Human Rights in Jordan: 
*a development and legislative overview*

Human Rights for You Project | May 2017
Human Rights in Jordan

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About the Project

Human Rights for You Project (HR4U) aims at strengthening the capacities of associations and civil society organizations in the areas of human rights, based on the national legislatives system and the Universal Declaration of Human Rights.

The Project targets 36 national associations and organizations in the various governorates of the Kingdom, where we will be working with 72 of their staff and activists working with the beneficiary associations and organizations. Under the Project we will carry out a range of activities including training workshops, surveys, studies and videos. The Project has an implementation duration of 16 months starting in May of 2017. In more detail, the project’s main activities are:

- During the month of July (7/2017): A workshop on human rights globally and in Jordan. It will address aspects of the practical applications of the principles and concepts of human rights. Where we will be launching a legal study containing information on the local framework and useful references.
- During the month of September (9/2017): A workshop on how to develop action plans and operationalize them based on Human Right as a core theme. Here we will also provide useful technical and financial training.
- October (10/2017) to March (3/2018): we will be working in the field with beneficiary associations and organizations providing coaching session for staff were we will be working on the elaborated action plans. We will also be offering specialist awareness session at the community level on the human rights related topics.
- During the month of April (4/2018): Activity workshops will be held in the Governorates to support Human Rights awareness.
The Project will produce useful and lasting results for the beneficiary organizations and their staff as well as at the communities’ level, by raising awareness and developing the capacity to confront and deal with the challenges of our times by focusing on human rights concepts and rule of law aligned with the overall National Plan for Human Rights 2016 -2025 and the Universal Declaration of Human Rights.

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Introduction

The Universal Declaration of Human Rights adopted by the U.N. General Assembly in 1948 lists the fundamental human rights that are common to all people. These rights include the right to life, the prohibition against slavery, torture and arbitrary arrest, equality before the law, and the freedom of movement, peaceful assembly, and participation in government. Subsequent international human rights treaties and state practice have elaborated upon and expanded these rights, thus making international human rights a large and complicated field.

Jordan is a member of the United Nation and has acceded to and ratified a number of human rights treaties dealing with various issues. Jordan continues to intensified its efforts in addressing issues critical to meeting the ambitions of the Universal Declaration of Human Rights and other human rights conventions and treaties. In addition to enacting the needed laws and regulations and putting into place the needed procedure and measures to ensure the respect and enforcement of human rights. As part of these ongoing efforts Jordan developed a special position at the Prime Minister of a National Coordinator for Human Rights and adopted the National Comprehensive Plan for Human Rights 2016 -2025. This Plan reaffirmed the commitment to support human rights principles in the country and provides special attention to safeguarding the rights of women, children, food insecure, refugees, and people with disabilities, as well as advocating for policy and legislative reforms supported by specific activities have Human Rights Education.

The report “Human Rights in Jordan: a development and legislative overview” comes as part of the activities of the Human Right for You (HR4U) Project to provide training to civil society organizations in Jordan working in various issues to strengthen their capacities in dealing with human rights as an underlining base that can push forward their respective work and goals.

This report aims to provide national associations working in the field of human and social development and community welfare the knowledge to navigate the confusing legislative landscape make up of treaties, the constitutions, law and other documents. The report begins with a historical overview and conceptual explanation and then then follow with legal review.
Human Rights

Human Rights are defined as “the rights you have simply because you are human.” They constitute standards of permitted and forbidden behavior in a given society that are recognized and protected by law or morality.

Human rights are intended to give dignity and worth to the human individual by granting basic freedoms or privileges necessary for human existence, especially in respect to safeguarding basic freedoms of liberty and protection against the arbitrary interference with one’s basic needs or interests.

The concept of human rights is not new, but the term is fairly recent. It initially ensued when Cyrus the Great, king of Persia, conquered the city of Babylon in 535 B.C, whereupon he issued a decree establishing racial equality, freedom of religion and freedom from slavery. These were inscribed on a cylinder shaped piece of clay commonly known as the world’s first charter of human rights. They later spread throughout neighboring countries and the concept of “natural law” arose followed by Roman law, the Magna Carta in England in (1215), the Petition of Right in (1628), the US Constitution (1787) the Universal Declaration of Human Rights (1949). All of which are precursors to the human rights regime we now have today and forms part of the corpus of International law that is no longer confined to the domestic domain.

The Universal Declaration of Human Rights (UDHR) was created and adopted after the end of World War II by (59) Member States at the UN General Assembly in Paris on Dec 10, 1949. The object and intent of the Declaration was to ensure to all individuals the right to live in a peaceful environment. This came in response to the devastating effects of World War I & II. According to the Chairperson of the Commission on Human Rights:

“‘Man’s desire for peace lies behind this Declaration. The realization that the flagrant violation of human rights by Nazi and Fascist countries sowed the seeds of the last world war has supplied the impetus for the work which brings us to the moment of achievement here today.”

In this sense, the UDHR sought to achieve fundamental rights and basic freedoms by granting the individual civil liberties anchored in the right to equality, freedom and non-discrimination, the right to life and to a fair public hearing and due process. This was further consolidated by the International Bill of Rights and its subset binding Covenants: The Covenant of Civil and Political Rights (ICCPR) in (1966) and the International Covenant for Economic, Social and Cultural Rights (ICECR) in (1979), among other treaties and declarations developed in following years, including the Arab Charter for Human Rights.
Human Rights are based on the principles of universality, of being inalienable, indivisible, interdependent and interrelated. Rights are categorized into primary (or absolute) and secondary rights; the former constitutes a fundamental right necessary for other rights to flow from. For example, without the right to life, there can be no right to employment, whilst the latter is created to reinforce the primary right. There are also public and private rights, perfect and imperfect rights, positive and negative rights, etc. Today, human rights are characteristically imagined as a movement involving international law and institutions, as well as the movement involving the spread of liberal constitutionalism among states. All rights prescribed in the UDHR must be recognized, respected, promoted and fulfilled. Toward this end, governments must take the necessary measures to safeguard and uphold these rights in national legislations to ensure that they have the force of law, that they are enforced by stakeholders and respected through actions that refrain from infringement or denial of the right.
Jordan and Huma Rights

In the period following Sykes Peko Agreement officially known as the Asia Minor Agreement, was a secret 1916 agreement between the United Kingdom and France, and the decolonization process that characterized much of the activities of western powers in the Levant during the mid 19th century, Trans-Jordan, as it was called then, was under the authoritative rule of King Abdullah (I) Bin Al Hussein (1882–1951) described it as a “happy and smiling country.” Following his death in 1951, his son King Talal Bin Abdullah (1909–1972) assumed power, while his reign was short lived his accomplishments are praised to this day. He was credited with drafting Jordan’s Constitution, which many Jordanian citizens regard as one of the most progressive constitutions in the world modeled after the ideals of the French revolution: equality, liberty and fraternity. It granted fundamental rights to Jordanian citizens similar to those enumerated under the Universal Declaration of Human Rights (UDHR) and what later followed in the Arab Charter on Human Rights (ACHR)

Following King Talal Bin Abdullah’s exile from Jordan due to his illness his son King Hussein Bin Talal (1935 –1999) ascended to the throne, whose reign did not come without challenges and controversy. After the 1948 Palestinian exodus and the 1967 Arab-Israeli conflict, Jordan witnessed large influxes of refugees arriving from Palestine who were then given Jordanian citizenship on the basis of their long stay in Jordan. As a consequence, and in keeping with Pan Arab ideals of unity and equality, they were given equal rights, but not without discrimination; previous human rights reports showed that they had neither proper representation in Parliament nor in civil service, the military nor Gendarmerie.

In 1954, communist ideologies, spurred by the Bolshevik revolution in Russia, began to influence public opinion, and hence, threaten the Monarchy and the established state of capitalism in the West. It was largely driven by the then President of Egypt Nasser who invoked sentiments of nationalism and Pan Arab leadership, which many Jordanians identified with and idolized, especially Palestinians seeing that he could provide a solution to their predicament. This does not necessarily mean that King Hussein did not subscribe to this ideology; rather he called for “debating a practical plan as opposed to debating an accepted principle.” And he continued to balance ideologies of freedom and liberalization,

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2 Ibid.
3 The Royal Court, *The Hashemite Kingdom of Jordan: History*, The Hashemite Court, http://www.kinghussein.gov.jo/his_periods1.html. In 1962, King Hussein said: “Arab Nationalism can survive only through complete equality...It is in our power as Arabs to unite on all important issues, to organize in every respect and to dispel friction between us...Given sincerity and sound leadership, the Arab League has a great potential. It is the anvil on which Arab nationalism must be forged. Over the need for Arab Unity, there is no difference of opinion. So, instead of debating an accepted principle, let us debate a
which did not always prove fruitful, especially when the Ba’ath communist parties dominated the majority of the seats in Parliament.

In 1957, King Hussein imposed Martial Law due to a series of uprisings and riots that threatened the monarchy. King Hussein therefore, aligned Jordan’s position and political policy with that of the West in order to combat the advancements of Russian influence, potential aggression and communism. Under the Martial Law, authorities could close newspapers any time, effectively inhibiting criticism of officials and providing for special courts. The legislations of Political Parties were banned and freedom of assembly denied. Grave human rights violations were committed under the rubric of keeping national order and security against freedom of speech, the prohibition of torture and the arbitrary arrests of civilians with group affiliations, etc. In 1967, the elections were formed two months before the Israeli occupation of the West Bank and Martial law was again imposed until 1988 at which time King Hussein expressed the desire for a “gradual reduction” in the activities of Martial law courts.

Admittedly, the 1988 Parliamentary elections resulted in the Muslim brotherhood capturing the majority of the seats -25 out of a total 80. Prime Minister Mudar Badran said that: he would lift Martial law and would establish a Constitutional Court. The Constitutional Court was formed to secure citizens’ rights. He later lifted officials’ legal immunity and proposed legislation requiring an office holder to present a “comprehensive and document report of all his possessions.” This announcement of financial disclosure came to ensure the integrity of public officials and end government corruption. However, violations of human rights persisted, particularly in the area of freedom of speech and assembly. They were less frequent than in earlier years of the Arab-Israeli Conflict, nonetheless, they existed. In 1999, King Hussain passed away due to illnes, and while the region at the time was his brother Prince Hasan Bin Talal, a King Abdullah assumed his constitutional powers as King of the Hashemite Kingdom of Jordan on February 7,1999 n a peaceful transition of power a testament to the strength of the constitution rule of law and institution in the Kingdom.

In 2011, the Arab Spring marked a turning point in the struggle for dignity and equality by Jordanians and human rights activists alike, who like many in the region expressed discontent with the rule of law in the kingdom. As much as it shook the political and economic fabric of society, it nonetheless brought about significant and positive changes

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practical plan…Let all of this be undertaken through an active, respected Arab League, in which danger of domination by any member of the family would be eliminated.


5 Ibid.,
in the rights of individuals in Jordan, as exemplified by changes in the electoral law, 2016 and Jordan’s Penal Code No 16, 1960 on issues relating to women rights, and the first constitutional Court Law No. 15 for the year 2012, etc. Since the 50s Jordan signed and ratified key human rights conventions, all of which are listed in section titled: List of International Treaties signed & ratified by Jordan of this report.

Arguably, the war on Syria, the rise of ISIS and current upheavals in Iraq have led to juxtaposing reform with security. Terrorists’ attacks and the rise of extremism caused an increase in domestic insecurity as well as the effective and efficient delivery of services and goods due to scarce resources, thus, hindering the path of political reform and human rights development, protection and promotion. Nevertheless, under the reign of HM King Abdullah II, the Constitutional Court was established along with the Constitutional law, which both serve to enhance the separation of powers and rule of law in the country. Subsequent chapters will illustrate the state of human rights in Jordan.

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6 Paul Esber and Mohammad Husseiny, “Identity Center Position Paper 2016,” Identity (Amman, 2016), p2. Positive changes in the Electoral Law that allowed for greater representation of the populace in Parliament. (e.g. Replacement of the Single Non Transferrable Vote (SNTV) with multiple votes; b) a reduction of Parliamentary seats from 150 to 130, c) new system for electoral districts- Reduced from 45 to 32 and; d) Quotas remain: 15 for women, 9 for christians, 3 Circassians and three Badia Zones
Constitutional Guarantees

The constitution of Jordan is based on a constitutional monarchy promulgated on January 8th, 1952. It is regarded as the highest form of authority. The father of laws and the supreme law of the land, it supersedes any legal text in case of conflict. Moreover, it embodies the state’s principles, authorities and foundations, as well as the rights of citizens. The Jordanian Constitution guarantees equality before the law and this has been asserted and emphasized in many documents, such as the National Charter, the National Agenda and the We Are All Jordan document. It was emphasized by the National dialogue committee and the Royal Commission for amending the 2011 constitution that the word Jordanians, wherever mentioned will be comprised of men and women without discrimination.7

Chapter II on duties and responsibilities guarantees personal and public freedoms and protections that are in line with the provisions of the Universal Declaration of Human Rights (UDHR) 1949. It espouses equality without discrimination on the basis of color, language or creed. It grants dignity and worth to the individual by guaranteeing equality rights.

Chapter III on Powers: General provisions guarantee the independence of the judiciary in (Article 27)8 to ensure that it is not influenced by politics. 9 According to Her Excellency Mrs. Reem Abu Hassan: The constitutional Court guarantees more independence for the judiciary as well as strengthens the role of the Parliament and ensures the balance of power between the three branches of the Judiciary.

The remaining chapters involve the king and his prerogatives and the Ministers and their prerogatives and the establishment of a constitutional court to safeguard and protect constitutional rights.

Jordan’s constitution establishes respect for the integrity and worth of the individual by guaranteeing personal freedom in (Article 7.1),10 equality and non-discrimination on

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8 The Judicial power shall be independent and exercised by the courts in their different types and levels. All judgments shall be issued in accordance with the law in the name of the King.
9 Sufian Obeidat, Jordan’s 2016 Constititutional Amendments: A Return to Absolute Monarchy?, 27 May 2016, http://www.constitutionnet.org/news/jordans-2016-constitutional-amendments-return-absolute-monarchy. [last accessed March 23] Sufian argues that 2016 have created a hybrid system of governance comprising of a presidential and monarchic system that consolidated power in the hands of the king, which creates further distortions in the balance of power. Others argue that this shift is to facilitate the achievement of separation of powers.
10 Personal freedom shall be guaranteed
grounds of race, language or religion in (Article 6.2), and (Article 5) on birthright citizenship as well as (Article 6.2) on the right to serve in the military and the right to found a family in (Article 6.4).

Equality, however, cannot be achieved in absolute terms, it needs to be prescribed by law or imposed within the limits of the state’s possibilities. Conditional rights are, therefore, extended to individuals in (Article 22) on the right to hold public office, the right to work and education as illustrated in (Article 6.3). Further, the constitution guarantees the prohibition of unjustified restraint except “in accordance with the provision of the law” in (Article 8.1) and prohibition from torture, cruel treatment and gives human dignity in (Article 8.2). It also prohibits slavery and compulsory labor in (Article 13).

The constitution does not provide the right to remedy unless it is applied in the context of property/land expropriation. It does, however, give privacy rights as stipulated in (Article 7.2), (Article 10) and (Article 18). Additionally, it provides the right to seek asylum

11 Article 6: Jordanians shall be equal before the law with no discrimination between them in rights and duties even if they differ in race, language or religion.
12 Jordanian nationality shall be defined by law.
13 Article 6.2 stipulates that: The defense of the country, its territory, the unity of its people and the preservation of social peace are sacred duty of every Jordanian.
14 Article 6.4 stipulates that: The family is the basis of society, the core of which shall be religion, morals and patriotism; the law shall preserve its legitimate entity and strengthen its ties and values.
15 Every Jordanian shall be entitled to hold public offices under the conditions prescribed in law. Appointment to public offices, whether permanent or temporary, in the State and the Department attached thereto and municipalities shall be on the basis of merits and qualifications.
16 Article 6.3 stipulates that: The state shall ensure work and education within the limits of its possibilities, and shall ensure tranquility and equal opportunity to all Jordanians.
17 No person may be seized, detained, imprisoned or the freedom thereof restricted except in accordance with the provision of the law.
18 Every person seized, detained, imprisoned or the freedom thereof restricted should be treated in a manner that preserves human dignity, may not be tortured, in any manner, bodily or morally harmed; and may not be detained in other than the places permitted by law; and every statement uttered by any person under torture, harm or threat shall not be regarded.
19 Compulsory labor shall not be imposed on any person, but pursuant to law, work or service may be imposed on any person: 1. In a state of necessity, such as state of war, the occurrence of public danger, fire, flood, famine, earthquake, severe epidemic among humans or animals, or disease, or in any other circumstance which might endanger the safety of the population, in whole or in part. 2-As a result of a conviction thereof by a court, provided that the work or service is performed under the supervision of an official authority; and provided that the convicted person shall not be hired to any persons, companies, societies or any public body, or be placed at their disposal.
20 Any infringement on the rights and public freedoms or sanctity of private life of Jordanians is a crime punishable by law.
21 Private residences shall be inviolable and shall not be entered except in the circumstances and in the manner prescribed by law.
22 All postal, telegraphic and telephonic communication and other means of communication shall be treated as secret and as such shall not be subject to censorship, suspension or confiscation, except by judicial order in accordance with the provisions of the law.
in (Article 21.1), although Jordan is not a signatory to the 1951 Geneva Convention related to the status of refugees or its 1967 protocol.

Jordan’s constitution guarantees personal and public rights as stipulated in (Article 7), and it expresses further that any violation against public and personal freedoms shall constitute a crime punishable by law. It also guarantees protection to minority groups like women and children, including persons with disabilities as demonstrated by (Article 6.5) which guarantees support for the elderly, the disabled and for children. It also extends protection to stateless persons under (Article 21).

Moreover, the constitution guarantees the right to freedom of movement in (Article 9), freedom of religion if it is “not inconsistent with public order or morality” in (Article 14).

The right to privacy and access to telecommunication are accorded to Jordanians under (Article 18), and more importantly the right to education in (Article 20), and the right to work and equal pay with state support provided to persons with disability and the unemployed, notwithstanding limits on the employment of children (Article 23).

However, some of the challenges to improve access to justice are due to the steady increase of cases, following the War on Syria and the subsequent influx of Syrian refugees that

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23 Political refugees shall not be extradited on account of their political beliefs or for their defense of liberty.
24 Article 7.1 stipulates that: Personal Freedom shall be guaranteed and; Article 7.2 stipulates that: Every infringement on rights and public freedoms or the inviolability of the private life of Jordanians is a crime punishable by law.
25 Article 6.5 stipulates that: The law shall protect motherhood, childhood and the old age; and shall avail care for the youngsters and those with disabilities and protect them against abuse and exploitation.
26 Political refugees shall not be extradited on account of their political principles or their defense of freedom. 2- International agreements shall regulate the extradition of ordinary criminals
27 Article 9.1 stipulates that: No Jordanian may be deported from the territory of the Kingdom and; Article 9.2: No Jordanian may be prohibited from residing at any place; be prevented from movement; or be compelled to reside in a specific place, except in the circumstances prescribed by law.
28 The State shall safeguard the free exercise of the rites of religions and creeds in accordance with the customs observed in the Kingdom, if such is not inconsistent with public order or morality.
29 All postal and telegraphic correspondence, telephonic communications and other communication means shall be regarded as secret; and shall not be subject to censorship, viewing suspension, or confiscation except by a judicial order in accordance with the provision of the law.
30 Basic education shall be compulsory for Jordanians free of charge in government schools.
31 (Article 23.1) stipulates that: Work is the right of all citizens, and the state shall avail it to Jordanians by directing and improving the national economy; and (Article 23.2): The state shall protect labor and enact legislation therefore based on the following principles: a) Giving the worker wage commensurate with the quality and quality of his work and; b) Defining weekly hours and granting workers weekly and annual paid rest days; c) Specifying special compensation to workers supporting families and in the cases of dismissal, illness, disability and emergencies arising out of work d) Establishing special conditions for the work of women and juveniles. E) Subjection of factories to safeguards f) free trade unions within the limits of the law.
resulted in a 50% increase of caseload in Amman during the period 2011-2014, 77% in Irbid and 84% increase in Mufrak).

Following the Arab Spring, Jordan embarked on widespread reform initiatives to enhance the human rights regime within a democratic society governed by rule of law. In 2016, Jordan reform the electoral law, 2016 to allow for greater representation within Parliament. More importantly, it established the first constitutional Court as decreed by the Constitution in Article 58 along with the first Constitutional Law No. 15 for the year 2012, both of which guarantee more independence for the judiciary and greater separation of power between the three branches of the Judiciary.

Considerable focus was placed on social development and legal reform as pathways leading toward social justice- essentially important for maintaining peace and stability in the kingdom. According to the previous Minister of Social Development, the MoSD launched a 2014-2017 gender-based strategy to combat violence against women through a multi-disciplinary approach that include the cooperation of several line ministries in the provision of services for abused women, case handling by the police and domestic violence. Moreover, the National Council for Family Affairs (NCFA) presented a strategy that focuses on prevention and response to violence in homes, schools and government systems calling for swift strengthening of laws that ensure better protection for children, in line with the convention on the rights of the child.

In 2014, the Ministry of Justice launched a three-year strategy (2014-2017) to address institutional gaps critical for the effective delivery of justice. This includes increasing access to Justice in Jordan by improving legal aid mechanisms and institutionalizing

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33 Paul Esber and Mohammad Husseiny, “Identity Center Position Paper 2016,” Identity (Amman, 2016), p2. Positive changes in the Electoral Law that allowed for greater representation of the populace in Parliament. (e.g. Replacement of the Single Non Transferrable Vote (SNTV) with multiple votes; b) a reduction of Parliamentary seats from 150 to 130, c) new system for electoral districts- Reduced from 45 to 32 and; d) Quotas remain: 15 for women, 9 for christians, 3 Circassians and three Badia Zones
34 Article 58 stipulates that: A Constitutional Court shall be established-by a law- the headquarters of which shall be in the Capital; shall be considered as an independent and separate judicial body; and shall be composed of nine members at least inclusive of the President, to be appointed by the King.
35 Generally, however, where acts of torture are committed against a victim under the 1965 Law on Public Safety, the police will refer the complaint to the special prosecutor who is an affiliate of the police.
cooperation with the Bar Association.\textsuperscript{38} Moreover, the Juvenile Law, which was endorsed in 2014, calls for speedy and child-friendly procedures to ensure that they have access to justice and fair trial.\textsuperscript{39}

The constitution, moreover, provides in (Article 8) and (Article 12)\textsuperscript{40} protection from unjustified restraint and expropriation of property as conditional rights that cannot be violated, unless they are in accordance with the law. It specifies the need to regulate evidence protection to ensure fair trials and accords the right to access public information to ensure fair trial.

The constitution implicitly provides the right to political participation in (Article 17),\textsuperscript{41} but only in the manner prescribed by law. Freedom of opinion, expression, and the press are granted together with intellectual property and cultural expressions in (Article 15),\textsuperscript{42} provided they do “not go beyond the limits of the law.” As for freedom of assembly, it is guaranteed in (Article 16),\textsuperscript{43} and (Article 23.2)\textsuperscript{44} including the right to freedom of association, the right to form political parties, join trade union, all of which are confined “within the limits of the law.”

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\textsuperscript{39} UNDP, “Enhancing Community Security and Access to Justice in host communities and other fragile areas in Jordan 2015-2018,” UNDP, p. 8
\textsuperscript{40} Article 12 provides that: Compulsory loans shall not be imposed and property, movable or immovable, shall not be confiscated unless in accordance with the law.
\textsuperscript{41} Jordanians shall have the right to address public authorities on personal matters affecting them, or on what is relative to public affairs in the manner and conditions prescribed by law.
\textsuperscript{42} Article 15 Stipulates that: 1) The State shall guarantee freedom of opinion; and every Jordanian shall freely express his opinion by speech, writing, photography or other means of expression, provided that he does not go beyond the limits of the law. 2) The state shall guarantee the freedom of scientific research and literary, technical, cultural and sports excellence provided that such does not violate the provisions of the law or public order or morality. 3) The state shall guarantee freedom of the press, printing, publication and information media within the limits of the law and; 4) Newspapers and information media may not be suspended, their license thereof revoked except by a judicial order in accordance with the provisions of the law; 5) In the event of a declaration of Martial law or an emergency, the law may impose a limited censorship on newspapers, publications, newspapers and books and information and communications media in matters related to public safety and national defense purposes; 6) The law shall regulate the method of control of the resources of newspapers.
\textsuperscript{43} Article 16 stipulates that: 1) Jordanians shall have the right to hold meetings within the limits of the law and; 2) Jordanians shall have the right to establish societies, unions and political parties provided their objective is lawful, their methods peaceful, and their by-laws not in violation of the provision of the constitution. 3) The law shall regulate the manner of the establishment of societies, unions and political parties and control of their resources.
\textsuperscript{44} Article 23 (2) principle f. Free trade unions may be formed within the limits of the law.
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Compliance of Jordanian Legislations to the UDHR

The Universal Declaration of Human Rights (UDHR) 1945 is a declaration that seeks to provide equal justice, equal opportunity and equal dignity to man, woman and child without discrimination, recognizing that the equal and inalienable rights of all members of the human family are the foundation of freedom, justice and peace. Toward this end, Jordan’s efforts to respect, protect and promote the rights enumerated under the declaration are traced in the following:

A. The signing and ratification of international treaties; 45 chief among them is the international bill of human rights, 46 and the Convention on the Rights of the Child, etc. (Please view Annex A for more details on conventions signed and ratified by Jordan)

B. Adoption of UN resolutions and goals to achieve universal primary education in goal number (2) and gender equality and women empowerment in goal number (3) of the MDGs 2015, 47 and the achievement of quality education in goal number (4) and gender equality in goal number (5) of the SDG 2016.48

C. Statements of public officials, Royal decrees. The National Charter 1991 recognizes the important role of mass media in strengthening democratic processes. Prime Minister Abdullah Ensor in 2014 stressed the government’s commitment to improving human rights status in the Kingdom in line with Royal Directives.49 In 2015, the government issued the National Human Rights Strategy and Action Plan with a view to implement, amend or modify government policies, legislative clauses and procedures to be in accordance with a human rights perspective.50

D. Issuing national documents such as the national Agenda, Jordan-First, the political development strategy and HM discussion papers.

45 Jordan signed the International Bill of Rights on Jan 30, 1972 and ratified it on May 28th, 1975. Moreover, under (Article 10) and (Article 18) of the Vienna Convention on the Law of Treaties 1969, the signature of the state created “an obligation to refrain, in good faith, from acts that would defeat the object and purpose of the treaty. Under Article 2 (1) (b), 14 (1) and (16) Under the Vienna Convention on the Law of Treaties 1969, the institution of ratification grants states the necessary time-frame to seek the required approval on the domestic level and to enact the necessary legislation to give domestic effect.

46 The international covenant on Economic, Social and Cultural Rights and International Covenant on Civil and Political Rights. However, it did not sign, ratify or accede to the Optional Protocol to the ICCPR, G.A.res.2200A (XXII) on acceptance to receive and consider communications from individuals claiming to be victims of violation of any of the rights set forth in the covenant. It did not sign, ratify or acceded to the second optional protocol on ICCPR aiming at the abolition of the death penalty.

47 http://www.undp.org/content/undp/en/home/sdgoverview/mdg_goals.html


50 Ibid.,
Subsequently, it gave domestic effect to these treaties by enacting legislations pertinent to uphold equal justice, equal opportunity and equal dignity to all without discrimination. Some of which include, but are not limited to:

**Equality rights, citizenship and social rights**

- **The Citizenship Law and its amendments No. 6 for 1954 to promote equality and non-discrimination.**

- **The Passport Law and Its amendments No. 5 for 2003 to promote equality and non-discrimination.**

- **The Temporary Personal Status Law No.36 for 2010 to promote equality and non-discrimination.**

- **Law on Election of the Chamber of Deputies, which focus on the equality and universality of the vote and the right to vote and to stand as a candidate as well as the right to appeal**

- **The Protection Against Family Violence Law 2008, which aims at safeguarding family ties.**

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51 unicef, “Jordan Mena Gender Equality Profile: Status of Girls and Women in the Middle East and North Africa,” UNICEF, 2009. P2 [Jordanian laws are based on the French civil code and Islamic law (Shari’a) and have also been influenced by tribal traditions. Both civil and religious courts are part of the judicial system. The Shari’a courts have jurisdiction over matters related to marriage, divorce and inheritance (i.e. the personal status law – or family law). For religious minorities, the communities own religious standards are applied in matters related to personal status. This means there is no unified personal status law in Jordan. In civil courts, a woman’s testimony is equal to that of a man, while in Shari’a courts the testimony of two women is equal to that of one man. Nationality Rights. According to the law, Jordanian women cannot pass their citizenship to non-Jordanian spouses or her children. However, the children of Jordanian fathers will be Jordanian nationals and a Jordanian man can transfer his citizen to a Jordanian spouse. Divorce Rights: Different rules apply to men and women with respect to divorce. A woman who files for divorce has to provide a valid reason for seeking divorce, while a man doesn’t. Guardianship and custody rights: The father is the legal guardian of the children and is responsible for their support in the event of a divorce, the mother can be granted custody but the father remains the legal guardian. Inheritance Rights: Jordanian women have the right inheritance according to Islamic law. Generally, women and men’s shares will not be equal (the female share will receive a smaller share). Freedom of movement: In 2009 the government of Jordan withdrew the reservation to CEDAW Article 15 (4), which grants men and women the same rights relating to the movement of persons and the freedom to choose their residence and domicile. Protection from child marriage: The Minimum age of marriage in Jordan is (18), however, in special education requiring exceptions can be made if the girl is over (15) years old.]

52 The reformed 2003 passport law allows women to obtain a passport without permission of a husband or male guardian.

Human Rights in Jordan

- The 2007 Law on the Rights of persons with disabilities in response to the call of the international community to ratify the Convention on the rights of persons with disabilities.\(^{54}\)
- Residency and Foreigners Affairs No. 23 for the year 1973. This applies equally to all foreigners without distinction between refugees and non-refugees.
- Legal and societal discrimination and harassment remain a problem for lesbian, gay, bisexual, transgender and intersex (LGBTI) persons in Jordan. The government does not recognize same-sex marriages as it religiously and culturally taboo.

**Civic and Political Rights**

- Introducing Amendments to the Electoral Law 2016 to allow for greater representation in Parliament. \(^{55}\)
- The Social and Economic Council Law 2007, which provides for observing women’s representation in at least (2) of the (4) groups constituting the Council.
- Parties Law no. 19 for the year 2007
- Municipal Law 2007

**Economic rights (employment, Social security, right to property, Justice):**

- Access to Information Law 2007 to enhance access to justice and fair trial.
- Social Security Law No. 1 for the year 2014
- The Civil Service Bylaw 2007, which is based on the principles of justice, transparency, equal opportunity and gender based non-discrimination in dealing with Civil Servants in matters related to employment, duties and responsibilities.
- The Jordanian Landlord and tenants Law 2010 is guided by principles of adequate housing
- Ownership and Inheritance Law,
- Intellectual Property Rights Laws\(^{56}\)

\(^{54}\) Jordan did not sign the associated protocol related to he Optional Protocol (GA resolution A/RES/61/106) which entered into force at the same time as the Convention, establishes two additional mandates for the Committee: 1- The receipt and examination of individual complaints (please refer to the "Petitions" section on the right-hand side of the CRPD webpage). 2- The undertaking of inquiries in the case of reliable evidence of grave and systematic violations of the Convent.

\(^{55}\) Women were granted the right to vote in 1974

\(^{56}\) Copyright Law No. (22) for the year 1992. 2- Patent Law No. (32) for the year 1999. 3-Trademark Law No. (33) for the year 1952. 4- Unfair Competition Law and Trade Secrets No. (15) for the year 2000. 5-
Unfortunately, while the constitution grants equality and non-discrimination, women are denied legal competence under some discriminatory provisions in Jordan’s legislations, some of which include, but not limited to: Jordan’s Penal Code No. No.16, 1960, which allow honor killings to occur with reduced punishment, namely Articles 340 and 98.57 Personal Status Law of 2010 does not include joint property rights, in other words, the woman if divorced or widowed will not be compensated for her financial contributions within a marriage. Further, on the right education whilst it is free for the primary level, it does not promote or foster inclusion in education. Currently, there are limited measures, tools and resources in schools to allow persons with disabilities to receive the same quality education as those who are without any disability. More details will be illustrated in subsequent chapters of this Essay.

I. RESPECT FOR THE INTEGRITY OF THE PERSON

- Having regard to (Article 5)58 of the Universal Declaration of Human Rights 1945 and (Article 7)59 of the International Covenant on Civil and Political Rights 1976, and in keeping with (Article 55) of the Charter to promote universal respect to, and observance of human rights and fundamental freedoms, Jordan sought to uphold the dignity of the human person by acceding to the Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment on Nov 13, 1991.60 In practice, a national committee was established in accordance with the directives of the prime Minister to follow up on the NCHR report61 with regards to maintaining human dignity.

- Legislative provisions anchored in Article 8 (2) of Jordan’s constitution stipulate that: “Every person who is arrested imprisoned or whose freedom is restricted must be treated in a way that preserves his/her human dignity. It is forbidden for him/her

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57 Article 98 of the Penal Code states that “Any person who commits a crime in a fit of fury may receive a reduced sentence due to the existence of exonerating circumstances, if such fit of fury was caused by an unlawful or dangerous act perpetrated by the victim.

58 Protection from torture and other cruel, inhumane or degrading treatment or punishment throughout the world.

59 No one shall be subject to torture or to cruel and inhumane treatment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

60 Jordan did not sign, ratify or accede to the Convention for the Prevention of Torture and Inhumane and Degrading Treatment or Punishment and associated protocols 1 and 2.

61 The NCHR report recommended introducing or amending laws related to torture to enhance investigation procedures, ensure justice for the abused and provide financial compensation in cases that are proved in courts.

Goods Marks Law No. (19) for the year 1953. 6- Industrial Designs and Models Law No. (14) for the year 2000 7- Integrated circuits Law No. (10) for the year 2000 8- Geographical Indications Law No. (8) for the year 2000. 9- Law for the Protection of New Varieties of Plants No (24) for the years 2000
to be tortured (in any form) or harmed physically or mentally, as it is forbidden to detain him/her in places outside of those designated by the laws. Any statement extracted from a person under duress of anything of the above or the threat thereof shall neither bare any consideration or reliability.”

- With respect to the arbitrary deprivation of life, Jordan maintained an eight-year moratorium on the death penalty between (2006-2014) in keeping with (Article 3) of the UDHR, but authorities ended it on Dec 24, 2014 following the rise in terror attacks against Jordanian citizens that originally emanated from the Syrian and Iraqi crises as well as the burning of First Lt, Muath Al-Kassasbeh under the hands of ISIS in Iraq, among others. In October 2016, Jordan’s governmental National Centre for Human Rights (NCHR) released its 2015 report, which stated that Jordan’s Serious Crimes Court and State Security Court had handed down (68) death sentences between 2008-2015. Eight of those were executed on March 4th, 2017 on terrorism charges.

- Jordan’s Law on the Prevention of Trafficking in Human Being No.9 for the year 2009 incriminates all forms of trafficking in persons, especially women and children. The Law also prohibits exploitation of persons in slavery, forced or compulsory labor, debt bondage or prostitution.

- On the subject of arbitrary arrest, detention or exile, the constitution under Article 8.1 prohibits arbitrary arrest or detention unless it is in accordance with the provisions of the law. Jordan’s Anti-Terrorism law No 55 2006 in cases involving state security permits security forces to arrest and detain citizens without warrants or judicial review. Many have been held in pretrial detention without informing them of the charges against them and either did not allow defendants to meet with their lawyers or did not permit meetings until shortly after the trial.

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62 Article 3 stipulates that: “Everyone has the right to life, liberty and security of person.”
64 Ibid.,
65 Article 4 of anti-terrorism law states that: Should it be brought to the knowledge of the prosecutor General that any person or group of persons is/are involved in a terrorist act, he shall be entitled to issue any of the following: 1 place under surveillance the domicile, moves and means of communication of the suspect. 2 prohibit any suspect from travelling 3 search the premises of the subject and show restraint on anything related to a terrorist act as provide by law 4 exercise preventative seizures of any funds suspected to be involved in terrorist activities. Article 7 states that: Any of the acts stipulated under article 3 of the present law shall be sentenced to temporary hard labor unless a stricter sanction is provided under any other law. b. shall be sentenced to imprisonment for no less than 3 months and no more than 3 years whoever violates the provision of article 5 of the present law, the sentence shall be doubled if the offender is a public servant.
The Jordanian Landlord and tenants Law 2010 is guided by principles of adequate housing and while Jordan is not a signatory to international conventions that govern the protection of the right to adequate housing, it nevertheless sought to protect it because of its moral force and because of its reflection of, and adherence to international norms.  

Ownership and Inheritance Law.
In practice, despite all conventions, covenants, and laws, women in Jordan do not enjoy their rights to ownership and inheritance due to continuous inequality in economic rights. Inheritance is in large part governed by Shari’a law and the Islamic system, which is today applied on Muslims and non-Muslims alike.

II. RESPECT OF CIVIL LIBERTIES

Respect of civil liberties is enshrined in Jordanian legislations. These can be summarized as follows:

a. Freedom of Expression and the Press.

Jordan traditionally has a more liberal media than in other countries in the MENA region, but government monopoly of terrestrial TV and laws that curb free speech and access to information all serve to inhibit the sector. Jordan’s Press and Publications law 1998 and its amendments is the basis for regulation of the press and online content. It imposes content restrictions and penalties on materials that offend or defame individuals, or their sensibilities. Moreover, Journalists must be

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67 Candidate Hannah Simpson, Teale Toweill, “The Jordanian Landlords and Tenants Law The Right to Adequate Housing,” 6 May 2008, <http://www.landpedia.org/landdoc/Analytical_materials/Jordan_Landlord-Tenants_Law_report_en.pdf>. The scope of the right includes (6) elements: (1) legal security of tenure; (2) availability of services, materials, facilities and infrastructure; (3) affordability; (4) habitability; (5) accessibility; (6) location; (7) cultural adequacy; (8) access to land, water and other natural resources; (9) freedom from dispossession, damage and destruction; (10) access to information; (11) participation; (12) resettlement, restitution, compensation, non-refoulement and return; (13) privacy and security; (14) access to remedies; (15) education and empowerment and (16) freedom from violence against women.


registered\textsuperscript{70} and publications and broadcasters licensed\textsuperscript{71}, meaning that in practice there is limited independence of the Media sector, which has lead to the institutionalization of censorship; newspapers and journalists may be suspended “in accordance with the provisions of the law. A common criticism is that “Jordanian journalists operate within a restrictive environment, where self censorship is the norm. The United Nations Human Rights Council has commented that licensing is an unwarranted restriction and is not justified on the basis of the exhaustive exceptions identified in Article 19 para. 3 of ICCPR.\textsuperscript{72} Jordan’s Anti-terrorism law No. 55 2006 together with the temporary Information Systems Crime law No 30 2010 and the Telecommunications Law No 13 1995 (Article 75) \textsuperscript{73} have been used to sanction the suspension and detentions of online criminals, journalists on grounds of protecting public interest, order, safety, morals and security.\textsuperscript{74} Most detainees have been charged for offenses under articles (164) and (165) of the Penal Code, which prohibits gatherings whose purpose is to disturb public order. Others have been charged with activities aimed at overthrowing the political system (Article 149 of the Penal Code)

\textsuperscript{70} Article 16 (a) of PPL stipulates that: Press organizations in the kingdom may only employ journalists who are active on the JPA journalist list.

\textsuperscript{71} Under (Article 17) of the PPL, The Council of Minister at the recommendation of the Minister of Information may grant refusal or approval of a license.


\textsuperscript{73} (Article 75, a) states that: Any person who originates or forwards, by any Telecommunications means, threatening or abusive messages, or messages contrary to public morals, or forwards false information with the intent to spread panic shall be punished by imprisonment for a period that is not less than one month and not exceeding one year or by a fine of not less than (JD300) and not more than (JD2000), or by both penalties. b. Any person who provides or contributes to the provision of Telecommunications services in violation of public order or public morals shall be punished by the penalties stipulated in Paragraph (a) of this Article in addition to the application of the provisions stipulated in Article (40) of this Law.

\textsuperscript{74} There are several statutes that regulate the media in Jordan. These include: The penal code 273 and 278 2 Press and Publications Law No. 8 1998 and its amendments in 2012, which brought websites within its ambit. 3 Jordan Press Association Law No. 15 of 1998. Article 5 sets out the necessary qualification to join JPA. 4 Audio-Visual Provisional law No. 71 of 2002. 5 The Law on Access to Information No.47 2007. 6 Jordan Telecommunications Law No 13 of 1995. 7 Jordan Radio and Television Corporation Law No. 35 of 2000. Article 3 states that the JRTV shall be financially and administratively independent entity. 8 The Protection of State Secrets and Documents Law No. 50 1971 9 Temporary Law on Crimes of Information System No.30 2010, it aims to secure security and morality in an online context.\textsuperscript{74} 10 The Contempt of Court law No.9 1959 Article 15.\textsuperscript{74} 11 The Juvenile law No. 24 1968 amended by law no.7 of 1982 prohibits publication of a delinquent’s name, photo or court proceedings, etc. 12 Other special legislations during elections that require state media to treat all candidates with neutrality and equality, rules and procedures of campaigns and publicity.
The Constitution as amended guarantees the right to freedom of expression under (Article 15), except it is a qualified right that should not be exercised beyond the limits of the law. Because of the limitations imposed on journalists and broadcaster, there is limited independence of the media sector in practice. Nonetheless Article 15 of the Press and Publications law guarantee freedom of opinion, freedom of the press, scientific research, provided it does not violate the provisions of the law, public order or morality.\(^{75}\)

The right to privacy is protected under paragraphs (b) and (c) of Article 8\(^{76}\) of Information Systems Crime Law No 30 2010 and (Article 75) of the Jordan Telecommunications law No. 13 1995.

\(^{75}\) Article 15. 1 The state shall guarantee freedom of opinion; and every Jordanian shall freely express his opinion by speech, writing, photography and any other means of expression, provided that he does not go beyond the limits of the law. 2 The state shall guarantee freedom of scientific research and literary, technical, cultural and sports excellence, provided that such does not violate the provisions of the law or public order or morality. 3 The state shall guarantee freedom of the press, printing, publications and information media within the limits of the law 4 Newspapers and Information Media may not be suspended, nor the license thereof revoked, except by a judicial order in accordance with the provisions of the law 5 In the event of declaration of martial law, or an emergency, the law may impose a limited censorship on newspapers, publications, books and information and communications media in matters related to public safety and national defence purposes. 6 The law shall regulate the method of control of the resources of newspapers.

\(^{76}\) (Article, b) Anyone who intentionally uses an information system or any information network to prepare, store, process, display, print, publish or promote pornographic activities or work for the purpose of influencing those who have not attained eighteen years of age or those who are psychologically or mentally disabled, or direct or incite such persons to commit a crime, shall be punished by imprisonment for a term not less than two years or by a fine of not less than (1000) one thousand Dinars and not exceeding (5000) five thousand Dinars. (Article, c) Anyone who intentionally uses an information system or any information network for the purpose of exploiting those who have not attained eighteen years of age or those who are psychologically or mentally disabled for prostitution or pornographic activities, shall be punished by temporary penal servitude and a by a fine of not less than (5000) five thousand Dinars and not exceeding (15000) fifteen thousand Dinars.
b. Freedom of Peaceful Assembly and Association

- The Jordanian Constitution amended in 2011 includes many articles enabling workers to establish their unions, such as Art. 16 and 23, supported by Art. 128, which stated that: all legislations and all laws issued on freedom and rights, based on the Constitution, should not include any article against the spirit of freedoms and rights. But the Jordanian Labour Law still has many restrictions against freedom of association in Art. 98 and others. Also, the Civil Servant bylaw does not allow the employees in the public sector to establish trade union, despite the Constitutional Court’s constitutional decision that allows all employees in the public sector to establish their trade unions.  

- Jordan ratified the International Convention for Civil and Political Rights (Art 22) and the International Convention for Socioeconomic and Cultural Rights in 1975 (Art 8) and published it in the national Gazette in 2006. Additionally, Jordan ratified also the ILO Convention No. 98 named Right to organize and collective bargaining.

- However, limitations on the right to organize are highly discretionary with accusations on disrupting public peace, inciting unrest and subverting the regime often being launched to disperse protests and otherwise limit citizens right to assembly. The 2008 Law of Societies No. 51 2009 under Art 9 (c) requests Cabinet approval for receiving foreign funding.

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78 Article 22 of ICCPR states that: Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests. 2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (order public), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right. 3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice or apply the law in such a manner as to prejudice the guarantee provided for in that Convention.
79 Article 8 on the right to form and join trade unions
80 Friedrich Ebert Stiftung, Freedom of Association Still Lacking, 5 6 2016, 30 3 2017 <http://www.labor-watch.net/en/read-news/1481>. The 2009 Law on Societies imposes legal constraints on the operation of civil society in Jordan. Among other constraints include the amendments require at least 50 founders to establish a CSO, provide the government with broad discretion to dissolve a CSO, impose new requirements on branch offices of international organizations, and place new restrictions on the foreign funding of
There needs to be a revisiting of all legislations, labour law and the civil service law related to the freedom of associations to enable all workers and employees in Jordan to establish their unions freely based on international labour standards; There is a need to issue a new law to organize workers employed in the public sector, in terms of freedom of association and international labour standards; To stop the official action against labour protests, respecting the freedom of peaceful assembly and collective bargaining principles as part of international labour standards and decent working agenda; To ratify the ILO Convention No. 87 on “freedom of association and protection of the right to organize union”.

c. The Right to Work and Adequate Standards of Living

Everyone has the right to just and favourable conditions of work, including remuneration that is reasonable and sufficient to provide families with an existence worthy of human dignity, and to equal pay for equal work. In addition, everyone should have secure and healthy working conditions and opportunities for promotion. According to the UN Universal Declaration of Human Rights, everyone has the right to work and to protection against unemployment. Everyone also has the right, without any discrimination, to equal pay for equal work, which is also stated in Article 11 of the UN Convention on the Elimination of All Forms of Discrimination against Women. In addition, the right to work is protected by the UN International Covenant on Economic, Social and Cultural Rights and the European Social Charter.

In Jordan, Labor Law 2009 provides appropriate legal protection for the workers to improve job security and under Art 29, it punishes sexual harassment and exempts labor related lawsuits from all fees. The government of Jordan raised the minimum wage from JD190 to JD 220 as part of government efforts to accommodate for increases in taxes on tobacco and telecom. The Civil Service Bylaw 2007 is based on the principles of justice, transparency, equal opportunity and gender based non-discrimination in matters related to employment rights, duties and responsibilities. The Civil Service Retirement raised the pension for workers in order to avoid early retirement.

Jordanian CSOs. In a case study on Jordan conducted by the Brookings institute, Jarrah noted that among the reasons for government wariness of Civil Society and professional syndicates is because they have a reputation for transparency and accountability. This gives them credibility that along with the money and influence that they command put the syndicates in a position to challenge authority and hold them to account.

81 The right to work is not an unconditional right to a job, but an obligation on States to make measures designed to eliminate unemployment.
retirement and the social security law no.1 2014 provides for a reasonable welfare scheme upon retirement. Moreover, the government raised the minimum wage by 10% to reach JD 200 and extending its service to 9,000 families.

d. Academic freedom and Cultural Events (WIPO)

- In Jordan, intellectual property is protected through an array of different legislative acts, including copyright law, trademark law, patent law, law of industrial designs, law of trade secrets and unfair competition law; as well as the related ministerial regulations and instructions. Together they help to establish a complete system of intellectual property rights.

- Jordan’s experience in the field of trademark protection began as early as 1952, with the establishment of the first Trademark Law in Jordan. However, the first law, which came to deal with modern intellectual property issues, as we know them today, was the 1992 Copyright Law. Following Jordan’s accession to the Berne Convention in 1998, the Copyright Law has been amended on several occasions to ensure better compliance with international standards of protection. As for the full package of legislation, it began in 1999 coincided with Jordan’s accession to the World Trade Organization (WTO) in 2000 to become 136th member of WTO. In response to the Intellectual Property Organization IPO Convention, Jordan has issued all laws relating to intellectual property including the law of industrial designs, industrial designs and unfair competition.

- Copyright, however, remained at the forefront of intellectual property protection in the Hashemite Kingdom of Jordan for several years. In particular, the National Library has continued the efforts in the development of laws, regulations, instructions, and in line with international conventions, to create an environment, which is managerially and technically able to keep pace with global developments. One which is able to focus on the implementation of the law and respond to complaints, and the application of sanctions contained in the Copyright Protection Law of 1992, as amended, which is a modern law. Along with this, Jordan is a member of the “Berne” Convention, since 1999 and a member of the Paris Convention.

- It is worth mentioning that Jordan is a member of the World Intellectual Property Organization (WIPO), which has managed intellectual property conventions since 1984. Jordan also joined the World Trade Organization (WTO) after the completion of all requirements. The Jordanian government has issued a number of laws,
regulations and instructions relating to intellectual property and passed through the constitutional stages and published in the Official Gazette.82

e. Gender Mainstreaming and Women Empowerment and Participation.

- The 2007 Municipal Law, which allocates not less than 20% of municipal Council Seats to women who win the highest number of votes among female candidates.
- The 2007 Execution law, which stipulates the inadmissibility of imprisoning a pregnant woman until the elapse of 3 months after delivery, or of withholding Nafaqa.
- His Majesty’s Social and Economic Council Law 2007, which provides for observing women’s representation in at least 2 of the 4 groups constituting the Council.
- When Jordan ratified the Convention on 1/7/1992, it entered a reservation to Article 9/2, which stipulates that «States Parties shall grant women equal rights with men with respect to the nationality of their children», as well as Article 15/4, relating to «the movement of persons and the freedom to choose their residence and domicile», (Pulled and reconsidered and are currently reviewing further reservations.
- And paragraphs c, d and g of Article 16, related, respectively to «the same rights and responsibilities during marriage and at its dissolution»; «the same rights and responsibilities as parents, irrespective of their marital status; and «the same personal rights as husband and wife.
- Personal Status Law takes into consideration many gender-sensitive aspects. It calls for not withholding the Nafaqa from a female, who resists the order to join her father. It calls for making custody costs payable as of the date of filing the legal order. It reduces the litigants’ burden of establishing proof in cases of separation on grounds of marital disputes. In addition, it adds provisions that observe the best interests of a child put in custody, as well as provisions on separation because of sterility, guardianship, custodianship, and inheritance. It also adopts the Nafaqa Credit Fund.


- The impact of the high influx of Syrian and Iraqi refugees arriving to Jordan and competing over resources is causing tensions in host communities resulting in the likelihood of promoting deprived communities to become fertile grounds for radicalization, violent extremism and youth mobilization.\(^{83}\) Toward this end, the government of Jordan expressed a political will of reform, manifested in its efforts to develop a rights-based approach to combating violent extremism through development and empowerment endeavors. To start, Jordan issued (200,000) work permits to Syrian refugees on grounds that it would stem the flow of refugees to Europe, decrease the dangers of radicalization and prevent the exploitation of refugees as cheap labor.\(^{84}\) This was in exchange for aid and the opening of European Markets to Jordanian goods produced or special economic zones allowing Jordanians to benefit from the foreign or development aid.

- Jordan also developed a cohesive and complementary set of measures anchored in the following:
  
  a. Developing justice reform strategies, as the aforementioned 3-year national justice reform strategy (2014-2017) to improve access to Justice as well as other public reform initiatives to ensure the rule of law is respected and followed by the security sector. The law enforcement is regulated by a solid legislative framework that has allowed the police to provide efficient and effective service delivery.\(^{85}\) (Article 208) of the Criminal Procedure Code provides the criminally accused a right to be afforded legal counsel by the State in crimes entailing a life imprisonment or death penalty.

  b. Provide legal aid under Article 100 of the 1972 Bar Association Law. The Bar Association is a critical player in increasing access to justice in Jordan, as it has the legal mandate to provide legal aid. However, it is yet to have an institutionalized mechanism to regulate its provision of legal aid. The Bar Association needs continued support on the concepts of pro bono legal service and training for its members.


c. Adoption of 2014 Juvenile Law that calls for speedy and child friendly procedures to ensure access to justice and free trial.

d. Facilitate access to justice for women through awareness, access to resources. According to the World Bank Report: “Access to justice for women has particular challenges including gender-based violence (GBV) and domestic violence. Due to the sensitivity of the subject, women are less likely to report disputes and when they do they are likely to go to Court unrepresented. Women also face different types of legal disputes than men and consequently, more often find themselves having to claim rights under the Personal Status Code and before Sharia’ and religious Courts. Access to justice is often compounded by lack of information and legal awareness, lack of resources and inability to travel to Courts.”

Nonetheless, Jordanians continue to call for an independent and effective judiciary, accountability, guarantees for fair trial, including by ensuring access to legal counsel and public hearings before the competent jurisdiction.

III. FAITH, SECULARISM AND DEMOCRACY

- Jordan’s constitution states in Art 2 that: Islam is the religion of the state and Arabic is its official language. It also protects the right to religious freedom in Art 14, which states that the State shall safeguard the free exercise of all forms of worship and religious rights in accordance with the customs observed in the Kingdom, unless such is inconsistent with public order or morality. Indeed, Shari’a Law (Islamic law), is viewed by many Islamic thinkers as the foundation stone on which to base constitutional values upon and there are many aspects of individual and civic life that are governed to this day by Shari’a Law, some of which include the right to inheritance and ownership of property, the rights of individuals within marriage and following its dissolution for Muslims and non-Muslims alike. Nevertheless, Jordan’s constitution safeguards the essential values of Islam while simultaneously adhering to international norms and standards of rights protection in accordance with the UDHR. However, since the Arab Spring and the rise of the Islamic State in Syria and Iraq, many are placing questions on the presuppositions of democracy and the role in which Islam is to play in a democratic society that is

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governed by rule of law. Different tensions and contradictory concepts occupy the debates between proponents of democracy as a western mode of governance that underscores values of equality and non-discrimination, freedom of expression, tolerance and political representation and those arguing for a religious-based democracy that underlines Islam as a rule of law. On the one hand secularists argue that: “Islamic democracy is not sufficiently democratic and conservatives believe that Islamic democracy is not sufficiently Islamic.”88 Avoiding the politicisation of Islam some argue can be avoided if religion is kept separate from the State. This will allow for greater freedom of expression in the public space, except this position is one of controversy as it appeals to only a few members of society and members of political parties from the Centrist, leftist and extreme right (the Islamists).

- Jordan’s constitution provides for citizens the right to form and join political parties under Art 16.2 provided that the objects of such societies and parties are lawful, their methods peaceful and their by-laws not contrary to the provisions of the Constitution. Jordan, as previously mentioned in earlier sections of this study, is a constitutional monarchy but it experiences democracy through its parliamentary elections that are organised periodically every 4 years. These elections are influenced more by tribalism than by political manifestos. Its most recent elections were organised in 2016 with the political outcome being described as a form of controlled democracy that offers a blend of liberal and moderate views together with conservative opinions.

- The distribution of power is divided by the following: The legislative power is vested in the King and National Assembly consisting of a Senate and Chamber of deputies, the executive power is vested in the king, who shall exercise his powers through his Ministers in accordance with the provisions of the constitution, and the Judicial power is independent and shall be exercised by the Court of law in their varying types and degrees. The King appoints members of the Senate and the speaker among them. He may dissolve the national assembly. The Law of Parties No.19 2007 is the legal point of reference for political parties in Jordan. It regulates their functions in society. The Electoral Law 2016 was amended to allow for greater representation in Parliament and regulates the elections to Parliament. Municipal Law 2007 and the Social and Economic Council Law 2007, which provides for observing women’s representation in at least 2 of the 4 groups constituting the Council. Moreover, the national charter, the Jordan-first document, the political development strategy, the reports of the National Centre for Human Rights, and the

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national agenda constitute important declarations and documents for the political way forward.

- His Majesty’s sixth discussion paper stated that: “the rule of law is the pillar on which democracies and prosperous economies and societies stand.” The King also added that: “We cannot achieve sustainable development and youth empowerment, including the achievement of national growth plans if we are unable to guarantee the development of government administration and management through the principle of the rule of law.” Its importance is derived from being the root of economic activity that regulates financial activities, corporations, agreement contracts and funding, etc.
Key Stakeholder

- **The UN Human Rights Council** (UNHRC) is an intergovernmental body within the UN system made up of (47) states responsible for strengthening, protection and promotion of human rights around the globe. Its main purpose is to address Human Rights violations and make recommendations on their website. **Special Rapporteurs** within the council are mandated to report and advise on human rights from a thematic and country-specific perspective.

- **The Office of the High Commissioner of Human Rights (ohchr)** support the work of the United Nations human rights mechanisms, including the treaty bodies established to monitor state compliance with human rights.

- **The National Centre for Human Rights** (NCHR) was established in 2006 for the purpose of protecting, monitoring and promoting human rights in the Kingdom in accordance with the Paris Principles, which as per the Permanent Status Law No (51) for the year 2006 granted it independence. Jordan received A-status accreditation for its competence in monitoring and reporting human rights’ abuses.

- **The National Human Rights Committee** is comprised of members of line Ministries as the Ministry of Education, Ministry of Interior, General Intelligence Department, foreign affairs, planning and international cooperation, labor, municipalities, social development, justice and the Constitutional Court, culture and Ministry of Political Development and parliamentary affairs to follow up on the recommendation of the NCHR report on human rights. The director of the transparency and human rights at PSD will be the committee Rapporteur and another member from the Prime Ministry its secretary which are now mandated to the National Coordinator for Human Rights.

- National Security Organizations such as: Public Security Directorate (transparency and Human rights department), the Ministry of Interior, Civil Status and Passport Department oversee national and local affairs of the country to maintain order, fight and combat terrorism and crime. The Gendarmerie, the General Intelligence Department and the Civil Defense Directorate also work to promote national security and peace pursuant to local legislations.

- **The Jordanian National Commission for Women (JNCW)** was established by the Jordanian Government in 1992. Its mission is “…to support mainstreaming of a gender-equality perspective in all policy areas and to narrow the gap between formal acknowledgement of women’s rights as detailed by legislation and actual societal abuses.

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89 The Paris Principles set out six main criteria that NHRI is required to meet: Mandate and competence, Autonomy from government, independence guaranteed by constitution or legislation, pluralism, adequate resources and adequate powers of investigation.

attitudes towards women...”16 The framework for the work of the JNCW is the National Strategy for Women. The JNCW was responsible for developing the fifth periodic report on the implementation of the CEDAW in 2010 in cooperation with governmental and non-governmental organizations such as the Ministry of Social Development, the Ministry of Planning, UNIFEM, UNICEF and UNHCR among others.

- **The National Council for Family Affairs** was established by law in 2001. Its mandate is to work as an umbrella organization and as a coordinating body for relevant governmental and non-governmental agencies in the field of human, development and family affairs. Its mission is to contribute to the formulation and steering of policies, and support efforts that enhance the status of the Jordanian family. They work closely with Unicef, UNDP, UNHCR and relevant line ministries in partnership with local organizations and NGOs.

- Regulatory Commissions that set the regulatory standards to protect human rights such as the Independent Election Commission, The Telecommunication Regulatory Commission, the Media Commission.

- International Organizations that serve to monitor and report on human rights abuses across each article. These include, but not limited to: Amnesty international, Human Rights Watch, Freedom House, treaty bodies and working groups as well as the European Union and UN organizations such as UNESCO

- Organizations promoting basic and necessary freedoms such as: the Department of Press and Publications Law, which is responsible for implementing laws and regulations related to press and publications law and they cooperate with press institutions to facilitate their work. It cooperates with diverse local and international organizations, some of which include the Ministry of Political Development, local municipalities and UNESCO. It also includes Internet Service Providers (ISPs) and Media commission, including the Independent Election Commission. This also includes freedom to participate in cultural life and education and the protection of intellectual property rights as the Ministry of Industry and trade and the Ministry of Culture.

- Refugees and disenfranchised groups being governed by the Ministry of foreign affairs, the Ministry of planning and International cooperation and they work with the UNHCR to oversee and manage the oversee caseload, including the European Union and the International Labour Organization.

- Organization related to the protection and promotion of economic rights such as the Economic and Social Council, which was established by his HM King Abduallah II. The Economic and Social Council is mandated to develop economic policies, development and discuss economic constraints that hinder national economic growth to overcome them. It is comprised of (15) members, these include but not limited to the Central Bank and head of Economic and Social Department at the Royal Court.
## List of International Treaties signed & ratified by Jordan

<table>
<thead>
<tr>
<th>International Agreements of Human Rights</th>
<th>Signature</th>
<th>Ratification</th>
<th>Accession</th>
<th>Succession</th>
<th>Entry into Force</th>
</tr>
</thead>
<tbody>
<tr>
<td>Optional Protocol to the International Covenant on Civil and Political Rights</td>
<td>Not signed</td>
<td></td>
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</tr>
<tr>
<td>Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty</td>
<td>Not signed</td>
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<tr>
<td>International Convention on the Elimination of All Forms of Racial Discrimination</td>
<td></td>
<td></td>
<td>30 May 1974</td>
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<tr>
<td>Optional Protocol to the Convention on the Elimination of Discrimination against Women</td>
<td>Not signed</td>
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<tr>
<td>Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United</td>
<td>Not signed</td>
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<tr>
<td>Convention</td>
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<tr>
<td>Nations Convention against Transnational Organized Crime Preamble</td>
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<tr>
<td>▪ Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery</td>
<td>27 Sep 1957</td>
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<tr>
<td>▪ Slavery Convention</td>
<td>Not signed</td>
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<tr>
<td>▪ Protocol amending the Slavery Convention</td>
<td>Not signed</td>
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<tr>
<td>▪ Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others</td>
<td>Not signed</td>
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<tr>
<td>▪ European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment</td>
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<tr>
<td>▪ Protocol No. 1 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment</td>
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<tr>
<td>▪ Protocol No. 2 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment of Punishment</td>
<td>Not signed</td>
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<tr>
<td>▪ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment</td>
<td>13 Nov 1991</td>
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<tr>
<td>▪ Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts</td>
<td>6 Sep 2000</td>
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<tr>
<td>▪ Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour</td>
<td>20 Apr 2000</td>
<td></td>
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<tr>
<td>▪ Freedom of Association and Protection of the Right to Organise Convention</td>
<td>Not signed</td>
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<tr>
<td>▪ Right to Organise and Collective Bargaining Convention</td>
<td>12 Dec 1968</td>
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<tr>
<td>Convention</td>
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<tr>
<td>Employment and Forced Labour</td>
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<tr>
<td>Convention concerning Forced or Compulsory Labour</td>
<td>Signature</td>
<td>Ratification</td>
<td>Accession</td>
<td>Succession</td>
<td>Entry into Force</td>
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<tr>
<td>6 Jun 1966</td>
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<tr>
<td>Equal Remuneration Convention</td>
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<tr>
<td>Abolition of Forced Labour Convention</td>
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<tr>
<td>31 Mar 1958</td>
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<tr>
<td>Discrimination (Employment and Occupation)</td>
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<td>4 Jul 1963</td>
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<td>Employment Policy Convention</td>
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<tr>
<td>10 Mar 1966</td>
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<tr>
<td>Convention concerning Occupational Safety and Health and the Working Environment</td>
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<tr>
<td>Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</td>
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<tr>
<td>Convention against Discrimination in Education</td>
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<tr>
<td>Convention relating to the Status of Refugees</td>
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<tr>
<td>Protocol Relating to the Status of Refugees</td>
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<tr>
<td>Nationality, Statelessness, and the Rights of Aliens</td>
<td>Signature</td>
<td>Ratification</td>
<td>Accession</td>
<td>Succession</td>
<td>Entry into Force</td>
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<tr>
<td>Convention on the Reduction of Statelessness</td>
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<tr>
<td>Convention relating to the Status of Stateless Persons</td>
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<tr>
<td>Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity</td>
<td>Not signed</td>
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<tr>
<td>Convention on the Prevention and Punishment of the Crime of Genocide</td>
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<tr>
<td>3 Apr 1950</td>
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<tr>
<td>Rome Statute of the International Criminal Court</td>
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<td>7 Oct 1998</td>
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<tr>
<td>Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field</td>
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<td>29 May 1951</td>
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<tr>
<td>Ratif./Acc.</td>
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Human Rights in Jordan

<table>
<thead>
<tr>
<th>Convention</th>
<th>Ratification Date</th>
<th>Accession Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea</td>
<td>29 May 1951</td>
<td></td>
</tr>
<tr>
<td>Geneva Convention relative to the Treatment of Prisoners of War</td>
<td>29 May 1951</td>
<td></td>
</tr>
<tr>
<td>Geneva Convention relative to the Protection of Civilian Persons in Time of War</td>
<td>29 May 1951</td>
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<tr>
<td>Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I)</td>
<td>12 Dec 1977</td>
<td>1 May 1979</td>
</tr>
<tr>
<td>Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims on Non-International Armed Conflicts (Protocol II)</td>
<td>12 Dec 1977</td>
<td>1 May 1979</td>
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<tr>
<td>International Convention Against the Taking of Hostages</td>
<td>19 Feb 1986</td>
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<tr>
<td>International Convention for the Suppression of Terrorist Bombing</td>
<td>Not signed</td>
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</tr>
<tr>
<td>International Convention on the Prevention and Punishment of Crimes Against International Protected Persons</td>
<td>18 Dec 1984</td>
<td></td>
</tr>
</tbody>
</table>
### Human Rights in Jordan

- **Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms**
  - Not signed

- **Protocol No.2 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms**
  - Not signed

- **Protocol No.3 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms**
  - Not signed

- **Protocol No.4 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms**
  - Not signed

- **Protocol No.5 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms**
  - Not signed

- **Protocol No.6 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms**
  - Not signed

- **Protocol No.7 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms**
  - Not signed

- **Protocol No.8 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms**
  - Not signed

- **Protocol No.9 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms**
  - Not signed

- **Protocol No.10 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms**
  - Not signed

- **Protocol No.11 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms**
  - Not signed
<table>
<thead>
<tr>
<th>Convention</th>
<th>Status</th>
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<tbody>
<tr>
<td>Protocol No. 12 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms</td>
<td>Not signed</td>
</tr>
<tr>
<td>European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment</td>
<td>Not signed</td>
</tr>
<tr>
<td>Protocol No. 1 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment</td>
<td>Not signed</td>
</tr>
<tr>
<td>Protocol No. 2 to the European Convention for the Prevention of Torture and inhuman or Degrading Treatment of Punishment</td>
<td>Not signed</td>
</tr>
<tr>
<td>African [Banjul] Charter on Human and Peoples' Rights *</td>
<td>Not signed</td>
</tr>
<tr>
<td>Convention Governing the Specific Aspects of Refugee Problems in Africa *</td>
<td>Not signed</td>
</tr>
<tr>
<td>Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa *</td>
<td>Not signed</td>
</tr>
<tr>
<td>Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights *</td>
<td>Not signed</td>
</tr>
<tr>
<td>African Charter on the Rights and Welfare of the Child *</td>
<td>Not signed</td>
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</tbody>
</table>

## Comparative Table of International Norms & Obligations with National Legislation

<table>
<thead>
<tr>
<th>UDHR Articles</th>
<th>CONSTITUTION</th>
<th>JORDANIAN LAW</th>
<th>STAKEHOLDERS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art 1 + Art 7</td>
<td>Article (7): All are equal before the law and are entitled without any discrimination to equal protection before the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.</td>
<td>Chapter 2: Rights and Duties. Article 6(1): “Jordanians Shall be Equal before the Law. There shall be no discrimination between them on grounds of race, language or religion.” Article 6(3): “The Government shall ensure work and education within the limits of its possibilities, and it shall ensure a state of tranquility and equal opportunities to all Jordanians.”</td>
<td>1. Family Law on joint matrimony needs to change, hereditary laws to apply equally to both males and females. 2. The Penal Code Art 308 does not address discrimination: marginalized groups: women, refugees, etc.. 3. The National Agenda. 4. We are all Jordan document. 5. Shari’a Law</td>
</tr>
</tbody>
</table>
## Human Rights in Jordan

<table>
<thead>
<tr>
<th>Art 2</th>
<th>Right to Freedom</th>
<th>Article 7(1): “Personal Freedom shall be guaranteed.”</th>
<th>1. Legislations pertinent to the right to choose, the right to participate in political life, right to freedom of worship, movement and residence, all of which are dispersed across the essay and this table.</th>
<th>• International NGOs (e.g. UNHCR, UNIFEM, UNICEF, etc.)</th>
</tr>
</thead>
</table>
| Art 3 | Right to Life | 1. Death Penalty. (Moratorium repealed).  
2. Jordan’s Criminal code 1951 legalized private, adult, non-commercial and consensual sodomy with the age of consent set at 16.  
3. The Penal Code makes honor killings, as a legal justification for murder, illegal |  | • Prime Ministry, the legislator and the Executive.  
• National Centre for Human Rights.  
• NGOs  
• International NGOs (e.g UNHCR, UNIFEM, UNICEF, EU, Arab League, etc.) |
| Art 4 | Protection from Slavery, servitude and human trafficking. | 1. Law on the Prevention of Trafficking in Human Being No.9 for the year 2009  
[This incriminates all forms of trafficking in persons, especially women and children. The Law also |  | • Directorate of Public Security.  
• The Police,  
• The Gendarmerie  
• Ministry of Interior. |
| Art 5 | Protection from Torture and other cruel and inhumane or degrading treatment or punishment throughout the world | Article 8(2): “Every person who is arrested, imprisoned or whose freedom is restricted must be treated in a way that preserves his/her human dignity. It is forbidden for him/her to be tortured (in any form) or harmed physically or mentally, as it is forbidden to detain him/her in places outside of those designated by the laws. Any statement extracted from a person under duress of anything of the above or the threat thereof shall neither bare any consideration or reliability. | 1. 1965 Law on Public Safety if a victim files a law suit in respect of acts of torture committed by the police, the latter will refer the complaint to the special prosecutor attached to the Directorate of public security. | • Relevant Courts.  
• Jordanian Combating Modern Day Slavery and Human Trafficking.  
• NGOs (Mizan, Justice Centre for Legal Aid)  
• National Centre for Human Rights.  
• International Organizations |

• Law on Access to Information 2007.  
• Jordan’s Constitutional Law | • Ministry of Justice  
• The Police.  
• National Centre for Human Rights.  
• NGOs  
• Civil Service Bureau |
<table>
<thead>
<tr>
<th>Art 7</th>
<th>Equality and Non-discrimination</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Chapter 2: Rights and Duties. Article 6(1): “Jordanians Shall be Equal before the Law. There shall be no discrimination between them on grounds of race, language or religion.”</td>
</tr>
</tbody>
</table>

1. National Charter  
2. International Agreements.  
4. 2007 Municipal Law, which allocates not less than 20% of municipal Council Seats to women who win the highest number of votes among female candidates.  
5. 2007 Execution law, which stipulates the inadmissibility of imprisoning a pregnant woman until the elapse of 3 months after delivery, or of withholding Nafaqa.  
6. The Olympic Committee law 2007 which assumes responsibility for developing sports at the national level, combating discrimination, promoting women’s sports on equal footing with males to enjoy their right to participate in recreation and leisurely rights.  
7. The Social and Economic Council Law 2007, which provides for observing

- Prime Ministry  
- Relevant Courts.  
- Line Ministries (Ministry of Political Development, MoSD, Ministry of Justice, higher council for persons with disabilities, Ministry of Labour, Jordan National Commission for Women, National Council for family Affairs)  
- The Legislator (MPs,)  
- Members of the Senate  
- National Centre for human Rights  
- Media
| Art 8 | The right to Remedy | 1. Jordan property Law | 1. Jordan property Law  
1. Intellectual Property Laws  
2. Jordan property Law  
2. Intellectual Property Laws  
3. Jordan Anti Terrorism law No 55 2006 [it broadens the definition of terrorism to include such act as disturbing a country’s foreign relations with the foreign states]  
2. MoU with UNHCR and adherence to the principle of refoulement.  
• Constitutional Court  
• Ministry of Justice  
• Ministry of Interior  
• Public Security Directorate  
• The Police  
• The Gendarmerie.  
• GID  
• NGOs (Mizan, Justice Cetre for legal Aid, etc)  
• International NGOs. |
| Art 9 | No one shall be subject to arbitrary arrest, detention or exile.” | Article 8(1): “No person may be arrested, detained or imprisoned, have his/her freedom restricted or prevented from free movement except in accordance with the provisions of the Law.” | 1. Jordan’s Constitutional law No.15 for the year 2012.  
1. Jordan’s Constitutional law No.15 for the year 2012.  
2. Jordan’s Constitutional law No.15 for the year 2012.  
2. Jordan’s Constitutional law No.15 for the year 2012.  
• Ministry of Justice  
• Public Security Directorate (PSD) |
1. Jordan’s Constitutional law No.15 for the year 2012.  
2. Jordan’s Constitutional law No.15 for the year 2012.  
2. Jordan’s Constitutional law No.15 for the year 2012.  
• Ministry of Justice  
• Public Security Directorate (PSD) |
<table>
<thead>
<tr>
<th>Art. 11</th>
<th>Right to be considered innocent until proven guilty</th>
<th>1. Jordan’s Penal Code assumes right to be considered innocent until proven guilty.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art 12</td>
<td>The Right To Privacy</td>
<td>1. Temporary Law on Crimes of Information Systems No.30 for 2010</td>
</tr>
<tr>
<td></td>
<td>Article (7) 2 “Any infringement on the rights and public freedoms or sanctity of private life of Jordanians is a crime punishable by law.”</td>
<td>2. Telecommunications Law No 13 1995.</td>
</tr>
<tr>
<td></td>
<td>Article 10: Private residences shall be inviolable and shall not be entered except in the circumstances and in the manner prescribed by law.</td>
<td>3. The Juvenile Law No.24 of 1968 amended by Law No.7 of 1982. Article 12 of this law prohibits</td>
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<tr>
<td></td>
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<td>• Ministry of Justice</td>
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<td>• The Police.</td>
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<td>• The Gendarmerie</td>
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<td>• General Intelligence Department. (GID)</td>
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<td></td>
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<td>• Internet Service Providers (ISPs)</td>
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<tr>
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<td>• NGOs (Mizan, Justice Centre for Legal Aid, etc)</td>
</tr>
</tbody>
</table>

2. The Juvenile Law 2014 calls for speedy and child friendly procedures to ensure access to justice and free trials.

3. The Criminal Procedure Code (Art 208) provides the criminally accused a right to be afforded legal counsel by the State in crimes entailing a life imprisonment or death penalty.

4. Bar Association Law 1972 (Art 100) to provide legal aid.

- National Centre for Human Rights
- NGOs (Mizan, Justice Centre for legal Aid.
- Civil Service Bureau
<table>
<thead>
<tr>
<th>Article</th>
<th>Right to seek</th>
<th>Freedom of movement and residence.</th>
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</thead>
<tbody>
<tr>
<td>13</td>
<td></td>
<td>Article 18: All postal, telegraphic and telephonic communication and other means of communication shall be treated as secret and as such shall not be subject to censorship, suspension or confiscation, except by judicial order in accordance with the provisions of the law.</td>
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<tr>
<td></td>
<td></td>
<td>“publication of a delinquent juvenile name and picture, court proceedings, or summary thereof, by any means of publication. Sentences may be published without referring a juvenile’s name (this is often disregarded, which undermines the importance of the protection extended.”</td>
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<tr>
<td>14</td>
<td></td>
<td>Article 21 (1): Political refugees shall not be extradited on account of their political beliefs or for their defense of liberty.</td>
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<td>Article (9) 1: “No Jordanian may be deported from the territory of the Kingdom.”</td>
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<td>Article (9) 2: “No Jordanian may be prevented from residing at any place or prevented from movement, or be compelled to reside in any specific place, except in the circumstances prescribed by law.”</td>
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<tr>
<td></td>
<td></td>
<td>1. Personal Status Law No. 6 for the year 1954</td>
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<td>2. Passport law No. 5 for the year 2003.</td>
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<td>3. The Temporary Personal Status law No.36 for 2010.</td>
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<td>1. Jordan’s current refugee population is estimated to be 1.1 million, including Syrians, Iraqis, and others. While its Constitution provides protection against extradition for political asylum seekers, Jordan has not enacted domestic legislation to deal with refugees and is not a party to the 1951 Convention on Refugees or its 1967 Protocol.</td>
</tr>
<tr>
<td></td>
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<td>2. The legal instrument that provides the legal framework for the treatment of refugees is a 1998 Memorandum of</td>
</tr>
</tbody>
</table>

- Ministry of Foreign Affairs
- UNHCR
- Ministry of Planning and International Cooperation.
2. The Passport Law and Its amendments No. 5 for 2003.  
3. The Temporary Personal Status law No.36 for 2010. | • Royal Court  
• Ministry of Interior |
| --- | --- | --- | --- | --- |
| Art 16 | Right to Marriage | Article 6(4): Family is the foundation of society. It is founded on religion, morals and patriotism. The law preserves its legal entity, strengthens its ties and values. | 1. Personal Status Law  
2. Shari’a law (prohibits same sex marriages)  
3. Temporary Personal Status Law.  
4. The Protection Against Family Law 2008, which aims at safeguarding family ties. | • Churches  
• Ministry of Interior.  
• National Council for Family Affairs  
• Jordan River Foundation  
• Aman Centre |
| Art 17 | Right to Property | Article (11): No property of any person, or any part thereof maybe expropriated except for purposes of public utility and in consideration of just compensation, as may be prescribed by law.  
Article (12): No loans may be forcibly imposed and no property, movable or immovable, may be confiscated except in accordance with the law. | 1. Ownership and Inheritance Law.  
• Relevant Courts |
| Art 18 | Freedom of Religion | Article (2): Islam is the religion of the State and Arabic is its official language. Article (14) The State shall safeguard the free exercise of all forms of worship and religion rights in accordance with the customs observed in the Kingdom, unless such is inconsistent with public order or morality. | 1. Sharia’a law | • Ministry of Awqaf |
| Art 19 | Freedom of Opinion | Article 15 (1): The state shall guarantee freedom of opinion. Every Jordanian shall be free to express his opinion by speech, in writing, or by means of photographic representation and other forms of expression, provided that such does not violate the law. Article 15 (2): The State shall guarantee freedom of scientific research. It shall also guarantee the freedom of literary, artistic and cultural creativity if not contrary to public order and public morals. Article 15 (3): Freedom of the Press, publications and mass media shall be ensured within the limits of the law. Article 15 (4): Newspapers shall not be suspended from publication, or shall their permits be revoked except by a judicial order and in accordance with the provisions of the law. | 1. The Press and Publications Law No.8 of 1998 (Article 2, 2. Law No.32 of 2012 Press and Publications Law. 3. The National Charter adopted in 1991 acknowledges the important role of mass media. 4. The Audio-Visual Media Law ended the state monopoly on broadcasting and created a legal framework for licensing private radio and terrestrial Television broadcasters. 5. Telecommunications Regulatory Commission is governed by the | • PM • The Executive, The judiciary and members of the senate • The Media • Regulatory commissions (e.g., Telecommunication Regulatory (TRC) Commission and Media Commission. • Internet Service Providers. • NGOs relative to the News Media. • International Organizations (eg, UNESCO) |
**Article 15 (5):** In the event of the declaration of martial law, or a state of emergency, a limited censorship on newspapers, publications, books, broadcast and other means of communication in matters affecting public safety and national defense, may be imposed by law.

Article 15 (6): Law shall regulate control of resources of newspaper.

Telecommunications Law No.13 of 1995, amended by the Law No.8 of 2002 and is responsible for the allocation of licensing and frequency.

6. Possible Media commission (merger between A-V law and PP)

7. Penal Code No.16 of 1960

<table>
<thead>
<tr>
<th>Art 20</th>
<th>Freedom of Association</th>
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<tbody>
<tr>
<td></td>
<td>Article 16 (1): Jordanians shall have the right to hold meetings within the limits of the law.</td>
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<tr>
<td></td>
<td>Article 16 (2): Jordanians are entitled to establish societies, associations and political parties, provided that the objects of such societies and parties are lawful, their methods peaceful, and their bylaws not contrary to the provisions of the constitution.</td>
</tr>
<tr>
<td></td>
<td>Article 16 (3): The establishment of societies, associations and political parties and the control of their resources shall be regulated by law.</td>
</tr>
<tr>
<td></td>
<td>Article 23 (2) principle f. Free trade unions may be formed within the limits of the law.</td>
</tr>
</tbody>
</table>

1. 2008 Law of Societies amended 2009. (Article 17 conditioning approval of foreign funding to a group not compromising morals or public order is an invitation to official HR abuses)

2. 1965 Law on Public Safety if a victim files a law suit in respect of acts of torture committed by the police, the latter will refer the complaint to the special prosecutor attached to the Directorate of public security. Most detainees have been charged for offenses under articles (164) and (165) of the Penal Code, which prohibits gatherings whose purpose is to disturb public order. Others have been charged with activities aimed at overthrowing the political system (Article 149 of the Penal Code)

- The Prime Ministry
- The legislator, The Executive and the Judiciary.
- Ministry of Interior
- Ministry of Social Development
- Ministry of Industry and Trade
| Art 21 | Access to Public Services. Participation in Public life | Article 17: Jordanians are entitled to address public authorities on any personal matter affecting them. 

Article 22 (1): Every Jordanian shall be entitled to be appointed to public offices under such condition as are prescribed by law or regulation. 

Article 22 (2): Appointment to any public office or to any establishment attached to the government, or to any municipal office, whether such permanent or temporary, shall be made on the basis of merit and qualification. | 3. The Law of Parties No. 19 2007. 
1. Law of Parties No. 19 2007 
3. The Social and Economic Council Law 2007, which provides for observing women’s representation in at least 2 of the 4 groups constituting the Council. 
4. The Law on Election to the Chamber of Deputies 2016. 
5. The Executive Instructions of the Independent Election Commission. 
6. Bylaw introducing new criteria of funding of political party campaigns, including positive incentives for winning seats, and enhanced female and regional membership. |
| --- | --- | --- |
| Art 22 | Right to Social Security | The constitution does not contain a clear reference to the right to social security or right to health. | 1. The Temporary Social Security Law and its amendments No. 7 for the year 2010. 
2. Security Law No. 1 for the year 2014. |
| Art 23 | Right to Work | Article 13: Compulsory labour may not be imposed on any person, but any person may be required to do any work | 1. The Civil Service Bylaw 2007, which is based on the principles of justice, transparency, equal |
|   |   |   |   |

- The Prime Ministry (PM) 
- The legislator, the executive e.g., Ministry of Interior, Civil Status and Passport Department 
- International organization (eg., the EU, UNDP, etc.) 
- Local NGOs 
- The Social Security 
- Central Bank 
- Chambers of Commerce. 
- Chambers of Industry 
- Royal Court 
- Ministry of Labour 
- Jordan Armed Forces (JAF)
| Art 24 | Article 24: “Everyone has the right to rest and leisure including reasonable limitation of working hours.” or to render any service in circumstances prescribed by law, as stated hereunder.  
   a. In a state of necessity, such as state of war, the occurrence of a public danger, or fire, flood, famine, earthquake, serious epidemic among human beings or animals or animal diseases  
   b. As a result of the conviction of the person concerned by a court of law, provided that the work is done and the services rendered under the supervision of an official authority and provided further that no convicted person shall be hired to, or be placed at the disposal of, any persons, companies, societies or public bodies.  

|   |   | opportunity and gender based non-discrimination in dealing with Civil Servants in matters related to employment rights, duties and responsibilities.  
    2. Civil Service Retirement, whereby the pension was raised to avoid early retirement.  
    3. Labor Law 2009, Article 29 that punishes sexual harassment and exempts labor related lawsuits from all fees. It grants women one hour to breast-feed her newborn child and the establishment of nurseries.  

|   |   |   |   | Article 23 (1): Work is the right of every citizen, and the State shall provide opportunities, for work to all citizens by directing the national economy and raising its standards.  

|   |   | Article 23 (2): The State shall protect labour and enact legislation therefore based on the following principles:  
    a. Every worker shall receive wages commensurate with the quantity and quality of his work.  
    b. Number of hours per week shall be defined. Workers  

|   |   |   |   | Retirement fund of the Jordan Armed forces, the police and the Gendarmerie.  
    • NGOs (Jordan better workplace, Business Development Centre (BDC), etc)  
    • Business parks  
    • International NGOs (eg UNDP, etc)  
    • Social Security Directorate (pensions)  

|   |   |   |   | Retmer
shall be given weekly and annual days of paid rest.

- Special compensation shall be given to workers supporting families and on dismissal, illness, old age and emergencies arising out of the nature of their work.
- Special conditions shall be made for the employment of women and juveniles.
- Factories and workshops shall be subject to health safeguards.
- Free trade unions maybe formed within the limits of the law.

Art 24 (Adjacent with the above)

<table>
<thead>
<tr>
<th>Art 25</th>
<th>Adequate Standard of living</th>
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<tbody>
<tr>
<td>Article 6 (3): The Government shall ensure work and education within the limits of its possibilities, and it shall ensure a state of tranquility and equal opportunities to all Jordanians.</td>
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<tr>
<td>Article 6 (5): The law protects motherhood, childhood and the elderly and cares for the youth and the disabled and protects them from offense and exploitation.</td>
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<table>
<thead>
<tr>
<th>Art 26</th>
<th>Right to Education</th>
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<tbody>
<tr>
<td>Article 6 (3): The Government shall ensure work and education within the limits of its possibilities, and it shall ensure work and education within the limits of its possibilities, and it shall ensure that all Jordanians have equal opportunities for education.</td>
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| }
ensure a state of tranquility and equal opportunities to all Jordanians.

Article (19): Congregations shall have the right to establish and maintain their own schools for the education of their own members provided that they comply with the general provisions of the law and be subject to the control of government in matters relating to their curricula and orientation.

Article (20): Basic education for Jordanians shall be compulsory and free of charge in Government.

| Art 27 | Participation in cultural life | Article 15 (2): The State shall guarantee freedom of scientific research. It shall also guarantee the freedom of literary, artistic and cultural creativity if not contrary to public order and public morals. Article 15 (3): Freedom of the Press, publications and mass media shall be ensured within the limits of the law. | Participating in cultural life: • Private Schools • Universities and polytechnics • Unions • NGOs • Academies (e.g., Teacher’s academy) • International NGO (e.g., UNDP, UNICEF, UNIFEM, UNHCR, etc.) |
| Art 28 | International order for the realization of these rights. | 1. Intellectual property Rights laws 1. Ministry of culture 2. Ministry of Education and higher education. 3. Technology centers |
### Human Rights in Jordan

<table>
<thead>
<tr>
<th>Art 29</th>
<th>Duties to the communities</th>
<th>Chapter 2 in the constitution deals with the aspect of separation of powers and the independence of the judiciary.</th>
<th>1. Constitutional Law.</th>
<th>Constitutional Court</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art 30</td>
<td>Nothing in this Declaration may be interpreted as implying for any state to engage in any activity or perform any act aimed at the destruction of those rights.</td>
<td>Signing, ratification and accession to human rights treaties.</td>
<td>1. Country ratification and encoding international norms in domestic legislations.</td>
<td>Office of the High Commissioner of Human Rights, relevant Rapporteurs, treaty bodies and working groups, including the National Centre of human rights, all of which monitor country compliance with human rights as well as investigate human rights abuses as well as provide technical expertise and advise on how to protect and respect human rights</td>
</tr>
</tbody>
</table>
BIBLIOGRAPHY

Reports


Human Rights in Jordan


Books

Magazine and online articles
Human Rights in Jordan

Newspapers


**JORDAN BETTER WORKPLACE ASSOCIATION** is a Jordanian NGO established in 2013, with the aim of enhancing democratic values in the workplace. JBWA is comprised of professionals that are driven by the desire to be positive agents for change in these challenging times. Working on a volunteer basis; members draw on their skills and expertise to achieve the NGO’s goals, supported by external international advisors.

To these ends, JBWA works to provide a complete cycle of inclusive and complementary legal, human resources development and research activities. These are:

- **Legal Solutions**: Offering mediation services in the workplace supported by legal tools to provide standard legal documents and information notes.

- **Training Solutions**: Training and capacity building activities and educational toolkits.

- **Policy & Advocacy**: Conducting research, studies and drafting policy papers, awareness building campaigns and advocacy with