

Situation Brief

Freedom of Civil Society in Jordan: Based on the Fourth Universal Periodic Review (UPR) Recommendations

Phenix Center for Economic and Informatics Studies

Context:

In the context of the fourth cycle of the Universal Periodic Review, Jordan for the first time accepted a number of recommendations focusing on enhancing civil society freedom and ensuring a safe and supportive environment for civil society organizations. This acceptance came after reviewing these recommendations during the review on January 25, 2024. Jordan subsequently accepted three specific recommendations related to civil society freedom, particularly the removal of restrictions on foreign funding. These recommendations are part of Jordan's commitment to improving its human rights record and promoting public freedoms, which have significantly declined in recent years, with Jordan globally classified as "Not Free" ¹ due to ongoing violations affecting the civil society space.

Accepting these recommendations represents an important step towards developing a more flexible legal and administrative environment, allowing civil society to operate more efficiently and effectively. However, the greatest challenge remains in implementing these recommendations and translating them into concrete policies and actions that enhance the freedom and effectiveness of civil society in addressing existing challenges. These brief reviews

¹ Freedom house, freedom in the world country report 2024 [Jordan: Freedom in the World 2024 Country Report | Freedom House](#)

the key recommendations accepted by Jordan in this context, the proposed actions, and what needs to be done to expedite their implementation on the ground.

Recommendations from the Fourth Universal Periodic Review Related to Civil Society

Freedom:

1. Revise the 2008 Associations Law to ensure a safe and supportive environment for non-governmental organizations (Recommendation No. 137-45).
2. Simplify administrative processes and reduce restrictions on the work of non-governmental organizations, particularly concerning foreign funding (Recommendation No. 137-46).
3. Allow civil society groups free access to foreign funding and enhance governmental transparency (Recommendation No. 137-47).

These recommendations aim to amend the Associations Law to facilitate the registration process for civil society organizations and enable them to obtain foreign funding without obstacles. They focus on ensuring that organizations can operate freely without fear of retaliation or undue interference. Additionally, they emphasize reducing administrative barriers faced by civil society organizations, thereby enabling them to work effectively and sustainably. The recommendations also call for clear explanations for any rejection of foreign funding requests and the establishment of fair appeal mechanisms.

Required Legislative Amendments:

1. **Amend the Associations Law No. 51 of 2008:**² The law lacks a set of principles that contribute to enhancing the independence of civil society organizations and obstructs their work, directly affecting their access to local and foreign funding opportunities. The key gaps in the law that need to be amended, considering the recommendations from the Fourth UPC in this context, include:

1.1 Prior Government Approvals for Association Registration

The Board of Directors of the Associations Registry is granted the authority to approve or reject the registration of associations. The law does not require the Registry to justify a refusal. Although the applicant has the right to appeal the decision in court, the absence of a specific reason for rejection makes it difficult to challenge the decision if an association's establishment is denied.

² The Associations Law No. 51 of 2008, Jordan.

This means that refusals are not based on systematic criteria but rather are left to the discretion of officials, depriving many civil society organizations of legal recognition through registration. It is necessary to move towards the principle of registration by notification (filing), where, in the case of an objection by the Associations Registry or any other official body, they can resort to the judiciary.

2.1 Lack of a Unified Reference for Associations' Operations

The Board of Directors of the Associations Registry is tasked with determining the competent ministry to supervise and monitor the association according to the provisions of the Associations Law. This leads to a lack of a unified reference for supervising the work of associations. For example, some provisions of the law require notifying more than one entity simultaneously if the association wishes to open additional branches in the Kingdom or hold a general assembly meeting. Therefore, a unified reference for associations should be adopted to avoid duplication in task oversight.

3.1 Prior Oversight of Associations' Activities

The Associations Law requires the administrative bodies of associations to submit an annual work plan and an annual report to the ministry in charge of compliance. This report must include the association's achievements, activities, sources of income, expenditures, and an annual budget audited by a certified accountant. This level of government supervision is excessive and imposes additional restrictions on associations, directly affecting their financial independence. Ideally, only post-evaluations should be conducted based on the annual reports that associations submit to the competent ministry, especially since the Central Bank applies the highest standards of financial regulation to combat money laundering, terrorism financing, and illegal activities for all institutions, including associations.

4.1 Prohibition on Participation in Political Activities

The law prohibits associations from having political objectives or participating in political activities that fall within the scope of political parties' goals. The law does not specify the types of political objectives that associations are prohibited from engaging in. This hinders the development of a democratic and rights-based approach in Jordan and prevents civil society organizations from attracting funding in this context.

5.1 Broad Powers of the Minister in Charge of Compliance

The Associations Law grants the minister in charge of compliance the authority to dissolve associations for any reason. For instance, any association that has not commenced its activities or has ceased to operate for one year is considered dissolved by default. This means that an association could be dissolved if its projects have ended or if it has not started its activities due to a lack of funding, providing a pretext to dissolve associations and terminate their existence. This authority should ideally be granted to the judiciary. The law also requires that the minister and the registrar be notified of the date, location, and agenda of the general assembly meeting at least two weeks before the meeting. If the association fails to do so, the meeting is not considered legally valid, which contradicts the principle of freedom of association and limits their independence in conducting their activities.

6.1 Conditions for Receiving Local and Foreign Funding

The Associations Law requires the approval of the Ministry of Social Development to obtain local funding. The law also prohibits associations from collecting donations more than twice a year unless the governing documents of the association include more than one activity. Additionally, the law requires the approval of the Prime Minister's Office to receive foreign funding. This contradicts the principle of freedom and independence of associations, directly controlling their ability to access financial resources and attract funding.

Experience over the past years has shown that there are delays in obtaining government approvals for foreign funding due to complicated bureaucratic procedures in practice. Furthermore, funding requests submitted by civil society organizations are often rejected without clear grounds for refusal, giving the Council of Ministers broad discretionary authority to reject such requests. This makes it difficult for associations to challenge these decisions legally before a judicial court, depriving these associations of the opportunity to secure their resources and directly threatening their ability to continue their activities.

7.1 Absence of Supportive Provisions for Associations in the Law

The Associations Law lacks provisions that offer financial measures needed by associations, such as customs and tax exemptions. It also lacks any provision that protects associations and defends their workers, or penalties for libel that damages their reputation. Regarding the penalties imposed by the law on associations, there should be a principle of proportionality between penalties and violations, and there should be a gradual approach to punishment after exhausting all available and possible legal procedures.

2. Amending the Non-Profit Companies Regulation No. 60 of 2007 ³

The Non-Profit Companies Regulation imposes restrictions like those found in the Associations Law, particularly on means of obtaining foreign funding. It requires non-profit companies, which are considered an essential part of civil society organizations in Jordan, to obtain approval from the Council of Ministers for foreign funding. This approval is also required when non-profit companies donate any cash or in-kind goods/services, in any form, to any entity. These restrictions limit their scope of work and restrict their ability to obtain the necessary resources to fund their various activities and operations in order to cover their expenses, provided that the purpose of obtaining the money is not for the private financial gain of these companies.

The regulation also requires non-profit companies to provide any information that may be requested by the relevant compliance authority. It is essential to follow the principle of post-audit on the work of these companies in their administrative and financial reports at the end of each year and to ensure the implementation of governance, transparency, and disclosure standards, without the need for additional unspecified information that is not stipulated in the law. Similar to the Associations Law, the Non-Profit Companies Regulation grants the minister the authority to warn the company and refer it for liquidation for any reason. Ideally, this should be the jurisdiction of the judiciary, not the minister in charge.

3. Amendment of the International Cooperation and Planning Law of 2024⁴:

The Ministry of Planning has become the governmental authority responsible for coordinating and following up on foreign funding directed to non-profit organizations, companies, associations, and cooperative unions. The law has reinforced existing restrictions regarding foreign funding, requiring prior approval from the Prime Minister's office for any financial or in-kind grants of a developmental nature received by civil society organizations. The restrictions have expanded as follows:

1.3 The Philosophy of the Law in Dealing with Civil Society

The Planning Law does not differentiate between civil society organizations, governmental institutions, and ministries, placing them all in the same category. It prohibits any ministry, public or private official institution, association, or non-profit company from accepting any international financial, technical, or in-kind assistance in any form without prior approval from the Council of Ministers, based on the recommendation of the minister. This contradicts the idea of civil society independence and blurs the lines between the developmental and rights efforts these organizations typically provide, often characterized by a flexible, decentralized organizational structure and the approaches adopted by governmental bodies and ministries, which typically

³ The Companies Law No. (22) of 1997, Jordan.

⁴ The Planning and International Cooperation Law No. (10) of 2024, Jordan.

have a hierarchical and bureaucratic structure. Additionally, civil society organizations often work closely with individuals, allowing them to understand their needs and provide appropriate support as intermediaries between citizens and decision-makers, while government entities engage with citizens on a broader scale through the provision of public services and policy implementation.

2.3 Lack of Regulations for Foreign Funding Approvals

The Planning Law does not establish any criteria or standards for the acceptance or rejection of foreign funding, despite numerous complaints about funding requests being denied without clear reasons. The law also does not set specific timeframes for reviewing foreign funding requests. Instead, by linking foreign funding approval to the Council of Ministers' approval, based on the recommendation of the Minister of Planning, the law signals further delays for civil society organizations, directly depriving them of their right to access financial resources.

3.3 Conditions for Approvals of Development Projects

The Planning Law introduced a restriction not included in previous legislation by stipulating that any developmental project executed by ministries, official institutions, private entities, associations, or non-profit companies must have prior approval from the Council of Ministers, based on the minister's recommendation. This provision is impractical in real-life application because it requires significant resources from the ministry to follow up, reflects unprecedented bureaucracy, and threatens the developmental efforts that civil society organizations have been striving to advance for years.

4.3 Expansion of the Council of Ministers' Oversight Powers

The law mandates the approval of the Council of Ministers for financial, in-kind, and technical assistance, representing a significant expansion of the Council's oversight powers over civil society activities, especially in obtaining approval for technical assistance, where the provision is vague and undefined. The law does not clearly require the adoption of consultative mechanisms for setting national priorities, allowing the current approach to continue, which excludes civil society from planning and priority-setting processes and strategies, further emphasizing the role of the Ministry of Planning.

Recommendations:

Enhancing the freedom of civil society is essential for achieving sustainable development and strengthening democracy and human rights in Jordan. To achieve this, close cooperation between the international community, civil society organizations, and the Jordanian government is required to ensure the creation of a legal and administrative environment that enables civil society to effectively perform its role.

- Continue providing financial and technical support from the international community through building partnerships with civil society organizations in Jordan to assist them in implementing their activities and enhancing their capacities to defend human rights.
- Develop international complaint and accountability mechanisms to report and monitor the implementation of accepted recommendations in the UPR and to report any delays or violations that may occur during the implementation process.
- Build media campaigns about the importance of civil society freedom and its role in promoting democracy and human rights.
- Form local and international alliances and networks to build broad-based advocacy campaigns to defend civil liberties and push for the implementation of UPR recommendations.
- Develop mechanisms to ensure more effective involvement of civil society organizations in the policy-making process, especially those that directly affect their work and working environment.

Authors : Ahmad Awad & Hadeel Al-Qudah