Universal Periodic Review Submission: **Jordan**
March 2018

Since 2013, Jordan has passed new legislation to improve the lives of people with disabilities and end impunity for sexual assault. However, Jordanian authorities have also passed new laws that further limit freedom of expression, and freedoms of association and assembly remain under threat.

Disability Rights

Jordan has largely followed through on recommendations it accepted following its previous UPR in 2013 to continue efforts to "to improve the living conditions of persons with disabilities." In May 2017, authorities promulgated the Law on the Rights of Persons with Disabilities.

The law is groundbreaking in that it is one of the first national disability laws to protect the right to legal capacity – the right to make decisions about one's own life, in line with the international disability rights treaty. The law states that a person with a disability, or the legal guardian of a child with a disability, must freely consent to "every action, procedure, or legal measure to be taken regarding their rights or freedoms after being notified, in a way that he/she understands the content, results, and impacts thereof."

In line with international standards, the law calls for "inclusion" of people with disabilities "into all areas of life." The law enshrines into law the principle of "reasonable accommodation," meaning that steps must be taken to "enable the person with a disability to practice a right and freedom, or to gain access to services on equal basis with others."

The law also provides an expansive definition of "violence" against people with disabilities, as "an action or a denial that will deprive a person with a disability of a certain right or freedom."

<u>Recommendation</u>

- Fully implement all provisions of the Law on the Rights of Persons with Disabilities.

Freedom of Expression

During its previous UPR in 2013, Jordan accepted a recommendation to "take appropriate steps to ensure the full protection of the right to freedom of opinion and expression…" However, Jordanian law continues to criminalize speech deemed critical of the king, foreign countries, government officials and institutions, and religion, as well as speech considered to defame others. Authorities have also passed new laws since 2013 that further restrict freedom of expression, including 2014 amendments to the Anti-Terrorism Law and the 2015 Electronic Crimes Law.

Despite accepting a recommendation to "abolish or amend all penal code articles that place impermissible restrictions on freedom of expression" in 2013, Jordan did not remove any articles limiting free expression (articles 118, 122, 132, 149, 150, 191, 193, 195, and 273) during its 2017 penal code overhaul, leaving in place all provisions that criminalize speech deemed critical of the king, government officials and

institutions, and religion. In some cases, military prosecutors have continued to detain and try political activists using penal code article 149, a "terrorism" provision that prohibits "subverting the political regime or inciting opposition to it."

At its 2013 UPR, Jordan accepted several recommendations regarding press freedom, including a recommendation to "review the press and publications law in order to fully guarantee freedom of expression." The press recommendations were in response to controversial 2012 amendments to the Press and Publications law, which required the country's independent news websites to register with Jordan's Media Commission and granted the commission the power to censor unlicensed sites. Since 2013, Jordanian authorities have taken no action to amend the Press and Publications law as promised during its last UPR.

In 2013, Jordan accepted a recommendation to "ensure in law and judicial practice, the proportionality of sentences for defamation or expression offenses." However, in 2015 Jordan promulgated a new Electronic Crimes Law, which included a vaguely worded article criminalizing online "slander" or "defamation" of any person without providing clear definitions for these terms.

In 2017, authorities proposed amendments to the country's 2015 Electronic Crimes Law that criminalize "hate speech," defining it vaguely as "any word or action that incites discord or religious, sectarian, ethnic, or regional strife or discrimination between individuals or groups." The proposed amendments would therefore allow Jordanian authorities to jail individuals for any online speech or social media post merely if it creates controversy among Jordanians.

In 2014, Jordan issued amendments to its 2006 Anti-Terrorism Law that broaden the definition of terrorism and include acts such as "disturbing [Jordan's] relations with a foreign state," a charge already criminalized in the penal code that is regularly used to punish peaceful criticism of foreign countries or their rulers.

Jordanian authorities have detained scores of private citizens, writers, and journalists for peaceful speech since its last UPR in 2013.

<u>Recommendations</u>

- Amend the Penal Code, Press and Publications Law, Anti-Terrorism law, and Electronic Crimes Law to remove provisions which threaten freedom of expression and which treat libel and slander as criminal offenses.
- Rescind proposed amendments to the Electronic Crimes Law banning "hate speech" until the amendments provide a definition for hate speech that is consistent with international human rights law.
- Halt detentions of all writers, journalists, and website editors based on charges related to freedom of expression.
- Abolish Penal Code articles 118, 122, 132, 149, 150, 191, 193, 195, and 273, which place impermissible restrictions on freedom of expression.

Freedom of Assembly

Since the amended Public Gatherings Law took effect in March 2011, Jordanians no longer require formal government permission to hold public meetings or demonstrations but rather must provide a "notification" to the Ministry of Interior before holding a public meeting. In practice, however, organizations and hotels

and other public venues continued to seek permission from Jordan's security agencies, including the Interior Ministry, to host public meetings and events.

Recommendations

- Rescind the implementing regulation for the 2011 Law on Public Gatherings to remove restrictions on public meetings and events.
- In line with the 2011 Law on Public Gatherings, halt all arbitrary cancellations of public events of local NGO events or concerts unless authorities clearly specify how such measures are necessary for a democratic society and proportional to the perceived threat posed by the public event.
- For all event cancellations, provide a written order allowing event organizers to challenge the cancelations in court.

Freedom of Association and the NGO law

In 2016 Jordan proposed draconian amendments to the existing Law on Associations that would significantly hamper the ability of NGOs to register and operate, and it has imposed by ministerial decree stricter controls on the reception of foreign funding by local NGOs.

The amendments impose further registration criteria to an already restrictive 2008 associations law. The 2008 law, along with its 2009 amendments, prohibits the formation of groups that pursue any "political objectives" or undertake activities that violate "public order." Both terms are overly broad and allow authorities to refuse registration on vague grounds. The proposed amendments add further restrictions, including prohibiting the registration of any group whose aims violate "national security, public safety, public health, public order, public morals, or the rights and freedom of others." The amendments also stipulate that upon the recommendation of a relevant minister the registration committee may "dissolve an association if it turns out practices violate these purposes."

Recommendations

- Rescind amendments proposed in 2016 to Law on Associations and remove them from consideration.
- Start a drafting process to revise the existing law to include broad participation by civil society and assistance form international human rights law experts. At a minimum, the new law should:
    - Remove the authorities' excessive powers to interfere in registration and activities of NGOs.
    - Permit foreign funding of NGOs, whether foreign or local, so long as all foreign exchange and customs laws are fully observed.
    - Remove the government's ability to impose any form of governmental management, or dissolve a NGO, without first obtaining a court order which the NGO has an opportunity to challenge before the courts.

Torture and Other Ill-Treatment

At its previous UPR in 2013, Jordan rejected recommendations to ratify the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment but accepted a recommendation to "amend the penal code and relevant legislation to end impunity for torture and ensure victim's right to justice and to compensation."

Despite accepting this recommendation, Jordan did not reform its penal code to end impunity for torture. As before, the definition of torture in penal code article 208 is not in line with international standards because it is not classified as serious crime but rather a minor offense and the law does not differentiate between private actors and public officials.

Perpetrators of torture or other ill-treatment continued to enjoy impunity. Credible allegations of torture are routinely ignored because it remains up to police prosecutors and police judges to investigate, prosecute, and try their fellow officers. At the Police Court, where such cases are heard, two out of three sitting judges are police-appointed police officials.

Even when torture charges are filed against police officers and officials, the Police Court trials are often drawn out for long periods. In 2015, police court prosecutors filed torture charges under penal code article 208 against five policemen in connection with the September 2015 death in detention of 49-year-old Omar al-Nasr. It is only the second known instance in which torture charges have been filed against police, but their trial was still ongoing as of March 2018.

Recommendations

- Remove jurisdiction over criminal matters involving police and prison abuse from the Police Court and transfer it to regular civilian courts.
- Ensure civilian prosecutors assume jurisdiction over and carry out transparent and effective investigations into allegations of abuse of detainees and other prisoners, including by conducting regular inspections of places of detention and holding private meetings with prisoners.

Arbitrary and Administrative Detention

During the previous UPR in 2013, Jordan accepted a recommendation to "limit the use and duration of administrative detention." However, the use of administrative detention has increased dramatically in recent years, with the total number of administrative detainees in Jordan rising to between 19,000-20,000 individuals in 2015, according to the National Center for Human Rights.

Jordanian authorities use the Crime Prevention Law of 1954 to circumvent provisions of the Criminal Procedure Law which accord defendants' due process rights, including the rights to be charged and be given a fair trial. Police and provincial governors frequently use administrative detention orders to continue to detain persons whom a judge has freed on judicial bail. They also use it to circumvent the requirement under the criminal law to refer a detained suspect to a prosecutor within 24 hours of arrest. Governors have put people in administrative detention for breaching curfews or requirements that they report regularly to the police, as well as victims of tribal feuds, and individuals with long criminal records.

Female administrative detainees are especially vulnerable. They include women and girls at risk of domestic violence or so-called honor killing, where administrative detention is used ostensibly as a form of "protective custody," although the Crime Prevention Law allows governors to detain only those they deem to be a danger to society.

Recommendations

- Abolish the Crime Prevention Law and refer all persons to the civilian prosecutor for investigation and charge where the evidence supports suspicion of criminal conduct.
- Ensure that current administrative detainees have effective recourse to legal counsel and to courts to challenge the lawfulness of their detention;
- Refer all women in protective custody to the governmental or alternative non-governmental shelters for women at risk of violence.

Women's Rights

In 2017, Jordan followed through on recommendations it accepted following it previous UPR in 2013 by finally abolishing article 308 of the country's 1960 penal code, an infamous provision that allowed perpetrators of sexual assault to avoid punishment if they married their victims. Lawmakers also amended article 98 to state that perpetrators of crimes "against women" cannot receive mitigated sentences. The provision leaves a loophole, however, under article 340 of the same law, which allows for mitigated sentences for those who murder their spouses discovered committing adultery.

Jordan's nationality law still does not allow Jordanian women married to non-Jordanian spouses to pass on their nationality to their spouses and children. Jordanian men, on the other hand, automatically confer nationality to their children, and their foreign spouses can apply for citizenship. Children of Jordanian women whose fathers do not hold Jordanian citizenship are considered foreigners by Jordanian government agencies, and therefore many are required to obtain residency and work permits to legally reside in the country. Non-citizen children of Jordanian women have historically faced significant obstacles obtaining professional employment, obtaining healthcare at subsidized prices, accessing primary education, owning property, or obtaining drivers' licenses, and they are forced to pay higher prices than Jordanians to obtain a public university education.

Jordan's personal status code remains discriminatory, despite a 2010 amendment that included widening women's access to divorce and child custody. Marriages between Muslim women and non-Muslim men, for instance, are not recognized.

<u>Recommendations</u>

- Allow all Jordanian women to pass on their citizenship to their children and spouses on an equal basis to Jordanian men.
- Adopt a legal definition of discrimination in accordance with international human rights law in interpreting Jordan's own constitution and laws, and repeal all discriminatory laws against women.
- Remove reservations to article 9 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

Refugees and Migrants

Between 2011 and 2017, over 655,000 persons from Syria had sought refuge in Jordan, according to the United Nations High Commissioner for Refugees (UNHCR). Since June 2016, Jordan has not permitted Syrians to enter the country to seek asylum.

In 2016, authorities announced the Jordan Compact, which aims to improve the livelihoods of Syrian refugees by granting new legal work opportunities and improving the education sector. By 2017, labor authorities had issued at least 60,000 work permits for Syrians.

Data compiled by the Jordanian government and published in 2017 found that only 125,000 out of approximately 220,000 school-age Syrian refugee children were enrolled in formal education in Jordan, lower than previous estimates. Jordan implemented programs to reach out-of-school refugee children and waived documentation requirements for them to enroll in school.

Since 2016, Jordanian authorities have severely limited deliveries of humanitarian aid to the tens of thousands of Syrians in unorganized camps along the border with Syria facing limited access to food, water, and medical assistance. In 2017, authorities announced that no more aid deliveries would be permitted from Jordanian territory.

Beginning in late 2016, Jordan violated the principle of non-refoulement by deporting hundreds of Syrian refugees—including the collective expulsion of large families—without giving them a meaningful chance to challenge their removal and failing to consider their need for international protection.

In 2008 Jordan included domestic workers under its labor law – the first country in the Middle East region to do so. However, the effectiveness of these reforms over the previous nine years has been minimal due to poor enforcement by authorities. Weak enforcement of existing rules means domestic workers sometimes forfeit rights, such as unpaid salaries, in exchange for the ability to return home.

Jordan does not allow domestic workers to change employers freely, even after the contract period has ended. Jordan imposes fines on those who are in Jordan without a valid residency permit. Only employers can apply for these permits for their domestic workers but many do not, exposing the worker to fines. Police detain domestic workers whose employers registered them as "escaped," even when the worker had a valid residency permit.

<u>Recommendations</u>

- Cease the collective expulsion of Syrian refugees.
- Scrupulously respect the principle of non-refoulement, in particular, Jordan's treaty obligation not to return anyone to a place where he or she would be exposed to torture, or to cruel, inhuman or degrading treatment.
- Stop deporting individual Syrians without giving them an opportunity to challenge the evidence against them, and giving them the opportunity to obtain legal representation.
- Enforce existing legal protections for migrant domestic workers and ratify the ILO treaty on domestic worker rights and bring itself into full compliance.