



**The Hashemite Kingdom of Jordan**  
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**Submission by CIVICUS: World Alliance for Citizen Participation, NGO in General Consultative Status with ECOSOC, and Amman Center for Human Rights Studies, NGO in Special Consultative Status with ECOSOC.**

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## **1. (A) Introduction**

- 1.1** CIVICUS: World Alliance for Citizen Participation is an international movement with members in more than 100 countries worldwide. Established in 1993, CIVICUS nurtures the foundation, growth and protection of citizen action throughout the world, especially in areas where participatory democracy and citizen's freedom of association are threatened.
- 1.2** Amman Center for Human Rights Studies (ACHRS) is an independent, regional, scientific, advocacy centre for studies, research and training on issues of human rights and democracy based in Amman, Jordan.
- 1.3** In this document, CIVICUS and ACHRS outline concerns related to the environment in which civil society and human rights defenders operate in Jordan, and discuss threats they face in the exercise of the freedoms of expression, association and assembly.
- 1.4** CIVICUS and ACHRS are concerned by the harassment and violent attacks against peaceful protestors, human rights defenders, and journalists in Jordan. In light of its stated intention to pursue democratic reform, restrictions on free speech and the repression of civil society remain urgent issues for redress by the Government of Jordan.
- 1.5** CIVICUS and ACHRS are alarmed by the failure of the Government of Jordan to protect those voicing their right to freedom of expression, association and assembly. In many instances, the security services are directly responsible and complicit in the violations.
  - In section B, CIVICUS and ACHRS highlight the concerns relating to the practical protection of the freedom of expression, association and assembly.
  - In section C, CIVICUS and ACHRS highlight the concerns over harassment and attacks against civil society activists and human rights defenders.
  - In section D, CIVICUS and ACHRS highlight the concerns over harassment and attacks against journalists.
  - In section E, CIVICUS and ACHRS make a number of recommendations in the areas of concerns listed.

## **2. (B) Concerns regarding freedom of expression, association and assembly**

- 2.1** Article 15 of the 1952 Constitution of the Hashemite Kingdom of Jordan provides only qualified protection for individual freedom of speech and of the press. These freedoms are protected, but only provided they are within, and do not violate, the domestic laws, the details of which are not explicitly referenced. The same qualifications are also imposed on the rights to assembly and association in Article 16: Jordanians have the right to hold meetings within the limits of the law, and are entitled to associate provided that the objects of such associations are lawful, peaceful, and not contrary to the provisions of the Constitution.

- 2.2 Although Jordan has ratified the International Covenant on Civil and Political Rights (ICCPR), and its Articles 19, 21 and 22 which guarantee the freedoms of expression and the right to hold opinions without interference, the right to peaceful assembly and the right to associate, the legislation of Jordan must itself be in accordance with the human rights standards set out in the ICCPR.
- 2.3 The deference to national laws in Articles 15 and 16 of the Constitution gives legislators in Jordan great scope to define what is permissible or restricted in these spheres, but the condition in the Constitution that any restrictions should be provided by law, is not satisfied merely by setting out the restriction in domestic law. When read against articles 19, 21 and 22 of the ICCPR, the restrictions in a number of Jordan's laws appear overly broad and not within the spirit and intention of the ICCPR.

### **Freedom of Expression**

- 2.4 The approval of amendments to the Press and Publications Law in September 2012 in particular, marked a big step backwards for freedom of expression in Jordan. Moreover, the suspension of satellite TV station JOSAT on 26 July 2012 after its weekly political programme which exposed corruption in Jordan has also dented the Government's commitment to public information and plurality in viewpoints.
- 2.5 On the heels of the leading role the internet has played in the Arab Spring and the fact that news Web sites in Jordan play a key information source in a country where traditional media is limited, these amendments to the Press and Publications Law toughening articles 38, 42, 48 and 49 have forced the approximately 220 news Web sites in Jordan to obtain government accreditation to continue operating.
- 2.6 According to the amendments, the Government may also now hold Web site managers responsible for user comments. This undermines the right to freedom of expression by increasing the need for the Web sites to privately censor their content. This will likely to lead to overly broad, self-protective censorship, while the government accreditation requirement gives rise to transparency issues if a news site is rejected. The new requirement to store all the comments on a news site in a database for at least six months is also overly onerous and will likely cause further self-censorship among those that post comments.
- 2.7 Since the crackdown on Web sites and online news, users are now moving to social media to express their views and opinions and to organize demonstrations. The Ministry of Interior continues to monitor Internet cafes via video cameras. In an apparent setback to freedom of expression, the ministry also requires cafe owners to submit records of visited Web sites, register users' personal data, and take measures to prevent access to "targeted" Web sites labelled as such by the ministry.
- 2.8 This hardening in Government attitude towards free expression in Jordan began in earnest in 2010, when the Penal Code was revised to increase penalties for some speech offences. 2010 also saw the enactment of the Law on Information System Crimes which extended the provisions on speech offences in the Penal Code to

online expression, and provided criminal sanctions for slander and defamation, offences that already existed in the Penal Code.

### **Freedom of Association**

- 2.9 Civil Society Organisations (CSOs) and their freedom to associate are also negatively impacted by the Press and Publications Law, which has made the definition of a "journalist" very narrow. It now restricts access to the profession and forces journalists to join a union. The later requirement is in clear contravention of the ICCPR, as there should be no compulsory element forcing journalists to join an association, and if indeed they do decide to join, they should also be free to choose their union.
- 2.10 In addition, CSOs are also hindered by the 2008 Law on Societies, amended in 2009. Under article 17, the Jordanian Cabinet is not required to provide a reason for denying a CSO permission to accept foreign funds, and it did not provide a reason in 2012 when it prohibited the CSO Tamkeen for Legal Aid and Human Rights Studies's acceptance of \$350,000 of foreign funding to assist the rights of migrant workers. In doing so it violated their right to freely associate and set a poor precedent.
- 2.11 It should also be noted that CSOs in Jordan may not pursue any political goals that are governed by the Political Parties Law. However, neither the Law on Societies nor the Law on Political Parties defines the term "political," leaving the term open to broad interpretation and abuse.

### **Freedom of Assembly**

- 2.12 The crackdowns on freedom to assemble in Jordan have, however, been the most concerning. In solidarity with the Arab Uprisings, protesters calling for political reforms in Jordan began to take to the streets in January 2011. They have been met over the months with water cannons, tear gas, heavy handed beatings (both during protests and in detention afterwards), torture (in detention) and arrests by the security forces. Protestors have also been shot at, and in the case of Qais al-Omary, killed. He died on 13 November 2012 in Irbid after being shot in the vicinity of a demonstration, it is believed by the security services.
- 2.13 Despite the amended Public Gatherings Law, which took effect in March 2011, and its retraction of the requirement to obtain government permission to hold public meetings or demonstrations, protestors have still been charged with "unlawful gatherings," under article 165 of the Penal Code. Over a 15 day period in November 2012 at least 300 people were arrested and 107, including 9 children, were referred to State Security Courts on charges including "subverting the system of government," "vandalism of property" and "participation in unlawful gatherings" following protests against the removal of fuel subsidies.
- 2.14 The use of State Security Courts since the protests began to punish civilians, including peaceful protestors detained in November 2012 along with 13 people who took part in a demonstration in Amman in March 2012, violates due process rights as the courts include judges from the military. There remain serious concerns that the

courts are not independent from the executive, and the trials are not compliant with the ICCPR fair trial provisions.

### **3. (C) Concerns involving harassment, threats and attacks against civil society activists, human rights defenders and trade unionists**

Article 12 of the UN Declaration on Human Rights Defenders mandates states to take necessary measures to ensure protection of human rights defenders. However reports show that this has not equated to substantive practice in Jordan, particularly when it is state agents, such as those from the General Intelligence Department, that are often the instigators and perpetrators of political violence and intimidation affecting civil society activists and human rights defenders.

#### **(Targeting of government critics, human rights organisations and human rights defenders)**

- 3.1 During the protests in 2012, the security forces targeted those with links to CSOs, reform groups and human rights organisations. At least 20 members of pro-reform groups were arrested between July and October 2012 from across the country while participating in, or following, peaceful protests. Leader of the Democratic Youth Federation, Mahdi al-Saafin, was also injured when security forces unleashed dogs on a group of protesters during a demonstration in Jabal al-Hussain Square in November 2012 against the lifting of fuel subsidies.
- 3.2 Meanwhile, Mahdi al-Saafin, a leading member of the pro-reform Herak movement, which had called for political and economic change as well as increased political freedoms, was arrested on 16 November 2012 at a peaceful protest in the same square. Al-Saafin began a hunger strike in prison on 28 November 2012 in protest at his continuing detention after which he was put in solitary confinement and intermittently denied water and salt. Sahel Musalma was also arrested the same month after participating in a peaceful protest, and was beaten with batons before being taken into custody.

#### **(Threats to trade unions)**

- 3.3 Although the laws regulating trade unions in Jordan are very restrictive, amendment of the Labour Code in July 2010 did bring some positive changes. Workers in private companies and in some public corporations now have the right to form trade unions, but all unions must belong to the government-subsidised General Federation of Jordanian Trade Unions (GFJTU), the country's only trade union federation in violation of freedom of association standards under international law.
- 3.4 Additionally, there are limits on the right to strike, including the requirement of government permission and a minimum requirement of 14 days' notice to the employer. Any strike at all is prohibited if a labour dispute is under mediation or arbitration.

### **4. (D) Concerns involving harassment, threats and attacks against journalists**

- 4.1 Jordan's journalists often come under close surveillance from the intelligence services. While the state is the major shareholder of the major newspapers and continues to exert a strong influence over the kingdom's leading dailies (al-Ra'i, Jordan Times, al-Dustour), various laws criminalise speech that is critical of the King, Islam, government officials and institutions, as well as speech deemed defamatory to other persons. The Jordanian royal family is deeply sensitive and any criticism of the monarchy is off-limits for all media. Those that do criticise are dealt with severely.
- 4.2 A blogger who published an article criticizing Prince Hassan bin Talal was stabbed by an unidentified assailant in February 2012, while a journalist was placed in detention for three weeks in April 2012 for writing an article alleging misconduct in the Royal Court. Also in April 2012, Jordan's military prosecutor brought charges against a journalist and the publisher of the news Web site 'Gerasanews' for "subverting the system of government" over an article concerning the King's supposed intervention in a corruption investigation.
- 4.3 After an Agence France-Presse (AFP) story in June 2011 reporting that residents of Tafileh had stoned the king's motorcade, a Member of Parliament led protests demanding that AFP Amman bureau chief Randa Habib be referred to the State Security Court and that the AFP offices be closed. The same month, a group of men attacked the AFP offices as police reportedly looked on. During a press conference, Habib stated she had also received death threats. The government provided her security in response. The AFP bureau in Jordan currently remains open.
- 4.4 Journalists have also been targeted during the widespread protests. In July 2011, riot police broke up a peaceful march in Amman by beating protesters and journalists, despite an earlier agreement with police which produced orange vests for journalists to wear during the march. Several protestors were badly injured, including reporters from Al Jazeera, The New York Times, local dailies and others, who were badly beaten.

## **5. (E) Recommendations to the Government of Jordan**

- 5.1 CIVICUS and ACHRS call on the Government of Jordan to create an enabling environment for civil society to operate in accordance with the rights enshrined in the ICCPR and the UN Declaration on Human Rights Defenders. At a minimum, the following conditions should be ensured: freedom of association, freedom of expression, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding and the state's duty to protect. In light of this, the following specific recommendations are made.
- 5.2 Regarding threats to civil society activists and journalists:

- Impartial and effective investigations into all cases of attack, harassment, intimidation and disappearance of civil society activists and journalists should be conducted and perpetrators brought to justice.
- A Commission of Inquiry should be established to inquire into reports regarding torture and illtreatment including denial of adequate medical care to detained protestors Use of State Security Courts to try civilians, including for participating in peaceful protests should be discontinued
- Attacks on, and threats to, civil society activists and journalists should be publicly condemned by senior government officials to ensure protection by law enforcement agencies.

5.3 Regarding restrictions on freedom of expression, the Government of Jordan should ensure the following:

- The Press and Publications Law amendments forcing Jordan's news Web sites to obtain government accreditation, and which hold Web site managers responsible for user comments, should be repealed.
- The Law on Information System Crimes should be amended to remove the increased penalties for online expression and the criminal sanctions for slander and defamation offences.

5.4 Regarding restrictions on the freedom of association, the Government of Jordan should ensure the following:

- Article 17 of the Law of Societies should be amended to remove the provision requiring the Cabinet not to provide a reason for denying a CSO permission to accept foreign funds.
- The requirement for all unions to belong to the government-subsidised General Federation of Jordanian Trade Unions (GFJTU) should be repealed

5.5 Regarding restrictions on the freedom of assembly

- The practice of charging protestors under the Penal Code for demonstrating without government permission should be discontinued
- Security forces should be trained in non-violent methods of crowd control including the UN Basic Principles on the Use of Force and Firearms

5.6 Regarding access to UN Special Procedures and Mandate Holders

- A standing invitation should be extended to the UN Special Procedures, particularly to the Special Rapporteur on Human Rights Defenders, Special Rapporteur on Freedom of Expression, and Special Rapporteur on Freedom of Peaceful Assembly and Association and the Special Rapporteur on the Independence of Judges and Lawyers.

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