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Jordan

Reality and Challenges



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Introduction

Jordanian Civil Society Organizations (CSOs) have recently played influential roles in the political, economic, and social fields and served as a public space between the State and people by adopting and defending human rights principles in every sense. This has contributed to their role as a safety valve in protecting spaces of freedom despite the many legislative, political, and procedural constraints governing their work.

The political transition process taking place in the country is characterized by two trends: The first trend is driven by the preservation of Jordan's image abroad, making it appear as a moderate country that enjoys global acceptance in terms of stability and an acceptable level of adherence to international laws and democratic standards; this image is necessary for it to continue to enjoy Western political and economic support and to engage with the United Nations and international financial institutions, especially the International Monetary Fund and the World Bank.

The other trend is represented by increasing signs of frustration with the margin of freedom available to civil society institutions and various social and political movements, including unions, and with the ability of these institutions to influence the street and obstruct some government programs, especially those that lead to harming the interests of broad categories of citizens, constantly expanding with a worsening economic and social crisis.

Over the past few years, a discernible shift towards explicit constraints on civic space liberties and public and trade union freedoms has prevailed. The executive authority has responded by intensifying its repression, prevention, and legal action efforts, capitalizing on the global trend favoring security and stability. This has even come at the cost of tolerating and overlooking human rights violations and restrictions on public freedoms. This, in turn, emboldened the executive authority to further

extend the implementation of such policies, in addition to the prevailing state of mistrust, suspicion, and doubt among many government entities towards CSOs and their roles.

Socioeconomic Context

Civic space constitutes the legal, political, economic, and social environment where citizens can express their interests and rights and organize themselves within civic frameworks that enable them to influence public policies. In identifying the features of available civic space, Jordan witnessed the COVID-19 pandemic while suffering from profound economic and social challenges. Both were further deepened by the pandemic and the continued implementation of austerity financial policies, leading to a persistent slowdown in economic growth rates, which reached (2.8%)¹ in 2023. These events were accompanied by successive increases in the levels of public debt, amounting to approximately (39) billion dinars (equivalent to 54 billion US dollars), roughly 114% of the GDP during the first half of the current year, 2023.² Moreover, the 2022 inflation rate reached approximately (4.2%) and is expected to reach (3.8%) during 2023³. Unemployment rates also hit record levels pre- and post-COVID-19, as the results of the Unemployment, Employment, and Income Survey have indicated that the unemployment rate reached (21.9%) during the first quarter of the year 2023, compared to (19.1%)⁴ in 2019.

The increase in unemployment rates and the decline in wages have expanded the poverty base, which reached (24.1%)⁵ in 2022. Nevertheless, Jordan has continued implementing financial policies under its agreements with the IMF, exerting pressure on social expenditure, wages, and working conditions and applying unfair tax policies. The Government recently announced its intention to begin negotiations with the IMF to sign an (austerity) economic program, the tenth over the past three decades, which negatively affected and will further affect the comprehensiveness and quality of the social protection system and its various pillars.

Between Aspirations for Political Reform and Reality Challenges

It is still challenging to achieve the goals of the limping reform process in its various dimensions, which successive governments have been discussing for nearly (34) years, as it has not had a positive impact on the promotion of civil, political, economic, social, and cultural human rights. The as-yet-unachieved reform process has included various programs and initiatives: The National Charter, Jordan First, We Are All Jordan, the national agenda, the results of the National Dialogue Committee, and the vision of economic, administrative, and political modernization currently underway.

The dynamics within Jordan's political system and its institutions provide the flexibility to dissolve the Government when faced with significant crises and hold it accountable for the deteriorating situation. This process includes disassembling and reconfiguring institutions to rebuild various state institutions along similar foundations.

This trend is also reflected in declining public freedoms and public space, as Jordan's ranking based on democracy and governance indicators has decreased according to global indicators. Jordan ranked among authoritarian, partly free, repressive, and not free countries, and the index of the Freedom House showed that Jordan ranked (47th) globally on the scale of political rights and civil liberties and remained classified among partly free countries. In the political rights axis, Jordan obtained (11) out of (40) points, advancing one point compared to 2022. In the civil liberties axis, Jordan brought (23) out of (60) points,⁶ with small margins of freedom that allow criticism of policies and the Government; the level of criticism varies according to the stages and the severity of the crisis and the growth and radicalism of the political and social opposition movement. Furthermore, the Economist classified Jordan in its index as an authoritarian state, and CIVICUS classified civic space in Jordan as a repressive environment.

Jordanian Civil Society Institutions' Legal Framework

The space available to CSOs is affected by several contextual variables, such as the 2008 Law on Associations, considered a restrictive law, and its amendments of 2009. This space is also affected by key provisions of other texts related to civil society activities, including the Penal Code, which includes many provisions restricting freedom of expression in Articles (149, 191); the 2007 Press and Publications Law and its amendments of 2012 in Articles (5, 38b); the 2004 Law on Public Gatherings in Article (4); and the 2006 Anti-Terrorism Law and its amendments in 2014. Finally, a new cybercrime law was passed, which increases restrictions on freedom of opinion and expression. Such legislation provides no appropriate environment for civil society work that complies with international standards and protects civil society activists. The reviews of some of these laws in recent years have led them to become more constraining and restrictive, increasing the obstacles facing CSOs.

Disabling Environment for Jordanian Civil Society

CSOs in Jordan face many obstacles that prevent them from promoting human rights and progressing toward achieving sustainable development goals, the most important of which are:

First: Freedom of Opinion and Expression

Exercising these rights – without fear or unlawful interference – is central to living in an open and fair society. However, the Government continues to arrest people for publishing blogs, articles, and information that constitute guaranteed rights under the Constitution⁷ and international standards.⁸ In 2021, Jordan ranked (118th) out of (167) countries globally in the Democracy Index (which measures civil liberties and political participation) and declined in the Arab world in 2021, ranking tenth.

In recent years, the Cybercrime Law has been used as a legal pretext to violate the constitutional right to freedom of opinion and expression. The Public Security Directorate reported that the Cybercrimes Unit dealt with about (113) cases⁹ related to the spread of hate speech and incitement to sedition. In 2022, the Government detained (11) political activists under this Law,¹⁰ and last March, it detained approximately (150) individuals in anticipation of protests or to suppress sit-ins across the country. The Jordanian Government¹¹ resorted to the Cybercrime Law to arrest dozens of activists, journalists, and teachers. In July 2023, the Government enacted a new cybercrime law on a broad range of new crimes. It imposed unprecedented sanctions on the perpetrators of acts criminalized by the draft law in the Jordanian legislative system. These sanctions consist of very high penalties or lengthy sentences of up to three years.

Consequently, CSOs, many political parties, and unions led multi-instrumental campaigns to call for the withdrawal of amendments. Detailed legal reviews of the various articles of the Law were prepared, and specific proposals were made to improve it. Moreover, hundreds of citizens, representatives of human rights CSOs, activists, and politicians participated in a march in the center of the capital on Friday, July 30, 2023, to protest the draft law and object to its enactment.

Many international organizations, such as the UN, Reporters Without Borders, Human Rights Watch, the US State Department, and the EU criticized the new Cybercrime Law, describing the charges as rubber-stamped and fearing they might be used to turn Jordan into a kingdom of silence by muzzling the fourth estate.

Shrinking Press Freedoms and Access to Information

The Government continued to curtail press freedom in 2022 by issuing gag orders prohibiting reporting on major local updates.¹² TikTok (social media app) was also shut down inside the country during a truck drivers' strike.¹³

Government gag orders and unofficial instructions to media are common regarding news coverage. News sites face burdensome reporting requirements that can constitute grounds for blocking if they are not met.

In 2022, the Jordanian Parliament approved new amendments to the Penal Code, including increasing the penalty for breaching gag instructions and orders. Article (225)¹⁴ of the Penal Code stipulates, “Prohibiting Jordanians in general and the media in particular from publishing criminal or misdemeanor investigation documents prior to their official announcement in a public session, secret trial sessions, paternity case trials, and any trial in which the court issues a gag order.” However, the Code does not specify the stage of the investigation during which publication is banned, so the term “gagging” has been widely used recently, a few days after incidents of any kind occur, which has prompted civil society to expect a decision to ban publication for all issues that resonate widely following their announcement.¹⁵

Although Jordan was the first Arab country to pass the Guarantee of Access to Information Law¹⁶, it ranked fourth in the Arab world and (83rd) globally out of (168) countries participating in the 2021 Social Progress Index. This index includes providing access

to knowledge, information, and communications, in addition to personal freedom and choice. Jordan dropped down (10) ranks compared to 2020,¹⁷ given the articles of a law on the right to access information, which is fraught with legal loopholes that do not align with international standards and best practices and prevent Jordanians from accessing information.

These loopholes appear in Article (7),¹⁸ which prioritizes other laws in the event of a legislative conflict, stipulates that the person submitting the request must be Jordanian, and requires the existence of an interest on the part of the person requesting the information. Ultimately, this leads to emptying the Law of its essence, content, and fundamental philosophy represented in the flow of information all the way to transparency. The number of entities that responded to the circular issued by the Information Council to provide them with requests for information was only (59) out of (124) in 2021, while (165) requests were declined.¹⁹

Second: Restrictions on the Freedom of Association

Although the Jordanian Constitution grants Jordanians the right to establish civil organizations, the applicable laws and regulations governing the establishment and work of civil society have restricted non-profit associations, companies, or unions from exercising this right.

Many laws and regulations governing civil society restrict the exercise of this right. Among these laws, the Associations Law No. (51) and its amendments of 2008, which continue to act as a restriction on the work of associations, in addition to the restrictions found in the Labor Law, which restricts the work of unions, and the Companies Law, which restricts the work of non-profit companies.²⁰ These laws contradict the guarantees of the International Bill of Human Rights,²¹ which stipulates that everyone has the right to freedom of assembly and association, in line with the requirements of a democratic society.

The Ministry of Social Development, representing the Government, possesses broad supervisory powers over the work of associations and has the authority to refuse registration and dissolve associations, thereby violating the basic principles of the right to freedom of association.

Although (6,707) associations are registered in the Association Register as of the end of 2022,²² the number of effective associations among them is very limited, with some associations operating on a seasonal basis.

The prevailing official trend seeks to restrict civil society institutions and limit their role to “charity work instead of human rights work.” According to some civil society leaders, the Government seems to be dealing with human rights and development associations as an international requirement before the international community. One of

the participants in an in-depth²³ interview in a study confirmed that the original mission of the administrative authority is limited to protecting the right to establish associations and that any problems related to funding or any other violations fall within the jurisdiction of the judiciary, noting that there is an urgent need to institutionalize disclosure and governance standards instead of restricting them.

The same applies to trade unions and employers' unions, as the Minister of Labor, representing the Government, has the authority to approve the establishment of unions and dissolve them, noting that most of the legal articles regulating the work of trade unions greatly restrict their operations.

Difficulties in Obtaining Resources

CSOs encounter major legal obstacles that hinder them from accessing local and international funding, which affects their ability to achieve their goals and implement their programs and projects, as the law requires associations to obtain the approval of the Council of Ministers before receiving any external funding under the Associations Law No. 51/2008, Article 17(e).²⁴ The same applies to non-profit companies under the Companies Law No. 73/2010, Article 7.²⁵ If the association or company does not comply with this requirement, it may be subject to legal accountability.

On the ground, managers of non-profit associations and companies face delays in obtaining government approvals or refusals, which deprive them of the opportunity to access their resources, not to mention the scarcity of local funding sources and the weakness of private sector contributions or donation campaigns. Most methods of collecting donations from local sources are also restricted and require prior government approval.

In 2023, the Planning and International Cooperation draft law was announced. According to some CSOs, this draft includes an expansion of restrictions on CSOs' access to funding, including the private sector, if the project is of a developmental nature.²⁶

Third: Right to Peaceful Assembly

The right to peaceful assembly is considered one of the fundamental rights guaranteed by international conventions and regulated by the amended Public Gatherings Law of 2011. This right serves as a tool that facilitates the exercise of many other rights guaranteed by international law, especially the right to freedom of expression and participation in public affairs.

In terms of enjoying this right, 2022 did not witness any government initiatives to review legislation related to the right to peaceful assembly, particularly the text of Article (2) of the Public Gatherings Law and its amendments, in avoidance of expanding the definition of gathering. Moreover, judicial oversight has not been activated over the actions and powers of the administrative governor related to exercising the right to public gatherings, and its concept is shrouded in ambiguity. Furthermore, the Ministry of Interior, representing the Government, violates the provisions of the Law, by requiring prior approval before holding public gatherings in hotels, even though the Law requires delivery of notice only. Also, the concept of public gathering in the Public Gatherings Law does not differentiate between gatherings in closed halls and mass activities in a public space, which constitutes a major restriction on the work of civil society and narrows public space.

However, reality is stronger than legal restrictions, as 2022 and 2023 witnessed dozens of peaceful protests, demonstrations, and sit-ins whose demands focused on improving the living conditions of citizens, in addition to labor and political protests.

Over the past two years, protests have focused on the suppression of freedoms and demands for the release of freedom of expression detainees,] poor water delivery services, price hikes, and the Israeli raids at Al-Aqsa Mosque,²⁷ and include

protests of thousands of Jordanians²⁸ against the Government signing of the water-for-electricity exchange memorandum. 2022 also witnessed the participation of hundreds of popular, youth, and party activists and CSOs in the cities of Ma'an, Shobak, and Petra in a protest in rejection of the decision of the Ministry of Water and Irrigation to privatize the Ma'an Water Directorate and transfer it to the Aqaba Water Company/Miyahuna Company.²⁹

Although labor protests declined during 2022 compared to 2021, they still dominated the scene compared to others, as the number of labor protests decreased by (28%) compared to 2021, reaching (162) protests in 2022 compared to (225) in 2021. Many civil society activists attribute the Government's increased intensity in dealing with labor protests to its tendency to restrict public freedoms in general and the right to peaceful demonstration in particular, in addition to its lack of intention to back down from economic policies that tend toward encouraging investment at the cost of working conditions.

Statistics indicate that the priorities of the labor protests focused on work directives, regulations, and laws and caused harm to workers, not to mention the protests of public transport drivers after the Government decided to raise fuel prices, as truckers staged a sit-in and stopped loading goods to and from the Port of Aqaba and the Phosphate Mines, demanding an end to the recurring rise in fuel prices. These protests expanded at the end of 2022 to become popular protests in many governorates, particularly in Ma'an Governorate (South), where protesters closed several roads with stones and burning tires, and gendarmerie forces fired tear gas at them.³⁰

For the twelfth consecutive year, most labor protests were carried out by workers not affiliated with a union, as their percentage in 2022 reached (43.2%) of the total protests, with (70) labor protests. These groups of workers have grown increasingly concerned about job security, especially with the rising unemployment rates, which make finding alternative employment challenging.³¹

Relationship between Civil Society and Government

The relationship between civil society and the Government is legal and constitutional in essence. However, on the ground, it is closer to a relationship of control due to the absence of clear public policies governing the relationship on participatory grounds. The Government does not trust civil society institutions, nor does it recognize any legal status for coordination frameworks between CSOs, although they do exist, and the Government is sometimes forced to engage in dialogue with them.³²

Leaders of CSOs and human rights activists are at risk of surveillance. For example, a human rights lawyer discovered that her phone had been targeted with the Pegasus spyware in 2021.

However, there are ties between several ministries, official institutions, and CSOs and participation in activities, such as the Open Government Partnership (OGP) Initiative, the Fifth National Action Plan 2021-2025, held periodically,³³ and the consultations that take place within the framework of the Voluntary National Review of Jordan and on the 2030 Sustainable Development Agenda.³⁴ However, these dialogues and initiatives are not based on clear foundations and standards, and the relationship depends on the strength of CSOs themselves.

Findings and Recommendations

Over the past years, the civic space in Jordan has been shrinking, as there are still significant gaps in the degree of alignment of Jordanian legislation regulating various CSOs with international standards stipulated in the Universal Declaration of Human Rights in several areas, constituting a major roadblock to CSOs, which they are not allowed to bypass or cross.

In light of the economic and political conditions that Jordan is witnessing, the level of public freedoms has declined significantly, and CSOs have become vulnerable to unfair government decisions. For instance, legislation and directives related to obtaining external funding are restrictive since the Associations Law requires the approval of the Prime Minister to access foreign funding and the approval of the Ministry of Social Development to access local funding.

Nevertheless, civil society in Jordan remains aware of these challenges, and numerous human rights and development organizations have managed to preserve their autonomy and capacity to collaborate effectively in countering the ongoing and systematic constriction of civic space freedoms. Recent confrontations in the past few years have demonstrated the resilience of these organizations in their capacity to resist or impede undemocratic government policies and tendencies.

The Government's focus and the international contexts supporting it have clearly formed and will form the main driver of policies regulating the work of civil society and public space specifications. These conditions do not support the growth of civil society but rather hinder its impact strength. In this context, it is crucial to understand Jordanian civil society's vital and sustainable role in responding to societal needs and contributing to developing practices that advance society at various economic, social, cultural, and political levels.

In a nutshell, the political and legislative environment is unfriendly to the work of civil society institutions, and the government is working to control and contain CSOs. To date, there are no written policies to organize consultations on the general policies of the country between the Government and CSOs and to regulate the relationship between them on participatory foundations.

Based on these findings, this report recommends the following:

- Strengthening the partnership and working to institutionalize the relationship with CSOs in government programs, as well as developing plans, policies, and practices for a participatory approach.
- Reviewing the Associations Law of 2008, taking into account a set of principles that contribute to enhancing the autonomy of associations and their added value, including monitoring all the work of associations and their access to their resources, eliminating restrictions on the freedom of associations to manage their work, ensuring their application of governance principles in all their details, and amending the texts of some articles so that they are consistent with international standards.
- Reviewing the Labor Law so the workers' right to establish trade unions that enable workers to defend their rights and interests is respected, limiting the official role in establishing and managing existing trade unions.
- Developing sustainability plans for the work of CSOs to ensure their long-term sustainability and empowering CSOs through digital means. These organizations must, in turn, create emergency response plans in consultation with stakeholders to prepare for crises such as the COVID-19 pandemic.
- Preparing a national media strategy to provide a legislative environment guaranteeing press

and media freedom and advancing the reality of media freedoms.

- Amending the loopholes in the Cybercrime Law, the Penal Code, and the Anti-Terrorism Law of 1964, in line with international standards, and approving the draft amendment to the Guarantee of Access to Information Law.

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