

Jordan

Universal Periodic Review

Report submitted to the United Nations Human Rights Council in the context of the fourth cycle of the Universal Periodic Review

July 2023

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1 International obligations and cooperation with international mechanisms

1.1 Scope of international human rights obligations

Despite the absence of a constitutional provision or specific legislation conferring international treaties a higher rank than domestic law, Jordan tends to have a monist approach when it comes to the status of human rights treaties.¹ The Jordanian government previously indicated to the UN Human Rights Committee that “international instruments become part of national law once they have been ratified and published in the official gazette”² and that they “form an integral part of and take precedence over its domestic legislation, pursuant to Article 24 of the Jordanian Civil Code.”³

Jordan is a state party to the ICCPR, ICESCR, UNCAT, CEDAW, CERD, and CRC.⁴ However, Jordan did not support any of the last UPR recommendations to ratify international human rights instruments it was not a party to.⁵ Jordan has not yet

¹ Hamzah S. Aldoghmi, *The International Journal of Humanities and Social Studies, The Status of International Law in Jordan*, in *The International Journal of Humanities and Social Studies*, ISSN 2321 – 9203, Vol 7 Issue 10, October 2019, p. 255.

² *Ibid.*, p. 254.

³ Human Rights Committee, *Replies of the Government of Jordan to the list of issues (CCPR/C/JOR/Q/4) to be taken up in connection with the consideration of the fourth periodic report of Jordan (CCPR/C/JOR/4)*, CCPR/C/JOR/Q/4/Add.1, 16 September 2010, para. 1, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FJOR%2FQ%2F4%2FADD.1&Lang=en (accessed 21 June 2023).

⁴ UN Treaty Body Database, *Jordan*, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Countries.aspx?Lang=en (accessed 12 June 2023).

⁵ Noted: recommendations 137.2 (Denmark, Estonia, Chile, Ukraine, Honduras, Spain); Noted: recommendations 137.19 (Honduras, Cote d'Ivoire, France); Noted: recommendations 137.11 (Estonia, Colombia); Noted: recommendations 137.13 (Colombia, Denmark, Slovakia, Sri Lanka); Noted: recommendation 137.24 (Switzerland); Noted: recommendation 137.23 (Austria); Noted: recommendation 137.18 (Bangladesh), etc. See: [https://upr-info-database.uwazi.io/en/library/?q=\(allAggregations:!t,filters:\(cycle:\(values:!\(%27567eec7b-d5ab-4c36-a712-57c38fae9124%27\)\),issues:\(values:!\(%273d7eb25c-ff23-4835-bbdf-6bebdd115e63%27\)\),response:\(values:!\(%27728fe827-2208-4210-b7ed-ef427f9f6ffd%27\)\),state_under_review:\(values:!\(%271lcftth4qnh%27\)\)\),from:30,includeUnpublished:!f,li](https://upr-info-database.uwazi.io/en/library/?q=(allAggregations:!t,filters:(cycle:(values:!(%27567eec7b-d5ab-4c36-a712-57c38fae9124%27)),issues:(values:!(%273d7eb25c-ff23-4835-bbdf-6bebdd115e63%27)),response:(values:!(%27728fe827-2208-4210-b7ed-ef427f9f6ffd%27)),state_under_review:(values:!(%271lcftth4qnh%27))),from:30,includeUnpublished:!f,li)

acceded to the Convention for the Protection of All Persons from Enforced Disappearance (ICPPED),⁶ the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW),⁷ or the Second Protocol to the ICCPR concerning the abolition of the death penalty (ICCPR-OP2).⁸ Furthermore, Jordan has not accepted human rights treaty-based individual complaints procedures for the UNCAT, CERD, CRC, ICCPR, IESCR, or CEDAW.⁹

Recommendations:

- Ratify the ICPPED, the CMW, and the ICCPR-OP2;
- Accept individual complaint mechanisms under UNCAT, OPCERD, CRC-OP-IC, ICCPR-OP1, ICESCR-OP1, and CEDAW-OP.

1.2 Cooperation with international human rights mechanisms

During the last UPR, Jordan received various recommendations concerning cooperation with Special Procedures and Treaty Bodies, which Jordan merely noted.¹⁰

[mit:300,order:desc.sort:creationDate,treatAs:number,types:!\(%275d8ce04361cde0408222e9a8%27\)\),unpublished:!f](https://upr-info-database.uwazi.io/en/library/?q=(allAggregations:!t,filters:(cycle:(values:!(%275d8ce04361cde0408222e9a8%27)),issues:(values:!(%2785352718-4f84-4726-8b14-c589ca91240f%27)),response:(values:!(%27728fe827-2208-4210-b7ed-ef427f9f6ffd%27)),state_under_review:(values:!(%271lcftth4qnh%27))),from:0,includeUnpublished:!f,limit:30,order:desc.sort:creationDate,treatAs:number,types:!(%275d8ce04361cde0408222e9a8%27)),unpublished:!f) (accessed 5 July 2023).

⁶ Noted: recommendation 137.3 (Montenegro, Sri Lanka).

⁷ Noted: recommendations 137.17 (Honduras); 137.18 (Bangladesh); 137.21 (Philippines, Sri Lanka).

⁸ Noted: recommendations 137.4 (Montenegro), 137.28 (Croatia); 137.6 (Australia); 137.9 (France); 137.10 (Uruguay); 137.11 (Colombia, Estonia).

⁹ UN Treaty Body Database, *supra* note 4, namely: OPCAT, OPCERD, CRC-OP-IC, ICCPR-OP1, ICESCR-OP1, and CEDAW-OP.

¹⁰ Concerning Treaty Bodies see: [https://upr-info-database.uwazi.io/en/library/?q=\(allAggregations:!t,filters:\(cycle:\(values:!\(%27567eec7b-d5ab-4c36-a712-57c38fae9124%27\)\),issues:\(values:!\(%2785352718-4f84-4726-8b14-c589ca91240f%27\)\),response:\(values:!\(%27728fe827-2208-4210-b7ed-ef427f9f6ffd%27\)\),state_under_review:\(values:!\(%271lcftth4qnh%27\)\)\),from:0,includeUnpublished:!f,limit:30,order:desc.sort:creationDate,treatAs:number,types:!\(%275d8ce04361cde0408222e9a8%27\)\),unpublished:!f](https://upr-info-database.uwazi.io/en/library/?q=(allAggregations:!t,filters:(cycle:(values:!(%27567eec7b-d5ab-4c36-a712-57c38fae9124%27)),issues:(values:!(%2785352718-4f84-4726-8b14-c589ca91240f%27)),response:(values:!(%27728fe827-2208-4210-b7ed-ef427f9f6ffd%27)),state_under_review:(values:!(%271lcftth4qnh%27))),from:0,includeUnpublished:!f,limit:30,order:desc.sort:creationDate,treatAs:number,types:!(%275d8ce04361cde0408222e9a8%27)),unpublished:!f); Concerning Special Procedures, see: [https://upr-info-database.uwazi.io/en/library/?q=\(allAggregations:!t,filters:\(cycle:\(values:!\(%27567eec7b-d5ab-4c36-a712-57c38fae9124%27\)\),issues:\(values:!\(%273edfec4d-5487-401a-92e9-8e13eb5a0334%27\)\),response:\(values:!\(%27728fe827-2208-4210-b7ed-ef427f9f6ffd%27\)\),state_under_review:\(values:!\(%271lcftth4qnh%27\)\)\),from:0,includeUnpublished:!f,limit:30,order:desc.sort:creationDate,treatAs:number,types:!\(%275d8ce04361cde0408222e9a8%27\)\),unpublished:!f](https://upr-info-database.uwazi.io/en/library/?q=(allAggregations:!t,filters:(cycle:(values:!(%27567eec7b-d5ab-4c36-a712-57c38fae9124%27)),issues:(values:!(%273edfec4d-5487-401a-92e9-8e13eb5a0334%27)),response:(values:!(%27728fe827-2208-4210-b7ed-ef427f9f6ffd%27)),state_under_review:(values:!(%271lcftth4qnh%27))),from:0,includeUnpublished:!f,limit:30,order:desc.sort:creationDate,treatAs:number,types:!(%275d8ce04361cde0408222e9a8%27)),unpublished:!f) (accessed 5 July 2023).

Jordan has several overdue reports to Treaty Bodies. It did not submit its reports to the Human Rights Committee (due in 2022), CEDAW (due in 2021), CERD (2021), and ICESCR (2003).¹¹

Jordan issued a standing invitation to UN Special Procedures in 2006. The last country visit to Jordan was carried out by the UN Special Rapporteur on the rights of persons with disabilities in 2022,¹² though Jordan has failed to respond to several other requests from visits, including from the Special Rapporteur on human rights and counterterrorism (2017 and 2021); on freedom of peaceful assembly (2011, 2013, 2020); and on freedom of expression (2014, 2015, 2018).

Recommendations:

- Submit all outstanding reports to UN Treaty Bodies;
- Respond to pending visit requests from Special Procedures.

2 National human rights framework

During the last UPR, Jordan showed itself willing to support the recommendations concerning its national human rights institution (NHRI).¹³

In March 2022, the Jordan National Centre for Human Rights (JNCHR) maintained A status following its review by the Subcommittee on Accreditation (SCA) of the Global Alliance of National Human Rights Institutions, marking compliance with the Paris Principles.¹⁴ However, the SCA raised several concerns relating to the JNCHR's independence.¹⁵ In October 2022, the SCA expressed doubt over the JNCHR's continued compliance with the Paris Principles, including its independence and

¹¹ UN Treaty Body Database, *supra* note 4.

¹² UN Special Procedures, *Jordan*, <https://spinternet.ohchr.org/ViewCountryvisits.aspx?visitType=pending&lang=en> (accessed 13 June 2023).

¹³ Supported: recommendations 122.5 (Slovenia), 136.3 (Republic of Korea), 135.4 (Cuba), 140.47 (Côte d'Ivoire), etc.

¹⁴ GANHRI, *Accreditation Status*, 26 April 2023, p. 2, <https://www.ohchr.org/sites/default/files/Documents/Countries/NHRI/StatusAccreditationChartNHRIs.pdf> (accessed 21 June 2023).

¹⁵ Namely, B.1, B.3, and C(c), GANHRI, *Report and Recommendations of the Virtual Session of the Subcommittee on Accreditation (SCA)*, 14- 25 March 2022, para. 2.3, https://www.ohchr.org/sites/default/files/2022-04/SCA-Report-March-2022_E.pdf (accessed 14 April 2023).

capacity to fulfill its mandate,¹⁶ after becoming aware of recent amendments to the JNCHR Law “which required the Chairperson of the Board of Trustees and the Commissioner General for Human Rights not be affiliated to a political party,”¹⁷ only two months after a member and Secretary General of a political party was elected new Chair of the JNCHR Board of Trustees.¹⁸

In addition, the SCA became aware of the prosecution and subsequent suspension of several JNCHR staff, perceived by civil society organisations as a deliberate campaign aimed at undermining the independence of the institution and silencing the JNCHR for its outspoken critique of government actions. The SCA expressed concern over these developments having taken place without due process¹⁹ and initiated a Special Review of the JNCHR at its first session of 2023 in order to determine the JNCHR’s compliance with the Paris Principles.²⁰ However, in this session, the SCA regranting the JNCHR’s ‘A’ status.²¹

¹⁶ GANHRI, *Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA)*, 3- 7 October 2022, para. 5.1, <https://www.ohchr.org/sites/default/files/documents/countries/nhri/ganhri/2022-11-08/SCA-Adopted-Report-October-2022-EN.pdf> (accessed 14 April 2023).

¹⁷ GANHRI, *supra* note 16, para. 5.1.

¹⁸ *Ibid.*

¹⁹ *Ibid.* In May 2022, former JNCHR General Commissioner Alaedine Armouti was suspended from his duties, investigated and, along with other members of staff, put on trial for alleged “financial malfeasance” and “abuse of power” relating to a project financed by foreign donors, including the European Union.¹⁹ Armouti, who described the charges as “manufactured, intended to keep me away”, had been very vocal in criticising the government, publicly denouncing the government’s imposition of drastic curfews during the COVID-19 pandemic, the arbitrary closure of teachers’ unions and restrictions on their right to protest, the alleged pressure and vote-buying during the 2020 legislative elections, and more recently, the 2022 constitutional amendments that further consolidated the king’s authority over various institutions, including the security services. See: UK Daily News, *In Jordan, a human rights commissioner overzealous for the crown*, 1 February 2023, <https://ukdaily.news/in-jordan-a-human-rights-commissioner-overzealous-for-the-crown-326086.html> (accessed 20 April 2023); Le Monde, *Trial of human rights commissioner in Jordan comes as authoritarian shift symbol*, 3 February 2023, https://www.lemonde.fr/en/international/article/2023/02/03/in-jordan-the-trial-of-a-human-rights-commissioner-is-emblematic-of-an-authoritarian-shift_6014211_4.html (accessed 13 April 2023).

²⁰ GANHRI, *supra* note 16, para. 5.1.

²¹ GANHRI, *Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA)*, 13 February- 24 March 2023, para. 4.1, <https://www.ohchr.org/sites/default/files/documents/countries/nhri/ganhri/SCA-Report-First-Session-2023-EN.pdf> (accessed 21 June 2023).

Moreover, in January 2022, Jordan amended its constitutional framework²² to “concentrate the King’s power further within the executive branch.”²³ Two amendments raised particular concern. First, one of the amendments allows for the king to “make significant appointments by royal decree without consulting the Council of Ministers,”²⁴ which opposition groups see as “an attempt at legalizing unconstitutional infringements.”²⁵ Ultimately, there is a fear “that the ‘parliamentary monarchy,’ stipulated by the 1952 constitution, is being overthrown.”²⁶ A second amendment concerns a new National Security Council to be headed by the King²⁷ and which not only holds extensive political and security powers, but also violates article 45 of the Constitution which holds that the executive and legislative branches “are responsible for administering all internal and external affairs of the State.”²⁸

Recommendations:

- Implement the recommendations of the SCA in order to guarantee an impartial and independent NHRI in theory and practice;
- Respect and strengthen the rule of law;
- Guarantee the separation of powers in national legislation, including the Jordanian Constitution.

²² Freedom House, *Freedom in the World 2023: Jordan*, 2023, <https://freedomhouse.org/country/jordan/freedom-world/2023> (accessed 1 June 2023).

²³ Carnegie, *Constitutional Amendments in Jordan*, 1 March 2022, <https://carnegieendowment.org/sada/86538> (accessed 5 July 2023).

²⁴ *Ibid.*

²⁵ *Ibid.*

²⁶ *Ibid.*

²⁷ *Ibid.*

²⁸ *Ibid.*

3 Compliance with human rights obligations

3.1 Human rights and counterterrorism

In 2018, Jordan accepted Belgium's recommendation "to harmonize its Anti-Terrorism Law with the ICCPR"²⁹ stating it "has been implemented and there is, therefore, no conflict between the Anti-Terrorism Act and the International Covenant on Civil and Political Rights."³⁰ However, it is widely acknowledged that in practice, "the fight against terrorism is systematically invoked by national authorities as a justification"³¹ for human rights abuses.

Indeed, Jordan's Anti-Terrorism Law of 2006 was amended in 2014 and severely broadened the "already vague"³² definition of 'terrorism' by removing "the requirement of a connection to an act of violence, instead including a definition that references acts that 'sow discord' or 'disturb public order'."³³ Its provisions are not limited to precise threats and clear types of violent attacks and, therefore, leave room for excessive interpretations.³⁴ The amendments also added to the list of acts deemed as terrorism, for instance: "acts that subject the kingdom to danger of hostile acts, disturb its relations with a foreign state, or expose Jordanians to danger of acts of revenge against them or their money."³⁵ Under the pretext of terrorism, these laws have been

²⁹ Supported: recommendation 136.13 (Belgium).

³⁰ Human Rights Council, *Report of the Working Group on the Universal Periodic Review, Jordan, Addendum*, 11 March 2019, p. 7, <https://www.ohchr.org/en/hr-bodies/upr/jo-index> (accessed 23 June 2023).

³¹ Amman Center for Human Rights Studies, *The negative effects of terrorism on the enjoyment of human rights and fundamental freedoms: The case of Jordan*, p. 13, <https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/AdvisoryCom/Terrorism/AmmanCenterHumanRightsStudies.pdf> (accessed 23 June 2023).

³² Alkarama, *Jordan, Shadow Report, Report submitted to the Human Rights Committee in the context of the review of the fifth periodic report of Jordan*, 18 September 2017, <https://www.alkarama.org/en/articles/jordan-shadow-report-un-human-rights-committee-highlights-human-rights-abuses-name> (accessed 6 July 2023), p. 9.

³³ Human Rights Watch, *Jordan: Terrorism Amendments Threaten Rights*, 17 May 2014, <https://www.hrw.org/news/2014/05/17/jordan-terrorism-amendments-threaten-rights> (accessed 20 June 2023).

³⁴ Alkarama, *supra* note 32, p. 9.

³⁵ Human Rights Watch, *supra* note 33.

used by the government to prosecute “[j]ournalists, political opponents, freedom of expression advocates and human rights defenders.”³⁶

Furthermore, it is the State Security Court that has jurisdiction over these crimes, an exceptional jurisdiction with two military and one civilian judge, appointed by the prime minister, and therefore subordinated to the executive branch.³⁷ UN Treaty Bodies have repeatedly called for the abolishment of the court, emphasising its lack of independence and impartiality and the violation of the right to fair trial protected under ICCPR article 14, given the fact that it consistently tries civilians.³⁸

In this context, the Human Rights Committee expressed concerns about the aforementioned provisions allowing for “authorities to detain and prosecute, among others, individuals who exercise their right to freedom of expression and peaceful assembly.”³⁹ In 2021, the UN Special Rapporteur on human rights and counterterrorism echoed some concerns in a communication to the Jordanian Government concerning the case of Bassem Awadallah, stating that the Anti-Terrorism Law provisions provide “an overly broad definition of terrorism that encompasses a wide range of acts, the vagueness of which is inconsistent with the principle of legality.”⁴⁰

Oftentimes, torture takes place in connection with counterterrorism efforts by the General Intelligence Directorate (GID), “the country’s intelligence agency that is controlled directly by the king.”⁴¹ The GID is located in Amman and operates as a

³⁶ Open Democracy, *10 years on: Jordan's anti-terrorism law and the crackdown on dissent*, 31 October 2016, <https://www.opendemocracy.net/en/north-africa-west-asia/10-years-on-jordan-s-anti-terrorism-law-and-crackdown-on-dissent/> (accessed 21 June 2023).

³⁷ Alkarama, *supra* note 32, p. 11.

³⁸ Human Rights Committee, *Concluding Observations on the Fifth Periodic Report of Jordan*, UN Doc. CCPR/C/JOR/CO/5, 4 December 2017, para. 26, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhsvpUktri37odcvprEBmAO%2FqFklk1xPNaD3X58H4vGTASRWypDwoQy%2BpMH%2FO5ZWDhzc%2FRJnzPPb6ystG0uOeiHlhBVE7f7un%2Bw22diLTaT0%2BBB> (accessed 31 March 2023); Committee against Torture, *Concluding Observations on the third periodic report of Jordan*, 29 January 2016, para. 37, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FJOR%2FCO%2F3&Lang=en (accessed 27 June 2023).

³⁹ Human Rights Committee, *supra* note 38, para. 12.

⁴⁰ Special Procedures mandate holders, *Communication AL JOR 1/2021*, 2 November 2021, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=26769> (accessed 21 June 2023).

⁴¹ Alkarama, *supra* note 32, p. 9.

detention facility. Even though it is not a law enforcement agency and therefore would not hold any power of arrest or detention, “it exercises such powers in practice.”⁴² GID officers, regularly carry out arrests without warrants⁴³ and suspects are then taken to GID headquarters where they are detained *incommunicado* and thus “placed outside the protection of the law and deprived of any legal safeguards.”⁴⁴ During these *incommunicado* detentions, torture is widespread and “systematically used as a means to extract confessions.”⁴⁵ These are then relied upon by the prosecutor of the State Security Court “to both charge the suspect and constitute incriminating evidence during trials before the court.”⁴⁶

Recommendations:

- Align the definition of terrorism with international human rights standards and ensure counter-terrorism policies guarantee the rights enshrined in the ICCPR;
- Abolish the State Security Court or a *minima*, ensure civilians are not brought before it;
- Limit the powers of the General Intelligence Directorate, respectively, criminalise the undertaking of acts outside their scope of work.

3.2 Right to life, liberty, and security of persons

3.2.1 Death penalty

During its last UPR, Jordan did not accept any recommendations regarding the abolition of the death penalty.⁴⁷ The eight-year moratorium on the death has not been in force since 2014, and authorities restarted executing convicted prisoners.⁴⁸

⁴² *Ibid.*, p. 10.

⁴³ *Ibid.*

⁴⁴ *Ibid.*

⁴⁵ *Ibid.*, p. 11.

⁴⁶ *Ibid.*

⁴⁷ Noted: recommendations 137.4 (Honduras, Croatia, Montenegro); 137.5 (Slovakia); 137.6 (Australia); 137.7 (Chile, Italy); 137.8 (Brazil); 137.9 (Albania, Fiji, Honduras, Iceland, Lithuania, Mexico, Argentina, Norway, Portugal, Austria, Switzerland, France); 137.10 (Uruguay); 137.11 (Colombia, Estonia), etc.

⁴⁸ Human Rights Watch, *Jordan Resumes Death Penalty, Executes 11*, 21 December 2014, <https://www.hrw.org/news/2014/12/21/jordan-resumes-death-penalty-executes-11> (accessed 7 April 2023).

Recommendations to re-establish the moratorium were also solely noted by the government.⁴⁹

Following its last UPR, the Human Rights Committee not only stated concern regarding the end of the moratorium but also regarding the fact that “domestic legislation maintains the death penalty for offences that do not meet the threshold of the ‘most serious crimes’ within the meaning of the Covenant,”⁵⁰ in violation of article 6 (2) ICCPR.

Over the past several years, the State Security Court has continued to hand down death sentences, often on terrorism charges.⁵¹ In June 2022, the rapporteur of the Parliamentary Legal Committee announced that 239 individuals were on death row.⁵² Nonetheless, Jordan has not carried out executions since the last UPR in 2018.⁵³

Recommendations:

- Abolish the death penalty or, *a minima*, re-install the moratorium on the death penalty;
- Amend national legislation to ensure that the death penalty is limited to the most serious of crimes in accordance with article 6 (2) ICCPR;
- Accede to the ICCPR-OP2 aiming to abolish the death penalty.

3.2.2 Arbitrary deprivation of liberty

Jordan supported some general action recommendations to uphold and promote international human rights standards regarding the deprivation of liberty.⁵⁴ However,

⁴⁹ Noted: recommendations 137.9.9 (Portugal) and 137.9.12 (Switzerland).

⁵⁰ Human Rights Committee, *supra* note 38, para. 14.

⁵¹ Human Rights Watch, *Jordan: Executions Won't End Terror Attacks, Murder*, 5 March 2017, <https://www.hrw.org/news/2017/03/05/jordan-executions-wont-end-terror-attacks-murder> (accessed 7 April 2023). In 2017, 17 sentences were issued, in 2018, 23 were issued and in 2019, 19 sentences were issued. In 2021, 31 death sentences were issued and finalized (Jordan News, *31 prisoners face death sentence in Jordan*, 15 February 2023, <https://www.jordannews.jo/Section-109/News/31-prisoners-face-death-sentence-in-Jordan-27037> (accessed 7 April 2023)).

⁵² Middle East Monitor, *Jordan has 239 people on death row*, 27 June 2022, <https://www.middleeastmonitor.com/20220627-jordan-has-239-people-on-death-row/> (accessed 10 March 2023).

⁵³ Alarabiya News, *Jordan sentences six men to death for blinding teen, chopping his arms off*, 17 March 2021, <https://english.alarabiya.net/News/middle-east/2021/03/17/Jordan-sentences-six-men-to-death-for-blinding-teen-chopping-his-arms-off-> (accessed 14 April 2023).

⁵⁴ Supported: recommendations 135.15 (Lebanon); 135.51 (Georgia); 135.56 (France); 135.64 (Sudan); 135.65 (United Arab Emirates); 135.100 (Germany).

Jordan only supported recommendations on specific actions when of the opinion that they were already implemented.⁵⁵

One of the most pressing and long-standing human rights issues concerning arbitrary detention is the excessive practice of administrative detention, which severely violates due process protected under article 9 ICCPR.⁵⁶

The Jordanian Crime Prevention Act of 1954 serves as the legal basis for administrative detention,⁵⁷ allowing local governors (so-called district administrators) widespread discretion to detain anyone considered a ‘danger to the people’ for up to one year.⁵⁸ In practice, administrative detention is often used as a tool to repress political dissidents, activists, journalists, teachers and others who, *inter alia*, take part in anti-government protests, such as in March 2022.⁵⁹ Though the number of administratively detained persons has reportedly decreased from 37,853 in 2019 to 21,322 in 2020,⁶⁰ affected individuals are detained without charge, and the law does not effectively provide for the ability to challenge detention before a judicial authority. According to the Human Rights Committee’s 2017 Concluding Observations, “while an appeal is possible, lawyers with special qualifications are required to bring such cases and their services are expensive, and [...] such an appeal is a remedy with little prospect of success and is not often used in practice.”⁶¹

In that regard, during the last UPR, authorities merely noted Norway’s recommendation to “end the use of administrative detention and introduce legislation to guarantee access to a lawyer from the point of arrest.”⁶² Jordan did not accept Switzerland’s nor

⁵⁵ For instance, supported: recommendations 136.10 (Ireland) and 135.56 (France).

⁵⁶ Amnesty International, *Report 2022/2023*, p. 215, <https://www.amnesty.org/en/location/middle-east-and-north-africa/jordan/report-jordan/> (accessed 7 April 2023);

⁵⁷ Article 9 of the Crime Prevention Law No. 7 of 1954, accessible at https://menarights.org/sites/default/files/2016-11/JOR_CrimePreventionLawNo7of1954_EN.pdf; Amnesty International, *supra* note 54, p. 215.

⁵⁸ Article 3(3); Human Rights Watch, *World Report Jordan*, 2022, <https://www.hrw.org/world-report/2023/country-chapters/jordan> (accessed 23 June 2023).

⁵⁹ Amnesty International, *supra* note 54, p. 215; Human Rights Watch, *Jordan: Government crushes civic space*, 18 September 2022, <https://www.hrw.org/news/2022/09/18/jordan-government-crushes-civic-space> (accessed 23 June 2023).

⁶⁰ Human Rights Watch, *supra* note 56.

⁶¹ Human Rights Committee, *supra* note 38, para. 18.

⁶² Noted: recommendation 137.57 (Norway).

Australia's recommendation to repeal the Crime Prevention Act and guarantee detainees the right to mount a legal challenge to their detention⁶³ but refrained from explaining its decision.⁶⁴ Concerning Ireland's recommendation to limit the use of administrative detention, respecting the rights of prisoners under ICCPR article 9,⁶⁵ the Jordanian Government held that its practice was in accordance with human rights standards.⁶⁶ It further stated that "the law does not allow an administrative governor to imprison a person appearing before him unless that person fails to provide an undertaking to keep the peace or refrain from committing acts that disturb public order."⁶⁷ Evidently, the government defends its practice, and it must be assumed it does not intend to amend its Crime Prevention Act. Nevertheless, according to media reports, the Jordanian Government released over 500 administrative detained people in June 2023 due to overcrowded prisons.⁶⁸

Recommendations:

- Abolish the practice of administrative detention by amending the Crimes Prevention Act;
- Reduce the number of individuals that are being held in administrative detention;
- Ensure due process guarantees for those being held in administrative detention.

3.2.3 Torture and ill-treatment

In its last Concluding Observations in 2016, the Committee against Torture voiced its concern about "consistent reports of widespread torture and ill-treatment of suspects by security and law enforcement officials, especially in detention facilities run by the General Intelligence Directorate as well as at the Criminal Investigations and Drugs Combating Departments of the Public Security Directorate, primarily to extract

⁶³ Noted: recommendations 137.39 (Switzerland); 137.32 (Australia).

⁶⁴ Human Rights Council, *supra* note 30.

⁶⁵ Supported: recommendation 136.10 (Ireland).

⁶⁶ Human Rights Council, *supra* note 30, p. 6.

⁶⁷ *Ibid.*

⁶⁸ The National, *Jordan to release hundreds of prisoners before Eid Al Adha*, 19 June 2023, <https://www.thenationalnews.com/mena/2023/06/19/jordan-prisoners/> (accessed 23 June 2023).

confessions or information to be used in criminal proceedings.”⁶⁹ In 2023, Freedom House similarly reported that “despite a constitutional prohibition, courts allegedly accept confessions extracted under torture”⁷⁰ and that “torture and other mistreatment in custody are common and rarely draw serious penalties. Prison conditions are generally poor, and inmates reportedly suffer from beatings and other abuse by guards.”⁷¹

Recent cases of torture in Jordan include that of Zaid Sudqi Ali Dabash, a street vendor who died on 6 September 2022 in Marka prison.⁷² Amnesty International reported that according to the family’s lawyer, “the body of Zaid Sudqi Ali Dabash showed signs of torture, including bruises on his arms, legs, back, stomach and ears.”⁷³ The family never received a forensic report. Ultimately, the case was transferred to the military justice system for investigation.⁷⁴

Jordan’s Constitution prohibits torture and deems that statements obtained by torture, or the use of harm or threats are invalid.⁷⁵ Nonetheless, there is a lack of a clear provision in domestic legislation to ensure that the prohibition of torture is absolute and non-derogable.⁷⁶ Indeed, the definition contained in article 208 of the Penal Code⁷⁷ is not in accordance with international standards nor the UNCAT.⁷⁸ In that regard, the Committee against Torture had previously expressed concern “that torture is considered a misdemeanour and that punishments are not commensurate with the

⁶⁹ Committee against Torture, *supra* note 38, para. 23

⁷⁰ Freedom House, *supra* note 22.

⁷¹ *Ibid.*

⁷² DAWN, *Jordan: Government Retaliates Against Staff of National Council of Human Rights with Spurious Criminal Charges*, 28 September 2022, <https://dawnmena.org/jordan-government-retaliates-against-staff-of-national-council-of-human-rights-with-spurious-criminal-charges/> (accessed 28 June 2023).

⁷³ Amnesty International, *supra* note 54, p. 216.

⁷⁴ *Ibid.*

⁷⁵ Article 8(2). See: Committee against Torture, *supra* note 38, para. 5.

⁷⁶ *Ibid.*, para. 11.

⁷⁷ Article 208 (1) states that torture used with the intent to gain a confession shall be punished by one to three years of imprisonment. Article 208 (2) contains the definition of torture: “For the purposes of this article, torture means any act that results in physical or moral pain or suffering.” Article 208 (3) states that if torture leads to illness or severe wounding, the penalty shall be temporary hard labour. The provision can be accessed at: <https://learningpartnership.org/sites/default/files/resources/pdfs/Jordan-Penal-Code-1960-Arabic.pdf> (accessed 27 June 2023).

⁷⁸ Committee against Torture, *supra* note 38, para. 9.

gravity of the acts and are subject to amnesty as well as to statutes of limitations.”⁷⁹ Furthermore, the punishment is limited to individuals who order or carry out acts of torture and therefore “does not extend to individuals who are otherwise complicit in such acts.”⁸⁰

Furthermore, according to Amnesty International, in 2022, Jordanian authorities failed to conduct thorough and impartial investigations into allegations of torture.⁸¹ Consequently, “acts of torture remain unpunished [...] due to both the lack of efficient complaint mechanisms as well as the absence of prosecution of perpetrators.”⁸² This is closely related to the fact that the Public Security Directorate (PSD, composed of police, prison, and border services) receives and handles complaints of torture through its public prosecutors. These officials, however, are neither independent nor impartial from the Directorate. In fact, the public prosecutors are appointed by the Director of the PSD and do not fall under any judicial review.⁸³ In this regard, during its last UPR, Jordan rejected the recommendation of Hungary to grant civilian prosecutors jurisdiction over allegations of abuse of detainees.⁸⁴ If deemed admissible, a claim would reach the Police Court which the Committee against Torture described as lacking “independence and impartiality,”⁸⁵ and its existence hindering “the full enjoyment of human rights.”⁸⁶ The Committee had also highlighted the fact that “only a very limited number of cases concerning torture or ill-treatment have been referred to the Police Court.”⁸⁷

During the last UPR, Jordan received 21 recommendations on torture-related topics. It accepted certain recommendations regarding its general prohibition⁸⁸ and

⁷⁹ *Ibid.*

⁸⁰ *Ibid.*

⁸¹ Amnesty International, *supra* note 54, p. 216.

⁸² Alkarama, *supra* note 32, p. 5.

⁸³ *Ibid.*

⁸⁴ Noted: recommendation 137.56 (Hungary).

⁸⁵ Committee against Torture, *supra* note 38, para. 37

⁸⁶ *Ibid.*

⁸⁷ *Ibid.*

⁸⁸ Supported: recommendations 135.52 (Hungary); 135.53 (Italy).

investigation.⁸⁹ However, this most likely stems from Jordan's perception that national laws are already in compliance with international human rights standards.⁹⁰

The Jordanian government specified that article 208 of the Penal Code was amended in 2018, and the minimum penalty of three months was raised to a minimum of one year of imprisonment.⁹¹ Even in light of the elevation of a minimum of one-year imprisonment, this punishment is still not commensurate with the gravity of acts of torture. Jordan further accepted Mexico's recommendation to "recognize the need to adopt a definition of torture in keeping with article 1 of the Convention against Torture"⁹² and noted that this recommendation was already implemented.⁹³ Additionally, Jordan rejected other recommendations, notably the recommendations to ratify the relevant international instrument,⁹⁴ to fully implement the Convention against Torture,⁹⁵ grant civilian prosecutors jurisdiction over allegations of abuse of detainees,⁹⁶ and to refer cases of alleged torture to independent civil courts rather than police courts.⁹⁷

Recommendations:

- Adopt a definition of torture that is in line with UNCAT, especially, raise the minimum punishment of one-year imprisonment and incorporate an absolute prohibition of torture in domestic law;

⁸⁹ Supported: recommendations 135.62 (Qatar); 135.63 (Republic of Korea).

⁹⁰ For instance, Jordan accepted Chile's recommendation 136.1 to define the crime of torture in accordance with article 1 UNCAT with appropriate punishment attached to it. However, in the UPR addendum, Jordan explained that this recommendation has already been implemented (Human Rights Council, *supra* note 30, p. 4. See also: MENA Rights Group, *Jordan's acceptance of Universal Periodic Review recommendations: empty promises or real commitments?*, 22 March 2019, <https://menarights.org/en/articles/jordans-acceptance-universal-periodic-review-recommendations-empty-promises-or-real> (accessed 3 July 2023).

⁹¹ Human Rights Council, *supra* note 30, p. 4.

⁹² Supported: recommendation 136.12 (Mexico).

⁹³ Human Rights Council, *supra* note 30, p. 6.

⁹⁴ Noted: recommendations 137.2 (Denmark, Estonia, Chile, Ukraine, Honduras, Spain); 137.14 (Czechia); 137.16 (Sri Lanka); 137.22 (Romania); 137.23 (Austria).

⁹⁵ Noted: recommendations 137.14 (Czechia); 137.22 (Romania); 137.53 (Canada).

⁹⁶ Noted: recommendation 137.56 (Hungary).

⁹⁷ Noted: recommendations 137.58 (USA); 137.53 (Canada).

- Enhance investigation and prosecution efforts of alleged torture cases, including by establishing an independent and impartial complaint and investigation mechanism, and expedite the investigations into all cases of deaths in custody;
- Improve the conditions in places of detention;
- Prosecute state officials before regular civil courts and not before the Police Court.

3.2.4 *Non-refoulement*

During the last UPR, Jordan supported Argentina's recommendation to increase measures to guarantee the principle of *non-refoulement*.⁹⁸ However, the Jordanian government stated that although it is not a party "to the 1951 Convention relating to the Status of Refugees, it does effectively apply the principle of non-refoulement in its dealings with refugees on national soil, despite the fact that Jordan hosts more than 4 million refugees, who make up about 40 of the population on its territory."⁹⁹

In practice, the UN Human Rights Committee previously expressed concern over Jordan's "refusal to accept asylum applications and the reported cases of forcible return of Palestinian refugees to the Syrian Arab Republic, which raise serious questions of compliance with the principle of non-refoulement."¹⁰⁰ The Committee against Torture further noted "several cases of refoulement of such persons to Syria, without the necessary individualized procedures."¹⁰¹

However, recently, there were also severe violations of the *non-refoulement* principle regarding non-refugees, as illustrated by the case of Turkish and Emirati national Khalaf Abdul Rahman Abdulla Humaid al-Romaithi, an Emirati dissident who the Jordanian authorities extradited to the United Arab Emirates (UAE). He was detained on 8 May 2023 in Amman by the General Intelligence Directorate. Two days later, the Governor of Amman ordered al-Romaithi's deportation outside of any judicial

⁹⁸ Supported: recommendation 136.21 (Argentina).

⁹⁹ Human Rights Council, *supra* note 30, p. 8.

¹⁰⁰ Human Rights Committee, *supra* note 38, para. 24.

¹⁰¹ Committee against Torture, *supra* note 38, para. 13.

process.¹⁰² On 12 May 2023, Jordanian authorities effectively extradited him to the UAE.¹⁰³ Ever since, he remains forcibly disappeared. Neither the UAE, Jordan, nor Turkey has publicly commented on the case. However, it was reported that MP Adnan Mashuqa raised questions concerning his disappearance and extradition to the Prime Minister's office in May 2023.¹⁰⁴ Among a list of questions, "Mashuqa had asked the prime minister's office how it was possible that Romaithi had been extradited to the UAE without a court decision in Jordan."¹⁰⁵ On 5 July 2023, "the justice ministry responded with a five-page letter released on Tuesday, with one line about Romaithi: 'No extradition request was received from the Ministry of Justice concerning the citizen Khalaf al-Romaithi to date.'"¹⁰⁶ Along the same lines, the Committee against Torture had previously stated its concern regarding "reports indicating the State party's involvement in 'extraordinary renditions' in the context of the war against terrorism."¹⁰⁷

Recommendations:

- Respect and realise the principle of *non-refoulement* concerning migrants, refugees, and asylum seekers but also as a general human rights law principle towards all individuals under Jordanian jurisdiction;
- Carry out thorough and unbiased inquiries into any instances of extraordinary renditions and penalise those who are accountable;
- Ratify the 1951 Convention relating to the Status of Refugees, the 1967 Protocol relating to the Status of Refugees, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

¹⁰² MENA Rights Group, *Emirati Dissident disappears in Jordan, risking forcible return to the UAE*, 16 May 2023, <https://www.menarights.org/en/case/khalaf-abdul-rahman-abdulla-humaid-al-romaiti> (accessed 1 July 2023).

¹⁰³ *Ibid.*

¹⁰⁴ Middle East Eye, *Jordan: Answers about vanishing of man to UAE 'insufficient', says MP*, 5 July 2023, <https://www.middleeasteye.net/news/jordan-uae-disappeared-man-answers-insufficient-mp-calling-probe> (accessed 6 July 2023).

¹⁰⁵ *Ibid.*

¹⁰⁶ *Ibid.*

¹⁰⁷ Committee against Torture, *supra* note 38, para. 13.

3.3 Fundamental freedoms

Jordan accepted recommendations to uphold fundamental freedoms,¹⁰⁸ and freedom of expression, freedom of opinion, and freedom of the press are enshrined within its Constitution.¹⁰⁹ However, Jordan has shown a pattern of restricting these rights in law and in practice. According to Human Rights Watch, particularly in the last four years, free civic space significantly decreased.¹¹⁰

3.3.1 Freedom of expression

According to Freedom House, “discussion of politics, the monarchy, religious affairs, and security issues is inhibited by the threat of punishment under various laws governing expression.”¹¹¹ Jordanian authorities are using “vague and overly broad”¹¹² provisions in the “Penal Code of 1960, the Cybercrime Law of 2015,¹¹³ the Anti-Terrorism Law of 2006, and the Crime Prevention Law of 1954 to suppress free speech and assembly”¹¹⁴ in order to “detain, interrogate, and harass”¹¹⁵ human rights activists, journalists, and other individuals engaging in political dissent.¹¹⁶

According to the Jordanian Penal Code,¹¹⁷ insulting the King or a head of a foreign state is punished by several years’ imprisonment.¹¹⁸ Such insults are vaguely defined as assaults against dignity and honour¹¹⁹ and can be committed without a name having been mentioned,¹²⁰ through any publication means,¹²¹ or in any place any

¹⁰⁸ Supported: recommendations 135.5 (Egypt); 135.32 (Turkmenistan); 135.70 (Nigeria).

¹⁰⁹ Article 15 of the Jordanian Constitution, accessible at: <https://www.refworld.org/pdfid/3ae6b53310.pdf> (accessed 23 March 2023).

¹¹⁰ Human Rights Watch, *supra* note 57.

¹¹¹ Freedom House, *supra* note 22.

¹¹² Human Rights Watch, *supra* note 57.

¹¹³ Noted: recommendations 136.5 (Sweden); 136.15 (Estonia); 136.18 (Austria); 137.26 (Canada); 137.43 (United States of America).

¹¹⁴ Human Rights Watch, *supra* note 57.

¹¹⁵ *Ibid.*

¹¹⁶ *Ibid.*

¹¹⁷ Jordanian Penal Code, accessible at: <https://www.wipo.int/wipolex/en/text/515536> (accessed 16 March 2023).

¹¹⁸ Articles 122 and 195 of the Jordanian Penal Code.

¹¹⁹ Article 188(2) of the Jordanian Penal Code.

¹²⁰ Article 188(3) of the Jordanian Penal Code.

¹²¹ Article 189(4) (b) of the Jordanian Penal Code.

person can hear.¹²² Moreover, under the cybercrime law, internet users “can face fines or prison terms of up to three months if they are convicted of defamation for online comments.”¹²³

In that regard, the UN Human Rights Committee stated its concern “about reports that journalists continue to face prosecution and sanctions under the Penal Code and the Anti-Terrorism Law if they express views considered critical, including ‘insults to the King’”,¹²⁴ which violates article 19 of the ICCPR.

Between 2019 and 2022, Human Rights Watch investigated 30 cases “in which activists and protesters were arrested and charged with defamation related to social media posts or views expressed in public gatherings.”¹²⁵ Furthermore, restrictions on social media are common. For instance, in March 2021, “the social media application Clubhouse was shut down in what is widely seen as an attempt to subdue free expression.”¹²⁶ Additionally, in December 2022, public protests regarding the rise in fuel prices took place in Amman¹²⁷ and were broadcasted live through TikTok.¹²⁸ As a result, Jordanian authorities imposed a ban on TikTok, justifying their actions by alleging that the platform had been “misused” and that TikTok had failed to “deal with publications that incite violence and call for chaos.”¹²⁹

In 2022 alone, over 200 individuals exercising their freedom of expression were arrested and imprisoned.¹³⁰ The punishment of peaceful freedom of expression by Jordanian authorities have a pattern of silencing dissidents and charging them with

¹²² Article 189(1) (b) of the Jordanian Penal Code.

¹²³ Amnesty International, *supra* note 54, p. 215.

¹²⁴ Human Rights Committee, *supra* note 38, para. 30.

¹²⁵ Freedom House, *supra* note 22.

¹²⁶ *Ibid.*

¹²⁷ Reuters, *Jordan truckers' strike exposes woes of impoverished south*, 12 January 2023, <https://www.reuters.com/world/middle-east/jordan-truckers-strike-exposes-woes-impoverished-south-2023-01-12/> (accessed 14 April 2023).

¹²⁸ Global Voices, *Beyond Jordan's TikTok Ban*, 28 February 2023, <https://globalvoices.org/2023/02/28/beyond-jordans-tiktok-ban/> (accessed 14 April 2023).

¹²⁹ Public Security Directorate Facebook post, accessible at: <https://www.facebook.com/photo/?fbid=526367592867784&set=a.248587880645758> (accessed 14 April 2023).

¹³⁰ U.S Department of State, *2022 Country Reports on Human Rights Practices: Jordan*, p. 15, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/jordan/> (accessed 6 July 2023).

offenses such as “spreading false news”¹³¹ or “inciting strife.”¹³² Between February and April 2022, numerous journalists and political activists were charged with such offenses.¹³³

MENA Rights Group documented the case of Kamil al-Zoubi,¹³⁴ a Jordanian political activist who was repeatedly arrested for exercising his right to freedom of expression. Since 2014, he was arrested six times. On each occasion, he was detained for periods ranging from two weeks to nine months. He was last arrested in Ramtha on 30 October 2022 and charged with “vilifying an official body and the Parliament Council”, “broadcasting false news,” and “harming the reputation of the State (Jordan)” after having advocated for the release of political detainees and for having shared information, disclosed by the activists’ lawyers, about their situation. On 29 November 2022, he was released on bail.

During the last UPR session, Jordan received 13 recommendations concerning freedom of expression and supported 10 of them.¹³⁵ For instance, the Jordanian government supported Czechia’s recommendation to “guarantee freedom of expression and halt the detention of all writers, journalists and website editors based on charges related to freedom of expression, and abolish the Criminal Code articles which place impermissible restrictions on freedom of expression both offline and

¹³¹ Article 15 of the Cybercrime Law No. 27 of 2015.

¹³² Article 150 of the Jordanian Penal Code.

¹³³ In February 2022, 11 political activists were arrested for “spreading false information” and “inciting sectarian and racial strife”. In March 2022, 5 journalists were arrested and detained for their writings in relation to their profession. In April 2022, twelve activists were detained and charged with “spreading false news” and “inciting strife”. See: UN Human Rights spokesperson Ravina Shamdasani, *Detention of Activists in Jordan*, 29 April 2022, <https://www.ohchr.org/en/press-releases/2022/04/detention-activists-jordan> (accessed 31 March 2023); Amnesty International, *supra* note 54, p. 215.

¹³⁴ MENA Rights Group, *Jordanian activist Kamil al-Zoubi faces several charges in detention related to his freedom of expression*, 15 November 2022, <https://menarights.org/en/case/kamil-al-zoubi> (accessed 23 March 2023); International Press Institute, *Jordan: Two journalists detained under cybercrime law*, 15 March 2022, <https://ipi.media/jordan-two-journalists-detained-under-cybercrime-law/> (accessed 24 March 2023).

¹³⁵ UPR Database, *Jordan, UPR cycle 2017-2021*, [\(https://upr-info-database.uwazi.io/en/library/?q=\(allAggregations:!t,filters:\(cycle:\(values:!\(%27567eec7b-d5ab-4c36-a712-57c38fae9124%27\)\),issues:\(values:!\(fee9bada-cd2a-4ed2-b7ac-441309a08ea9\)\),state_under_review:\(values:!\(%271lcfth4qnh%27\)\)\),from:0,includeUnpublished:!f,limit:30,order:desc,sort:creationDate,treatAs:number,types:!\(%275d8ce04361cde0408222e9a8%27\),unpublished:!f\)](https://upr-info-database.uwazi.io/en/library/?q=(allAggregations:!t,filters:(cycle:(values:!(%27567eec7b-d5ab-4c36-a712-57c38fae9124%27)),issues:(values:!(fee9bada-cd2a-4ed2-b7ac-441309a08ea9)),state_under_review:(values:!(%271lcfth4qnh%27))),from:0,includeUnpublished:!f,limit:30,order:desc,sort:creationDate,treatAs:number,types:!(%275d8ce04361cde0408222e9a8%27),unpublished:!f)) (accessed 6 July 2023). For instance, supported: recommendations 135.26 (Spain); 135.69 (Italy); 135.71 (Norway).

online.”¹³⁶ However, Jordan explained that “no citizen or journalist may be arrested or tried in connection with an issue relating to opinion or freedom of expression and any arrest or trial only ensues if they have committed criminal acts that violate the provisions of other laws.”¹³⁷ This well illustrates the Jordanian position concerning fundamental freedoms and the increased tendency in recent years to instrumentalise criminal provisions in order to restrict personal freedoms. On the other hand, Jordan merely noted Estonia’s recommendation to “enable unrestricted access to the Internet for all members of society by ensuring cybersecurity and the safe flow of information, without violating freedom of expression or the right to privacy.”¹³⁸ Jordan explained that its legislation “regulates freedom of use of the Internet in the light of the wide dissemination of social media sites and blogs, striking a balance that takes account of freedom of opinion and expression while curbing such phenomena as character assassination, infringement of privacy and the spread of terrorism.”¹³⁹ This points to the fact that Jordanian authorities do indeed restrict the use of the internet since activities on social media sites and blogs are often linked to the so-called ‘spread of terrorism,’ especially of political dissidents.

Recommendations:

- Guarantee freedom of expression online and offline;
- Bring in line domestic legislation, particularly the Penal Code and the Cybercrime Law, with article 19 ICCPR;
- Ensure that the peacefully expressing critical views is not criminalised.

3.3.2 Freedom of peaceful assembly and association

In essence, Jordanian legislation limits free assembly. Authorities require prior request and notification for demonstrations or events and therefore have “broad discretion to disperse public gatherings.”¹⁴⁰ In the past, the Ministry of the Interior “has canceled

¹³⁶ Supported: Recommendation 136.14 (Czechia).

¹³⁷ Human Rights Council, *supra* note 30, p. 7.

¹³⁸ Noted: recommendation 136.15 (Estonia).

¹³⁹ Human Rights Council, *supra* note 30, p. 3.

¹⁴⁰ Freedom House, *supra* note 22.

planned public events without advance notice or explanation.”¹⁴¹ Furthermore, Jordanian security forces “are known to engage in violent confrontations with protesters.”¹⁴² Recently, in March and April 2022, “hundreds of journalists, politicians, and activists involved in the country’s Hirak were arrested”¹⁴³ under vague provisions of the Penal Code and the Cybercrime Law to prevent “widespread antigovernment demonstrations and sit-ins planned to protest government corruption and the dissolution of the Teachers’ Syndicate, as well as to commemorate the 2011 protest movement.”¹⁴⁴

Concerning the work of NGOs and civil society, Freedom House noted that even though many local and international NGO can operate in the country, “there are significant restrictions on civil society.”¹⁴⁵ Jordanian laws also severely restrict freedom of association, which is especially relevant for the activities of NGOs. The Associations Law of 2008 “regulates the formation and operation of nongovernmental groups” and through it, Jordanian authorities “impose onerous pre-approval restrictions on the receipt of foreign funding by nongovernmental groups (NGOs).”¹⁴⁶ Under this law, the Ministry of Social Development has “broad supervisory powers over NGO operations,”¹⁴⁷ and therefore also “the authority to deny registration and requests for foreign funding and can disband organizations it finds objectionable.”¹⁴⁸ Furthermore, under the current legislation, “board members of NGOs must be vetted by state security officials.”¹⁴⁹ According to Freedom House, “these regulations are applied in an opaque and arbitrary manner.”¹⁵⁰ According to Amnesty International, in September 2022, the Jordanian NGO Community Media Network “submitted a complaint to the

¹⁴¹ *Ibid.*

¹⁴² *Ibid.*

¹⁴³ *Ibid.*

¹⁴⁴ *Ibid.*

¹⁴⁵ *Ibid.*

¹⁴⁶ Human Rights Watch, *supra* note 56.

¹⁴⁷ *Ibid.*

¹⁴⁸ *Ibid.*

¹⁴⁹ *Ibid.*

¹⁵⁰ *Ibid.*

National Centre for Human Rights over the authorities' rejection of a USD 35,200 grant from the German development agency GIZ to produce a campaign on recycling."¹⁵¹

In addition, the UN Human Rights Committee noted with concern "that many demonstrations have been prohibited; that participants and organizers have been detained under the Act on crime prevention and the Act on prevention of terrorism and that many have been forced to sign pledges not to engage in demonstrations; and that civil society organizations have been subjected to severe restrictions, including on their funding."¹⁵² These extensive restrictions consequently violate ICCPR articles 19, 21 and 22.¹⁵³

During its last UPR, Jordan received three recommendations concerning freedom of peaceful assembly and association. However, Jordan merely noted Switzerland's recommendation to "repeal the law on associations in order to streamline the administrative processes which restrict the activities and the funding of civil society organizations."¹⁵⁴

3.4 Gender equality, violence against women, domestic violence

3.4.1 Gender equality

Jordan received most of its UPR recommendations on women's rights, which the Jordanian government generally supported (43 out of 76 recommendations). For instance, Jordan supported the recommendations on including sections on women's rights and gender equality in all levels of education¹⁵⁵ and establishing a mechanism to implement the recommendations of the Special Rapporteur on

¹⁵¹ Amnesty International, *supra* note 54, p. 216.

¹⁵² Human Rights Committee, *supra* note 38, para. 32.

¹⁵³ *Ibid.*

¹⁵⁴ Noted: recommendation 137.38 (Switzerland).

¹⁵⁵ Supported: recommendation 135.107 (Azerbaijan).

violence against women.¹⁵⁶ However, Jordan merely noted the recommendation of Australia to remove all remaining discriminatory provisions in its national legislation to ensure consistency with the provisions of the CEDAW.¹⁵⁷ In this regard, Jordan received numerous recommendations regarding eliminating its reservations to article 9(2) and article 16 relating to marriage and family relations.¹⁵⁸ Jordan did not accept that state parties shall grant women equal rights with respect to the nationality of their children, while many states recommended changing the present domestic law, which prohibits women from passing on their nationality to their children.¹⁵⁹

Even though the Jordanian parliament amended article 6 of its Constitution, stating that women and men are equal before the law and banning discrimination between them, there were no additional and further steps taken to ensure compliance with that principle in practice. In particular, the Jordanian government did not take any action to amend legislation or regulations that are contrary to article 6 of their Constitution.¹⁶⁰ Concerning the above-mentioned, the CEDAW Committee stated its concern in its last Concluding Observations of 2017 “about the persistence of discriminatory provisions in various national laws, in particular the Criminal Code, the Family Protection Act, the Personal Status Act, the Labor Code, the Social Security Act, the Civil Retirement Act and the Nationality Act.”¹⁶¹ Along these lines, the Human Rights Committee emphasised “the lack of comprehensive anti-discrimination legislation with all the grounds set forth in the Covenant, including gender, sexual orientation, and gender identity, and is concerned about discriminatory provisions, which affect women’s equal rights, under the Personal

¹⁵⁶ Supported: recommendation 135.105 (UK).

¹⁵⁷ Noted: recommendation 137.65 (Australia).

¹⁵⁸ Noted: recommendations 137.66 (Sri Lanka), 137.63 (Norway), 137.60 (Germany), 137.59 (Estonia), 137.47 (Czechia), 137.45 (Canada).

¹⁵⁹ Noted: recommendations 137.69 (Brazil), 137.51 (Mexico), 137.49 (Hungary), 137.48 (France), 137.46 (Cyprus).

¹⁶⁰ Amnesty International, *supra* note 54, p. 216.

¹⁶¹ Committee on the Elimination of Discrimination Against Women, *Concluding Observations on the Sixth Periodic Report of Jordan*, UN Doc. CEDAW/C/JOR/CO/6, 9 March 2017, para. 19, https://tbintern.et.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FJOR%2FCO%2F6&Lang=en (accessed 26 March 2023).

Status Act.”¹⁶² The Committee voiced particular concern “about early marriages, involving girls under the age of 18 years, the permissibility of polygamy, issues of inheritance and the inability of Jordanian women to pass their nationality to their children,”¹⁶³ which violate the rights enshrined in the ICCPR.¹⁶⁴

3.4.2 Violence against women and domestic violence

From a human rights perspective, violence against women in Jordan is of particular concern. Human Rights Watch held that according to a governmental study of 2012, “one in three women in Jordan has been a victim of physical violence at least once since the age of 15, and one in ten women has experienced sexual violence.”¹⁶⁵ Though Jordan adopted Law No. 6/2008 on Protection from Family Violence, it proved to be ineffective due to “major gaps,”¹⁶⁶ such as the lack of violence against women’s definition and restriction and limitation of its application only to individuals who are living in the ‘family home.’ Moreover, the law stipulates that domestic violence cases need to be referred first to the then newly established ‘family reconciliation committees’ and only after to judiciary bodies that would be competent to issue protective measures. This leaves victims without adequate protection in cases of immediate threat.¹⁶⁷

In 2017, the Jordanian government enacted a bill on protection against domestic violence.¹⁶⁸ However, the CEDAW Committee stated its concern that cases of gender-based violence “remain largely underreported and undocumented.”¹⁶⁹ This further results in “low prosecution and conviction rates and [...] lenient penalties imposed on perpetrators of gender-based violence against women.”¹⁷⁰ The Committee also

¹⁶² Human Rights Committee, *supra* note 38, para. 8.

¹⁶³ *Ibid.*

¹⁶⁴ *Ibid.*

¹⁶⁵ Human Rights Watch, *Submission to the CEDAW Committee of Jordan’s Periodic Report*, 66th Session, January 2017, p. 3, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCEDAW%2FNGO%2FJOR%2F26376&Lang=en (accessed 27 June 2023).

¹⁶⁶ *Ibid.*

¹⁶⁷ *Ibid.*, p. 4.

¹⁶⁸ CEDAW Committee, *supra* note 161, para. 31.

¹⁶⁹ *Ibid.*

¹⁷⁰ *Ibid.*

highlighted the fact that “clear and well-defined provisions on prevention of violence, protection of victims and the prosecution and punishment of perpetrators in the Family Protection Act (2008)” are still lacking.¹⁷¹ The Committee against Torture confirmed these concerns and stated that it is “seriously concerned that gender-based violence, including domestic violence and crimes committed in the name of “honour”, remains widespread in the State party.”¹⁷²

During the last UPR, UN Member States recommended various actions targeted at the improvement of combatting gender-based and domestic violence. Jordan supported Albania’s recommendation to strengthen the legal framework for the protection of women against domestic violence,¹⁷³ to continue reviewing its legal framework on issues of gender-based and domestic violence,¹⁷⁴ and take immediate measures against such violence.¹⁷⁵ Further, it accepted the recommendation to fully implement all measures to prevent all violence against women and girls and bring the perpetrators of such violence to justice.¹⁷⁶ Despite these concessions, Jordan solely noted Chile’s recommendation to amend article 292 of the Criminal Code to criminalise non-consensual marital rape and eliminate attenuating circumstances for honor crimes enshrined in article 340.¹⁷⁷ In particular, article 340 allows “a man to receive a reduced sentence if he kills or attacks his wife or any of his female relatives in the alleged act of committing adultery or in an ‘unlawful bed.’”¹⁷⁸ These discriminatory laws clearly encourage and favor gender-based violence and violate women’s rights enshrined in international law.

Recommendations:

- Withdraw the reservations to articles 9 (2) and 16 of the CEDAW Convention;

¹⁷¹ *Ibid.*

¹⁷² Committee against Torture, *supra* note 38, para. 39.

¹⁷³ Supported: recommendations 135.6 (Albania), 135.95 (Fiji).

¹⁷⁴ Supported: recommendations 135.30 (Turkey), 135.78 (Honduras), 135.91 (Botswana).

¹⁷⁵ Supported: recommendation 135.91 (Botswana).

¹⁷⁶ Supported: recommendations 135.103 (Australia), 135.104 (Tunisia), also supported: 135.108 (Uruguay).

¹⁷⁷ Noted: recommendations 137.27 (Chile), also Noted: 137.29 (France).

¹⁷⁸ Human Rights Watch, *supra* note 56.

- Abolish discriminatory laws, particularly in the Personal Status Act, the Labor Code, the Social Security Act, the Civil Retirement Act, and the Nationality Act;
- Amend the Protection from Family Violence Law to guarantee its effectiveness;
- Amend the Criminal Code to be in conformity with the CEDAW and ICCPR; especially, amend article 292 and criminalise marital rape and abolish article 340 eliminating attenuating circumstances for honour crimes.