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Submission by:

ADF International
Rue Pré-de-la-Bichette 1
1202 Geneva, Switzerland

Web: www.ADFinternational.org
Email: UN@ADFinternational.org

Introduction

1. ADF International is a faith-based legal advocacy organization that protects fundamental freedoms and promotes the inherent dignity of all people.
2. This report aims to provide an overview of the status of freedom of religion or belief in Jordan, with a particular focus on the treatment of Christians and other religious minorities, ex-Muslim converts, and refugees. It further examines the existing blasphemy, anti-proselytism, and cybercrime laws, and highlights Jordan's obligations under international human rights law.

(a) Freedom of Religion

Background

3. Despite the relatively small number of Christians, Jordan has gained recognition for upholding comparatively high levels of religious freedom within the Middle East. King Abdullah II has acknowledged the longstanding presence of Christians in the region, dating back to the time of Christ, and has spoken inspiringly about the value of religious freedom. In a recent instance, following a controversy over a statue of Jesus Christ in a predominantly Christian town, he reiterated his aim to preserve Jordan's long history of religious co-existence between Christians and Muslims.¹ Additionally, recognizing the contribution of pilgrims to the local economy, the Jordanian government invited different Christian denominations to construct new churches in the River Jordan Valley – an uncommon occurrence in the Middle East – and allocated \$100 million to commemorate what is seen as the 2,000th anniversary of Jesus's baptism.²
4. Nevertheless, despite these gestures by the monarchy and official attempts to foster religious tolerance, the rights of Christians and religious minorities can often yield to majority interests whenever the free exercise of religion is perceived as conflicting with Islam.
5. Jordan's Constitution declares that it is a constitutional, hereditary monarchy with a parliamentary form of government.³ While it declares Islam as the official religion⁴, it also mandates that the State "safeguard the free exercise of all forms of worship and religious rites in accordance with the customs observed in the Kingdom, unless such is inconsistent with public order or morality".⁵ It also guarantees that "[t]here shall be no discrimination between [Jordanians] as regards to their rights and duties on grounds of race, language or religion".⁶

¹ 'Jordan's Monarchy Seeks to Protect a Legacy of Religious Co-Existence', *Persecution.org* (17 Feb. 2023), <https://www.persecution.org/2023/02/17/jordans-monarchy-seeks-to-protect-a-legacy-of-religious-co-existence/>.

² Yolande Knell, 'Jesus baptism site makeover aims to draw a million Christians in 2030', *BBC* (15 Jan. 2023), <https://www.bbc.com/news/world-middle-east-64255250>.

³ "Constitution of The Hashemite Kingdom of Jordan", chp. I art. 1, <http://www.parliament.jo/en/node/150>.

⁴ Const. of Jordan ch. I art 2.

⁵ Const. of Jordan ch. II art. 14.

⁶ Const. of Jordan ch. II art. 6.

6. Furthermore, the Constitution divides the judicial system into civil courts and religious courts, with the latter's jurisdiction being applying along religious lines.⁷ On matters for which jurisdiction is vested in religious courts, Muslims have to use the Sharia Courts, whereas other State-recognized religious minorities use the Tribunal of Other Religious Communities.⁸ In particular, the Sharia Courts have exclusive jurisdiction over matters concerning the personal status of Muslims.⁹

Treatment of Religious Minorities, Ex-Muslim Converts, and Refugees

7. Open Doors, an international organization dedicated to supporting persecuted Christians, notes that although expatriate Christians and those born into Jordan's native Christian communities enjoy relative religious freedom, Muslim converts to Christianity face severe hostility.¹⁰
8. Jordanian law does not specifically punish apostasy. However, Sharia courts, which hold jurisdiction over Muslims, do not recognize conversions from Islam and treat converts as apostates.¹¹ The practical implications of this are significant. In Sharia courts, converts risk having their children taken from their custody, their property confiscated, and their inheritance rights severed.¹² Women converts face an increased risk of violence and even "honour" killings.¹³
9. Converts also face extensive barriers to marriage. Since marriages must occur between two members of the same religion and Christian converts from Islam are still legally considered Muslim, converts to Christianity are not allowed to marry Christians who never converted.¹⁴
10. In addition to the local or expatriate population of Christians and Muslim-converts, the United Nations High Commission for Refugees (UNHCR) estimates that Jordan is hosting the second-highest share of refugees per capita in the world: "More than 760,000 refugees are registered with UNHCR, predominantly from Syria, with large groups from Iraq, Yemen, Sudan, and Somalia. Some 83% live in urban areas outside of refugee camps".¹⁵
11. Jordan has experienced this influx of refugees from neighboring countries since the 1950s, with nearly half of the current population composed of refugees. Reportedly, most of the Christian activity among Jordanian Christians has been focused on serving

⁷ Const. of Jordan chp. VI art. 99.

⁸ Const. of Jordan ch. VI art. 102 & 104.

⁹ Const. of Jordan ch. VI art. 103(ii).

¹⁰ 'Jordan', *Open Doors*, <https://www.opendoorsuk.org/persecution/world-watch-list/jordan/>, accessed 4 Apr. 2023.

¹¹ Nadine Nimri, 'When Conversion to Islam Becomes a Means of Evading Legal Consequences', *7iber.com* (30 Dec. 2015), <https://www.7iber.com/society/when-converting-to-islam-becomes-a-means-of-evading-legal-consequences/>.

¹² *Id.*

¹³ 'World Watch List 2022: Jordan', *Open Doors*, https://www.opendoors.org/persecution/reports/Jordan-Media_Advocacy-Dossier-ODI-2021.pdf, accessed 4 Apr. 2023.

¹⁴ *Id.* See also Jordanian Status Law No.15 (2019), art. 28.

¹⁵ 'Jordan', *UNHCR*, <https://www.unhcr.org/countries/jordan>, accessed 19. Jun. 2023.

these refugees, but “the Jordanian government restricts open evangelism and sometimes also Bible distribution activities”.¹⁶

12. Other observers have noted that religious minorities among the refugee population experience specific vulnerabilities. For example:

“Due to sectarian tensions and fears of reprisal attacks, Syrian Christian and Druze refugees often choose not to register with UNHCR and in order to avoid formal refugee camps, they seek lodging in urban centres, often living in monasteries, clustered housing, or makeshift camps. In such settings, religious minorities experience isolation, stigmatisation, and (perceived or real) discrimination in accessing humanitarian aid and assistance.”¹⁷

13. Other refugee Christians, including Assyrian-Chaldean Christians from Iraq, speak Aramaic rather than the Arabic language, which itself can be another factor in discrimination.¹⁸ These Christians face additional barriers as the government does not allow Iraqi refugees to work legally.¹⁹

Blasphemy and Hate Speech Laws

14. Under Article 273 of the Jordanian Penal Code, anyone who “summons the audacity to publicly speak out against the heads of religion — the Prophets” is liable for a term of imprisonment from 1 to 3 years.²⁰
15. Similarly, Article 278 criminalizes the publishing of “any print, writing, picture or effigy calculated or tending to outrage the religious feelings or belief of other persons” as well as utterance, in a public place, of “any word or sound calculated or tending to outrage the religious feelings or belief of [a] person.”²¹
16. Under Article 150 of the Jordanian Penal Code, “Any writing or speech aims at or results in stirring sectarian or racial prejudices or the incitement of conflict between different sects or the nation’s elements” is punishable by a term of imprisonment from 6 months to 3 years and a fine.²²
17. In 2018, Jordanian lawmakers amended the country’s cybercrime law, which already prohibited anyone from posting or reposting statements online that could be deemed defamatory or denigrating to anyone, to also prohibit “hate speech”, broadly defined as

¹⁶ ‘Global Prayer Guide Jordan Restricted’, *The Voice of the Martyrs*, https://www.persecution.com/globalprayerguide/jordan/?_source_code=WHPB20C, accessed 19 Jun. 2023.

¹⁷ William Robert Avis, ‘Challenges religious minorities face in accessing humanitarian assistance’, *K4D Knowledge, evidence and learning for development* (14 Oct. 2019), https://reliefweb.int/attachments/2568f7eb-755c-3408-aab5-8222857e11a3/666_Challenges_Religious_Minorities_Face_in_Accessing_Humanitarian_Assistance.pdf.

¹⁸ Georgia L. Gilholy, ‘An uncertain future for Jordan’s Christians’, *Aid to the Church in Need* (11 May 2021), <https://www.acnireland.org/journal/2021/5/11/an-uncertain-future-for-jordans-christians>.

¹⁹ *Id.*

²⁰ ‘Jordan’, *End Blasphemy Laws* (18 June 2020), <https://end-blasphemy-laws.org/countries/middle-east-and-north-africa/jordan/>. See Unofficial English Translation at <https://wipolex-res.wipo.int/edocs/lexdocs/laws/en/jo/jo064en.pdf>.

²¹ *Id.*, art. 278

²² Penal Code No. 16 of 1960 (as amended up to Law No. 8 of 2011) art. 151.

content that can fuel “religious, sectarian, ethnic or regional sedition” or that spreads “rumours” intended to cause harm.²³ The penalty for violating this law includes fines and a minimum three-month prison sentence.²⁴

Discriminatory Nationality Laws

18. Because Jordanian law defers to Sharia law, which does not recognize the possibility of converting from Islam, converts to Islam can change their legally recognized religion, while converts from Islam cannot.²⁵
19. Family law provides an example of how Christians are negatively affected under this framework. If a person converts to Islam, non-Muslim relatives are not able to inherit from them. Conversely, if a person leaves Islam, they forfeit the right to receive an inheritance from Muslim relatives. However, their Muslim relatives would still be able to inherit from them.²⁶
20. Additionally, while the religion of minor children could change if their father converts from Christianity to Islam, other children past the age of discernment (7) that remain the religion of their birth (i.e., Christian or other minority religion) would lose inheritance rights from their (now) Muslim father. Christian mothers would also lose custody of their children at age 7 years if her husband divorces her.²⁷
21. Jordan’s adoption laws also discriminate against non-Muslim families. Under Article 19 of Jordan’s Civil Code, all orphaned newborns are assigned the religion of the state— Islam. Since Christians can only adopt Christian children, Christians are functionally prohibited from adopting because there are no “Christian” children to adopt.²⁸
22. Such discriminatory treatment not only ignores the reality of religious conversion but places myriad legal and practical burdens on converts and violates non-discrimination provisions in Chapter II, Article 6 of the Jordanian Constitution.

Cases

23. In an interview, Raed Safadi, a Jordanian Christian pastor living in Texas, stated that “[c]onverting to Christianity exposes a person to persecution and danger of losing their civil rights. There have been cases of converts to Christianity being sued in Sharia courts and losing their civil rights, which compel them to flee the country and seek asylum.”²⁹ He additionally pointed at the particularly adverse impact on women converts

²³ Beatrice Zemelyte, ‘Jordan: Two Journalists Detained Under Cybercrime Law’, *International Press Institute* (15 Mar. 2022), <https://ipi.media/jordan-two-journalists-detained-under-cybercrime-law/>.

²⁴ *Id.*

²⁵ Nimri, *supra* note 18.

²⁶ *Id.*

²⁷ *Id.*

²⁸ ‘Jordanian Christians Call for Broader Religious Education, Rights to Adopt’, *La Prensa Latina* (28 Feb. 2023), <https://www.laprensa-latina.com/jordanian-christians-call-for-broader-religious-education-rights-to-adopt/>.

²⁹ Rami Dabbas, ‘Christianity in Jordan Faces Persecution from Families, Employers and Society’, *Blitz* (1 Sept. 2021), <https://www.weeklyblitz.net/interfaith/christianity-in-jordan-faces-persecution-from-families-employers-and-society/>.

to Christianity, some of whom were prevented from travelling abroad after authorities found out about their conversion from Islam.³⁰

24. Joram Samaan* is a Syrian refugee in Jordan who converted from Islam to Christianity. At work in a restaurant one day, Samaan quietly prayed and made the sign of the cross, unaware that a security camera was recording him. “The owner of the restaurant saw the footage and fired him on the spot.”³¹
25. In 2019, 17-year-old Tujan Al-Bakhiti was called in for questioning without a lawyer or her parents present and charged by Jordan’s cybercrime unit with blasphemy and “insulting religious feelings”. Authorities based their claim on Facebook posts that Al-Bakhiti had shared discussing politics and religion. Following an 8-month trial, she was found not guilty in July 2020.³²
26. In an interview in 2019, Niaz Ruhani and his wife recounted their struggle as followers of the Baha’i faith in Jordan. Because the Baha’i faith is not officially recognized in Jordan, Ruhani and his family have no place of worship, religious court, or education classes. Furthermore, since Jordan does not recognize civil marriages or Baha’i marriages, Ruhani’s wedding date is not listed in his state-issued family book. This creates further issues regarding inheritance.³³
27. On 5 February 2021, Judge Mohammad Al Ghazo, who heads Jordan’s Judicial Council, issued a memo disqualifying any Christian without an approved ecclesiastical court from using the civilian courts.³⁴ Cases would instead be referred to the Council of Church Leaders, a government advisory body. The decision affected evangelical churches, who are not one of the 11 “approved” Christian denominations and do not have full legal standing under the religiously divided legal system. The decision puts at risk thousands of Christian families whose marriages were licensed at an evangelical church but could now be declared void.

Freedom of Religion or Belief Under International Law

28. Jordan ratified the International Covenant on Civil and Political Rights without reservations on 28 May 1975.³⁵ Laws punishing apostasy violate Article 18 of the ICCPR, which protects the right to freedom of thought, conscience, and religion: “This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to

³⁰ *Id.*

³¹ ‘Persecuted Christians in Jordan Persevere’, *Christian Aid Mission* (8 Dec. 2022), <https://www.christianaid.org/missions-insider/2022-persecuted-christians-in-jordan-persevere/>.

³² ‘Jordan: Yemeni Teenager “Not Guilty” over Speech Charges’, *Amnesty International UK* (1 Dec. 2020), <https://www.amnesty.org.uk/jordan-yemeni-teenager-not-guilty-over-speech-charges>.

³³ Mohammad Ersan, ‘Jordan’s Baha’is Struggle for Basic Civil Rights’, *Al-Monitor* (6 Aug. 2019), <https://www.al-monitor.com/originals/2019/08/bahais-in-jordan-seek-full-rights.html>.

³⁴ Daoud Kuttub, ‘Jordan’s Orthodox Archbishop Moves to Deny Evangelicals Full Legal Recognition’, *Christianity Today* (17 Feb. 2021), <https://www.christianitytoday.com/news/2021/february/jordan-christians-evangelicals-courts-archbishop-atallah.html>.

³⁵ UN Treaty Collection Depository, Chapter IV Human Rights 4. International Covenant on Civil and Political Rights, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&clang=en.

manifest his religion or belief in worship, observance, practice and teaching.”³⁶ Article 18(2) of the ICCPR states, “No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice”.³⁷

29. As reaffirmed by the Human Rights Committee in its General Comment No. 22, this right includes the “the right to “replace one’s current religion or belief with another or adopt atheistic views, as well as the right to retain one’s religion or belief”.³⁸ The Committee interprets such coercion to include the “[u]se of threat or physical force or penal sanctions” and policies and practices that “restrict[] access to education, medical care, [and] employment”.³⁹
30. Inseparably linked to Article 18 is Article 19, which enshrines the right to freedom of opinion and expression.⁴⁰ The freedom to express one’s beliefs and opinions is fundamental to the operation and maintenance of an open and free society – even when what is expressed may be unpopular or offensive to some people.
31. In this regard, Jordan’s blasphemy, anti-proselytization, and certain provisions of its cybercrime laws (on hate speech) do not constitute an acceptable derogation from the right to freedom of expression, as article 19(3) of the ICCPR only allows restrictions on expression where they are necessary “for the respect of the rights and reputations of others” or “for the protection of national security, public order or public health or morals”.⁴¹ Restrictions must serve as a necessary protection of persons, not of religions as such.
32. The former Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, has noted, there is a “positive interrelatedness” between freedom of religion or belief and freedom of expression and the two rights “mutually reinforce each other in practice.”⁴² He specifically notes that blasphemy laws may be counterproductive at the national level and may result in de facto censure of all interreligious dialogue and intrareligious dialogue, debate, and criticism, most of which could be constructive, healthy and needed.⁴³
33. Likewise, the Human Rights Committee stated in General Comment No. 34 that prohibitions of displays of lack of respect for a religion or other belief system, including blasphemy laws, are incompatible with the Covenant:

“Thus, for instance, it would be impermissible for any such laws to discriminate in favour of or against one or certain religions or belief systems, or their adherents over another, or religious believers over non-

³⁶ International Convention on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR), art. 18(1).

³⁷ International Convention on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR), art. 18(2).

³⁸ UN Human Rights Committee ‘General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion)’ (30 July 1993) CCPR/C/21/Rev.1/Add.4, 5.

³⁹ UN Human Rights Committee ‘General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion)’ (30 July 1993) CCPR/C/21/Rev.1/Add.4, 5.

⁴⁰ ICCPR, Art. 19.

⁴¹ *Id.*

⁴² Heiner Bielefeldt, *Report of the Special Rapporteur on freedom of religion or belief*, U.N. Human Rights Council (23 Dec. 2015) (A/HRC/31/18) at para. 8.

⁴³ *Id.* at para. 59.

believers. Nor would it be permissible for such prohibitions to be used to prevent or punish criticism of religious leaders or commentary on religious doctrine and tenets of faith.”⁴⁴

34. With respect to children in state custody, the Convention on the Rights of the Child (CRC), Article 20.1 states: “A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State”.⁴⁵ The CRC states that such care could include, inter alia, foster place or kafalah of Islamic law⁴⁶, adoption or if necessary placement in suitable institutions for the care of children.⁴⁷
35. While the CRC does state that when considering solutions “due regard” shall be paid to the desirability of continuity in a child’s upbringing to the child’s “ethnic, religious, cultural and linguistic background,” it does not prescribe one method of placement.⁴⁸ Therefore, given Jordan’s continuing restrictions on adoption or foster placements⁴⁹, it should reconsider the scope of its reservations on Article 20 of the CRC⁵⁰ and fully realize the obligation of States Parties to ensure alternative placements, including with Christian families who are able and willing to adopt.
36. The issues with foster and adoption care speak to the broader need to reform family laws in Jordan to respect the freedom of religion and belief. The inability of ex-Muslim converts to formally change their religion, to marry a Christian who never converted, or to inherit must be addressed. Here, the former Special Rapporteur on freedom of religion or belief has also noted that:

“In some legal systems people from certain religious or belief backgrounds are even prevented from entering a legally recognized marriage, which may result in children being treated as “illegal”. Family law reforms with the purpose of eliminating such discrimination based on religion or belief must be a priority. Judges dealing with family laws should receive training based on all relevant human rights instruments.”⁵¹

⁴⁴ General Comment No. 34, Human Rights Committee (12 Sep. 2011) (CCPR/C/GC/34), available at <http://undocs.org/en/CCPR/C/GC/34>.

⁴⁵ Convention on the Rights of the Child (CRC) (adopted and opened for signature, ratification and accession by General Assembly Resolution 44/25 of 20 Nov. 1989, entered into force 2 September 1990).

⁴⁶ See generally ‘An Introduction to Kafalah’, UNICEF (Feb. 2023), <https://www.unicef.org/esa/media/12451/file/An-Introduction-to-Kafalah-2023.pdf>, accessed 19 Jun. 2023.

⁴⁷ CRC at Art. 20.3.

⁴⁸ *Id.*

⁴⁹ Razan Abdelhadi, ‘Social, legal, religious barriers hinder adoption’, *Jordan News* (11 Apr. 2021), <https://www.jordannews.jo/Section-106/Features/Social-legal-religious-barriers-hinder-adoption-1219>.

⁵⁰ ‘Chapter IV Human Rights 11. Convention on the Rights of the Child Status of Treaties’, *United Nations Treaty Collection* (last accessed 21 Jun. 2023), https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&clang=en.

⁵¹ Heiner Bielefeldt, *Interim Report of the Special Rapporteur on freedom of religion or belief on Elimination of all forms of religious intolerance*, U.N. General Assembly (5 Dec. 2015) (A/70/286) at para. 65.

37. Finally, while a deeply religious society may recognize the existence and history of religious faiths within a community, it cannot discriminate against individuals or religious organizations based on religion and it must defend and respect the human rights of all its citizens and residents. The de facto and de jure forms of discrimination against Christians and other religious minorities are incompatible with Jordan's obligations under international human rights law.

(b) Recommendations

38. In light of the aforementioned, ADF International suggests the following recommendations be made to Jordan:

- a. Take steps to ensure that the right to freedom of religion or belief is promoted and protected in Jordan and that Christians and religious minorities are not prosecuted or persecuted for their beliefs by either the State or society;
- b. Ensure that Muslims are permitted to leave Islam and adopt another religion or belief without fear of legal sanction or discrimination under either civil laws or Sharia-based personal status laws;
- c. Ensure all Christian and religious minority refugees are able to access humanitarian aid and assistance with stigmatisation or discrimination;
- d. Repeal all blasphemy laws and prohibitions on proselytization, and ensure that the freedom of opinion and expression is protected and promoted to the fullest extent required under international human rights law;
- e. Repeal or amend vague "hate speech" provisions in Jordan's cybercrime law in a manner respectful of the right to freedom of religion or belief and freedom of opinion and expression;
- f. Ensure due process and expedited release of all Christians and religious minorities detained under blasphemy, anti-proselytization, and "hate speech" cybercrime laws;
- g. Ensure that Christian and other religious minority families are able to adopt children without discrimination;
- h. Reform family laws in Jordan to ensure that Christians and other religious minorities are able to have their marriages recognized, including when or after converting from Islam, and their property, inheritance, and other rights are respected.



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