



**UPR Submission
Jordan
March 2013**

In 2010 and 2011, Jordan passed new legislation that threatens freedom of expression and extends executive control over online media outlets. Freedom of expression and association remain tightly circumscribed in law and practice, and security services enjoy a large degree of impunity for arbitrary arrests and torture, as do employers for abuses against migrant domestic workers. Arrests of dissidents and journalists have increased, as have incidents of civilian trials in military courts.

Freedom of Expression

During its previous UPR in 2009, Jordan accepted the recommendation to “take further steps to promote an open and free press where journalists may report on a full spectrum of political, social and economic issues without fear of retribution”. However Jordan continues to criminalize speech that is critical of the King, Islam, government officials and institutions, as well as speech deemed defamatory to other persons and has taken measures that even further restrict rather than promote free speech. In 2010, a revision of the penal code increased penalties for some speech offenses by criminalizing defamation, against entities (not individuals) such as government institutions, symbols, and religions. The revision makes violations a criminal offence, which carries a prison term. The 2010 Law on Information System Crimes extended these provisions to online expression by providing fines of US \$140- 2800 for sending or publishing anything defamatory to another person through information systems, including email, text messages, or the internet.

In 2011, King Abdullah issued a decree approving new amendments to the Press and Publications law. The new amendments require the country’s 220 news websites to obtain operational licenses from the government, granting executive authorities the power to close down unlicensed sites. The new amendments also make the owner, editor-in-chief, and director of an electronic publication share responsibility for comments or posts that users put on their website. The website managers are obliged “not to publish user comments containing information or facts unrelated to the news item or if their truth has not been checked” or if they violate any laws. The prohibition constitutes arbitrary interference in the right to free expression.

Military prosecutors have charged journalists and website editors who have posted and approved critical content under heavily politicized charges including “subverting the system of government”, “insulting the state”, and under Articles 5, and 7 of the Press and Publications Law requiring journalists to be “objective”.

Member states of the Human Rights Council should strongly urge the government of Jordan to:

- Rescind the recent amendments to the Penal Code, Press and Publication Law, and the Law of Information System Crimes, which threaten freedom of expression and which treat libel and slander as criminal offences;
- Drop charges against journalists and website editors which are related to freedom of expression;

- Start a drafting process to revise the existing Penal Code, Press and Publication Law, and Law of Information System Crimes that includes broad civil society participation and assistance from international human rights law experts aimed at protecting and promoting freedom of expression

Freedom of Assembly

In 2008, Jordan's parliament passed a new Law on Public Gatherings (Assembly Law), which required prior written approval by a governor in order to hold a public meeting. Under an amended version of the law, which took effect in March 2011, Jordanians no longer require government permission to hold public meetings or demonstrations. However, as demonstrations increased in 2012, prosecutors began resorting instead to charging protesters with "unlawful gatherings" under Article 165 of the Penal Code.

As protests intensified, authorities tried protesters in State Security Courts, which under the Jordanian constitution have jurisdiction over high treason, espionage, terrorism, drug charges and also over offences related to free speech. Jordan's State Security Court is a special court that is not independent of the executive. Since 2011, State Security Courts have charged a number of persons with offences including "vandalism of property", "participation in unlawful gatherings", and "subverting the system of government."

The member states of the Human Rights Council should strongly urge the government of Jordan to:

- Amend the Penal Code to remove arbitrary restrictions on public gatherings;
- Drop charges related against persons who exercised their right to freedom of assembly;
- Transfer all cases of civilians tried under military courts to civilian courts.

NGO law

During the previous UPR in 2009, Jordan accepted the recommendation to "revise the recently adopted "Law on Societies" to ensure that the provisions of this law are in line with international human rights standards," to "remove the government approval requirement in the work of NGOs" and to "reduce restrictions on their activities and allow them adequate freedom of action." No step has been taken to implement this recommendation.

Just before the UPR, parliament passed an amended Law of Societies that maintained the authority of the government to intrude into the internal activities of NGOs. The new law gives authorities discretionary powers to reject applications for new NGOs, and wide powers to close existing ones. It obliges NGOs to inform the authorities in advance of planned activities and certain meetings, which they must allow officials to attend. The government holds the authority to scrutinize NGO bank accounts and Article 17.c.1 of the Law of Societies requires Jordanian NGOs seeking to receive funding to notify the cabinet, listing the source, amount, and method of receipt of the funding, as well as the purposes of its use and any special conditions placed on the funding. The cabinet has 30 days to reply and need not give any reasons for rejecting a proposed grant or donation. The NGO can appeal a rejection to the Supreme Court of Justice. In 2012, the Jordanian cabinet rejected an application of foreign funding amounting to US\$350,000 to Tamkeen for Legal Aid and Human Rights, a registered Jordanian non-governmental organization, without providing a reason for its decision.

The member states of the Human Rights Council should strongly urge the government of Jordan to:

- Rescind the Law of Societies which grants the executive branch excessive powers to interfere in the activities of NGOs;

- Start a drafting process to revise the existing law to include broad participation by civil society and assistance from international human rights law experts and:
 - Permit foreign funding of NGOs, whether foreign or local, as long as all foreign exchange and customs laws are satisfied;
 - Remove the government's ability to impose any form of governmental management, or dissolve an NGO without a court order.

Torture, Arbitrary Detention, and Administrative Detention

Torture remains rife in Jordan's prisons despite a reform program initiated in 2006. During the previous UPR in 2009, Jordan accepted recommendations to ensure that "that allegations of torture and ill-treatment of convicted prisoners and detainees be investigated in a timely, transparent and independent fashion," and to "implement an independent and transparent complaints mechanism to deal with reports of prisoner ill-treatment." However, perpetrators of torture enjoy near-total impunity. Credible allegations of torture are routinely ignored because it remains up to police prosecutors and police judges to investigate, prosecute, and try their fellow officers. At the Police Court where such cases are heard, two out of three sitting judges are police-appointed police officers.

Police prosecutors routinely fail to take up investigations and diligently prosecute offenders. For example in 2012, no investigation took place into police abuses against protesters, even when at least one protester was brought to custody from a hospital where he had been treated for injuries sustained during police beatings. The Police Court also failed to investigate the death of Najm al-Din Azayiza, a 20-year old man from Ramtha who died from asphyxiation on his third day in detention at the Military Intelligence offices in the Rashid suburb of Amman. To date, no prosecutions for the crime of torture have taken place in the Police Court. .

The member states of the Human Rights Council should strongly urge the government of Jordan to:

- Remove jurisdiction over criminal matters involving prison abuse from the Police Court;
- Ensure civilian prosecutors assume jurisdiction over and carry out transparent and effective investigations into prison abuse, including by regular private meetings with prisoners;
- Ensure adequate numbers of prison doctors, including psychiatrists, and train them to detect torture and ill-treatment.

Administrative Detention

During the previous UPR in 2009, Jordan accepted the recommendation to "actively seek to address concerns on the use of administrative detention, to review it, and ensure that current detainees have access to legal representation and to the courts." However, the use of administrative detention in Jordan has increased in recent years, reaching between 11,000-12,000 persons. Administrative detention laws are problematic, because they deny persons fundamental rights to due process.

Jordan relies on the Crime Prevention Law of 1954 to circumvent provisions of the Criminal Procedure Law granting defendant due process rights, including the rights to be charged and be given a fair trial. Under the 1954 law, the governor, who reports to the Ministry of Interior, can administratively detain for up to one year any person he deems to constitute a "danger to the public". The governor is not required to present evidence of a crime committed or a crime in progress. Administrative detainees are only able to challenge their detentions in a court of law if there is a procedural violation in the issuance of the detention order.

Administrative detainees are allowed legal assistance, but almost never have a lawyer present at the time the governor issues the detention order.

Police and the governor frequently use administrative detention to hold persons whom a judge had freed on judicial bail. In addition, police and governors use the law to circumvent the obligation under the criminal law to refer a suspect to the prosecutor within 24 hours for charge. Governors have detained persons for violating curfews and requirements to report to the police, persons who are victims of tribal feuds, persons with long criminal records, and vanguards.

Women constitute an especially vulnerable group of administrative detainees. Jordan should take concrete steps to implement the recommendation accepted during the previous UPR in 2009 to “review the practice of “protective custody”, and increase the capacity of existing mechanisms, or establish other efficient protective mechanisms for women at risk of violence.” Governors place women and girls threatened with domestic violence or are at risk of an ‘honor killing’ in ‘protective custody’, a form of administrative detention. The Crime Prevention Law used to justify administrative detention does not foresee protective custody. In fact, it grants the governor the authority to detain only persons who constitute a danger to society. But in the case of these women and girls, it is the victim not the perpetrator who the governor detains. Women held in protective custody are released only if a male family member can convincingly pledge that the family will not harm the woman and women may spend years in administrative detention since families often refuse to act as sponsors.

The member states of the Human Rights Council should strongly urge the government of Jordan to:

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

Refugees and Migrants

Since 2011, Jordan has absorbed an influx of over 250,000 refugees fleeing Syria. The government requires all Syrian nationals fleeing irregularly into Jordan to be processed in a refugee camp, but allows those for whom a Jordanian citizen is willing to act as a guarantor to “bail out” and move freely in Jordan. In February 2013, the Zatari camp had grown to almost 100,000 and hundreds, sometimes thousands, of refugees were arriving daily, while the authorities were constructing another camp at Mreijeb Al Fhoud to take about 5,000 more. In contrast to its hospitality for Syrian refugees, Jordanian officials reject non-Syrian nationals, including long-term Palestinian residents of Syria, at the border, as well as almost all single men of military age, a violation of the customary international law principle of non-refoulement. Following rioting over the harsh living conditions in Zatari camp in January, Jordan announced that all single men would be moved from Zatari camp to Cyber City camp. Although HRW observed preliminary preparations for a new camp at Cyber City during a visit in February, at the time of that visit the plan to move single men from Zatari to Cyber City had not been implemented. About 200 Palestinians who had entered Jordan before the border was closed to them are detained in a building at Cyber City, along with about 300 Syrian refugees who still have the option of bailing out and are not restricted in their coming and going. Jordanian authorities

confiscate all passports of new arrivals as they cross into Jordan and usually issue a receipt for them. The government claims that it will return passports to the Syrians as they leave the country.

In 2008 Jordan included domestic workers under its labor law. During the previous UPR in 2009, Jordan had accepted the recommendation to “Implement all possible efforts to combat ill-treatment against foreign workers and to offer, through the Labour Code, adequate protection to all workers in Jordan.” In 2009, it issued regulations specifying labor protections, such as a maximum of 10 hours of work per day, a minimum of eight hours of continuous rest each day, a weekly day of rest, and regular salary payments. In 2009 Jordan also passed a law against people trafficking that criminalizes forced labor for exploitation.

However, the effectiveness of these legal reforms has been minimal due to poor enforcement by authorities. Weak enforcement of existing rules means domestic workers sometimes forfeit rights, such as unpaid salaries, in exchange for the ability to return home. The Labor Ministry has only five inspectors for all domestic workers, but they have not exercised their authority to enter the homes to follow up claims of domestic worker abuse. A labor dispute committee for domestic workers follows no clear guidelines and takes months to issue non-binding recommendations for cases of complaints by domestic workers. There are several/numerous documented cases where inspectors have not reported as violations of the law cases of overlong working hours – on average 16 hours per day among those workers interviewed for the report – or failing to grant a day off, let alone fined employers for what are widely reported practices

Jordanian law still permits an employer to restrict a domestic worker’s movements, forcing the worker to stay in the employer’s house. Jordan also does not allow domestic workers to change employers freely, even after the contract period has ended. Jordan imposes fines on those who are in Jordan without a valid residency permit, which only an employer can apply for, but often does not. Police detain domestic workers whose employers registered them as “escaped,” even when the worker had a valid residency permit.

The member states of the Human Rights Council should urge the government of Jordan to:

- Respect the principle of non-refoulement by:
 - Permitting the entry of single male civilians of military age fleeing persecution and ongoing violence in Syria whose rejection at the border would threaten their lives and freedom
 - Permitting Palestinian refugees fleeing Syria to enter Jordan and not rejecting them at the border or returning them from within Jordanian territory and allowing them to be released through the system of Jordanian guarantors

- Enforce existing legal protections for migrant domestic workers and ratify the ILO treaty on domestic worker rights and bring itself into full compliance.