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Jordan: End Debt Imprisonment

Amendments Positive but More Needed



A rehabilitation center in Zarqa, 30 kilometers east of Amman, Jordan, July 2018 © 2018 Khalil Mazraawi/AFP via Getty Images

(Amman) – [Jordan](#) should commit to fully ending debt imprisonment before the present moratorium expires in June 2022. The parliament has passed amendments to the main law that mandates debt imprisonment in Jordan. While the amendments are an improvement, they fall short of ending debt imprisonment, which is prohibited under international law.

Jordan is one of the few countries around the world that still allow imprisoning people for debt. As of April 1, at least 148,000 people were [wanted to serve prison terms](#) for unpaid debts, according to the Justice Ministry. Human Rights Watch has [documented](#) how, in the absence of an adequate

social security net, tens of thousands of Jordanians took out loans to cover basic necessities only to end up in prison or wanted for failure to repay.

“By permitting imprisonment for debts, Jordan puts tens of thousands at risk of being sent to prison not for any crime, but for taking out loans to cover essentials like rent, food, or medical treatment,” said Sara



March 16, 2021

“We Lost Everything”

Debt Imprisonment in Jordan



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[Annex I: Letter to the Ministry of Justice of Jordan](#)



[Annex II: Response to HRW from the Ministry of Justice of Jordan](#)

Kayyali, senior Middle East researcher at Human Rights Watch. “Jordan should end debt imprisonment without delay.”

The onset of the coronavirus pandemic has exacerbated the economic and sociopolitical challenges Jordan faces. On March 28, 2021, in response to pressures to end debt imprisonment, Prime Minister Bisher Khasawneh issued a moratorium on arresting people solely for failure to repay debts. The [moratorium ends](#) in June.

Several legislative instruments can lead to prison sentences for debt, among them the penal code and the Execution Law. In a positive move, on April 26, the House of Representatives approved a penal code amendment that canceled imprisonment for bad checks, which will go into effect three years after it was passed.

In October 2021, the Ministry of Justice submitted a draft amendment to what is known as the Execution Law, the primary legislative instrument that mandates a prison sentence for failure to repay debts. On April 28, Jordan’s House of Representatives [approved the proposed](#) Amended Execution Law of 2021.

The draft amended Execution Law prohibits debt imprisonment for any amount less than 5,000 JDs (\$7,052) and caps the amount of prison time at 60 days per debt, not to exceed 120 days in all. It also sets conditions in which debt imprisonment is not allowed, including if the person is bankrupt or insolvent, or has sufficient funds to repay the debt that the authorities can confiscate.

If due process concerns are addressed, so that the authorities are not seizing these funds arbitrarily, it may be a positive development. The law also recognizes the dangers that debt imprisonment poses to families, prohibiting for example sending both members of a married couple to prison at the same time.

While the proposed amendments are a significant improvement and reflect greater balance in addressing failure to repay debt, they fail to end debt imprisonment unconditionally. Imprisonment for debt is a clear violation of international human rights obligations, and Jordan should end the practice immediately, Human Rights Watch said.

Under article 11 of the International Covenant on Civil and Political Rights (ICCPR), which Jordan ratified and published in the *Official Gazette*, “No one shall be imprisoned merely on the ground of inability to fulfill a contractual obligation,” which includes prohibiting the deprivation of personal liberty either by a creditor or by the state for failure to pay a debt.

The issue of debt imprisonment has been a particularly contentious one for the Jordanian public. Creditors and their lawyers claim that without the threat of imprisonment there would be no way to recoup loans. Human Rights Watch research in Jordan shows, to the contrary, that [debt imprisonment is one of the least effective ways to recoup debts](#), particularly from someone who is indigent. Instead, debt imprisonment helps create cycles of endless debt and prevents the person from being able to earn an income or find the means to repay the debt.

Most countries have abolished debt imprisonment, not only because it violates international human rights law, but also because it does not facilitate the repayment of debt. Instead, countries have put in place personal insolvency and bankruptcy laws that provide for alternatives to detention and set in place measured plans for repayment of loans.

Jordan should fully end debt imprisonment and ensure that it offers rights-respecting alternatives. The Senate should return the draft Execution Law to the House of Representatives and ask lawmakers to pass further amendments to fully abolish debt imprisonment.

Donors and international financial institutions, such as the World Bank and the European Bank for Reconstruction and Development, should support Jordan in ending debt imprisonment. They should ensure that the institutions they fund publicly commit not to seek to send people unable to repay their loans to prison and to reassess their practices to ensure compliance with that commitment.

“Instead of this piecemeal approach that serves no one, the government has an opportunity to make things right by completely abolishing debt imprisonment, and fully embracing tried and true alternatives,” Kayyali said.