of these texts in practice. The definition of torture in Jordanian legislation does not cover all the elements mentioned in Article (1) of the Convention against Torture. Additionally, cases of torture are still subject to police courts - under the supervision of the Ministry of Interior and military courts, cases of torture are frequently raised against these entities; this contradicts international standards, which stipulate the need to prosecute perpetrators of torture crimes before civil rather than military courts. Moreover, the penalties for the crime of torture are not equivalent to those for the most severe crimes, which is not compatible with international standards; additionally, there are no independent mechanisms to investigate allegations of torture; the scarcity of investigations in cases of torture; and the crime of torture is still subject

¹¹ Ibid

¹² The Jordanian Penal Code with all amendments until 2023, Guardians of the Right, available at the following link <https://cutt.us/JwZM1> Also: To view the Jordanian Penal Code 2022 with all its amendments and its most important details, please visit the following link: <https://cutt.us/jahD9>

¹³ The National Comprehensive Plan for Human Rights, the website of the Ministry of Planning and International Cooperation in Jordan, available at the following link: <https://cutt.us/oibFL>



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to statute of limitations and amnesty, as human rights reports accuse official bodies of over-reliance on unreliable confessions and based on the practice of torture, which is contrary to the provisions of the Convention against Torture¹⁴.

In a related context, it should be noted that in September 2022, a Jordanian youth (Z.D - 38 years old) died after being beaten in a security center. According to the National Center for Human Rights, cases of torture against detainees amounted to 55 cases of ill-treatment committed in security centers reform and rehabilitation in 2021; compared to 42 cases in 2020; and 17 cases in 2019, and complaints of torture amounted to 61 complaints in 2021, compared to 37 complaints in 2020. In 2021, the trial of 32 people by the police prosecutor was prevented while only 17 people were tried, and 16 cases are still under investigation. In the year 2020, 35 people were prevented from being tried by the police public prosecutor, while only seven were tried, and according to human rights and civil reports, there are 4 deaths and 135 complaints in the past two years without anyone being convicted. Torture is not only found in prisons and police stations, but also extends to mental health facilities and juvenile detention centers, and all this is occurring in light of the continued overcrowding and poor food quality. Even in 2019, when the General Amnesty Law was issued, the crime of torture was not excluded as one of the serious crimes it does not lapse by the statute of limitations. However, some people accused of practicing torture have been pardoned, and their prosecution for this crime has been suspended due to the General Amnesty Law, which contributes to the impunity of the perpetrators of the crime of torture¹⁵.

2- Basic freedoms and the right to participate in public and political life

We commend the initiative of the Jordanian monarch, in 2021; to modernize the political system, and to form the “Royal Committee for Modernizing the Political System,” which issued several recommendations regarding enhancing political participation in the country. In 2022, the Jordanian legislator amended the laws of elections and political parties in Jordan, and constitutional amendments were introduced in accordance with the recommendations of the committee¹⁶. However, on the other hand, we find that in practice there are still restrictions imposed on civil liberties; in March and April 2022, hundreds of journalists, politicians, and activists participated in the Hirak movement, a large-scale social and political reform

¹⁴ Torture in Jordan... A Crime Without Punishment, The Independent Arabia, March 5, 2022 <https://cutt.us/rwsrj>

¹⁵ Human rights report: Hundreds of complaints about rights and prison overcrowding in Jordan, The New Arab, and February 15, 2023. <https://cutt.us/RVpEC>, and also: Torture in Jordan...a crime without punishment, The Independent Arabia, March 5, 2022: <https://cutt.us/WtzbB>, and also: The death of a young man overthrows the director of public security and opens the file of “torture” in Jordan, The Independent Arabia, September 12, 2022. <https://cutt.us/t3H1h>

¹⁶ Constitutional Amendments in Jordan, Carnegie Endowment for International Peace, March 1, 2022 <https://cutt.us/OVrHO>



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movement, were arrested under vague terms in the Penal Code and the Cybercrime Prevention Law. Furthermore, the Jordanian authorities carried out arrests to prevent large-scale anti-government demonstrations and protests. In December 2022, truck drivers and transport workers in the south of the country go on strike to put pressure on the government to address the high fuel prices and the crisis of high living costs, the authorities deployed security forces with heavy weapons and arrested dozens. In return, a new national electoral law was passed in April 2022, reducing the eligibility age for candidates to 25 years, and increasing the required percentage of women on party lists¹⁷.

We also have concerns about articles restricting public freedoms in Jordanian domestic legislation. Such as the Cybercrime Law, its subsequent amendments, and even the proposed amendments, which define “hate speech” broadly, and stipulate harsh penalties ranging from fines to imprisonment for anyone who uses the Internet to publish or re-publish what is considered hate speech, and therefore the proposed amendments impose more restrictions. It contains legislation that is supposed to be highly controversial due to its suppression of freedom of expression in addition to freedom of the press, as well as its promotion of an environment of self-censorship over Internet users. The law also contains loose provisions that prevent anyone from publishing any content on the network, as it may be understood as defamation against another person¹⁸.

In the same context, 11 political activists were arrested under the Cybercrime Prevention Law and the Penal Code, and they were charged with “disseminating false news” and “stirring up racist strife against the other”. Additionally, in 2022, arbitrary orders were issued, which prevents the publication of any local news or reports on important political or societal developments in the country. According to the expanded powers granted to the Prime Minister, since 2019, to decide on requests for foreign funding of NGOs has been restricted and the authorities have refused grants to certain civil society institutions. In March 2022, elections for mayors and local and municipal councils were held, and the voter turnout was slightly less than 30%, and local tribal politics dominated the elections, and to this day Jordanian media laws are still restrictive and vague and are arbitrarily imposed. Many of these laws punish defamation, criticizing the king or state institutions, damaging Jordan's relations with foreign countries,

¹⁷ Jodan, Freedom House, Freedom in the world 2023, Available at: <https://freedomhouse.org/country/jordan/freedom-world/2023>

¹⁸ The International Press Institute calls for amending the cybercrime law in Jordan, Al-Araby Al-Jadeed, March 24, 2022. . <https://cutt.us/8X6Ud> Also: Jordan's Cybercrime Law.. A royal vision confirms it and a human rights demand to withdraw it, Al-Jazeera, November 30, 2018. <https://cutt.us/kTnWo>



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blasphemy, publishing any subjective content, and allowing the authorities to monitor people¹⁹.

Recommendations:

- Accession to the Additional Optional Protocol to the Convention against Torture.
- Amending the Penal Code, and redefining torture, to include all the elements mentioned in Article (1) of the Convention against Torture.
- Ensuring that torture is criminalized, that its punishment is consistent with the risk of crime, in accordance with article (24) of the Convention against Torture, and that it is not subject to amnesty.
- Establishing an independent body that monitors prisons and places of detention, including mental health facilities, juvenile detention centers, and shelters.
- Ensuring that perpetrators of torture are prosecuted, cases before the courts are investigated, those responsible are punished, that there is fair redress and that victims of torture and their relatives are compensated.
- Amending the articles restricting freedoms in the Jordanian local legislation, especially the Cybercrime Prevention Law and the Penal Code.
- Ensuring the compatibility of local legislation with the International Covenant on Civil and Political Rights, especially with regard to freedom of opinion and expression.
- Working on preparing a national media strategy; to advance media freedoms and provide the necessary material support to achieve this.
- Ensuring the provision of a safe and conducive environment for media workers, journalists, activists or bloggers to work freely, and ensuring that they express their free opinions in the channels, blogs, newspapers and magazines in which they work without any restrictions, by providing a legislative environment that guarantees the promotion of press and media freedom.
- Adopting more open policies that ensure the political participation of individuals and non-governmental institutions, and increasing efforts to encourage civil society organizations to work in a safe environment free of interference.

¹⁹ Jordan, Freedom House, Freedom in the world 2023, Available at: <https://freedomhouse.org/country/jordan/freedom-world/2023>



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