Parliamentary Assembly
Assemblée parlementaire
https://pace.coe.int

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 15649
07 November 2022

Evaluation of the partnership for democracy in respect of the Parliament of Jordan

Report[1]
Committee on Political Affairs and Democracy
Rapporteur: Mr George LOUCAIDES, Cyprus, Group of the Unified European Left

Summary

In January 2016, the Parliamentary Assembly granted the Parliament of Jordan partner for democracy status. A first evaluation of the progress made in implementing the political commitments undertaken by this parliament was carried out in 2017.

In this second round of evaluation, the Assembly should welcome progress in the field of elections, including the holding of parliamentary elections in a timely and orderly manner, despite adverse pandemic conditions, as well as the adoption of a new electoral law and a new law on political parties aimed at encouraging the formation of political parties and guaranteeing a greater role for youth and women in political life.

With regard to gender equality, death penalty and administrative detention, the picture is more mixed with some welcoming developments such as the rise of the "exceptional marriage" age and a parliamentary memorandum requesting the abolition of administrative detention. However, the essential issues remain unaddressed as courts continue to hand down death sentences, violence against women continues to be a problem and discrimination on the basis of gender is still not explicitly prohibited.

The Assembly should continue to review the implementation of political reforms and to offer its assistance to the Jordanian Parliament.

1. Reference to Committee: Doc 14975, Reference 4476 of 29 November 2019.

Contents **Page**

A. Draft resolution 3
B. Explanatory memorandum by Mr George Loucaides, rapporteur 5
1. Introduction 5
1.1. Background and origin of the report 5
1.2. Fact-finding visit to Amman, 25-27 September 2022 5
2. General context 6
3. The implementation of Jordan's political commitments 7
3.1. Elections 7
3.2. Gender equality 8
3.3. Administrative detention 10
3.4. Death penalty 11
3.5. General commitment to promote the core values of the rule of law and respect for human rights and fundamental freedoms 11
3.6. Co-operation with the Parliamentary Assembly and the Council of Europe 12
3.7. Continuing reforms 12
4. Conclusions 13

A. Draft resolution[2]

1. On 26 January 2016, the Parliamentary Assembly, in adopting Resolution 2086 (2016) "Request for partner for democracy status with the Parliamentary Assembly submitted by the Parliament of Jordan", granted the Jordanian Parliament partner for democracy status. After the parliaments of Morocco, Palestine and Kyrgyzstan, the Parliament of Jordan became the fourth parliament to receive this status, introduced by the Assembly in 2009 to develop institutional co-operation with the parliaments of States neighbouring the Council of Europe.

2. When making its official request, the Parliament of Jordan declared that it shared the same values as those upheld by the Council of Europe and undertook substantial political commitments in accordance with Rule 64.2 of the Rules of Procedure of the Assembly. These commitments are set out in paragraph 3 of Resolution 2086 (2016).

3. The Assembly stated in paragraph 9 of the aforementioned resolution that a number of measures undertaken by the authorities were essential for strengthening democracy, the rule of law and respect for human rights and fundamental freedoms. It called on the Parliament of Jordan to continue and deepen the constitutional, institutional, political and legal reforms in a number of specific areas.

4. On 10 October 2017, the Assembly adopted Resolution 2183 (2017) "Evaluation of the partnership for democracy in respect of the Parliament of Jordan", where it noted that even though reforms were advancing slower than planned, some vital ones had been carried out. Considering that Jordan was moving in the right direction, the Assembly resolved to expand its support as part of a progressive and trusting approach leading towards greater democracy and greater rights, while following very closely the implementation of reforms.

5. Five years later, the Assembly welcomes the efforts of the Jordanian Parliament in striving to comply with the political commitments of a partner for democracy despite the internal and external challenges the country is facing. Sitting at the centre of a volatile region, Jordan continues to play a crucial role for regional stability and peace, including by hosting millions of refugees.

6. As the Assembly has already stressed, Jordan is making substantial efforts to accommodate the needs of this population, which constitutes a permanent challenge. The Assembly once more warmly congratulates Jordan on its efforts. It again urges the international community to increase its support for the Jordanian authorities, either directly or through the international organisations operating on the ground.

7. The Assembly recalls that progress in moving reforms forward is the prime aim of the partnership for democracy and constitutes the benchmark for assessing its effectiveness. As regards the political commitments entered into by the Parliament of Jordan upon requesting partner for democracy status, and in the light of Resolution 2183 (2017), the Assembly:

7.1. welcomes the holding of parliamentary elections on 10 November 2020 within their constitutional deadline, despite an adverse pandemic situation. While the low turnout is disappointing and it is regrettable that less than 10% of the elected representatives come from political parties, the others being affiliated to tribal or financial forces, the mere fact that, despite the pandemic, the elections were organised and conducted according to schedule and without any major problems proves that the democratic institutions and processes in Jordan have reached a certain level of resilience and maturity;

7.2. welcomes the adoption of the new electoral law and the new law on political parties which are aimed at encouraging the formation of political parties, rising above tribal allegiances, and guaranteeing a greater role for youth and women in political life;

7.3. regrets that Article 6.1 of the Constitution which prohibits discrimination still does not enumerate "gender" or "sex" in the list of grounds. However, it welcomes the newly introduced reference to women in the title of the Constitution's relevant chapter as well as the new Article 6.6 whereby the State shall guarantee the empowerment of women and undertakes to support them to play an active role in building society in a way that guarantees equal opportunities on the basis of justice and equity and protects them from all forms of violence and discrimination. All this may be considered as a first step to raise public awareness on gender equality and set the basis for further changes in the Constitution. The Assembly calls on the Jordanian Parliament to take a clear stand against gender-based discrimination and initiate a public debate on necessary reforms;

2. Draft resolution adopted unanimously by the committee on 11 October 2022.

7.4. regrets that Article 340 of the Criminal Code, which allows perpetrators to receive lenient sentences in crimes committed in response to adultery, has still not been repealed. It also regrets that perpetrators of crimes "against women" continue to receive mitigated sentences if the victim's family does not support prosecutions of the male family members. It calls on the Jordanian authorities to take resolute action against violence against women in co-operation with civil society and women's organisations;

7.5. welcomes the efforts made to reduce the number of cases of administrative detention, and also the memorandum submitted by 82 members of the Jordanian Parliament requesting the abolition of administrative detention. It stresses that purely preventive detention of persons suspected of intending to commit a crime, is inconsistent with Council of Europe standards and should be abolished;

7.6. regrets the fact that, while no executions have been carried out since 2017, courts continue to hand down death sentences. It calls on the Jordanian Parliament to intervene to introduce a *de jure* moratorium on executions pending the abolition of the death penalty, in line with the expectations indicated by the Assembly upon granting partner for democracy status. It also calls on the Jordanian Parliament to take the lead in explaining to the public opinion the importance of abolishing the death penalty;

7.7. welcomes the adoption of a new law for children's rights which codifies a host of protection measures for children as well as the repeal of the requirement for mothers to have lived for five years in Jordan for their children born from non-Jordanian fathers to qualify for a number of benefits, including health and education.

8. The Assembly calls on the Jordanian Parliament to speed up the implementation of its general commitment to promote the core values of the rule of law and respect for human rights and fundamental freedoms, in particular by guaranteeing and promoting freedom of expression, media independence and plurality, and freedom of association and peaceful assembly in line with international standards. In this context, it invites the Parliament of Jordan to co-operate more closely with civil society.

9. The Assembly welcomes the ratification by Jordan of the Convention on Mutual Administrative Assistance in Tax Matters (ETS No. 127). It invites the Jordanian authorities to consider the advisability of signing and ratifying other Council of Europe conventions or partial agreements, in particular the Convention on Action against Trafficking in Human Beings (CETS No. 197); the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201); and the Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210).

10. When granting partner for democracy status to the Jordanian Parliament, the Assembly wished to foster closer relations and co-operation between Jordan and the Council of Europe. The Assembly recalls that the expertise of Council of Europe bodies (Parliamentary Assembly, European Commission for Democracy through Law (Venice Commission), Congress of Local and Regional Authorities) is at the disposal of the Jordanian authorities to help with strengthening human rights, the rule of law and democracy in Jordan.

11. The Assembly considers that the implementation of the political commitments entered into by the Parliament of Jordan should be the collective responsibility of its two chambers and shared between them. Consequently, as from the adoption of this resolution, the Assembly invites the Parliament of Jordan to appoint, from both the House of Representatives and the Senate, a partner for democracy delegation consisting of three representatives and three substitutes, to be composed in accordance with Rule 64.4 of the Assembly's Rules of Procedure.

12. The Assembly resolves to continue to review the implementation of political reforms in Jordan and to offer its assistance to the Jordanian Parliament, and to make a new assessment of the partnership when appropriate.

B. Explanatory memorandum by Mr George Loucaides, rapporteur

1. Introduction

1.1. Background and origin of the report

1. On 26 January 2016, the Parliamentary Assembly granted the Parliament of Jordan partner for democracy status.[3] After the parliaments of Morocco, Palestine and Kyrgyzstan, the Parliament of Jordan thus became the fourth parliament to be granted this status, which the Assembly had introduced in 2009 to develop "institutional co-operation with parliaments of non-member States in neighbouring regions wishing to benefit from the Assembly's experience in democracy building and to participate in the political debate on common challenges which transcend European boundaries".[4]

2. Upon making its official request for the status, the Parliament of Jordan declared that it shared the same values as those upheld by the Council of Europe and undertook substantive political commitments. When granting the status, the Assembly stressed that Jordan needed to continue and deepen the constitutional, institutional, political and legal reforms aimed at strengthening democratic institutions, the rule of law and respect for human rights. It singled out benchmarks which are of key importance in this context.

3. On 10 October 2017, when evaluating the partnership for democracy in respect of the Parliament of Jordan for the first time, the Assembly concluded that "even though the reforms [were] advancing more slowly than planned, some vital reforms [had] been carried out, as regards both democracy and the elections scheduled, and decentralisation or social affairs (legislation favourable to women)". Considering that Jordan was moving in the right direction, the Assembly resolved to "support Jordan at this difficult time and continue and expand its support as part of a progressive and trusting approach leading towards greater democracy and greater rights." For the Assembly, "Jordan and Europe [had] everything to gain from this partnership."[5]

4. As a follow-up to this first evaluation, the Committee on Political Affairs and Democracy was instructed to review the progress achieved in implementing the political commitments undertaken by the Jordanian Parliament and the recommendations addressed to it by the Assembly.[6] Mr Mogens Jensen (Denmark, SOC) was appointed rapporteur and carried out a fact-finding visit to Jordan on 27-28 November 2018. Reporting back to the committee from this visit, he noted that due to internal and external circumstances, not much had changed in Jordan in 2018. Mr Jensen left the Assembly in June 2019 following his appointment to a ministerial post.

5. On 2 October 2019, following the expiry of the above-mentioned reference, the committee tabled a motion for a resolution on the "Evaluation of the partnership for democracy in respect of the Parliament of Jordan" and I was appointed rapporteur on 29 January 2020.

1.2. Fact-finding visit to Amman, 25-27 September 2022

6. On 25-27 September 2022, nearly five years after the last evaluation of the partnership for democracy in respect of the Parliament of Jordan, I carried out a fact-finding visit to Amman. The visit allowed me to assess the state of progress achieved in implementing the political commitments undertaken by the Jordanian Parliament and moving reforms forward in the areas mentioned in the previous two resolutions. It also allowed me to grasp the complexity in which Jordan – which is caught in the middle of the region's problems and has for decades suffered all the consequences of the regional conflicts, including a constant influx of refugees which it has dealt with exemplarity – operates.

7. I would like to thank the Parliament of Jordan, particularly Mr Abdel Haleem Alhumood, member of the partner for democracy delegation, for organising the visit and the great hospitality we received. I would also like to thank the Cypriot Ambassador, Mr Michalis Ioannou, for organising the meetings with the representatives of civil society and the diplomatic community in Amman.

---

3. Resolution 2086 (2016) "Request for partner for democracy status with the Parliamentary Assembly submitted by the Parliament of Jordan".
4. Resolution 1680 (2009) "Establishment of a "partner for democracy" status with the Parliamentary Assembly".
5. Resolution 2183 (2017) "Evaluation of the partnership for democracy in respect of the Parliament of Jordan".
6. The final paragraph of Resolution 2183 (2017) stipulates that the Assembly will make a new assessment of the partnership within two years of the adoption of the resolution.

8. In Amman, I met Mr Abdel-Karim Deghmi, Speaker of the House of Representatives; Mr Faisal Al Fayez, President of the Senate; Mr Khaled Al Bakkar, member of the Royal Committee to Modernise the Political System and former Chairperson of the Jordanian partner for democracy delegation; Mr Mousa Al Maaitah, President of the Independent Election Commission; Mr Rahiel Garaibeh, President of the National Centre for Human Rights; Ms Maha Ali, Secretary General of the Jordanian National Commission for Women; and the chairpersons of parliamentary blocks at the House of Representatives.

9. I also had a meeting at the Ministry of Foreign Affairs and Expatriates with representatives from the Ministry of Justice, the Ministry of Interior, the Ministry of Education and Higher Education and the Ministry of Foreign Affairs and Expatriates, including Ambassador Fayez Khouri, Director of the European Affairs Department; Ambassador Motaz Hyasat, Director of the Legal Affairs Department; and Ambassador Raghad Alsaqqa, Director of the Human Rights Department.

10. Furthermore, I had a working dinner hosted by the Cypriot Ambassador, Mr Michalis Ioannou, with the following representatives of the diplomatic community: Mr Oskar Wüstinger, Ambassador of Austria; Mr Dimitar Mihaylov, Ambassador of Bulgaria; Ms Maria Hadjitheodosiou, Ambassador of the European Union; Ms Eleftheria Galathianaki, Ambassador of Greece; Mr Attila Kali, Ambassador of Hungary; and Mr Harry Verweij, Ambassador of the Netherlands.

11. Lastly, I had meetings with representatives of civil society: Mr Nidal Mansour, Executive Director of the Center for Defending Freedom of Journalists, and Mr Basem Subaih from the same organisation; Ms Linda Alkalash, Director of Tamkeen for legal aid and human rights; Ms Abeer Mdanat, Director of Rasheed for Integrity and Transparency; Ms Amenah Al Zubi, President of the Jordanian Women's Union; Ms Randa Qsous, President of Arab Women Organization of Jordan; and Mr Amer Bani Amer, General Director of Al Hayat Center for Civil Society Development.

12. At the beginning of all my meetings, I explained the purpose of my visit and reminded my interlocutors about Jordan's commitments. Everyone I met was open and co-operative and were supportive of the Jordanian Parliament's partner for democracy status with the Assembly. The officials stressed that Jordan remained committed to the objectives of the partnership and was continuing to make reforms in the right direction. Political change was taking place but had to be gradual and would take time in a country with a conservative tribal society. Some acknowledged that more could be done, while underlining the challenges the country faced due to its geopolitical situation.

2. General context

13. Jordan is one of the countries most affected by the Syrian conflict and hosts a very high number of Syrian refugees, with 672 000 registered and the total number estimated to be around 1.3 million.[7] These are to be added to the 2.3 million long-term Palestinian refugees registered by the United Nations Relief and Works Agency for Palestine Refugees in the Near East as of March 2018,[8] and refugees from Iraq, Sudan, Yemen and other countries (roughly 88 000 people), thus amounting to approximately 3.6 million refugees in a country of 10.2 million inhabitants (which is over 36% of the population).

14. While Jordan demonstrates exemplarity in the way it deals with such influx, for which the Assembly congratulated the country on several occasions, the situation of these refugees remains an area of concern. Their needs are considerable and constitute a permanent challenge. To support Jordan as well as the surrounding countries also affected by the Syrian crisis, a Regional Refugee and Resilience Plan was set up in 2015 by the UN agencies, NGO partners and several governments, granting them US$5.8 billion for 2021.[9] On a positive note, the Government of Jordan included refugees in the National Health Response Plan and its Covid-19 vaccination programme.

15. Jordan's already fragile economy[10] was hit hard by the Covid-19 pandemic,[11] which had particularly profound effects on the service sector, travel receipts, and tourism – all key sectors of growth for the Jordanian economy. The World Bank estimated the Jordanian economy to have contracted by 1.6% in 2020,

7. ACAPS, Data from July 2022.
8. UNRWA, March 2018.
9. Syrian Refugee Regional Resilience Plan, UNHCR, 22 June 2021.
10. Jordan is heavily dependent on fossil-fuel imports, with limited natural resources. It is among the most water-poor countries in the world. All these factors make its economy very much dependent on foreign aid.
11. By 30 September 2022, there were 1 746 997 confirmed cases of Covid-19 with 14 122 deaths. As of 21 August 2022, a total of 10 057 975 vaccine doses had been administered. World Health Organisation country information.

with unemployment rising to 24.7% in the fourth quarter of 2020 and youth unemployment reaching an unprecedented 50%. Female unemployment, which had been declining between 2017 (31.2%) and 2019 (27%), rose sharply to 32.8%.[12]

16. In 2022, Jordan began its recovery from the Covid-19 shock. However, the Covid-19 crisis exacerbated Jordan's jobs challenge: unemployment stood at 23.3% in the last quarter of 2021, youth unemployment stagnating at 50% and the women's labour force participation rate is 14%, one of the lowest in the world.[13]

3. The implementation of Jordan's political commitments

3.1. Elections

17. In its request for the partner for democracy status, the Jordanian Parliament undertook to "keep the electoral process in compliance with international standards for parliamentary elections."

18. During its first evaluation in 2017, the Assembly welcomed the passage of the new electoral law and the holding of early parliamentary elections in September 2016, which it was invited to observe. While it was disappointed by the low turnout, the Assembly noted with satisfaction that the elections were free and well organised, even though tribal or financial powers remained influential. At the same time, the representation of women in parliament had increased substantially.

19. Likewise, the Assembly welcomed the holding of local elections in August 2017, according to the new legislation on decentralisation. It considered that these elections were also free and well organised (despite the dominance of tribal or financial forces) but regretted the low participation. It also noted that the representation of women had made strong progress.

20. On 10 November 2020, despite an adverse pandemic situation,[14] Jordan held parliamentary elections as scheduled, within their constitutional deadline of four years. Upon the invitation of the Independent Election Commission, the Bureau of the Assembly decided to observe the elections and constituted an *ad hoc* committee for this purpose. However, due to the global sanitary situation and the travel restrictions enacted by a number of member States regarding travel to Jordan, the observation mission had to be cancelled.

21. The elections saw the lowest turnout in more than a decade: only 29.9% of eligible voters cast their ballot, down from 36% in 2016. Despite a significant participation of political parties (41 out of 48 political parties ran for elections), only 12 party members won a seat, with the vast majority of winners being – once again – affiliated with tribal and financial powers.[15] While there was an increase in women candidates, they still represented less than one fourth of all candidates, and only 15 women were elected (down from 20 in the previous parliament), which corresponded to the legal quota. Nevertheless, the increase of women candidates was commented as a reflection of women's enthusiasm to have a voice and more confidence in their capability to serve.[16]

22. It has been claimed that Jordan's 2020 elections were the least democratic and transparent that the country ever witnessed, due mainly to the Covid-19 pandemic and its consequences.[17] However, according to a case study by the International Institute for Democracy and Electoral Assistance, "while the pandemic did have certain adverse effects on the integrity of the elections (…) the weakness in Jordan's 2020 elections cannot be solely attributed to the public health emergency".[18] It is argued that the lack of a level playing field was due to a number of factors that impact on the elections, including an electoral system that weakens political parties, and a growing trend of restrictions on freedom of expression. While the case study acknowledges that concerns about the coronavirus transmission also contributed to the very low voter turnout, it considers the latter as an element indicating voter apathy and mistrust in the parliament's effectiveness and its actual authority to legislate.

---

12. The World Bank in Jordan, 26 May 2022.
13. Ibid.
14. The elections coincided with the peak of the second wave of the Covid-19 pandemic.
15. "Jordan's 2020 Parliamentary Election: Settling for the Status Quo", February 2021, Konrad Adenauer Stiftung, Suha Ma'ayeh and Rana F. Sweis.
16. ibid.
17. "The pandemic compromised Jordan's parliamentary elections", *The Washington Post*, 20 November 2020.
18. "What pandemic? Parliamentary elections in Jordan at any price", Case Study, 10 June 2021, International IDEA, by Fida Nasrallah.

23. I believe that the mere fact that, despite the pandemic, the elections were organised and conducted according to schedule and without any major problems is to be welcomed. It is proof that the democratic institutions and processes in Jordan have reached a certain level of resilience and maturity.

24. Two months after the elections, King Abdullah II called for a political reform expressing the need to "revisit laws regulating political life, such as the elections, political parties, and local administration laws".To this end, he ordered the formation of an appointed body, the Royal Committee to Modernise the Political System, with the mission of putting forward new draft election and political parties laws, looking into the necessary constitutional amendments connected to the two laws and the mechanisms of parliamentary work, providing recommendations on developing legislation regulating local administration, expanding participation in decision-making, and creating a political and legislative environment conducive to the active engagement of youth and women in public life.[19] On 4 October 2021, the Royal Committee submitted its final report.

25. As a follow-up to the Royal Committee's report, a new Political Parties Law and a new Election Law for the House of Representatives were adopted by the parliament, as well as a number of constitutional amendments. The new law on political parties prohibits "to harass" Jordanians (…) because of their or any of their relatives' participation in a political party.It also prohibits exposing students of higher education institutions because of their affiliation and party and political activity.[20] The new law also requires 20% of founding members of political parties to be women and young people aged between 18 and 35.[21]

26. Under the new Election Law, political parties will witness a gradual increase in seats in the upcoming House of Representatives, starting from 30% (41 seats) for the next elections, which will increase to 50% in the following elections, until finally reaching 65%. The law requires having at least one woman among the first three candidates on the general list and within the next three candidates, in addition to having a young man or woman (35 years old or younger) within the first five candidates.[22] The law also reduces the number of constituencies down to 18 (previously 45), and increases the legal quota for women from 15 to 18 seats, the same as the number of constituencies.[23] It reduces the age of eligibility to 25 years (previously 30).

27. Clearly, these new laws aim at encouraging the formation of political parties, which are the pillars of a democracy, rising above tribal allegiances, and guaranteeing greater role for youth[24] and women in political life. My interlocutors were confident that these objectives would materialise, stressing however that activating political life and increasing political participation would take time. Some noted that the long-standing fear of creating or joining political parties due to the historically harsh repression on them would have to be overcome, as well as low voter turnout and voter apathy, in particular amongst the youth which, in Jordan, is critically absent from the political arena. In this context, they stressed the role of democratic education for changing citizens' and especially young people's attitudes.[25]

28. The new law will require alliances and mergers within the parliament, especially if blocs are to transform themselves into "parties" and put forward winning lists based on party programmes. I was informed that some of the parliamentary blocs in the parliament had already started to move in this direction.

29. The local elections, initially scheduled for August 2021, finally took place on 22 March 2022, after the adoption of the new Law on Municipalities and Decentralisation which reduced the age of eligibility to 25 and introduced a 25% quota for the representation of women in municipality and governate councils. The voter turnout remained very low, at 29.6%.

3.2. Gender equality

30. In its request for the partner for democracy status, the Jordanian Parliament undertook to support "the balanced participation of women and men in public and political life". When granting the status, the Assembly called on the Jordanian Parliament to constitutionally guarantee equality between men and women by revising Article 6.1. of the Constitution which prohibits discrimination but does not enumerate "gender" or "sex" in the

19. "In Jordan, king forms committee to 'modernize the political system'", ConstitutionNet, 16 June 2021.
20. Articles 4 B and C of the Law on Political Parties.
21. Articles 11 A 3 and 4.
22. Each voter has two votes, a local and a general one.
23. Under the former Electoral Law, the electoral boundaries, and the distribution of MPs per constituency used to favour powerful tribes. The new law aims at changing this. I was told during my visit that the reduction of the number of constituencies and the redistribution of MPs per constituency created a certain amount of tension.
24. Jordan has one of the youngest populations in the world, with 63% of its population under the age of 30. UNICEF.
25. During my meeting with the President of the Independent Election Commission, I was shown a manual on democratic education for the 10th and 11th grades.

list of prohibited grounds of discrimination;[26] to combat all forms of gender discrimination (in law and in practice), particularly in family law; to abolish all legislation that discriminates against women and actively promote equal opportunities for all; to fight all forms of gender-based violence, and ensure adequate funding for prevention measures, assistance and protection services for the victims.

31. At the time of the 2017 evaluation, Article 6.1 had not been revised, but some welcoming developments had taken place: Article 308, which provided that a rapist shall not be prosecuted if he marries his victim, had been abolished from the Criminal Code and its Article 98, which reduced the sentence for honour crimes if the crime was "impulsive", had been revised.

32. To date, Article 6.1 of the Jordanian Constitution has still not been revised to make a reference to gender-based discrimination. However, the title of the Constitution's second chapter under which this article falls has recently been amended to read as follows: "Rights and duties of Jordanian men and Jordanian women" (previously, "rights and duties of Jordanians").[27] While it can be considered as a first step to raise public awareness around gender equality and set the basis for further changes in the constitution, this symbolic change is far from enough.

33. The current writing of Article 6.1 renders gender-based discrimination invisible. The Jordanian Parliament should take a clear stand against this scourge, thereby promoting a change in mentalities in Jordanian society, rather than waiting for mentalities to change first. Moreover, the failure of the Constitution to prohibit gender discrimination means that none of the laws perpetuating this discrimination – for example, the Inheritance Law, according to which women inherit less than men or the Nationality Law according to which Jordanian women cannot pass their nationality to their children – can be challenged as unconstitutional. Regarding this last point, I was told during my visit that giving Jordanian nationality to children born from Palestinian fathers would jeopardise their right to return to Palestine. It would also change the demography of Jordan. While I can understand this from a political standpoint, it cannot be a pretext to justify discrimination against women.

34. Women and men have equal political rights in Jordan. According to the 2021 report of the non-governmental organisation Freedom House, in the past, female candidates won some seats beyond the legal quotas set for the parliament and local councils, but cultural prejudices remain an obstacle to women's full participation in practice.[28] As pointed out above, no women won parliamentary seats beyond the 15 seat quota in November 2020 poll. The new Election law is clearly a step forward in terms of women's political rights and should be welcomed (see paragraph 26 above).

35. Regarding equal rights between men and women in the private sphere, some progress has been made but areas of concern remain, including discrimination resulting from the provisions of inheritance and nationality laws mentioned above, but also from the Personal Status Law which contains a number of discriminatory provisions, for example in terms of marriage and the ability to travel alone with children.

36. During my visit, it was told that the numerous forms of differential treatment on grounds of gender present in Jordanian law are deeply rooted in the culture and mentalities and are difficult to amend overnight. I was also reminded that Sharia Law is part of the Jordanian legal system. I understand this is a delicate matter and recognise that Jordan has already overcome many obstacles in this field. Yet, such provisions are not in compliance with international human rights standards and the values of gender parity-based democracy which the Jordanian Parliament has declared to share when it requested the partnership for democracy status. The Jordanian authorities should therefore endeavour to achieve progress by initiating a public debate on the necessary reforms.

37. As far as progress is concerned, Jordan's Parliament amended the Personal Status Law in April 2019 to raise the "exceptional marriage" age from 15 to 16 years old. The said law sets a minimum marriage age at 18, but exceptions are foreseen which allow younger ones to get married with the consent of Sharia Court judges. While it is undoubtedly a step forward in the reduction of child marriages, Jordan should remove the exception from its law to comply with its international commitments, including the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) which considers children to inherently lack the ability to give their full, free and informed consent to their marriage.

---

26. Article 6.1 reads as follows: "Jordanians shall be equal before the law. There shall be no discrimination between them as regards to their rights and duties on grounds of race, language or religion".
27. Another constitutional amendment also introduced a new paragraph 6.6 whereby the State undertakes to empower women and to support them to play an active role in building society to ensure equal opportunities on the basis of fairness and justice and protect women from all kinds of violence and discrimination.
28. "Jordan: Freedom in the World 2021", Country Report, Freedom House.

38. Steps were also taken to empower women, including by introducing in the Labour Law, provisions regarding care services for children and flexible hours.

39. Violence against women continues to be a serious problem.[29] Jordanian law fails to criminalise all forms of violence against women. Although rape and sexual harassment are criminalised, marital rape is not considered a criminal offence. Moreover, Article 340 of the criminal code, which allows perpetrators to get lenient sentences in case of crimes committed because of adultery, has still not been repealed. Although it is applicable to both men and women, men are less likely to face adultery charges, as pointed out by Amnesty International.[30] In addition, despite the revision of Article 98 of the Criminal Code which no longer allows mitigated sentences for perpetrators of crimes "against women", judges continue to impose mitigated sentences under article 99 if family members of victims do not support prosecutions of their male family members.[31]

40. On the positive side, the Jordanian National Commission for Women has developed a strategy for women for the period of 2020-2025, one of the strategic goals of which is to end gender-based violence, with a particular focus on "honour killings". The Commission is also promoting the opening of more shelters for women at risk of family violence in the name of honour.

41. The Council of Europe Convention on combating violence against women and domestic violence (CETS No. 210, "Istanbul Convention") is widely recognised as a reference in this matter and is open to accession by non-member States. It would be advisable for the Jordanian authorities to take inspiration from the standards set out in the Convention. I also encourage the Jordanian delegation to consider designating a representative with the Parliamentary Network Women Free from Violence.

3.3. Administrative detention

42. Both when granting the partnership for democracy status in 2016 and evaluating it in 2017, the Assembly called on the Parliament of Jordan to take steps towards the abolition of the practice of administrative detention which allows local governors to detain persons who are "about to commit a crime or assist in its commission, those who 'habitually' steal, shelter thieves, or fence stolen goods, and anyone who, if remaining at liberty, would constitute a 'danger to the people'". The last category has been used to hold women who are at risk of violence and of so-called honour crimes for their "own protection" (even though the 1954 Crime Prevention Act which provides for administrative detention does not cover such situations). The governors also place men in administrative detention for their "own protection" when there have been threats of tribal vengeance.

43. This seems to be an evolving problem. First and foremost, I was assured that women at risk of violence or so-called honour crimes are now being transferred or referred to government shelters. Secondly, after a stark increase in the number of such detentions (around 38 000 in 2018 and 2019), there now seems to be an opposite trend with around 21 000 administrative detentions registered in the last two years. Thirdly, women and men in administrative or "preventive" detention can now challenge their detention before administrative courts and there is a possibility to be released on bail. And finally, I was told that the authorities are planning to limit the scope of the law.

44. During the visit, some people we spoke to were clearly in favour of a possible repeal of the relevant provision of the 1954 Crime Prevention Act. Others seemed to sincerely believe that administrative detention was necessary to prevent tribal revenge, and thus justified. I was pleased to hear that a parliamentary memorandum requesting the abolition of administrative detention had been signed and submitted by 82 MPs on 17 March 2021. I sincerely hope that this initiative will lead to a positive outcome.

45. Indeed, the practice of administrative detention is inconsistent with Council of Europe values in several respects: a person should not be kept in prison without a judicial decision; a person should not be kept in prison on the pretext of protecting them; and, lastly, a person should not be imprisoned for a crime they have not yet committed. Concerning in particular the situation of women and men on "protective custody", instead of depriving them from their liberty, the authorities should rather prosecute those who pose such a threat to them.

---

29. In the first half of 2021, several women's rights organisations, as well as the UN, reported that incidents of gender-based violence had increased by over 50% compared to the previous year. By the end of September 2021, 14 women had been killed due to domestic violence according to the Sisterhood is Global Institute in Amman. Amnesty International.
30. "The state of the world's human rights", Amnesty International report 2017-2018, p. 219.
31. "Jordan – Events of 2020", Human Rights Watch.

3.4. Death penalty

46. In its request for the partner for democracy status, the Jordanian Parliament undertook to continue with "endeavours to raise the awareness of public authorities and civil society as regards abolishing the death penalty and the introduction of a moratorium on executions". At the same time, the Assembly called on the Jordanian Parliament to "apply consistently the moratorium on executions that was established in 2006 and go a step further by abolishing the death penalty set out in the Criminal Code".

47. In its 2017 evaluation, the Assembly regretted the fact that, while a *de facto* moratorium on executions was purportedly introduced in 2006, courts continued to hand down death sentences. It also noted that executions had resumed and that 28 people had been executed between December 2014 and March 2017. Condemning all forms of capital punishment, the Assembly urged the Jordanian Parliament to intervene with the authorities to stop executions and reinstate the moratorium pending the abolition of death penalty, in line with the expectations it indicated upon granting partner for democracy status.

48. While no executions have been reported since March 2017 and that in 2020 Jordan supported the United Nations resolution concerning a moratorium on the use of death penalty for the first time[32] – both of which are a step forward – courts still continue to hand down death sentences (30 in total in 2021 according to the authorities). Among these sentences, one was pronounced by the State Security Court on 12 January 2021, concerning a terrorist attack which took place against tourists in Jerash in 2019.[33] In March 2021, the State Security Court sentenced six men to death after convicting them of maiming a 16-year-old boy in a case that triggered public outrage.[34]

49. Based on my discussions with different interlocutors, my understanding is that the abolition of death penalty is not considered a priority. Some of those whom we spoke to said that Jordanian society is not ready for the abolition of death penalty for "heinous" crimes such as terrorism, and others consider it even necessary to increase security. When I asked them about a possible moratorium on executions, which in reality would simply give a legal basis to an already *de facto* situation, I was told that the issue needed to be discussed thoroughly by the Jordanian Parliament. I explained to my interlocutors, based on actual experience in many countries, that the death penalty does not increase security and does not have a deterrent effect on the most dangerous criminals, including terrorists, many of whom are in any event prepared to die for their cause. In any case, the fact that Jordanian society is not ready for the abolition of death penalty cannot serve as a justification. Not all members of the public in Europe welcomed the abolition of the death penalty either. It is up to the authorities to drive such change, to change public opinion rather than follow it.

3.5. General commitment to promote the core values of the rule of law and respect for human rights and fundamental freedoms

50. According to Human Rights Watch, the civic space in Jordan has shrunk over the past four years and authorities are using vague and overly broad criminal provisions including under the Criminal Code of 1960, the Cybercrime Law of 2015, the Anti-Terrorism Law of 2006, and the Crime Prevention Law of 1954 to suppress free speech, association and assembly.[35] These various laws penalise, *inter alia*, defamation, criticism of the King or state institutions, harming Jordan's relations with foreign States, blasphemy, and any content considered to lack objectivity.

51. The increasing interferences with freedom of speech, association and assembly were also raised by civil society representatives we met in Amman. In addition, they stressed the following issues: a vast majority of journalists practice self-censorship to avoid prosecution; the justice system is not totally independent; corruption is a problem; NGO activities are not recognised by the public authorities; NGOs are being accused of corruption, and encounter problems in accessing funding; lack of accountability and transparency on behalf of the authorities.

52. Officials were particularly reactive to these allegations. They stressed that they attach great importance to freedom of expression, assembly and association, noting however that these freedoms are not absolute. They also stressed that 98% of requests for funding were approved. Some argued that NGOs needed to organise better, consolidate their programme, and be more transparent and accountable.

---

32. A/RES/75/183.
33. "Jordanian sentenced to death for 2019 knife attack on tourists", *Al Jazeera,* 12 January 2021.
34. "Six sentenced to death in Jordan for cutting off teenager's hands", *Arab News*, 18 March 2021.
35. "Jordan: Government Crushes Civic Space", *Human Rights Watch*, 18 September 2022.

3.6. Co-operation with the Parliamentary Assembly and the Council of Europe

53. During its first evaluation in 2017, the Assembly welcomed the Jordanian parliamentary delegation's active participation in its work and that of its committees, while strongly regretting that, since being granted partner for democracy status, Jordan had not become party to any Council of Europe conventions or partial agreements, nor acceded to any relevant international instrument relating to human rights as requested by the Assembly.

54. While the Jordanian delegation continued to maintain a high attendance at our committee meetings and part-sessions for the 2018-2019 period, the 2020-2021 period witnessed an inverse tendency. Indeed, the Jordanian delegation attended only two of our meetings in 2020 and was absent from the Assembly for the first six months of 2021, likely due to the difficulty of remote participation imposed by the Covid-19 pandemic, and the pre- and post-election periods which meant a heavy workload for parliamentarians. A new delegation was appointed in January 2022 and has been regularly participating in our meetings since March 2022.

55. During my meetings in Amman, I raised the issue of the composition of the Jordanian partner for democracy delegation, the members of which are currently appointed from among the "democratically elected members" of the parliament, thus from among the members of the House of Representatives, in accordance with Resolution 2086 (2016). I stressed that there was nothing in the Assembly's Rules of Procedure that prevents the Jordanian Senate to be part of the delegation. Representatives of both the House of Representatives and the Senate welcomed a possible participation of the Senate in the delegation.

56. Co-operation between Jordan and the Council of Europe is implemented in line with the Organisation's policy towards neighbouring regions, adopted by the Committee of Ministers in May 2011. Since 2018, co-operation with Jordan has been framed as part of regional co-operation within the EU/CoE South Programme,[36] in areas such as the fight against trafficking in human beings, the fight against corruption and money laundering, the fight against violence against women or the reform of public administration in the Southern Mediterranean region. In this context, Jordanian authorities have, amongst others, participated in several meetings relating to fight against trafficking in human beings with representatives of public institutions in charge of combating trafficking in human beings in the region, as well as in two regional seminars on Council of Europe Convention on Action against Trafficking in Human Beings and on the decisions of the European Court of Human Rights in this field.

57. In August 2021, Jordan ratified the Convention on Mutual Administrative Assistance in Tax Matters as amended by the 2010 Protocol (ETS No. 127), a widely ratified Council of Europe Convention aimed at combating tax evasion. While it is not one of the most relevant conventions in the field of human rights, democracy and the rule of law, the mere fact that Jordan became party to one of the Council of Europe conventions is to be welcomed and should be seen as an encouraging sign for future signatures and ratifications. In particular, Jordan could accede to the following Council of Europe conventions: Convention on Action against Trafficking in Human Beings (CETS No. 197); Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201); Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210).

58. The latest interparliamentary co-operation activity with the Parliament of Jordan dates back to February 2020: an information seminar on the Council of Europe for the staff members of the Parliaments of Jordan and Morocco was held in Strasbourg.

3.7. Continuing reforms

59. A new law for children's rights was adopted by the Jordanian Parliament in September 2022. The law codifies a host of protections for children, including the right to education, the ability for teachers and other responsible adults to report abuse, health coverage for all children in Jordan, protection from forced labour, beggary and addiction. The adoption of this new law, despite a resistance from conservative spheres who presented it as an attempt to degrade the Jordanian family unit, should be welcomed.

36. Since 1st September 2022, the South Programme is implemented in its fifth phase "Protecting human rights, the rule of law and democracy through shared standards in the Southern Mediterranean", with a total budget of €5 556 million (European Union: 89.99%, Council of Europe: 10.01%), September 2022 – August 2025.

60. The civil society representatives whom I spoke to also recognised that the law was a positive step to promote children's rights but regretted that it did not include dissuasive penalties to prevent abuse.[37]They also criticised the amendment introduced by the House of Representatives concerning the right to make decisions related to a child's education, which removed the word "parents" from the article, replacing it with the words "father or guardian".

61. As mentioned above, unlike fathers, mothers in Jordan cannot pass their nationality on to their children or their spouse. This previously prevented children of Jordanian mothers and foreign fathers from having access to free health care or education. In 2015, the possibility to apply for a special identity card enabling them to use subsidised government services such as secondary schooling and health care was introduced. However, for children to qualify for these benefits, the mother must have lived in Jordan for at least five years, which created difficulties for those whose mothers resided outside Jordan or had no evidence of their date of entry into the country or had passed away.

62. During my visit, I was pleased to learn that having lived in Jordan for five years was no longer required to qualify for these benefits. Moreover, adult children of Jordanian mothers and non-Jordanian fathers are no longer obliged to obtain a work permit (thanks to an amendment to the labour law introduced in May 2019) and have second priority for jobs after Jordanian citizens. They are also able to own property and obtain driving licences.

63. As previously mentioned, the parliament recently adopted constitutional amendments some of which were controversial, as they allowed the King to, *inter alia*, make significant appointments by royal decree without consulting the Council of Ministers. The Jordanian monarch can now appoint and dismiss the Chief Justice, head of the Sharia Judicial Council, Grand Mufti, Chief of the Royal Court, Minister of the Court, and the King's advisors.[38] Although, in practice, the King has always had the final say in all of these decisions, opposition groups see these new changes as "only expanding the authority of the King".

64. Another amendment that provoked criticism is the formation of the National Security Council, which is headed by the King. The new council holds wide-ranging political and security powers and includes the prime minister, army chief, directors of the security forces, foreign and interior ministers, as well as two other members that the King will appoint. A major concern regarding this amendment is that the new Council represents a direct infraction on the executive and legislative branches: it is described as "a fourth Branch of government" which can bypass the Council of Ministers or Parliament. These developments which may weaken the role of parliament will have to be watched carefully.

4. Conclusions

65. Since the first evaluation of the partnership in 2017, it seems that Jordan has made advances in some areas whereas it has stagnated in others. By granting the Parliament of Jordan partner for democracy status, the Assembly initiated a process the key aim of which is to help Jordan take reforms forward by openly discussing and overcoming deficiencies. The process will, admittedly, be gradual and necessarily lengthy. Democracy is the only way forward, and I believe Jordan's authorities aspire to democracy and are determined to make the necessary progress for the future. The Assembly should continue to support Jordan in this endeavour, while accompanying the process with both rigour and patience.

37. According to a 2019 UNICEF study, in Jordan 74.6% of children experience one form of physical violence.

38. The King also appoints the prime minister as well as heads of the lower house, upper house, Constitutional Court, army, and security departments.