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**JORDAN**

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## Introduction

1. ADF International is a global alliance-building legal organization that advocates for religious freedom, life, and marriage and family before national and international institutions. As well as having ECOSOC consultative status with the United Nations (registered name “Alliance Defending Freedom”), ADF International has accreditation with the European Commission and Parliament, the Organization for Security and Cooperation in Europe, and the Organization of American States, and is a participant in the FRA Fundamental Rights Platform.
2. This report focuses on the way in which Jordan should protect and promote religious freedom.

### (a) Religious Freedom

3. With a population of approximately 7,877,000, Jordan is home to around 169,000 Christians. Most of these Christians are Eastern Orthodox; however, there are also significant numbers of Roman Catholic, Coptic, Evangelical, Baptist, and Pentecostal Christians, among others. Of the other 98% of Jordanians, the vast majority are Muslim.<sup>1</sup>
4. Jordan has long been known for upholding relatively high levels of religious freedom among Middle Eastern countries. In recent years, King Abdullah II has spoken inspiringly of the value of religious freedom and has taken bold stands against sectarian violence and religious persecution, such as showing his solidarity with Jordanian Christians after an Islamic extremist murdered a Christian for allegedly speaking critically of Islam.<sup>2</sup>
5. The constitution of Jordan mandates that the State “safeguard the free exercise of all forms of worship and religious rites in accordance with the customs observed in the Kingdom, unless such is inconsistent with public order or morality,” but it also declares Islam the official religion.<sup>3</sup> It guarantees that “[t]here shall be no discrimination between [Jordanians] as regards their rights and duties on grounds of race, language or religion.”<sup>4</sup> In application, however, these guarantees can yield to majority interests whenever free exercise of religion may negatively impact Islam.

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<sup>1</sup> OPEN DOORS, WORLD WATCH LIST: JORDAN, <https://www.opendoorsusa.org/christian-persecution/world-watch-list/jordan/> (last accessed Mar. 20, 2018); INDEX MUNDI, JORDAN RELIGIONS, <https://www.indexmundi.com/jordan/religions.html> (last accessed Mar. 20, 2018).

<sup>2</sup> David Schenker, *King Abdullah and Jordan Deserve Our Support—And Our Dollars*, The Washington Institute (Apr. 5, 2017), <http://www.washingtoninstitute.org/policy-analysis/view/king-abdullah-and-jordan-deserve-our-support-and-our-dollars>; Peter Jesserer Smith, *Jordan’s Prophetic Vision of the Middle East: A Land of Muslim-Christian Harmony*, NAT’L CATHOLIC REGISTER (Nov 14, 2016), <http://www.ncregister.com/daily-news/jordans-prophetic-vision-of-the-middle-east-a-land-of-muslim-christian-harm>.

<sup>3</sup> CONST. OF JORDAN ch. I art. 2, ch. II art. 14.

<sup>4</sup> CONST. OF JORDAN ch. II art. 6.

6. Open Doors, an international organization dedicated to supporting persecuted Christians, notes that although expatriate Christians and those born into Jordan's native Christian communities enjoy relative religious freedom, Muslim converts to Christianity suffer heavy persecution.<sup>5</sup> The organization states that "[d]ue to security concerns, examples of Christian persecution in Jordan are not currently available for publishing."<sup>6</sup> Thus, the reality for Christians in Jordan is probably even worse than the facts and statistics detailed here suggest.
7. Although Jordanian law does not specifically punish apostasy, because of Jordanian law's deference to Sharia courts, Muslims who convert to Christianity are denied juridical recognition as Christians and instead treated as apostate Muslims. Under this arrangement, converts and their family members risk having their marriages annulled, children taken from their custody, and property confiscated.<sup>7</sup>
8. Laws punishing apostasy violate Article 18 of the International Covenant on Civil and Political Rights (ICCPR), which protects the right to freedom of thought, conscience, and religion. As reaffirmed by the Human Rights Committee (HRC) in its General Comment No. 22, this right includes the "freedom to have or adopt a religion or belief of [one's] choice," and the right to "replace one's current religion or belief with another or adopt atheistic views, as well as the right to retain one's religion or belief."<sup>8</sup> Article 18(2) of the ICCPR states, "No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice." The HRC interprets such coercion to include the "[u]se of threat or physical force or penal sanctions" and policies and practices that "restrict[] access to education, medical care, [and] employment."
9. The primacy of Sharia courts in a fractured system of religious tribunals also opens the possibility of forum-shopping, allowing spouses to easily evade their marital and parental obligations by simply converting to Islam. This phenomenon is dramatically illustrated by a case where a Greek Orthodox husband evaded his obligations to support his wife and children by simply converting to Islam. Members of Jordan's Christian and Islamic courts alike have spoken publicly about this sort of abuse.<sup>9</sup>
10. Jordanian law heavily restricts speech critical of Islam. In particular, broadly applicable defamation laws, including criminal sanctions for defamation of political and religious institutions, chill free thought and expression on religious subjects and discourage people in Jordan from expressing ideas that might be interpreted as contrary to the prevailing view of Islam.<sup>10</sup> These restrictions violate ICCPR Article

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<sup>5</sup> OPEN DOORS, WORLD WATCH LIST: JORDAN, <https://www.opendoorsusa.org/christian-persecution/world-watch-list/jordan/> (last accessed Mar. 20, 2018).

<sup>6</sup> *Id.*

<sup>7</sup> Nadine Nimri, *When Conversion to Islam Becomes a Means of Evading Legal Consequences*, 7iber.com (Dec. 30, 2015), <https://www.7iber.com/society/when-converting-to-islam-becomes-a-means-of-evading-legal-consequences/>.

<sup>8</sup> Human Rights Committee in its General Comment No. 22, 5.

<sup>9</sup> *Id.*

<sup>10</sup> Kenneth Roth, *World Report 2017: Jordan, Freedom of Expression and Belief*, HUMAN RIGHTS WATCH, <https://www.hrw.org/world-report/2017/country-chapters/jordan> (last accessed Mar. 18, 2018).

18(1), which guarantees the freedom to share beliefs, and Article 19, which guarantees freedom of opinion and expression.

11. In 2015, Jordan amended a cybercrime law to allow detention, without court order, of anyone who uses the Internet for defamation.<sup>11</sup> This exceptionally broad provision particularly undermines the relatively strong protections journalists previously enjoyed in Jordan.
12. A dramatic example of the harm done by laws restricting speech about religion occurred when Nahed Hattar, a Jordanian who was officially Christian but was generally critical of religion, was arrested for drawing a cartoon that was deemed offensive toward Islam. In September 2016, just outside the courthouse where he was to be tried for “contempt of religion,” he was murdered by a religious extremist.<sup>12</sup> Official retaliation against the expression of unpopular religious ideas can lead to unofficial violent reprisals, thus undermining public order when the state condemns expression of certain ideas. Official reprisals for social, literary, and cultural commentary, even commentary a majority finds deeply offensive, have a chilling effect on Christians and all who might publicly express unpopular opinions or critique prevailing beliefs or norms.
13. Christian missionaries, converts, and those who express interest in Christianity face violent reprisals from their majority-Muslim communities, particularly in rural areas where non-Muslims have virtually no recognition or protection.<sup>13</sup> In some cases, Muslim converts to Christianity have reported that police have harassed them and interrogated them about their reasons for converting.<sup>14</sup> Those who attempt to proselytize are often punished for “inciting sectarian conflict” or “harming national unity.”
14. Because Jordanian law defers to Sharia law, which does not recognize the possibility of converting from Islam, converts *to* Islam can change their legally recognized religion, but converts *from* Islam cannot.<sup>15</sup> This discriminatory treatment not only ignores the reality of religious conversion, but places myriad legal and practical burdens on converts and seems to violate Chapter II, Article 6 of the Jordanian Constitution.

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<sup>11</sup> Daoud Kuttab, *Defamation and Development in the Arab World*, PROJECT SYNDICATE: THE WORLD’S OPINION PAGE, <https://www.project-syndicate.org/commentary/defamation-laws-freedom-of-speech-egypt-jordan-tunisia-by-daoud-kuttab-2016-03>.

<sup>12</sup> Suleiman al-Khalidi, *Jordanian Writer Shot Dead Outside Court Before Trial Over Cartoon*, Reuters (Sept. 25, 2016), <https://www.reuters.com/article/us-jordan-writer-shooting/jordanian-writer-shot-dead-outside-court-before-trial-over-cartoon-idUSKCN11V060>.

<sup>13</sup> Janelle P., *Sharing God’s Love with Muslims in Jordan Is a Dangerous Task*, OPEN DOORS USA (May 2, 2017), <https://www.opendoorsusa.org/christian-persecution/stories/sharing-gods-love-muslims-jordan-dangerous-task/>.

<sup>14</sup> *Many Countries Favor Specific Religions*, PEW RESEARCH CENTER (Oct. 3, 2017), <http://www.pewforum.org/2017/10/03/many-countries-favor-specific-religions-officially-or-unofficially/>.

<sup>15</sup> Nadine Nimri, *When Conversion to Islam Becomes a Means of Evading Legal Consequences*, 7iber.com (Dec. 30, 2015), <https://www.7iber.com/society/when-converting-to-islam-becomes-a-means-of-evading-legal-consequences/>.

15. Jordanian law requires religious groups to register as legally recognized denominations or societies in order to own property and perform certain religious rites, including weddings. Although many mainstream denominations are currently recognized, many others are not, and the decision whether to recognize a particular religious group is necessarily arbitrary and biased. In any event, the registration requirement imposes an unjust administrative burden and stifles the organic growth of Jordanian religious institutions.<sup>16</sup>

**(c) Recommendations**

16. In light of the aforementioned issues raised, ADF International suggests the following recommendations be made to Jordan:

- a. Ensure that the right to freedom of religion or belief is promoted and protected in Jordan, and that non-Muslim individuals are not prosecuted or persecuted for their beliefs by either the State or society, and that Muslims are permitted to leave Islam and adopt another religion or belief without fear of legal sanction;
- b. Repeal all blasphemy laws and prohibitions on proselytization, and ensure that the freedom of expression is protected and promoted to the fullest extent required under international law;
- c. Abolish all laws excluding certain individuals from owning property or obtaining Jordanian citizenship or residency based on their religious affiliation or ethnicity;
- d. Ensure adequate security and police protection for members of minority religions to protect them from sectarian violence and persecution; and
- e. Recognize that a mere right to freedom of worship does not completely fulfill the right to freedom of religion or belief, and that the freedom to fully manifest one's religion is a fundamental human right under international law.

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<sup>16</sup> *Civic Freedom Monitor: Jordan*, INTERNATIONAL CENTER FOR NON-PROFIT LAW (last updated Oct. 2017), <http://www.icnl.org/research/monitor/jordan.html>.



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