



Submission to the Universal Periodic Review of Jordan

Human Rights Watch

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Introduction

This submission highlights Human Rights Watch's concerns regarding the human rights situation in Jordan. Since its UPR in 2018, Jordan has made efforts to address economic hardship, including those arising from sweeping economic reforms it has implemented over the last decade. Civic space in Jordan has shrunk since 2018 as authorities persecute and harass citizens organizing peacefully and engaging in political dissent. In 2020, Jordan arbitrarily [dissolved](#) the teachers' syndicate, the country's largest professional syndicate, and detained its leaders for one month.

Social Protection

In 2019, Jordanian authorities introduced Takaful (now renamed the Unified Cash Transfer Program) to supplement contributory schemes in the formal labor market, including pensions and other benefits. The program was created to help address persistent poverty: [15.7 percent of the population](#) was living under the official poverty line in 2018. The program is intended to support the so-called working poor, who often work in the informal economy. Beneficiaries receive 40 to 136 Jordanian dinars (US\$56 to \$192) monthly.

The program's emphasis on targeting people in extreme poverty rather than aiming for universal social protection coverage is a missed opportunity to help secure a strong social contract, which includes universal social protection. Recent [Human Rights Watch research](#) into the program examined its ambitious attempt to precisely target cash transfers using large amounts of data about people's economic situation, but found that the selection process is still undermined by errors, discriminatory policies, and stereotypes about poverty. Poverty indicators used by targeted programs to rank and select beneficiaries inevitably fail to capture the economic complexity of people's lives and exclude many. While Takaful is reaching approximately 120,000 households, the poverty rate [rose to 24.1 percent](#) in the first quarter of 2022, or about 580,000 households, indicating the need to expand the program to ensure that everyone's social and economic rights are protected.

Debt Imprisonment

Jordan is one of the few countries around the world that still allow imprisoning people for debt. By May 2023, authorities had [lifted a measure](#) that they had taken to suspend and then limit debt imprisonment in response to the Covid-19 pandemic. Human Rights Watch has [documented](#) how, in the absence of an universal and comprehensive social security system, tens of thousands of Jordanians have taken loans to cover basic necessities only to end up in prison or wanted for failure to repay. Jordanian law currently allows for the jailing of debtors for up to 60 days per year for a debt over 5,000 JDs (\$7,052), or 120 days total for multiple debts.

Recommendations:

- Publicly endorse and take steps to create universal social protection system that protects everyone against income insecurity throughout their lives.
- End the practice of debt imprisonment in all cases and remove the laws that authorize this.

Freedom of Expression

During its UPR in 2018, Jordan accepted recommendations to ensure that all domestic legislation is in compliance with the International Covenant on Civil and Political Rights (ICCPR), particularly in relation to the right to freedom of expression¹, but authorities failed to implement them, taking no steps since then to amend legislation or practice to protect free expression, which has [continued to deteriorate](#) amid shrinking civic space. 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, but the authorities regularly use provisions of the 2006 Anti-Terrorism Law and the 2015 Electronic Crimes Law to limit public criticism.

Despite accepting a recommendation to amend laws that impede freedom of expression and information² in 2018, Jordan did not remove any penal code articles used to limit free expression. In many 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,” as well as a provision of the 2006 Anti-Terrorism Law that prohibits “disturbing [Jordan’s] relations with a foreign state.”

At its 2018 UPR, Jordan accepted several recommendations regarding press freedom, including recommendations to guarantee freedom of expression and halt the detention of all writers, journalists and website editors based on charges related to freedom of expression,³ and to review the Press and Publications Act in order to fully guarantee the right to freedom of expression.⁴ Since 2018, however, Jordanian authorities have failed to implement these recommendations, including amending the Press and Publications Law and improving conditions for journalists, who have faced [arbitrary press gag orders](#) and censorship of reporting on controversial topics.

Jordan only noted a recommendation to eliminate criminal penalties for defamation,⁵ and prosecutions for defamation under article 11 of the 2015 Electronic Crimes Law have risen dramatically. According to the [National Center for Human Rights](#), prosecutions under article 11 rose from 2,140 to 4,032 between 2020 and 2021 alone. Since 2018, Jordanian authorities have detained scores of private citizens, writers, and journalists for peaceful speech.

¹ A/HRC/40/10/Add.1, Recommendations 136.13 (Belgium), 135.71 (Norway) and 136.18 (Austria)

² A/HRC/40/10/Add.1, Recommendations 136.2 (France).

³ A/HRC/40/10/Add.1, Recommendations 136.14 (Czechia)

⁴ A/HRC/40/10/Add.1, Recommendations 135.26 (Spain)

⁵ A/HRC/40/10/Add.1, Recommendations 137.43 (United States).

Recommendations:

- 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.
- Halt detentions of all writers, journalists, and website editors based on charges related to freedom of expression.
- Abolish Penal Code articles which place impermissible restrictions on freedom of expression.⁶

Freedom of Assembly

During its 2018 UPR, Jordan only noted a recommendation to create an independent bureau to receive complaints regarding meetings and gatherings that have been shut down without explanation.⁷ Under the Public Gatherings Law amended in March 2011, Jordan does not require formal government permission to hold public meetings or demonstrations by law, but authorities continue to arbitrarily require organizations and venues to obtain permission from the Interior Ministry or General Intelligence Department (GID) to host events. Jordanian authorities also used emergency legislation brought in at the onset of the Covid-19 pandemic in 2020 to [arbitrarily limit free assembly in public](#), particularly after authorities dissolved the Teachers Syndicate and detained its leaders.

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 cancellations in court.

Freedom of Association and the NGO law

Jordan supported the recommendation at its 2018 UPR to review its laws and practices to ensure people can freely exercise their rights to freedom of expression, association and peaceful assembly.⁸ However, several Jordanian laws restrict freedom of association, including the 1996

⁶ Specifically articles 118, 122, 132, 149, 150, 191, 193, 195 and 273.

⁷ A/HRC/40/10/Add.1, Recommendations 137.37 (Sweden).

⁸ A/HRC/40/10/Add.1, Recommendations 136.17 (Switzerland)

Labor Law, as amended in 2019, which further limits the ability to freely form trade unions, and the 2008 Associations Law, which regulates the formation and operation of nongovernmental groups. In July 2020, the police [raided](#) the Jordan Teachers Syndicate, an independent elected labor union, and arrested its board members, then dissolved the union. The harassment occurred shortly after high-profile disputes between the government and the union over the salaries of public school teachers.

The [Associations 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.

Jordanian authorities impose onerous pre-approval restrictions on the receipt of foreign funding by nongovernmental groups. In late 2019, Jordanian authorities created a centralized committee under the Prime Minister’s office to study and decide foreign funding approval requests, but representatives of donor states and local nongovernmental groups told Human Rights Watch in 2023 that the committee has done little if anything to ease the restrictions.

Recommendations:

- Amend the Labor Law to remove restrictions on establishing independent trade unions
- Start a drafting process to revise the 2008 Associations Law to include broad participation by civil society and assistance from 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 2018, Jordan only noted recommendations to ratify the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment⁹, but accepted a recommendation to define in law the crime of torture in accordance with article 1 of the Convention against Torture, with appropriate punishment attached to it.¹⁰

Despite its acceptance, 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

⁹ A/HRC/40/10/Add.1, Recommendations 137.23 (Austria), 137.14 (Czechia), 137.16 (Sri Lanka), 137.22 (Romania), 137.2 (Denmark) (Estonia) (Chile) (Ukraine) (Honduras) (Spain),

¹⁰ A/HRC/40/10/Add.1, Recommendations 136.1 (Chile)

it is classified as a minor offence 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.

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 2018, Jordan accepted recommendations to consider limiting the use and duration of administrative detention.¹¹

Despite reducing administrative detention to relieve prison crowding during the Covid-19 pandemic, Jordanian authorities continue to use the Crime Prevention Law of 1954 to detain individuals without charge or trial for long periods of time, circumventing provisions of the Criminal Procedure Law which accord defendants' due process rights. Police and provincial governors frequently use administrative detention orders to circumvent the requirement to refer a detained suspect to a prosecutor within 24 hours of arrest and continue to detain persons whom a judge has freed on judicial bail. Governors have put people in administrative detention for breaching curfews or failing to report regularly to the police, as well as victims of tribal feuds, and individuals with long criminal records.

Authorities also arrest and administratively detain women for "absence," which is not a criminal charge, under the Crime Prevention Law because their male guardian complained that they sought to move out of, or left the family home without permission. The authorities claim that women and girls are under "protective custody" from risks of domestic violence or so-called honor killing but it is essentially administrative detention.

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.

¹¹ A/HRC/40/10/Add.1, Recommendations 136.10 (Ireland).

- Ensure that current administrative detainees have effective recourse to legal counsel and to courts to challenge the lawfulness of their detention;
- Immediately release all women in protective custody and instead refer women at risk of violence to the governmental or alternative non-governmental shelters, ensuring they have the right to leave, and assistance in finding long-term accommodation.

Women's and Children's Rights

At its 3rd UPR, Jordan supported the recommendation requesting that the government tackle the forms of discrimination and inequality still affecting women and children.¹² However, 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 on an equal basis with men. Jordanian men, on the other hand, automatically confer nationality to their children, and their foreign spouses can apply for citizenship. Jordanian women's noncitizen children are required to obtain residency and work permits to legally reside in the country. They have historically faced [significant obstacles](#) to access primary education, work, own property, or obtain drivers' licenses, and are forced to pay higher prices than Jordanians to access healthcare and obtain a public university education.

Jordan's 2019 personal status code remains discriminatory against women in relation to marriage, divorce, decisions relating to children and inheritance. Women are required to obey their husband in permissible matters. They can be deemed disobedient and lose their right to spousal maintenance from their husband if they leave the marital home without a legitimate reason.

In September 2022, the Jordanian parliament passed the Child Rights Act, which prohibits corporal punishment at school, but not in all settings, including in the home.

Recommendations:

- Allow all Jordanian women to pass on their citizenship to their children and spouses on an equal basis to Jordanian men.
- Adopt an anti-discrimination law in accordance with definitions under international human rights law in interpreting Jordan's own constitution, 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).
- Explicitly prohibit all forms of violent discipline of children in all settings, including in the home.

Refugees and Migrants

¹² A/HRC/40/10/Add.1, Recommendations 135.44 (Romania).

During the 2018 UPR, Jordan received several recommendations pertaining to the human rights of refugees and migrants.¹³ Despite supporting most of them¹⁴, the human rights situation for refugees and migrants remains dire.

Between 2011 and 2023, over 660,000 persons from Syria had sought refuge in Jordan, according to the United Nations High Commissioner for Refugees (UNHCR). Over 85 percent of Syrians lived outside refugee camps in rented accommodation. Since June 2016, Jordan has generally not permitted Syrians to enter the country to seek asylum.

According to the UNHCR, Jordan also hosted asylum seekers and refugees from other countries in 2023.¹⁵ Authorities continued to enforce a January 2019 decision banning the UNHCR from registering those who officially entered the country for the purposes of medical treatment, study, tourism, or work as refugees and asylum seekers, effectively barring recognition of non-Syrians as refugees and leaving many without UNHCR documentation or access to services. Authorities continued to implement the Jordan Compact, the 2016 agreement between the Jordanian government and donor countries, which aimed to improve the livelihoods of Syrian refugees by expanding the sectors Syrians can legally work in and improving the education sector. By early 2022, authorities had issued or renewed at least 252,000 work permits for Syrians since 2016, although many of these were renewals. Most professions remained closed to non-Jordanians, and many Syrians continued to work in the informal sector without labor protections.

The roughly 230,000 school-age Syrian refugees in Jordan face [multiple obstacles to education](#). Only a quarter of secondary-school-age Syrian refugee children in Jordan were enrolled in school. Non-Syrian refugees and asylum seekers were in many cases prevented from enrolling their children in school in 2022. Children without official identification numbers were unable to access online learning platforms during Covid-19 school closures.

In 2008, Jordan became the first country in the Middle East to include domestic workers under its labor law and in 2009, issued regulations on domestic workers. However, the effectiveness of these reforms has been minimal due to poor enforcement, and the *kafala* (sponsorship) system which ties migrant domestic workers' legal status to their employer. Domestic workers must rely on employers to apply for their residency permits, they cannot change employers without their consent, and employers can report them for "absconding." In its 2018 UPR Jordan supported the recommendation to ensure effective protection of foreign domestic workers.¹⁶ Despite this, domestic workers continue to face severe abuse and exploitation, and are often forced into undocumented status leaving them exposed to arrest, fines, detention and deportation. Many forfeit their rights, such as unpaid salaries, in exchange for the ability to return home.

¹³ A/HRC/40/10/Add.1, Recommendations 137.75 (Belarus), 135.29 (State of Palestine), 135.130 (Tunisia), 136.20 (Indonesia), 135.73 (Bangladesh), 135.131 (UK), 135.85 (Thailand), 135.74 (Bangladesh), 135.17 (Nigeria), 135.45 (Russian Federation), 135.76 (Congo), 137.18 (Bangladesh) 137.17 (Honduras), 137.21 (Philippines) (Sri Lanka) 137.73 (Myanmar), 136.16 (United States of America).

¹⁴ [A/HRC/40/10/Add.1, Recommendations 137.75 \(Belarus\), 135.29 \(State of Palestine\), 135.130 \(Tunisia\), 136.20 \(Indonesia\), 135.73 \(Bangladesh\), 135.131 \(UK\), 135.85 \(Thailand\), 135.74 \(Bangladesh\), 135.17 \(Nigeria\), 135.45 \(Russian Federation\), 135.76 \(Congo\).](#)

¹⁵ Including 61,000 Iraqis, 12,700 Yemenis, 5,160 Sudanese, 593 Somalis, and 1,195 from other countries

¹⁶ A/HRC/40/10/Add.1, Recommendation 135.17 (Congo).

Recommendations:

- Ratify the 1951 Refugee Convention and its 1967 Protocol.
- 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.
- Halt deportations of asylum seekers without giving them an opportunity to challenge the evidence against them or the opportunity to obtain legal representation.
- Rescind the 2019 decision effectively banning the UNHCR from registering non-Syrian asylum seekers.
- Take immediate measures to ensure that upper-secondary education is available and accessible to all free of charge, and that children remain in and complete lower-secondary education, which is compulsory.
- Enforce existing legal protections for migrant domestic workers, dismantle the kafala (sponsorship) system, and ratify the ILO Domestic Workers Convention (C189) and the ILO Convention on Violence and Harassment (C190) and bring laws and policies into full compliance.