



Submission to the Human Rights Council the United Nations Universal Periodic Review of Jordan (Fourth Cycle, Jan.–Feb. 2024) – 45th Session

Submitted by: Faculty of Law – Isra University and the Information and Research Center King Hussein Foundation (Joint Submission)

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Faculty of Law – Isra University

The Faculty of Law at Isra University was established in 1991. The faculty offers two programs. The first program is a bachelor's degree in law, and the second program is a master's degree in law, which began in the (first) semester of the academic year 2005-2006.

In collaboration with the Information and Research Center King Hussein Foundation and under the supervision of Dr. Shatha Al-Assaf, Head of Public Law Department, a group of B.A. law students decided to submit a Stakeholders' Report for Jordan's Universal Periodic Review.

Information and Research Center King Hussein Foundation

The Information and Research Center – King Hussein Foundation (IRCKHF) was initially launched in 1996 as part of the National Task Force for Children. Today, the IRCKHF mobilizes knowledge for positive social change. IRCKHF promotes the welfare of children, youth, women, families, communities, and vulnerable groups by providing objective, multidisciplinary research and analysis to practitioners and policymakers in Jordan and the region, enabling effective socio-economic planning and decision-making.



1. Freedom of Peaceful Assembly

1.1 The Public Assemblies Law No. 7/2004 is the primary statute regarding public assemblies. The law only permits Jordanians to assemble if they notify the authorities 48 hours in advance. As a consequence, non-Jordanians do not have the right to be organizers of an assembly, and it is left unclear whether they can take part in a gathering organized by Jordanians.

1.2 The notification must include the names and addresses of the organizers, as well as the gathering's purpose, time, and location. Without any investigation, organizers are considered responsible for any violence that could occur at a gathering. Legally, the authorities' approval is not needed for assemblies¹. But in fact, regulations are evaded as organizers and associations require prior consent from the administrative Governor before holding sessions, public meetings, or even training sessions. They fear that they may upset the authorities if they don't hold an official letter authorizing the gathering. In addition, venues are reluctant to let organizers and NGOs set up events without formal approval. However, in several instances, the authorities denied approval requests for various forms of public gatherings without providing an explanation².

1.3 Finally, according to article 10 of the Public Assemblies law, whoever violates the provisions of this law shall be punished by imprisonment for a period of no less than one month and no more than three months, or a fine of no less than two hundred dinars and no more than one thousand dinars, or both penalties. They are perceived as unnecessary or unduly severe and have a rather strong deterrent effect on the organization of peaceful assemblies.

1.4 Recommendations:

- In compliance with Article 21 ICCPR, eliminate all government procedures that violate Law No.7/2004 including the practice of requiring prior approval which has no legal basis.
- The grounds for curtailing the right to assemble must be consistent with international human rights norms, i.e. not unlawful and no widespread serious violence. If any restrictions, they must be legal, necessary and proportionate.
- Review sanctions that are unnecessary or unduly severe during assemblies in order to avoid them from having a chilling effect and thereby becoming an indirect infringement of the right to peaceful assembly.
- Freedom of assembly should be enjoyed by all individuals residing in Jordan regardless of their nationality.
- If violence occurs during a gathering, the authorities should open an independent, impartial, effective and thorough investigation to determine the perpetrators.



2. Arbitrary Detention:

2.1 The basis for administrative detention in Jordan is the Crimes Prevention Law No. 7/1954. The legislation does not explicitly define administrative detention, although this is its most common implementation. This is because the law allows the governor to imprison those who are "about to commit a crime or assist in its commission," those who "habitually" steal, harbor thieves, or smuggle stolen items, and anyone who, if permitted to remain free, would pose a "threat to the people." There is no independent judicial authority to evaluate the law's application. The governor may request the minister of the interior to release an individual, and the minister may at any time modify or reverse the governor's decision. The individual deprived of liberty has the right to contest the legality of a detention order before administrative courts, but the courts cannot initiate such a review on its own.

2.2 In practice, the law is being applied to the following categories:

- Those with security restrictions; a security restriction does not necessarily mean that a person has been convicted by a judicial ruling, but rather accusing a person or complaining against him/her is sufficient to make this restriction exist, even if the competent judiciary makes a declaration of innocence.
- Women and girls whom their relatives could abuse to prevent what is known as "honor killings". Here, administrative detention is used as a preventive measure to protect them from the risk of exposure to crimes.
- Foreign workers, as a result of a complaint from their employer that they're allegedly violating the labor, residence, and foreigners' affairs laws.

2.3 According to the National Center for Human Rights and other international reports³, in 2021-2022, over 25,000 people were detained administratively. Some governors exploited their detention authority to intimidate and imprison individuals without sufficient evidence and extend the detentions of inmates whose sentences had been served. Often, these decisions are politically motivated.

2.4 Recommendations:

- Amend the Crime Prevention Law to conform to international human rights norms, particularly by requiring judicial sanction for any administrative detention order and limiting its use to exceptional circumstances.



- Suspend all administrative detention practices. Persons accused of committing crimes should be charged under Jordanian criminal law.
- Conduct judicial review in all cases of administrative detention.
- Protect women who are at risk of violence without using administrative detention.
- Foreign workers should not be subject to administrative detention due to their violation of residency and labour law and any dispute between Jordanian employers and foreign workers should be resolved by courts.

3. Elderly Protection⁴:

3.1 Physical, psychological, sexual, and financial abuse, as well as neglect and abandonment of the elderly, contribute to the severity of elder abuse. In addition, there are various perpetrators of elder abuse, including family members, nursing home staff, health or social service providers, and strangers. Therefore, Elder Abuse victims require effective legal protection.

3.2 The absence of standardised databases, categorized by age and cases of violence, makes it difficult to record all incidents of violence and prevents decision-makers from having accurate data. In addition, there are no official statistics regarding the reporting of cases of elder abuse and violence.

3.3 The Jordanian Penal Code does not contain special provisions on Elder Abuse to provide adequate protection to them. Only a limited number of abuses are being reported by the Family Protection department and these cases only include sexual and physical violence and do not include psychological and economic violence, neglect and deprivation of rights.

3.4 Article 8 of the Law No. 81 of 2012 on Licensing Nursing Homes and their Clubs stipulated that the Ministry of Social Development shall be responsible for supervising nursing homes and their clubs, as well as taking the necessary inspection and follow-up measures, such as obligating the nursing home or club to take all the measures ensuring the safety of elder persons and notifying the relatives of elder persons if they suffer any harm. The National Centre for Human Rights recommended adding a provision to this Law stating that a person who commits physical and psychological abuse and exploits elderly persons must be held accountable, and that such conduct constitutes a violation for which the Minister of Social Development must close the nursing home (National Centre for Human Rights, 2017).

3.5 Recommendations



- All forms of Elder Abuse must be criminalized, and a deterrent as well as a more severe punishment must be imposed and applied against the perpetrator of abuse if the perpetrator is a family member, nursing home employee, or health and social care provider, and if the abuse is repeated. Abandonment of the elderly must also be met with harsher penalties, and legal accountability must be established for financial abuse and financial fraud.
- Nursing homes must be subjected to severe sanctions, including high financial fines and license revocation, in the form of harsh financial penalties.
- All individuals who become aware of any incident of elder abuse must be required to report it. The failure to report Elder Abuse must be punished with a deterrent offense. In addition, the informants of Elder Abuse incidents must be given protection.
- The information collected by police officers, healthcare providers, and nursing home care providers must be used to create a national database dedicated to elder abuse.

4. Access to Higher Education

4.1 In Jordanian public universities, a system known as "parallel education" and "international education" allows students who were not admitted through the standard competitive admissions process to pay additional fees to be admitted into the desired undergrad programs. At Jordan University in Amman, for instance, the Faculty of Medicine charges 45 Jordanian dinars per credit hour, which is equivalent to approximately 63 US dollars, but the credit hour for parallel education is 175 dinars, or approximately 246 U.S. dollars, and the cost of one credit hour in international education is \$500. In the Faculty of Law, a credit hour costs 16 Jordanian dinars, or approximately 23 US dollars, while in parallel education it costs 65 dinars, or approximately 92 US dollars, and in international education it costs 160 US dollars⁵.

4.2 The international education program is intended for non-Jordanians, but Jordanian students can enroll in the university through the parallel program. Hence, higher education in Jordanian public universities becomes accessible based on financial ability rather than competition, equality, and equal opportunities.

4.3 Recommendation

- Ensure that higher education in Jordan should be made equally accessible to all on the basis of capacity, qualifications, and merits and not financial abilities, in accordance with Article 13 of the International Covenant on Economic, Social, and Cultural Rights.

¹ Article 4, Public Assemblies Law No, 7/2004

² See for example See National Center for Human Rights Annual report 2021 US Department of State: Jordan 2022 Human Rights Report, Human Rights Watch, World Report 2022, Jordan.

³ See for example See National Center for Human Rights Annual report 2021 US Department of State: Jordan 2022 Human Rights Report, Human Rights Watch, World Report 2022, Jordan.

⁴ This section is adapted from “Shatha Ahmad Al-Assaf, Protection of the Elderly from Abuse in Jordanian Law, International Journal of Innovation, Creativity and Change, Volume 15, Issue 4, 2021, pp 676 – 688.

⁵ Jordan University Admission Fees, 2022/2023.