

## HUMAN RIGHTS WATCH

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November 29, 2016

His Excellency Dr. Hani al-Mulki  
Prime Minister  
Hashemite Kingdom of Jordan

## Re: Human Rights Watch Recommendations to New Jordanian Government

Your Excellency,

We write to congratulate you on your recent reappointment as Prime Minister of the Hashemite Kingdom of Jordan and to commend Jordan's completion of successful elections that have resulted in a new and more representative parliament.

As an international, nongovernmental organization concerned with human rights issues in over 90 countries around the world, Human Rights Watch regularly meets with government officials and diplomats to seek their insights and input on various matters, to discuss particular concerns, and to work together to address problems needing attention.

In 2014, Human Rights Watch received approval to open a local branch office in Amman. Allowing HRW to open an office shows that Jordan offers a model that its neighbors should follow in engaging with global institutions, including on critical human rights issues.

In the spirit of constructive engagement, we write to you to highlight some of the areas where we think Jordanian authorities should take steps to address ongoing or potential human rights violations over the tenure of your government. If you require any additional information or clarification on any of these points we are prepared to meet with you or your staff directly.

### Freedom of Association

In March 2016, Jordanian authorities proposed the "[Draft Law of 2016 Amending the Associations Law](#)," which stipulated far-reaching changes to the country's 2008 associations law that, if promulgated and implemented, will severely hamper the ability of nongovernmental organizations (NGOs) to form and operate. The

amendments place onerous restrictions on the formation of civil society groups, grant the government legal authority to dissolve groups on vague grounds or deny their ability to obtain foreign funding without justification, and appear to violate international human rights law protections on the right to free association.

The 2016 [amendments](#) impose further registration criteria to the already restrictive [2008 associations law](#). The 2008 law, along with its 2009 amendments, prohibits the formation of groups that pursue any “political objectives” or undertake activities that violate “public order.” Both terms are overly broad and enable the authorities to refuse registration on vague grounds.

Article 4 of the 2016 proposed amendments adds further restrictions, including prohibiting the registration of any group whose aims violate “national security, public safety, public health, public order, public morals, or the rights and freedom of others.” The amendments also stipulate that upon the recommendation of a relevant minister the registration committee may “dissolve an association if it turns out practices violate these purposes.” The list of criteria by which authorities may refuse to register or dissolve a civil society group is taken directly from article 22 of the International Covenant on Civil and Political Rights (ICCPR), which holds that “[n]o restrictions may be placed on the exercise of [the right to freedom of association] other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others” (article 22.2).

However, while the draft amendments acknowledge the permissible criteria under the ICCPR by which the right to freedom of association may be restricted, they do not show how any such restrictions are “necessary in a democratic society,” which is also required by article 22. To comply with the ICCPR, the state authorities would also need to show why each measure taken is proportionate, i.e. the most severe restrictions on freedom of association, such as dissolving an association, would need the strongest possible justifications. The new law does not require such justifications for interference with freedom of association.

In addition, articles 2 and 8 of the proposed amendments increase the number of Jordanian citizens required to serve as “founders” of a nongovernmental group from 7 to 50, making it very difficult for small groups of citizens to form NGOs. Article 8 prevents the founder of an NGO from serving on the board of another group under the supervision of the same ministry.

The proposed amendments also cancel a provision of the 2008 law that required authorities to respond within 60 days to a group’s registration application, after which the request would receive automatic approval. Under the 2016 proposed

amendments, after 60 days the registration request would be automatically rejected in the absence of a government response.

The proposed amendments also place new restrictions on foreign NGOs that operate “local branches” inside Jordan. The amendments appear to end open-ended registration for local branches of foreign nongovernmental organizations, instead only allowing them to operate “for a period decided by the [Registration Directorate] Board.” The amendments do not state whether organizations can renew their registration or must go through the entire application process from the beginning.

Under the 2008 law, local branches are prohibited from raising any funds in Jordan, but can transfer funds from their headquarters to the Jordan branch without approval. Under article 9 of the amendments, such inter-organizational transfers will require the approval of Jordan’s council of ministers, which can reject such requests without providing a justification.

The proposed amendments impose other onerous restrictions on local groups wishing to receive foreign funding. Under the current law, local groups can only receive foreign funding if they obtain approval from Jordan’s council of ministers. The proposed 2016 amendments add a further step, requiring groups to first submit applications to receive foreign funding to the Registration Directorate under the Ministry of Social Development, stating the amount, method of reception, and purpose for which the money will be spent. If approved, this request would then be sent to the council of ministers for approval. The council of ministers is not required by law to state the reason for which it rejects a foreign funding request.

Unlike the 2008 law, under which funding requests are automatically approved after 30 days if the government does not respond, the new amendments would revoke automatic approval, in effect allowing the government to reject requests by not responding.

We are concerned that restrictions imposed by the draft amendments contradict commitments undertaken by Jordanian authorities as part of the [Comprehensive National Human Rights Plan](#), issued by King Abdullah in mid-March 2016. Under the plan, Jordan pledges to “enhance the participation of civil society institutions and private institutions in the administration of public affairs.”

**Human Rights Watch Recommendation:** As we believe that the amendments currently under consideration will not enhance the role of civil society groups in public affairs, we welcome the efforts of the Ministry of Social Development and your government to seek constructive feedback on the draft amendments. In order to bring Jordanian law into compliance with international standards as well as the Comprehensive National Human Rights Plan, **we urge Your Excellency to consider scrapping the proposed amendments to the association law and instead offer new**

**amendments that will promote a robust and dynamic civil society by preventing undue government interference in the affairs of NGOs.**

### **Freedom of the Press**

While Jordan has been a regional leader in press freedom for over thirty years, Human Rights Watch is concerned over developments that threaten the ability of journalists to report on pertinent public issues and events and will likely lead to greater self-censorship.

In 2016 Jordan has increasingly relied on press gag orders to prevent public reporting on sensitive issues. These gag orders have been formally distributed by Jordan's Media Commission by email to news outlets since 2014. News story topics that authorities implemented gag orders for in 2016 have included: a complaint by orphans and children without parents against the Ministry of Social Development; a street assault on an Egyptian worker in Jordan; a security operation in the northern town of Irbid in March in which seven militants and one policeman were killed; an attack on a General Intelligence Directorate (GID) office north of Amman that led to four deaths; and the cases of Amjad Qourshah and Nahed Hattar.

Human Rights Watch has compiled a list of at least 17 topics that have been subject to media gag orders since 2014, including seven alone in 2016. While some of these orders aimed to preserve the independence of investigations, prosecutions, and court procedures, others – such as reporting on a street assault or a complaint by orphans – appear aimed solely at preventing reporting on legitimate topics of public interest.

In addition to formal gag orders on specific topics, on August 29, Jordan's media commission prohibited local press outlets from publishing any news about the king or the royal family other than information circulated by the royal court. In February, the media commission appealed to local online news outlets to support Prince Ali's bid for the presidency of FIFA, describe such support as a "national duty."

The United Nations Human Rights Committee, the expert body that provides authoritative interpretations of the International Covenant on Civil and Political Rights, to which Jordan is a party, states in General Comment No. 34, on Article 19 on Freedom of Expression, that a free, uncensored, and independent press "constitutes one of the cornerstones of a democratic society." Any restrictions Jordan places on public reporting must be necessary and proportionate to the purported threat posed by such activity, meaning that any press gag order issued by the Media Commission must be limited in time and be narrowly focused rather than a blanket ban over reporting on an entire subject or case.

**Human Rights Watch Recommendation:** Human Rights Watch is concerned that Jordan's current practice of issuing general gag orders does not accord with

international standards and can lead to public distrust of the government and media outlets because Jordanians do not believe they are hearing all the facts on issues of public interest. **We therefore urge Your Excellency to direct the Media Commission and other agencies to refrain from imposing gag orders outside of narrow situations in which public reporting poses a clear and demonstrable threat.**

### **Access of Gaza Residents**

Human Rights Watch is concerned about obstacles facing Palestinians from the Gaza Strip seeking to transit through Jordan in order to travel between Gaza and third countries. Since August 2015, residents of Gaza have found it increasingly difficult to obtain permission to transit via Jordan in order to travel abroad.

As you know, the Gaza Strip is mostly closed. Israel does not allow the operation of an airport or seaport and limits travel via the Erez Crossing between Gaza and Israel to “exceptional humanitarian cases.” Egypt opens the Rafah Crossing just a few times per year, allowing for just 8% percent of travel needs, as measured in the first half of 2013, when Rafah was open regularly. As a result, Palestinians in Gaza are virtually barred from traveling abroad for study, work, family reunification, or any other reason.

For limited categories of people and subject to a quota of up to 100 people per week, Israel permits people to travel from Gaza to Israel and the West Bank in order to enter Jordan and travel abroad via the airport in Amman. According to criteria published by the Israeli authorities, Israel allows passage for medical patients, students studying in advanced degree programs abroad, and participants in certain conferences. Israel also allows passage for some businesspersons and VIPS and in some cases in response to requests from countries maintaining embassies in Israel. Most of them have visas to a third country or residence or citizenship in a third country.

Palestinian residents who are from the West Bank may enter Jordan freely, but those from Gaza, whose address is listed in Gaza in the Israeli-controlled population registry and others who moved to the West Bank after June 1967 require permission from Jordan to transit via King Hussein Bridge. Until August 2015, Jordan would routinely grant “no objection” (عدم ممانعة) letters to those transiting, usually after being presented with a foreign visa and/or residence permit. People in Gaza would then present those no objection letters to the Israeli authorities as assurance that they would be allowed to access Jordan.

In this way, Jordan played a helpful role in alleviating the effects of the closure of Gaza on the rights of its residents to freedom of movement and the host of other rights for which freedom of movement is a precondition.

Beginning in August 2015, however, individuals, lawyers and human rights organizations began to observe wide scale refusal or non-responsiveness to requests for the no objection letters. For example: until August 2015, the human rights organization Gisha (or Maslak), which represents Gaza residents before the Israeli authorities, observed that its clients received Jordanian transit permission relatively easily. There were almost no recorded cases of Jordanian rejections. Beginning in August, almost every client reported that his or her request for Jordanian permission to transit had been rejected. Between August 2015 and the end of January 2016, Gisha received requests for help from 58 people who were refused the no objection letter, including 16 people seeking family reunification, 37 students with acceptances and visas to study in third countries and five people accepted (with visas) to conferences and trainings abroad. The Jordanian authorities either refused these requests with no explanation or did not respond, even after months of waiting.

For people who are unable to obtain Jordanian permission to transit, the ability to travel abroad is blocked. Israel will not consider requests to transit unless accompanied by the Jordanian no objection letter, so without Jordanian transit permission, Palestinians in Gaza cannot even apply to leave.

As of November 2016, Human Rights Watch has continued to hear reports that most applications for “no objection” letters by Palestinians in Gaza or Palestinians in the West Bank whose address is listed in Gaza have not been approved by Jordanian authorities.

**Human Rights Watch Recommendation:** We urge Your Excellency reconsider this policy and **allow Palestinians from Gaza the ability to access Jordan so that they can travel to third countries, especially to pursue work opportunities, education, healthcare, or family reunification.**

### **Privileges for Non-Citizen Children of Jordanian Women**

Article 9 of Jordan’s nationality law does not allow Jordanian women married to non-Jordanian spouses to pass on their nationality to their spouse and children. As children of Jordanian women whose fathers do not hold Jordanian citizenship, these individuals are considered foreigners by government agencies and therefore many are required to obtain residency and work permits to legally reside in the country. Non-citizen children of Jordanian women have historically faced significant obstacles obtaining professional employment, owning property, or obtaining drivers’ licenses, and they are forced to pay higher prices than Jordanians to obtain a university education.

In late 2014, your predecessor announced that non-citizen children of Jordanian women whose mothers have resided in the country for a minimum of five years would be entitled to special “privileges” or benefits. These privileges include free education and access to health services in government institutions at lower prices,

as well as provision of special Jordanian ID cards and drivers' licenses. They also allow non-citizen children to own property and obtain professional employment in sectors reserved only for Jordanian citizens if no Jordanian applies for the position. While falling short of full citizenship rights, the announcement was a welcome step forward in helping non-citizen children of Jordanian women address the problems they face in Jordan.

Despite the 2014 announcement, the cabinet decision regarding privileges was never published in the official gazette, and Jordan's civil status office did not distribute any special ID cards for non-citizen children of Jordanian women until March 2016, apparently in response to protests by groups of non-citizen children of Jordanian women in front of the Prime Ministry building. By September 2016, Jordanian authorities distributed at least 56,000 special ID cards to non-citizen children of Jordanian women.

However, per interviews with 15 non-citizen children of Jordan women as well as their parents conducted by Human Rights Watch, it appears that officials have not followed through on many of these privileges other than healthcare, which all interviewees agreed has been fully implemented by the Ministry of Health. Witnesses complained most frequently about work permit requirements, employment, and an inability to obtain drivers licenses.

All 15 people told Human Rights Watch that non-citizen children of Jordanian women must obtain approval of Jordan's intelligence service, the GID, to obtain one-year drivers licenses, but that in practice the GID only granted approval in narrow cases unconnected with an individual's status as the child of a Jordanian mother.

The affected people also reported difficulties obtaining professional employment. One woman, for example, whose father is Syrian and mother is Jordanian, told Human Rights Watch that she graduated with a degree in pharmacy but was denied membership in the pharmacists' syndicate because she is not a citizen of Jordan, even though this membership is necessary to obtain employment in the field of pharmaceutical industry. Therefore, despite the promise of professional employment in closed sectors if no Jordanian applicant is available, in practice non-citizen children of Jordanian women cannot join these fields if they are denied membership in relevant professional syndicates.

In August 2016, Jordan's Central Bank circulated a memo to all banks in Jordan stating that the special ID cards issued by Jordan's civil status office to non-citizen children of Jordanian women would not be valid for banking transactions.

By depriving Jordanian women married to foreign nationals the right to pass nationality to their children on an equal basis to Jordanian men, Jordan is discriminating against women in breach of its obligations under the Convention on

the Elimination of All Forms of Discrimination against Women, and against children, as noted by the Committee on the Rights of the Child in its 2014 Concluding Observations.

**Human Rights Watch Recommendation:** We urge Your Excellency to undertake a full review of the application of privileges for non-citizen children of Jordanian women and **take steps to ensure that government agencies comply with the 2014 cabinet decision. Publishing the cabinet decision in the official gazette would be a positive first step. In addition, we urge Your Excellency to take steps to end discrimination against Jordanian women by amending the Nationality Law so that citizenship is granted to their children on the same basis that it is to the children of Jordanian men.**

### **Honor Killings**

Human Rights Watch notes with grave concern that the number of people, mostly women and girls, killed in the name of “honor” has more than doubled in 2016 to 26, up from 17 people killed during the same period in 2015. In October alone, five women and one man were killed.

Multiple provisions of the Jordanian penal code can and have been applied by the judiciary to reduce penalties in "honor" crime cases. Article 340 of the Penal Code, while amended in 2001 from a full exemption, still provides a reduction in penalty where a man who kills or attacks his wife or any of his female relatives in the act of committing adultery or in an "unlawful bed".

We note that most cases do not meet the criteria for article 340, and as such this is often not invoked by courts. Rather, often perpetrators receive reduced sentences under a combination of families pardoning perpetrators and article 98 that allows for reduced sentences for crimes committed in a “fit of fury.” Article 98 of the penal code mandates a reduction of penalty for a perpetrator (of either gender) who commits a crime in a “state of great fury [or "fit of fury"] resulting from an unlawful and dangerous act on the part of the victim.” It does not require in flagrante discovery or any other standard of evidence of female indiscretion. In cases of premeditated murder, article 98 provides that the penalty be reduced to a minimum of one year in prison. Moreover, in cases of murder, the victim's family can “waive” its right to file a complaint of the crime. Given members of the victim’s family are very often complicit in “honor killings,” the family nearly always "waives" the right to file a complaint.

**Human Rights Watch Recommendation:** We urge Your Excellency to repeal in full article 340 of the penal code, and repeal provisions that allow families to drop charges for “honor” crimes. We also urge Your Excellency to provide explicit guidance to judges to refrain from applying article 98 “fit of fury,” and any other provisions on “extenuating circumstances” to reduce sentences of murder for breaches of so-called “honor.”

## Refugees

Your Excellency, international humanitarian agencies and human rights groups have consistently recognized the efforts of the government of Jordan to address the needs of over 656,000 asylum seekers from Syria since 2011.

We also commend Jordan's release of the Jordan Compact at the "Supporting Syria and the Region" conference in London in February, which aims improving the livelihoods of Syrian refugees by granting new legal work opportunities as well as to promote economic growth in Jordan. So far at least 28,000 work permits for Syrians have been issued by labor authorities in 2016, and we hope more will be issued over the coming months.

In September 2016, nearly 80,000 Syrian children in Jordan were not in formal education, but the Ministry of Education has taken steps to address challenges to access to education such as relaxing documentation requirements, doubling the number of schools operating "double shifts" to create spaces for up to 50,000 more Syrian students, and establishing a "catch-up" program to reach another 25,000 children ages 8 to 12, who have been out of school for three or more years. We understand that approximately 20,000 new students have been enrolled as a result of these efforts, and we encourage the responsible authorities to continue them in 2017, particularly the relaxation of documentation requirements.

Despite Jordan's efforts, challenges remain. There are currently around 70,000 Syrians trapped at remote locations along an earthen mound or berm along Jordan's northeastern border with Syria. Since June 21, when a suicide car bomb attack on a Jordanian military base near Rukban killed seven Jordanian soldiers and security officers, authorities have declared the Jordan-Syria border as a closed military zone and halted humanitarian assistance to nearly 70,000 Syrians at the berm other than water. Authorities allowed a one-time delivery of humanitarian assistance to the berm by crane in early August. As of October, the vast majority, including thousands stranded on the Syrian side of the border, were women and children.

In addition to halting humanitarian assistance at the berm, Jordan has also severely restricted the number of medical evacuation cases of ill or war-wounded Syrians into Jordan from Syria.

We understand that Jordanian authorities are currently negotiating with UN agencies and donor countries how to reestablish a mechanism for delivering aid to stranded Syrians while addressing Jordan's security concerns.

**Human Rights Watch Recommendation: We urge Your Excellency to continue to support efforts to resume delivery of life-saving humanitarian assistance at the berm and to allow ill and war-wounded Syrians the ability to seek treatment in Jordan. We**

also urge you to allow all Syrians stranded along Jordan's border to enter Jordan safely and have their refugee claims fairly assessed.

### Conclusion

I am grateful for your attention to these matters as well as the opportunity for constructive dialogue. If you would like more information on any of these topics Human Rights Watch would also appreciate the opportunity to meet with Your Excellency or members of your staff to discuss these issues in person. If you have any questions regarding these matters or to arrange a time for a meeting, please do not hesitate to contact my colleague Adam Coogle at +[REDACTED]-[REDACTED]-[REDACTED] or [REDACTED]@hrw.org.

Sincerely,

Sarah Leah Whitson  
Executive Director  
Middle East and North Africa  
Human Rights Watch

CC: Bassel Tarawneh  
Government Coordinator for Human Rights  
Prime Ministry  
Hashemite Kingdom of Jordan