



EURO-MEDITERRANEAN HUMAN RIGHTS NETWORK
RÉSEAU EURO-MÉDITERRANÉEN DES DROITS DE L'HOMME
الشبكة الأوروبية - المتوسطية لحقوق الإنسان

HUMAN
RIGHTS
WATCH

Brussels and New York, May 12, 2009

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Dear Prime Minister al-Dahabi,

We write concerning the proposed amendments to the 2008 Law of Societies which, if implemented, would not rectify the current violations of the right to freedom of association in the existing law in Jordan.

We are heartened by your renewed attention to this matter and your initiative to restart discussion on the subject. We encourage you to continue these efforts and to further improve the proposed amendments to the 2008 Law of Societies No 51 before submitting any draft legislation to the House of Delegates.

The text of the 2008 Law of Societies does not adequately guarantee the right to freedom of association as set out in Jordan's Constitution and in the International Covenant on Civil and Political Rights. The 2009 proposed amendments to this law would constitute, in our view, a welcome improvement, but they do not go far enough to meet international standards. We urge your government to submit a new draft 2009 Law of Societies that fully complies with international human rights law.

Our concerns are in two principal areas: the remit and establishment of societies, and their ability to function independently.

The 2008 law and the 2009 proposed amendments unnecessarily restrict associations' freedom by prohibiting associations from any pursuit of "political objectives" and activities that violate "public order." Both terms are overly broad and invite governmental abuse. The law also unnecessarily discriminates against certain associations: only foreign organizations are banned from pursuing "religious objectives," and only non-Muslim religious organizations are restricted in their activities to service provision and are subject to special supervision.

In addition, fulfilling the formal requirements of registration is not sufficient for the legal establishment of an association, as final approval remains subject to a political decision. The right to judicial review of a denial of a request to establish an association is limited, because the law does not list what are the legitimate grounds for denying a request, which could then become the focus of any judicial challenge of a refusal. As it is, the court is limited to reviewing officials' compliance with the formalities of registration or testing whether officials refused registration for reasons of public interest. The law also

unnecessarily excludes those convicted of major crimes or of misdemeanors in breach of “honor and integrity” from founding societies. What is more, the law’s requirement that an association adopt a membership structure, and has to accept as members anyone fulfilling the membership criteria, may force existing members to associate with new ones, violating the right not to associate with others, an integral part of the freedom of association.

Finally, the amendments do not sufficiently safeguard the independence of an established association from disproportionate government interference. The requirement that associations must present an annual plan to the authorities for the upcoming year, must inform the designated minister of their general assembly meeting and any decisions taken there, and must permit officials to attend such meetings, appear designed to facilitate excessive state interference and control rather than to enhance good governance.

State control also apparently underlies, in the amendments, the removal of bank account confidentiality for associations and the need for approval at ministerial and, in certain cases, Cabinet, level to receive foreign funds. Foreign funding of NGOs in Jordan flows largely from the European Union and its member states, the United States, and Japan to Jordanian nongovernmental organizations engaged in human rights and development work. Provisions in the proposed amendments would allow the government to shut down an association for accepting such funds without prior approval. The law also allows the government to dismiss managers of an association for minor infractions of the law and replace them with state officials. The government may summarily dissolve the association without a court order for repeating minor infractions. The association would have a right to challenge a dissolution in court, but on procedural rather than substantive grounds.

Your Excellency, we are confident that your demonstrated desire to improve the Law of Societies of 2008 can bring it into full compliance with international standards. Jordanians enjoy the presence of a large number of diverse civil society organizations. Under a new law, civil society’s benefits to the people of Jordan could be greatly enhanced. Please find a more extensive discussion of our concerns in the attached memorandum.

We kindly seek a meeting with you on May 14 or during the week thereafter to hear your views and to allow us to present our concerns in more detail.

We thank you for your attention to this matter.

Sincerely,

Sarah Leah Whitson
Executive Director
Middle East and North Africa Division

Kamel Jendoubi
President
Euro-Mediterranean Human Rights Network

