

**NGOs Coalition Report
Universal Periodical Review of Human Rights in Jordan
NGOs Coalition for the UPR – Joint UPR Submission – Jordan, October 2013**

This report is submitted by the NGOs coalition, which was founded in September 2012 in order to deliver a comprehensive periodic review of the status of human rights in Jordan. The said coalition is comprised of four NGOs, namely: (i) The Amman Center for Human Rights Studies; the coordinator of the coalition, which was established in 2000 as an independent scientific non-governmental organization with the objective of studying the mechanisms of human rights in Jordan and the Arab world and monitoring the fundamental changes thereof, and spreading, promoting and inducing a change to the general level of awareness towards human rights, (ii) the Arab Organization for Human Rights in Jordan; which is a non-governmental organization that was established in 1991 with the objective of defending human rights, spreading and promoting the culture of human rights in Jordan, (iii) Amnesty International – Jordan, which is a non-governmental organization, aims at defending and promoting human rights, and (iv) Amman Forum Association for Human Rights, founded in 2010 as a non-governmental organization that aims at spreading the culture of human rights and gender equality, and lobbying for Jordanian laws and regulations to be in line with international standards.

Introduction

1. This brief report discusses some of the implemented practices and enforced legal framework that pertains to a number of subjects related to the status of human rights in Jordan such; fair trials, individuals being deprived of their ideological and social freedoms and the freedom to express opinion, freedom of assembly and association, freedom to form political parties, free and fair elections, and poverty and its impact on practicing economic, social and cultural rights. The report is based on a benchmark comparison in order to identify the inadequacy of the legislative framework and relevant practices pertaining to human rights issues.

The Lack of Guarantees for Fair Trials & the Increase of Arbitrary Detention

2. With respect to violations of fair trials and the issues of arbitrary and illegal detention, administrative detention is deemed among the most violating practices and legislations in Jordan. In fact, it is based on an unconstitutional law that is inconsistent with human rights agreements, viz.: The Crime Prevention Law, which gives the provincial governor the authority to deprive individuals of their freedom and restrict their freedom of movement without any legal base. This is because the authority of the provincial governor is open and not governed by specific restrictions or controls. The administrative detention decisions can be petitioned before the Administrative Court, whose decisions are still deemed

- finalin spite of the incorporated constitutional amendments of 2012 which state that detainees can petition these decisions before a superior court. Needless to mention, the fees for bringing this petitionbefore the High Court of Justice is high-priced as it costs up to USD 500, let alone the attorney fees.
3. For years, provincial governors have enjoyed unconstrained authority i.e. the number of administrative detainees amounted to twelve thousand persons in 2012, most of whom endured arbitrary detention to bypass the (24) hours legal period of detention stipulated for cases within the authority of civil courts. Furthermore, police officers use their relation with provincial governors to use their authority to detain suspects in order to pursue their interrogation concerning administrative crimes. However, it is noted that the law is set to prevent crimes and hence cannot be applied after the occurrence of crimes but nevertheless, this is still considered the common practice in Jordan.
 4. The administrative detention is also used to detain women, particularly in the cases of honor killing. According to the latest survey, the number of administratively detained women reached seventeen detainees, some of whom are still being in detention for more than10 years as a protective custody procedure to protect them against violence.
 5. As for fair trials, the Jordanian Criminal Proceedings Code does not furnish any real guarantee for suspects and arrested people at the initial stage of investigation. This is because the law neither stipulates their right to receiving legal aid and advocacynor states that suspects and arrested individuals need to be verbally informed of the charges for which they are being held; but rather considers the mention of such reasons in the records is adequate. Further, the law does not assure the compliance of detention and interrogations to the principles of human rights, and is also criticized because of some other defectssuch as: (i) unavailability of free legal aid for all cases, (ii) cases are routinely time consuming,(iii) Inequality between the persecution and defense parties, and (iv) breaching the principle of equality of arms, which requires each party to be given a reasonable opportunity to present his or her case under conditions that do not place him or her at a substantial disadvantage vis-à-vis his opponent.+
 6. In spite of the latest constitutional amendments that limited the jurisdiction of the State's Security Court to specific types of crimes, civiliansare still being tried atthe said Court, whose judges are appointed by the Executive Authority and whose public prosecution is not only military and subject to the Military Discipline Code, but also lacks independency. The Court of Cassation (Supreme Court)interpreted the latest constitutional amendment and declared that the said amendment does not forbid the State's Security Court to look into crimes that was under its jurisdiction prior to the promulgation of the said amendment, and that it does not limit its authority to the specified crimes thereof. The interpretation of the Court of Cassation kept all types of crimes within the jurisdiction of the State's Security Court, and stated that a panel of civilianjudges, that is associated with the State's Security Court, need to be established tolook into the crimes that

- are not specified in the constitution. This is while noting that both military and civilian judges are appointed by the Prime Minister. The Court of Cassation indicated that the constitutional amendment does negate the authority of the military public prosecution to investigate all the crimes falling within the jurisdiction of the State's Security Court. In other words, the Court of Cassation has kept the case as it was before the constitutional amendment.
7. Currently, the State's Security Court is used as a means to restrict freedoms; particularly the freedoms of opinion, expression, publication and media. A score of people were tried at this court because of their participation in peaceful protests or for criticizing the regime in Jordan, and hence were prosecuted for the crimes of denouncing the King, conducting actions that could damage the relations with other countries or incitement against the regime.
 8. The Jordanian law does not compensate victims of unfair trials or arbitrary detention though civil judges excessively exercise their authority to detain people during or before trials. This happens because the law does not specify the reasons for which a person can be detained. The number of administrative detainees reached 23 thousands persons in 2012, of which there were 1500 pronounced guilty as charged.

Lack of Legislative Framework Ensuring A Free, Just and Fair Elections

Despite the Law amending the Law of Election to the House of Deputies, and that Jordan has been in force for many years and criticized at both international and national levels, the amended law still does not guarantee justice of representation or ensure equality between citizens. This is because the said law is based on the concept of unequal constituencies, which entitles some constituencies of low population to more seats than other constituencies of high populations since the weight of votes differ from one constituency to another. According to the final notes of the Anti-Discrimination Committee on the Periodic Report of Jordan for the year 2012, areas inhabited by tribes and rural areas dominate the House of Deputies over city areas that are inhabited by Jordanians from Palestinian origins.

9. The election for the Lower House in Jordan is neither independent nor transparent, and the interference and pressure of the security agencies on elections are evident i.e. Security agencies interventions in election are to ensure that the elected members comply with their criterion. In fact, the legislative framework organizing the process of election facilitates for this type of intervention and achieves the objectives of the security agencies.

Unwarranted Restrictions Imposed on the Right for Peaceful Assembly and Association

10. For the last two years, different security agencies have been breaching at large the right of peaceful assembly i.e. despite the peaceful nature of protests and marches, security agencies have used force against protestors to dismiss their protests and demonstrations without any legal basis for this action. Needless to mention the cooperation of the security agencies with groups of outlaws who assaulted protestors in the presence of police officers without attempting to stop them or arrest them. This indicates that security agencies refrain from providing protection to public demonstrations and protests.
11. The current in force Public Assemblies Law includes strict restrictions on exercising the right of peaceful assembly i.e. Article (5) of the said law deems every public assembly organized without notifying the provincial governor 48 hours prior to the date of the assembly is illegal and a crime that is punishable according to the Penal Code. Furthermore, the law stipulates that the organizers of these events and all participants are responsible for any damages caused to public and private properties.
12. Since the beginning of protests and demonstrations in Jordan, particularly those that happened after the rise of prices at the end of 2012, hundreds were arrested, of which there were 88 persons tried at the State's Security Court because of participating in these demonstrations and expressing their opinions.
13. As for the right of forming associations, the valid law for the year 1966 and the 2008 amendments thereof, came to hinder the exercise of this right freely. This is because the law requires registering all associations, including non-governmental associations and organizations, in the associations' record whose administration is not independent and under the direct management of the Minister of the Social development. In order for a new association to complete its registration, it has to submit an application and wait for its approval instead of just sufficing with sending a notification to the ministry. The approval depends on the mood of the Associations' record officer who often abuses the authority vested in him i.e. he turned down 12 applications since 2008 on the grounds that such associations have unsuitable objectives or contravene the general law. The law also requires the approval of the prime minister who is not obligated to make any recommendations, in order for an association to receive foreign funding.
14. The Political Parties Law imposed obstacles that obstructed the freedom of forming political parties and hinder their work i.e. in order for registering a new political party, the law requires it to be registered at the affairs of the political parties committee which is chaired by the ministry of interior and whose formation is dominant by the Executive Authority, and the responsibility of approvals is assigned to the Ministry of Interior instead of assigning such authority to the Ministry of Political Development.
15. Aside from all the previously mentioned points, there are laws and practices that restrict the freedom of joining political parties, as such: laws forbidding employees of public institutions to join political parties, students whose study is covered by the royal financial aid are obligated to sign a document that they will

not join any political parties and imposed conditions on the contracts of lecturers teaching in universities that prevent them from joining any political party. Moreover, there are many strict conditions that restrict the freedom of forming political parties.

Restricting the Freedom of Opinion & Expression Through Many legislative Frameworks:

16. The Jordanian Penal Code is considered one of the main threats to the freedoms of opinion and expressions i.e. It criminalizes acts, pertaining to the freedom of expression and opinion, such as denouncing the King, religions or religious figures, criticism against the regime etc. Every year, tens of people are tried at the State's Security Court and Regular Courts for opinions they have expressed or articles they have published on the basis of the said crimes.
17. The latest amendments to the Press and Publication Law, and the Cyber Crimes Law enforced restrictions on the use of internet and permitted persecuting people and have them tried for expressing their opinions peacefully online. The Press and Publication Law imposed many restrictions on website, one of which is requiring the websites, be it local or international, to register at the Department of Press and Publications.
18. The Jordanian government still monitors the media and intervenes in the managing newspaper and its daily work. The security agencies exercise pressure on the chief editors to stop sending some press materials from being published.
19. Among the other restrictions on the freedom of opinion and expression is the difficulty to access official information and documents. The valid right to access information law includes many restrictions i.e. it only permits the disclosure of unclassified information, and until this moment neither the documents nor the information have been categorized. The law also gives other laws legal superiority over its provisions such as the State's Documents and Secrets Law, and it gives the right to access this information only to Jordanians. It also does not require providing an explanation to the reasons for which requests to access information were denied. In general, the said law does not promote transparency or public disclosure.

Poverty and its Impact on Exercising Economic, Cultural and Social Rights

20. The Living standard dissatisfaction rate in Jordan for the year 2011 scored 8.3 out of 10, indicating an increase in the rates of poverty and unemployment. Not to mention the state's direct and indirect taxes that drains the financial resources of individuals, and made enrolling in a university in Jordan unaffordable by many citizens .

21. The development processes and expenditures policies in Jordan are not based on human rights. In fact, the state's expenditures on security are higher than the total amounts spent on education and health altogether. That being the case, most Jordanians do not enjoy decent living standards and the costs of education and health have become pricey and unaffordable.