

Enabling Environment National Assessment

Country report: Jordan

(Translated from Arabic)

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I. Introduction

The work of civil society organisations (CSOs) in Jordan has always been closely linked with the prevailing conditions of the political arena. As much as possible, CSOs have tried to take advantage of whatever degree of freedom and space for civil society are available. In recent years the space for civil society has witnessed both periods of contraction and of expansion, with relationships between CSOs and the government varying. For civil society to thrive, it needs an enabling legislative environment, and a conducive political environment that honours the criteria set forth in the Universal Declaration of Human Rights, and respects the freedoms of association, assembly and expression.

History of civil society in Jordan

The term ‘civil society’ was first used in Jordan in 1923, in an article published in the *Journal of the Arab Middle East* newspaper.¹ Civil society in Jordan gradually emerged in the years after, particularly through the creation of charities and community-based organisations (CBOs.) Efforts to establish CSOs however encountered many challenges, including: the persistence of a tribal and clan-oriented environment that made it difficult to move forward to new organisational patterns; the volatile political circumstances resulting from the then British colonial rule; and a set of restrictive laws that did not support the development of a nascent civil society.

Against this background, the first 20 years following the foundation of Jordan as an independent state in 1946 witnessed the establishment of almost 50 CSOs, mainly in the form of sports, cultural and social clubs.² However, historians believe that the rise of civil society in a broader sense in Jordan began in 1989, following a wave of protests in against rising commodity prices. The same year Jordan witnessed a return to democracy, replacing the martial law that had controlled public life since the mid-1950s. The return to democracy brought a new phase of openness in political and public life, allowing citizens to form and participate in CSOs.

¹ See Muhammad Shreiqi (5 January 1923), *Social Cooperation*. *Journal of the Arab Middle East* nr. 23, Amman

² Urdun alJadid Research Center (2011). *Enhance the engagement of Jordanian civil society*. Amman.

As a result of this opening, new types of CSOs that were absent before made their appearance, including CSOs defending human rights and supporting democratic political development, and CSOs addressing specific themes, such as the environment and the status of women. In addition there was an increase in political party activity. There was a change in the opinion of the government towards CSOs and their roles: previously the role of CSOs was seen to be confined to the provision of charity to poor people, but in 1989 this extended to recognising their contribution to policy development. Although this role was still very modest in scope, this was consistent with the limited experience of CSOs since democratisation.

The changed perception of government officials of CSOs in 1989 was also encouraged by a fear of the negative effects on the government of popular protests against their policies. In 1991, the National Charter was issued, which explicitly recognised the government's respect for the standards of good governance, through the spread of the concepts of democracy and political pluralism.

Democratic freedoms translated into new legislation on civic life, to more closely align the law with Jordan's international commitments to international covenants and accords that guarantee the right of individuals to form and join associations, and to the freedom of expression and a free media. This led to a number of amendments to laws governing political and civic life. It is the functioning of these laws that is the subject of this study.

Definitions and scope of CSOs, and main laws affecting CSOs

For the purpose of this study the term CSOs includes: organisations, including CBOs, and charities focused on topics such as children, disabilities, the environment, women and young people; human rights organisations; research centres; trade unions; employers' and employees' organisations including the Chambers of Commerce and Industry; professional associations (membership bodies for particular professions); and international CSOs with a presence in Jordan.³

³ The International Center for Not-for-Profit Law (ICNL) defines civil society as follows: " Civil society is the arena that occupies the space where the other arenas of the society— namely the family, the state, and the market—interact and overlap and where people associate to advance common interests". . Laine, Debating

In addition to these types of CSOs, there are organisations that work alongside CSOs but are managed by or tightly affiliated to members of the royal family, which are commonly referred to in Jordan as Royal Societies. These organisations work mainly in such fields as child protection, healthcare and women and young people. Examples include the King Hussein Foundation, the Jordanian Hashemite Fund for Human Development and the Jordan River Foundation. Some Royal Societies are established under the Societies Law, but most work according special laws.

Almost 5,700 CSOs currently exist in Jordan.⁴ Of these, official figures from the Ministry of Social Development, as at the beginning of 2015, state that there are 4,482 associations (also known as societies in the Jordanian context), with around 1.5 million members in total, equivalent to 43 per cent of the working-age population of more than 3.5 million people.⁵

Associations fall under the purview of the Society Law. Society Law No. 51 was issued in 2008, rectifying some restrictions made in Law No. 33 of 1966. The delay in introducing this law, from 1989 to 2008, can in part be attributed to a lack of articulated demand from a nascent and still developing civil society.⁶ However, the newly issued law and its amendments have never fully complied with international standards of the freedom of association. The same applies to the Labour Law No. 8 of 1996, which regulates trade unions, and the Companies Act No. 22 of 1997 and its amendments, which regulate not-for-profit companies, both of which contain many restrictions.⁷

Jordan was one context that experienced the people's mobilisations that took place in numerous Middle East and North African (MENA) states in late 2010 and 2011, commonly known as the 'Arab Spring'. These events helped shed light on the roles of CSOs in promoting democratisation in a peaceful manner, and in promoting solidarity and social cohesion between citizens. It highlighted the importance of having an

Civil Society: Contested Conceptualizations and Development Trajectories, *International Journal of Not-for-Profit Law* / vol. 16, no. 1, September 2014 / 59

⁴ Registrar of Societies. www.societies.gov.jo

⁵ Data retrieved from an interview with the Director of the Registrar of the Societies, Dima Khleifat al-Amd, January 2015 and from the Registrar's website: <http://www.societies.gov.jo/>

⁶ Information retrieved from the analysis of the data from interviews conducted for this study.

⁷ These companies do not pursue profit and work in the areas of provision of services such as education, health and micro credit. In addition to the law regulating these companies, there are Special Bylaws (No. 73 for 2010). Any profit generated from the not-for-profit company cannot be used outside of the framework of the goals of the company itself.

enabling environment for CSOs, so that they can play their full role. In some places, the protests had a positive impact on the level of freedoms of association, assembly and assembly. They opened up a greater role for CSOs, which responded by trying to strengthen their role in their particular fields, and especially in promoting democracy.

At the start of the Arab Spring, influential political figures in Jordan sensed the risk of ignoring public grievances, having seen waves of protests spread in many of Jordan's provinces, known as governorates in Jordanian terminology.⁸ This led to the announcement of reforms and a set of constitutional amendments with the stated aim of ensuring the right of Jordanian citizens to form associations, trade unions and political parties.⁹ The reforms also prohibited laws being issued that would affect the key human rights needed for participation.¹⁰ However, while there has been a substantial increase in the number of CSOs since the turn of the century, recent constitutional amendments have largely not benefited civil society.¹¹ No game-changing moves have been made. A Constitutional Court and an Independent Election Commission to oversee elections were established, and some laws governing political life were amended, such as the Political Parties Law, the Electoral Law and the Public Gatherings Law. However, the Societies Law and Labour Law were not amended to bring them into line with international standards of civil society rights.

In Jordan this spell of increasing public freedoms soon regressed, as successive governments introduced new restrictions and limitations on public freedoms, under the banner of preventing terrorism, political disorder and security challenges, including from bordering states. After a period of détente, the government retightened its grip on public life. This was reflected in an increase in the numbers of prisoners of conscience in recent years. For example in December 2014, the Deputy General Secretary of the Muslim Brotherhood, Zaki Bani Irsheid, criticised the foreign policy of the United Arab Emirates on Facebook. This led to a conviction sanctioned by the State Security Court, a

⁸ Jordan is administratively divided into 12 governorates. Each is headed by a governor appointed by the king.

⁹ Constitution of the Hashemite Kingdom of Jordan. Article 16.

¹⁰ Constitution of the Hashemite Kingdom of Jordan. Article 128.

¹¹ According to the Director of the Registrar of the Societies Dima Khleifat al-Amad the number passed from around 2,000 in 2010 to 4,482 at the beginning of 2015. Interview with the Director of the Registrar of the Societies Dima Khleifat al-Amad, conducted in January 2015 for this study.

military court. The conviction was for attempting to destroy good relations with a foreign country, under the Anti-Terrorism Law (2006).¹²

In addition, the public authorities neglected recommendations from the National Dialogue Commission, which had been formed in 2011, and recommended that a number of laws should be amended to ensure that citizens can enjoy their rights and freedoms.

Over the two years prior to this study there has been a clear discrepancy between the official discourse of the Jordanian state, particularly that of the King, and practices on the ground. King Abdullah II has in speeches and articles emphasised repeatedly that the confrontation of extremism and terrorism implies the promotion of democracy and the human rights of all citizens. In practice, however, several restrictive laws have been issued that are contrary to the principles of democracy, such as amendments to the Anti-Terrorism Law and the Press and Publications Law, which impose new restrictions on the freedoms of association, assembly and expression.

In view of the above, this study on the enabling environment for civil society in Jordan is timely and important. This report aims to analyse and assess the legislative and policy environment in which CSOs operate in Jordan, in accordance with the Enabling Environment National Assessment (EENA) methodology.

II. Methodology

CIVICUS: World Alliance for Citizen Participation and the International Center for Not-for-Profit Law (ICNL) jointly developed the EENA methodology with the aim of analysing the legal, regulatory and policy environment for civil society. The EENA is part of the Civic Space Initiative, implemented by CIVICUS and ICNL in collaboration with Article 19 and World Movement for Democracy, and with the support of the Government of Sweden. The EENA methodology was implemented in 16 countries around the world between 2013 and 2015.

¹² "al Rai" (9 December 2014). *The Indictment against Bani Irsheid..*

The methodology assesses up to 10 dimensions, all of which affect the ability of CSOs to exist, function and act, in order to determine whether the national environment is conducive for civil society. Six of these dimensions are mandatory: formation, operation, access to resources, freedom of expression, freedom of peaceful assembly and government–CSO relations. The four other dimensions are optional, and can be applied depending on the country context: internet freedom, CSO cooperation and coalitions, taxation, and access to information.

To conduct this study, an Expert Advisory Panel (EAP) was formed, bringing together a group of experts in the field of civil society in Jordan. The Panel gave advice and guidance to the research team throughout the study (see Annex. 1).

On the advice of the EAP, two optional dimensions were selected by the research team to be included in the Jordan EENA: CSO cooperation and coalitions, and access to information. Dimensions on taxation and internet freedom were omitted from the study, as these were considered to be relatively neutral in Jordan.

Several research methods were used to collect data on the eight dimensions. A desk review was conducted of laws and regulations, and of previous studies and reports on civil society in Jordan and the MENA region. To capture practice and collect data on questions of perception,¹³ the study conducted in-depth interviews with key stakeholders (see Annex 2), and held three focus group discussions with CSO representatives, academics and government officials. Focus groups were conducted in Amman, the capital, in the central region; the Governorate of Ma'an, in the southern region; and the Governorate of Ajloun, in the northern region (see Annex 3 for a list of participants).

Following the research phase, a National Consultation was convened to discuss the key findings. The primary goal of this Consultation was to validate and discuss the research findings, and develop possible advocacy strategies to improve the environment for civil society in Jordan. The draft study was updated with inputs obtained during these discussions (see Annex 4 for a list of participants).

¹³ The EENA Research Guide contains a list of factual and perception questions for each dimension. While the factual questions can be answered by desktop research and a literature review, the perception questions aim to capture the view of civil society stakeholders on how laws and policies are implemented in practice and experienced on the ground.

III. Formation

Key findings

Different laws regulate the formation of different forms of CSOs in Jordan. For most CSOs, prior government approval is required before they can be legally established. The main challenge this legislation creates for CSOs is that permission to establish CSOs is frequently refused. For trade unions, the prior approval requirement effectively operates as a closed shop that has prevented the registration of any new unions since 1976. Public sector employees are also entirely deprived of the right to establish trade unions. Non-Jordanian citizens are also denied rights: they require special prime ministerial consent to form associations.

Detailed analysis

Jordanian laws and regulations on the formation of CSOs, as with other dimensions of the EENA, should be measured against international standards, as set out in the International Bill of Human Rights. This comprises the Universal Declaration of Human Rights (UDHR, 1948), the International Convention on Civil and Political Rights (ICCPR, 1966) with its two Optional Protocols, and the International Convention on Economic, Social and Cultural Rights (ICESCR, 1966).¹⁴ Together, these maintain that everyone has the right to establish and join any peaceful organisations that he or she deems appropriate. In particular, this right is guaranteed in UDHR article 20, ICCPR article 22 and ICESCR article 8. These international treaties make clear that governments are not allowed to restrict the exercise of this right except as prescribed in national laws as being necessary, in a democratic society, for the sake of maintaining national security, public safety, public order, the protection of public health or morals, and to protect the rights and freedoms of others. Also of relevance here in relation to trade unions in particular is the International Labour Organization (ILO) Convention No. 87 of 1948 on the Freedom of Association and Protection of the Right to Organise. This became binding on all ILO member states since 1998, upon the issuance by ILO of the Declaration of Fundamental Rights and Principles at Work.

¹⁴ The two optional protocols of ICCPR establish an international complaints procedure for violations, and commit to abolition of the death penalty.

The government of Jordan ratified the ICCPR and ICESCR on 28 May 1975, but it was only in 2006 that this was officially published in the Jordanian Official Gazette, leading to Jordan finally being bound by the implications of both, because this signified that they had officially become part of the Jordanian legislative system.¹⁵ This great delay in publication was due to the fact that at the time of ratification there was a dramatic lack of democracy in Jordan, and many viewed ratification as primarily a political move with the aim of satisfying the western powers who provided funds to the state.

Although article 16 of the Jordanian Constitution provides for the right of Jordanians to establish civic organisations,¹⁶ laws and regulations that were issued with the stated aim of regulating CSOs restrict the exercise of this right.

Prior approval requirements

International standards set forth in the UDHR, and particularly in the ICCPR and ICESCR, stipulate that the establishment of CSOs of all kinds should not require the prior approval of public authorities. According to international standards, CSOs should be able merely to notify the authorities of their establishment. This implies that the founding members of a CSO can notify the competent authorities of its formation by sending an official letter giving relevant information, such as the CSOs' name and objectives, and the names of the founding members. What should then occur is that upon receiving a registration number, the organisation gains legal personality and can start its activities.

However, in Jordan CSOs are denied this right. When establishing associations and trade unions, prior government approval must be obtained, which is not required for non-for-profit companies. Article 11 of the Societies Law establishes the requirement for the prior authorisation of associations, which is in violation of article 22 of the ICCPR. Article 98 of the Labour Law, which requires prior authorisation for trade unions, also violates article 22 of the ICCPR, along with article 2 of the ILO Convention on the Freedom of Association and Protection of the Right to Organise.

¹⁵ Official Gazette, Jordan, issue No. (4764) in June 15, 2006.

¹⁶ Article 16 of the Jordanian Constitution reads: "Jordanians have the right to establish associations, trade unions and political parties provided its objectives to be legitimate, its means to be peaceful, and its by-laws do not contravene the provisions of the Constitution."

Government agencies have the authority to reject the application for registration of any association, and they exercise this power. From the start of 2013 up to the end of August 2014, 120 associations out of 1,031 (12 per cent) that applied for registration were refused.¹⁷ Examples of associations and trade unions for which permission was refused include the Society of Jordanian Women married to Non-Jordanians, the Royal Jordanian Retirement Association, the Independent Trade Union of Workers in the Phosphate Sector and the Independent Trade Union of Drivers.¹⁸

The problem is a longstanding one: Jordan has required prior authorisation for the registration of associations since 1936, when a temporary Societies Law was issued. This was followed in 1966 by the Law on Societies and Social Bodies (Law 33 of 1966). The new Law of Societies introduced in 2008 (Law 51 of 2008) and amended in 2009 (Law 22 of 2009) continues this requirement.¹⁹ Prior to 1936, the 1909 Ottoman Law on Societies had established that associations need only notify the authorities of their formation.

Under the Law on Societies, the authority to approve or deny registration of an association lies with the Registrar of the Ministry of Development. The authorities do not need to justify a rejection of the registration of an association. The law does not oblige the Registrar to justify a rejection, although the applicant has the right to appeal against the decision to court, but the lack of a stated ground for rejection makes it difficult to challenge. This means that refusals are not grounded in systematic standards but are left to the discretion of officials. The Jordanian National Centre for Human Rights has repeatedly opposed these arrangements, and demanded that rejections be justified, to enable affected associations to challenge decisions.²⁰

¹⁷ M. Fraig, report published in Amman.net, *840 citizens were forbidden from establishing 120 societies from 2013*.

¹⁸ Database of the Phenix Center

¹⁹ Saddam's Abu Azzam and Muhammad Yaqub, *The right of association in Jordan: analytical look and futuristic visions*, paper presented to the International Center of Not-for-profit Laws ICNL, 2011, page 16.

²⁰ National Center for Human Rights, 10th National Report, 2013. P. 113.

For trade unions, the Labour Law gives a tripartite commission the power to approve the registration of trade unions. Due to the restrictions in the law, no new trade union has been established since 1976.²¹

The United Nations Special Rapporteur on the rights to freedom of peaceful assembly and association confirms that these registration requirements for associations and trade unions are a violation of international standards.²²

The Societies Law and the formation of associations

Under the Societies Law, the Registrar of the Ministry of Social Development is the entity authorised to license associations in Jordan. The Registrar is comprised of representatives of several ministries and government agencies, such as the Ministry of Social Development, which chairs it, the Secretary General, Deputy Chairman, the Ministry of Interior, the Ministry of Culture, the Ministry of Tourism and Archaeology, the Ministry of Environment and the Ministry of Political Development. There are four additional members who are nominated by the Minister of Social Development and appointed by the Prime Minister for a term of two years, with the opportunity of renewal. These are expected to have expertise in the field of charitable and voluntary work.²³

The 1966 Law on Societies and its subsequent amendments also introduced a classification of different types of associations. Associations were classed as: (1) associations, (2) closed associations and (3) private associations. Each association is obliged to prepare by-laws.²⁴ According to article 3.a.1 of the law, associations have the aim of providing services or carrying out activities on a voluntary basis, without the aim of making or sharing a profit, or seeking any benefit in favour of its members or other persons. Associations cannot have political goals, as this would mean that they would be classed as political parties.²⁵

²¹ A. Awad, *Freedom of Association in Jordan for Workers*, Phenix Center for Economic and Informatics Studies, May 2012

²² UN. Human Rights Website.

²³ Law on Societies (No.51 of 2008). Article 4.

²⁴ Ibid.

²⁵ Law on Societies (No.51 of 2008). Article 3.a.1.

The 2009 Amendments to the Law on Societies²⁶ established that a group of seven or more Jordanian citizens can form and register an association of most types, in accordance with the provisions of the Societies Law of 2008. The law sets out four conditions that must be met by anyone who wants to form an association: they must have Jordanian nationality; they must be 18 years or older; they must have legal competency; and they must have no criminal convictions.²⁷

An application for registration must be signed by all founding members, and should contain the following information: the names of the founding members; their places of residence, occupation, age, educational level and full address; the draft by-laws of the association; a post office box address; and a certificate of a clear criminal record for each founding member. This certificate is quite easy to obtain. Article 10 of the Law on Societies states that the application should be submitted directly to the Registrar or to any office of the Ministry of Social Development in the different governorates. The law also states that the association may not engage in any activity until the decision of the Registrar is received. Article 11 of the Law on Societies requires the Registrar to answer within 60 days. If no answer is given after this time, the request is to be considered as accepted. The purpose behind these measures is not merely an organisational one, as it gives scope for government interference in the work of CSOs, and as such is an infringement of the right to association.

If a founding member is not a Jordanian citizen, then under the Societies Law, special approval by the Prime Minister is needed.²⁸ This prolongs the process of registration. In general, a long waiting time can be harmful to an association, for example when an association is in the process of applying for funding, which often has time limits, or when the association intends to participate in an event but is not able to do so because it did not receive the approval of the Registrar in time.

The Societies Law and its amendments allow the registration of a branch of a foreign association for the purpose of providing services in Jordan, provided that the association's central body or any of its affiliates do not aim at making or sharing profit, or personally benefiting any of its members or any other person. Like all CSOs in Jordan,

²⁶ The new Law on Societies was issued on 19 September 2008 and was amended in 2009.

²⁷ Law on Societies (No. 51 of 2008). Article 8.

²⁸ Law on Societies (No. 51 of 2008). Article 8.

foreign organisations are not allowed to have political objectives. Additionally, they are not allowed to have religious objectives. As with other associations, branches of foreign associations need to obtain the approval of the Registrar of the Ministry of Social Development in order to be registered and to be legally able to undertake and manage their services.²⁹

The 2009 amendments to the law obliged existing associations to adjust their legal status to accord with its amendments within a period not exceeding one year from the date of validity of the law; this could be extended for a period of not more than an additional year. Instructions were not issued until two years after the law became valid, which constituted a challenge to existing associations. In particular, the law caused a for small and medium-sized organisations, which tend to lack resources and do not usually have sufficient resources to appoint a lawyer to deal with legal affairs. Article 28 of the 2009 amendment gave the Registrar of the Ministry of Social Development the power to issue regulations and instructions to associations in the event of a failure to abide by the 2008 law. The 2009 amendments also stipulated that associations would be legally dissolved if they did not comply with the provisions of article 28.

The challenges in the Societies Law, particularly around the registration of associations and the rejection of registration applications, are consistent with a general atmosphere of suspicion by government agencies towards CSOs. The assumption seems to be that the country needs to be protected from certain types of associations, and the government is the only body that can determine what is in the interests of the country. The power that the government holds over the registration of civil society sends the message that civil society should ensure that it maintains a good relationship with the government, and does not oppose or criticise it.

The requirement that at least seven individuals are needed to establish an association of most types is reasonable, as the relevant law does not prohibit the establishment of private associations founded by three people or more. However, the requirement that founder members to receive police clearance offers an obstacle to the freedom of association. The restrictions on non-Jordanians forming associations is discriminatory,

²⁹ Law on Societies (No. 51 of 2008), Article 9.

and a clear violation of internationally recognised standards on the freedom of association, which recognise that everyone has the right, regardless of nationality.

The Societies Registrar has no autonomy within the Ministry of Social Development, given its composition of ministers and officials of various ministries. In particular, it is problematic that there are no civil society representatives in the Registrar, leaving civil society with no say in its decision. There should be some civil society representation, or at least civil society access to the decisions of the Registrar. Civil society representatives could play an important role in seeking to make the Registrar more accountable, particularly when it comes to cases of applications being rejected.

The Labour Law and the formation of trade unions

The Jordanian Constitution recognises the freedom to form trade unions in its article 16, which states that: "Jordanians have the right to form associations, trade unions and political parties."³⁰ Article 22 of the ICCPR and article 8 of the ICESCR states that everyone has a right to form trade unions, while the ILO Convention on the Freedom of Association and Protection of the Right to Organise further establishes this right. However the Labour Law (Law 8 of 1996), strictly limits this freedom, and is not consistent with these international standards.

The Labour Law, in article 97, forbids the creation of more than one union per occupation.³¹ As it stands, workers are only allowed to join one of 17 existing trade unions. These are members of the general trade unions body, the General Federation of Trade Unions (GFTU), as membership of this body is mandatory under the Labour Law for trade unions.³²

The government's Tripartite Commission, formed by the Minister of Labour to consist of representatives of the government, employers' associations and existing trade unions, is the authority with responsibility for authorising the establishment of trade unions. However, as stated above, the Tripartite Commission has refused to register any new trade union since 1976. This should be seen as a violation of the Constitution.

³⁰ Jordanian Constitution. Article 16.

³¹ Labour Law (No. 8 of 1996). Article 97.

³² Labour Law (No. 8 of 1996). Chapter eleven (11).

This restriction leaves many groups of workers unable to form a new union officially, even if they feel that existing trade unions do not represent them or offer satisfactory assistance in achieving their labour rights. Often, there is an absence of democratic practices in established unions, resulting in isolation from their base of workers. The inability to form official new unions perpetuates this.

An example of one trade union that has been denied registration is the Independent Trade Union of Workers in the Jordan Electric Power Company, which was refused in 2011. Because it seems impossible to form new trade unions officially, Jordan has seen the formation of 12 independent and unregistered trade unions, which work unofficially beside the recognized ones.³³ These independent and unregistered trade unions formed their own federation, the Federation of Jordanian Trade Unions, in April 2014.

Non-recognition however offers many challenges for these new independent trade unions. They are not allowed to open headquarters, collect fees from their members, or practise collective bargaining. Many of their leaders and members have been subject to harassment by the government and its various agencies, and from employers and the officially recognised trade unions, including the GFTU. The government refuses to meet or have any contact with independent trade unions, and they receive threatening phone calls from security agencies.

Independent trade unions and their federation are currently advocating to have the law amended to allow the recognition of new trade unions, in line with article 16 of the Jordanian Constitution. This campaign has received support from many parliamentarians, human rights organisations and other CSOs, and some political parties, especially parties of the left. The campaign is being conducted through the engagement of different parties, workers and politicians in political and social dialogues, in addition to interviews and meetings. The National Center for Human Rights has confirmed the legitimacy and legality of the demand, and in a legal opinion, has called on the government to ensure the necessary means and environment to facilitate the

³³ Independent Trade Union of Workers in Jordan Electric Power Company, Independent Trade Union of Workers in the sector of Phosphate, Independent Trade Union of Workers in the Department of Statistics, Independent Trade Union of Taxi Drivers, Independent Trade Union of Workers in Amman Municipality, Independent Trade Union of Workers in Zarqa Municipality, Independent Trade Union of Workers in the sector of agriculture, Independent Trade Union of Pilots, etc.

work of trade unions.³⁴ More specifically, it has called for the amendment of article 97 of the Labour Law (No. 8 of 1996), to allow the formation of more than one trade union for each occupation.

Public sector employees have so far been deprived of the right to form trade unions. A step forward in this regard appeared to come in August 2013, when the Jordanian Constitutional Court issued an interpretative decision allowing workers in the public sector to form their own trade unions.³⁵ The government prepared a Draft Law on Trade Union Organisation for Civil Servants in response to this decision. This was in principle welcomed by labour circles and human rights groups. However, certain provisions of the proposed draft law met with criticism, implying that the competent Minister would control the operation of the trade unions. Overall the draft law implies that public sector trade unions would be treated as administrative units of government departments, as opposed to independent organisations. Article 4, paragraph a) of the draft law firmly establishes the power of the relevant Minister, when it states:

“The trade union shall be established by a resolution of the Minister upon the request of no fewer than 100 employees of his Ministry's staff who are engaged in one common occupation according to their job description card.”

The draft law goes further in giving excessive control and power to the relevant Minister, including the right to approve or prevent the establishment of a trade union and its internal procedures and mechanisms, and in article 20, the power to dissolve a trade union.

Similar to their standing with associations, non-Jordanian citizens are only legally allowed to join trade unions as guest members, which means that they cannot be founding members, and they cannot stand for board positions. Again, this is contrary to international standards that recognise the right to freedom of association to everyone, regardless of nationality.

Taken into account all the information available to this study, there seems to be no intention by the government in the foreseeable future to amend the existing legislation,

³⁴ National Center for Human Rights, 10th National Report, 2013.

³⁵ Constitutional Court, Interpretative Decision (No. 6) August 2013.

or to issue new legislation to allow the formation of independent trade unions in accordance with international standards.

The Labour Law also regulates the formation of employers' associations, which require the consent of the Minister of Labour. Nonetheless, and in comparison with the position of trade unions, most applications for the establishment of employers' associations are approved. Currently, there are around 50 employers' associations in Jordan.³⁶

Formation of not-for-profit companies

Not-for-profit companies are associations with a limited number of members, of between three and 20 people.³⁷ Not-for-profit companies are registered subject to Regulation No. 73 of 2010 of the Not-for-Profit Companies Act, issued by virtue of Article 7, paragraph D of the Companies Law (No. 22) of 1997.

In general, it is much easier to register not-for-profit companies than other forms of CSOs. Organisations registered as not-for-profit companies do not require prior approval.³⁸ However, they are limited to working in the sectors of education, health, micro-finance and training.³⁹ There are also technical requirements that relevant ministries, such as Ministry of Health, impose for not-for-profit companies working in their field. Registration is handled by the Department of Companies Registration in the Ministry of Industry and Trade. Once an individual, or group of people, submits a request, it is normally processed within a few days and does not require previous authorisation.

The registration process for not-for-profit companies is the same as for other types of companies, with the main differences being that to be registered, a not-for-profit company must have an auditor and a legal advisor, and JOD 1000 (approximately US\$1,400) in a dedicated bank account. Once registered, the company must submit a financial report to the Ministry of Industry and Trade at the end of each year. Not-for-profit companies are also required to get approval at the stage of implementing projects.

³⁶ Official Letter from the Ministry of Labour in Jordan, 18 March 2015. The letter was sent to the Phenix Center for Economic and Informatics Studies upon request.

³⁷ International Center for Not-for-profit Law, "*NGO Law Monitor: Jordan*" <http://www.icnl.org/research/monitor/jordan.html>

³⁸ Not-for-profit Companies Bylaws (No.73 of 2010). Articles 3-5a-5b.

³⁹ Companies Law (No. 22 of 1997). Article 7.

Statistics indicate that the number of not-for-profit companies registered at the Ministry of Industry and Trade under Law No. 22 of 1997 is 595.⁴⁰

Formation of professional associations and chambers of commerce and industry

In Jordan there is another type of organisation that resembles the work of CSOs, and can be classified as somewhere between civil society and the government in terms of its structures and mechanisms of formation and operation. These are professional associations that bring together qualified practitioners of a profession. Major professional associations in Jordan include those of agricultural engineers, dentists, doctors, engineers, geologists, lawyers, nurses, teachers and veterinarians. Teachers founded their association in 2012 following a series of strikes, which led to the approval of their association by the government.

Generally, these professional associations are founded under laws that make membership of the association mandatory to carry out a profession. Some associations, such as those of agricultural engineers, engineers and lawyers, collect some of their funds from income tax and levies on fees citizens pay for services.⁴¹ Because of these it is difficult to classify these associations as a full part of civil society, because it is a key principle of civil society that it should be a sphere of voluntary association. However, their members directly elect the management of the associations, and they provide social, economic and professional services, such as retirement systems, social solidarity and entertainment benefits.

Similarly, in Jordan there are four chambers of commerce which are united according to Article 7 of Chamber of Commerce Law (2003),⁴² while chambers of industry are united according to Article 7 of their law (2005).⁴³ The Chambers of Commerce and Industry are established under these specific laws. Membership is limited to institutions and companies, and is mandatory for those who wish to work in fields of trade and industry. Further, the registration of a business or the renewal of business licences cannot be completed without membership of the relevant body. Flaws here include discriminatory

⁴⁰ Registrar of Companies, Ministry of Industry and Trade.

⁴¹ For example, in each court case in Jordan an indirect payment is made to the Jordan Bar Association and in each contract for purchasing a house an indirect payment is made to the Jordanian Engineers' Association.

⁴² Chambers of Commerce Law (2003). Article 7.

⁴³ Chambers of Industry Law (2005). Article 7.

internal election procedures that favour major businesses, because the right to vote is limited to those with a capital in excess of JOD 5,000 (approximately US\$7,000).

IV. Operation

Key findings

The Law on Societies is not consistent with principles of the autonomy of associations, because state interference in the operations of associations is particularly strong. For example, associations are forced to inform the government of the dates of their general assemblies, and allow delegates of state authorities to attend these meetings, and must get government permission to amend their by-laws. There are also restrictions on engagement in political activity that are not well-defined. The government has the power to dissolve an association's board of directors and appoint an interim board, and to fine and dissolve associations if they are deemed not to conform to the regulations. Trade unions have their operations tightly constrained by their compulsory membership of the GFTU. The GFTU has the power to dismiss a board of directors of a union and appoint an interim one, and trade unions are not allowed to develop their internal procedures and by-laws.

Detailed analysis

The right to freedom of operation in international covenants

As with formation, the ICCPR also provides guarantees for the free operation of CSOs, without unjustified interference by governments. The ICCPR further stipulates, in article 22 (2) that:⁴⁴

"No restrictions may be placed on the exercise of this right other than those prescribed by the law and which are necessary in a democratic society in the interests of national security or public safety, public order for the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right".

⁴⁴ The International Covenant on Civil and Political Rights, Article 22.

And in article 22 (3), the ICCPR also re-emphasises that the provisions of the ILO Convention on the Freedom of Association and Protection of the Right to Organise are inviolate, which guarantees the freedom to operate of trade unions in particular.

Because the right to organise is a civil and social right, the ICESCR also emphasises the independence of CSOs, particularly trade unions, stipulating in its article 8 (a):⁴⁵

"The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others."

International conventions therefore recognise that there are certain conditions in which the state is allowed to intervene in the activities of organisations, but it is clear that these are confined to specific circumstances, largely to do with the protection of security, safety and public order. This implies that the state should comply with clear and internationally recognised standards before interfering in the operation of CSOs. The right to freedom of association must include the rights of CSOs to operate freely, and this entails being able to organise their own activities without interference from any actor.

Operation of associations

CSOs in Jordan face many obstacles in their operation. Some of these stem from the laws and regulations governing the work of CSOs, and others result from harmful practices by some government institutions that are outside and in breach of the scope of the law. These restrictions do not meet the relevant international standards.

The Societies Law obliges CSOs to notify the Registrar of Societies of their intention to hold a general assembly two weeks in advance.⁴⁶ The Minister of Social Development may send delegates to attend the meeting at his discretion, and this often happens;

⁴⁵ The International Covenant on Economic, Social and Cultural Rights, Article 8.

⁴⁶ Law on Societies (No. 51 of 2008). Article 14.

otherwise the assembly, and its outcomes, would be considered illegal.⁴⁷ Such a degree of interference could affect the course of discussions and decision-making at a meeting, hindering the freedom to hold an open discussion.

An association is also legally required to send copies, for information, of any decisions of its general assembly to the Registrar of Societies within 15 days.⁴⁸ This is an excessive provision that impinges on the independence of the work of associations by enabling close government oversight of their decisions.

According to the Societies Law, by-laws should cover all the essentials of the governance of an association, including: the name of the association, its headquarters and the geographical scope of its operations; clear and defined objectives; terms and conditions for the acquisition or loss of membership, including membership fees and the amount of annual contributions; the terms under which ordinary and extraordinary general assemblies are organised, including the quorum for these; the scope of the authority of the association's general assembly, including its powers and mechanisms of decision-making; and the number of members of the board of directors, their election process, the authority of the board and its mechanism of decision-making, including its quorum. By-laws should also state an association's sources of funding and financial management mechanisms, specify rules of good governance and transparency, and state how an association can be dissolved and its assets disposed of.⁴⁹

If an association wishes to amend its by-laws, it needs the approval of the Registrar of Societies. The association must send its amended by-law to the Registrar, who must approve it to make it operational.⁵⁰ This again gives scope for excessive scrutiny over and interference in the internal operation of CSOs.

The Law on Societies sets out that associations can be penalised for violations, either through the levying of fines or dissolution.⁵¹ A further sanction available is that of depriving some members of an association from membership of its general assembly. The power of dissolution rests with the Ministry of Social Development, and as well as

⁴⁷ Ibid.

⁴⁸ Law on Societies (No. 51 of 2008). Article 14(C-1).

⁴⁹ Law on Societies (No. 51 of 2008). Article 7. And in the regulation of Standard Provisions of Societies Bylaws of 2010.

⁵⁰ Law on Societies (No. 51 of 2008). Article 14 (c-2).

⁵¹ Law on Societies (No. 51 of 2008). Article 26.

this, the Minister of Social Development also has the power to merge two associations.⁵² A dedicated court imposes fines. Fines may vary from JOD 100 to JOD 1,000 (approximately US\$140 to US\$1,400) for the misuse of funds or between JOD 500 and JOD 5,000 (approximately US\$700 to US\$7,000) for the reception of foreign funds without notification of the authorities. If best practice was being applied, the judiciary would have the power to decide on irregularities, rather than government bodies. The vesting of power in the minister is a further violation of the rights of CSOs.

The Law further gives the Minister the authority to appoint an interim board of directors of a CSO, which takes power for 60 days, with the potential to extend a further 60 days, if authorised by the Ministry of Social Development. This has happened in several cases. It can be imposed if: an elected board of directors fails to hold regular meetings; an association does not respect some of the articles of the law; an association does not make changes within 60 days of being notified the government; an association does not follow the request of the government to provide verification on issues where this has been sought; or an association receives donations without notifying the government.⁵³

As discussed previously, the Society Law prevents CSOs from having political goals or from undertaking activities that are deemed to fall within the scope of the work and activities of political parties.⁵⁴ A challenge is that interpretation of this provision, and particularly for defining what concerns political activities, is left to the discretion of government officials, giving scope for broad and inconsistent interpretation. The concept of political activity and political objectives is also left vague in the Law on Political Parties. Against this, it should be noted that a number of associations governed by the Societies Law are registered as political associations, with objectives that can be seen as relating to the political sphere, such as the promotion of democracy, human rights, political participation and the decentralisation of governance, and advocacy for the revision of laws. Such objectives are allowed as long as there is no connection with political parties and their objectives.

⁵² Law on Societies (No. 51 of 2008). Article 20 (b).

⁵³ Law on Societies (No. 51 of 2008). Article 19 (e).

⁵⁴ Law on Societies (No. 51 of 2008). Article 3.

All these powers given to the Ministry of Social Development towards associations can be seen as clearly incompatible with international best practices for regulating the operation of CSOs.

The Penal Code also gives broad grounds on which a CSO may be deemed to be illegitimate on the grounds of security. Article 159 states that:⁵⁵

“The following shall be deemed an illegitimate association: Every registered or unregistered group of people that abets or encourages using its system or the publicity done on its part to commit any of the following illegitimate actions: overthrowing the Constitution of the Kingdom by revolt or sabotage; overthrowing the existing government in the Kingdom under the Constitution by using power or force; destroying the property of the Jordanian Government inside the Kingdom...”

Operation of other types of CSOs

With regard to trade unions, their governance according to the Labour Law, and the by-laws of the GFTU, seriously compromises the autonomy of trade unions. Trade unions have no choice but to join the GFTU and abide by its by-laws. Under article 3 of the By-laws for the Regulation of the Affairs of the General Federation of Trade Unions in Jordan, No. 9 for 2006, trade union general assemblies are prevented from amending the by-laws they work under. The by-laws of the GFTU grants great powers to its president and executive office.⁵⁶ Powers include the ability to dismiss boards of directors and appoint interim boards, while trade unions must seek its approval should they wish to join any regional or international organisation.

The general assembly of a professional association is not allowed to make or modify its by-laws, but some laws allow these organisations to collect financial resources from their members, and from the community through fees. Each professional association has its own regulatory law. The general assemblies of the Chambers of Commerce and Industry also do not have the authority to establish or amend their by-laws; these are determined by special laws passed by parliament based on proposals drafted by the

⁵⁵ Jordanian Penal Code (No. 12 of 2010), Article 161.

⁵⁶ The executive Board is composed of the president of the 17 member trade unions.

government. These laws deprive the majority of their members of the right to vote in and run for governing positions.

During this study, the research team heard through personal contacts with government officials that the government is in the process of reviewing the current legislation governing the operations of CSOs to impose more restrictions. Proposed new restrictions include: the prevention of CSOs from carrying out more than two projects per year; the imposition of income tax on some activities, although at the time of writing it was not clear which ones; the introduction of the need to seek approval for the receipt of funds and the instigation of projects beyond current measures; and potential other restrictions on the operation and activities of not-for-profit companies.⁵⁷

V. Access to resources

Key findings

CSOs in Jordan are restricted in their ability to access resources. Government approval is needed for associations to receive international funding, and to undertake domestic fundraising campaigns. Approval processes to receive international funding are often delayed and permission is sometimes refused. The Society Support Fund of the Ministry of Social Development is a domestic state funding source, but it lacks clear and predictable policies and its procedures frequently change. The difficulties in receiving international funding, and the limited availability of domestic resources, constrains the ability of CSOs to act.

Detailed analysis

International conventions recognise the right of CSOs to take measures to secure the necessary resources to finance their various activities, provided that resources are not intended for the personal benefit of members of a CSO. This is implied by the ICCPR, which calls for the elimination of any restriction on the activity of CSOs.⁵⁸ In addition the

⁵⁷ Information retrieved through personal relations of some of the researchers with key figures in governmental positions.

⁵⁸ The International Convention on Civil and Political Rights. Article 22.

UN Declaration on Human Rights Defenders declared the right to finance as a fundamental and necessary right, stating that:⁵⁹

“Every individual has the right, individually and in association with others, to receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means”.

The reality in Jordan is that both the Societies Law for associations and the Companies Law for not-for-profit-companies impose restrictions on the means of accessing resources. For access to international funding, both laws require approval from the Council of Ministers before funding can be received and funded activities conducted.⁶⁰ For domestic funds, associations are obliged under the Societies Law to obtain the approval of the Ministry of Social Development.⁶¹ Further, associations are required to submit an annual financial report to the Ministry.⁶²

Government funding for associations

The Ministry of Social Development's Society Fund, managed by the Registrar of Societies, is the only source of government funding for associations in Jordan. The challenge for CSOs is that the fund has rapidly changing procedures rather than stable, predictable and transparent rules. Article 4 of the Fund's Instructions also commands the Ministry to undertake surveys among actors connected to the requesting associations.⁶³

Particular restrictions apply to CSOs that are registered as associations working in charity. If such an association seeks to raise funds, it must first obtain permission, as part of which it must prove that any funding received will be spent solely on charitable purposes. This is something that associations find difficult to prove. In order to seek permission, associations must present a request to the Ministry of Social Development, one month ahead of their intended fundraising activity. The request must include the date of the collection activity, its duration, the place of collection and the goal of raising funds. The Ministry makes a decision on whether to allow a fundraising campaign

⁵⁹ United Nations Declaration on Human Rights Defenders. Article 13.

⁶⁰ Law on Societies (No. 51 of 2008). Article 17(c)/ Companies Law (No. 73 of 2010). Article

⁶¹ Law on Societies (No. 51 of 2008). Article 17.

⁶² Law on Societies (No. 51 of 2008). Article 16 (a-2/3).

⁶³ Instructions on the collection of funds for charities 1957.

within three weeks, following consultation with relevant parties and ministries, and after reviewing the activities and financial report of the association.

In addition, associations are not allowed to hold more than two fundraising campaigns a year for the same activity. If it is intended to spend charitable donations outside Jordan, the fundraising campaign must also be controlled by a temporary committee designated by the Ministry. Upon the completion of a process of collecting donations, an association must deposit the amount in its bank account, and inform the Ministry of the amount collected and the date it was deposited in the bank. This opens up association bank accounts to government scrutiny. These measures of seeking permission for and reporting on fundraising campaigns also involve complex procedures, which serve to deter many associations from seeking donations.

Foreign funding for associations and not-for-profit companies

Many associations seek international funding, because domestic resources for civil society are very limited. In order for associations to obtain foreign funding, such as from donors or international CSOs, they need to receive prior approval from the Council of Ministers, through the Registrar of Societies. They seek approval by submitting an official request, which must include details of the project, its sources of financing, the amount of funding expected, and an indication of how funds will be spent. The Council of Ministers should inform the association of its decision within 30 days of receiving the request. If no rejection is issued within 30 days, the receipt of funding is considered as approved.⁶⁴

A similar regime applies for not-for-profit companies that are registered under the Companies Law, which requires them to obtain approval from the Ministry of Industry and Trade before receiving foreign funding. Not-for-profit companies need to send details of projects and funding and wait up to 30 days for approval, before they can receive funding and begin implementation of projects.

In practice, associations often experience a delay on the part of the Registrar of Societies in passing their applications for access to funding to the Cabinet, which then results in a delay in approval, or even a late rejection. The process has taken up to more than four

⁶⁴ Law on Societies (No. 51 of 2008). Article 17(c).

months in some cases, due to the time it takes for an application to pass up the chain of responsibility; the 30 day response period does not begin until the request is registered as being received by the office of the Prime Minister. Delays have in some cases led to a loss of funding, because donor funding usually has specific time limits. There are also many cases where the Council of Ministers has refused to approve funding of projects. For example, in November 2012 the Council of Ministers refused to approve a grant of €300,000 (approximately US\$340,000) to the Association for the Future and the Pro-Victims Association.⁶⁵

Funding for other types of CSO

The operation of the GFTU is entirely funded by the Ministry of Finance, which provides the GFTU with an annual amount of JOD 225,000 (approximately US\$316,000)⁶⁶ to cover its expenses, such as the rent of headquarters, and salaries of employees, including the President of the Federation, and of the directors of member trade unions.⁶⁷ This amount has not changed for several years. Trade unions cannot receive international funding without the approval of the GFTU.⁶⁸ They also receive fees from their members, and can receive local donations.⁶⁹

Professional associations are funded through the mandatory contributions of their members, service fees they collect from citizens (which may, for example, be fees from court cases for lawyers, fees for approving technical drawing and export fees for fruit and vegetables) and returns from their financial investments. They are also exempt from paying taxes.⁷⁰ Chambers of Commerce and Industry and employers' associations receive funds through the mandatory contributions of their members and grants from international institutions, which must receive government approval. However, approval for this is easier than for associations.

⁶⁵ M. alSabihi, *Discuss of the first case of foreign funds*, Allofjo.net. 03 January 2013.

⁶⁷ Leila alKaraki, *The General Federation of Trade Union in Jordan is suffering from Financial Crisis*. 25 July 2007.

⁶⁸ Unified Fundamental Bylaws for Trade Unions in Jordan. Article 19.

⁶⁹ Ibid

⁷⁰ Income Tax Law (No. 34 of 2014). Article 4.

Challenges

These restrictions in access to resources, and particularly the excessive government interference, represent a fundamental obstacle against civil society playing its essential roles. They reduce the ability of some CSOs to carry out their activities. Due to the lack of domestic funds and the difficulties in obtaining foreign funds, most associations have very limited activity. The requirement to obtain approval for funding also creates reluctance on the part of CSOs to speak out against government policies, for fear that this will subsequently cause the government to reject applications to receive funding.⁷¹

According to the many experts who were interviewed for this study, and the representatives of CSOs who participated in the national consultations, there is a perception of discrimination among organisations when it comes to the government's observance of legal provisions. While the approval for access to foreign funding is delayed in most cases, this is often not the case when the applicants are associations of a royal nature, which are commonly referred to in Jordan as "Royal Societies". Procedures are made easier for them and, as a result, they are able to secure a disproportionate amount of funding, particularly from domestic state funds that come through government departments such as the Ministry of Planning and International Cooperation. Some Royal Societies operate according to special laws, and enjoy tax exemptions, giving them scope denied to other associations.

VI. Freedom of expression

Key findings

Numerous laws impose restrictions that mean that the freedom of expression fall far below international standards. Recent amendments to the Publications Law has increased restrictions in the freedom of expression and opinion. Many CSOs self-censor to avoid government interference or sanctions, which can include withholding or delaying the receipt of funding. However, this has not prevented some CSOs from speaking out on human rights concerns, while members of professional associations

⁷¹ Information retrieved from the analysis of the data obtained through interviews.

have some confidence about speaking out. Trade unions, however, remain tightly bound to government positions.

Detailed analysis

Right to expression in international covenants and the Jordanian Constitution

Freedom of expression is enshrined in the UDHR, in article 19, and in article 19 of the ICCPR, which states that:

"Everyone shall have the right to hold opinions without interference. Everyone shall have the right to freedom of expression; this right shall include the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice. The exercise of the rights... carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: for respect of the rights or reputations of others; for the protection of national security or of public order... or of public health or morals."⁷²

The United Nations Declaration on Human Rights Defenders, in its articles 6 and 7, also addresses the right of individuals to freedom of expression. These articles provide for the right to know, receive and retain information about all human rights and fundamental freedoms; the freedom to publish, transfer, or distribute ideas, information and knowledge on all human rights and fundamental freedoms; and the freedom to study and discuss, on the level of law and practice, all human rights and fundamental freedoms. It includes the right to develop and discuss new ideas for human rights and principles and to advocate their acceptance, to criticise government institutions, and to make proposals to improve the performance of any aspect of a government's work that may hinder or impede the promotion and the protection of human rights and fundamental freedoms.

The Jordanian Constitution of 1952, amended in 2011, also guarantees the freedom of expression and opinion along with the freedom of the media in article 15:

⁷² The International Covenant on Civil and Political Rights, Article 19.

“The State guarantees freedom of opinion, and every Jordanian shall be free to express his opinion by speech, in writing, or by means of photographic representation and other forms of expression, provided that such does not violate the law. Freedom of scientific research and literary, artistic, cultural, and athletic creativity shall be ensured provided that it does not contradict with the law or the public order or morals. Freedom of the press, printing, publications and media shall be ensured within the limits of the law. Newspapers shall not be suspended from publication nor shall their permits be revoked except by a judicial order and in accordance with the provisions of the law. In case of declaration of martial law or state of emergency, it is permissible that the law imposes limited censorship on newspapers and publications, books, media and communication in matters related to public safety and national defence purposes. The law shall specify the means of censorship on the resources of newspapers.”⁷³

Media freedom is therefore constitutionally guaranteed and can only be limited by specific laws. Except when restrictions on the right are limited to those restrictions permissible and legitimate under international human rights law, states should not criminalise, limit or censor the exercise of the freedom of expression.⁷⁴

Restrictions on free expression and media freedom

The challenge in Jordan is that there are several laws that contain broad provisions to limit media freedom and the freedom of expression. Article 161 of the Penal Code specifically establishes limits on the freedom of expression, when it states that:⁷⁵

“Everyone who encourages another verbally, in writing or by any other means to perform any of the actions that are deemed to be illegitimate... shall be penalized by imprisonment for not more than 2 years.”

Taken with other provisions of the Penal Code, as set out in this study’s analysis of CSO operations, it can be seen that the Code establishes that any CSO can be classified as

⁷³ Jordanian Constitution, Article 15.

⁷⁴ Rishmawi, M. (2006) *Freedom of Association in Arab countries: a toolkit*. Arab NGO Network for Development, pp.: 1-81

⁷⁵ Jordanian Penal Code (No. 12 of 2010), Article 159.

illegitimate, if it is deemed to endanger the stability of the country or public order, even if it does so only verbally or in writing.

Recently, restrictions have increased. The 2012 amendments of the Press and Publications Law introduced many new restrictions on the publication of news and the establishment of news websites. One new restriction introduced was the need to obtain prior authorisation for the publication of electronic publications, with a failure to obtain permission punishable by closure of the publication's website.⁷⁶ This has allowed the government to have more power over a larger set of online material, thereby reducing the level of the freedom of opinion and expression.⁷⁷

The Anti-Terrorism Law, as amended in 2006 and 2014, offers multiple legal bases to suspend media freedoms. The current law (Law 18 of 2014) expanded the range activities that fall under the denomination of terrorism. The law has been accused of using the excuse of terrorism to limit freedom of expression.⁷⁸

As stated earlier, the Societies Law restricts CSOs' engagement in political activities and objectives linked to political parties. Given the lack of definition of this term, this provision can serve to intimidate and prevent associations from expressing their opinions freely on issues related to political and public affairs. It can be said that the restrictions hinder in particular the Muslim Brotherhood and its affiliated associations, and organisations that are opposed to the monarchy.

In a further restriction, the 2012 General Statistics Law obliges research centres and CSOs to obtain government approval before conducting surveys and announcing their results. Approval must be obtained on the content of the survey, its methodology, the individuals conducting it and the results ahead of publication.⁷⁹ While there is a lack of information on the application of these instructions by research centres and CSOs, it should be understood that such legal restrictions are in contradiction with the basic international human rights standards set out above.

⁷⁶ Press and Publications Law (No. 8 of 1998).

⁷⁷ Human Rights Watch Statement, 11 September 2012.

⁷⁸ Human Rights Watch, *Amendments to Jordanian Anti-Terrorism Law threaten freedom of expression*.

⁷⁹ General Statistics Law (No. 12 of 2012).

The freedom of expression is also restricted by laws that criminalise defamation, speech deemed critical of the king, the denigration of government officials and the incitement of sectarian strife.⁸⁰

In summary, it is clear that Jordanian law is much more restricted than international human rights standards and best practices.

Impacts on different types of CSOs

Fluctuating levels of public freedoms in Jordan impact on the freedom of expression for CSOs. When the overall level of public freedoms is relatively high, many CSOs are able to express their views, although others remain more closely subject to government control. It has been observed that many associations are subject to the control of governorates and security agencies, to the extent that some government departments regard them as essentially being extensions of the government.⁸¹ Some CSOs apply self-censorship and refrain from expressing their opinion freely on some matters, out of fear of reprisals or loss of access to funding and support from the government, especially towards the Ministry of Social Development.⁸² When the level of public freedoms declines, CSOs find less space for expression.

With professional associations, such as the Jordanian Bar Association and Jordanian Journalist Association, most people who are active in them come from the middle class, where political parties and political activists are most active, and so they are used to expressing their views on public affairs and political life. Sometimes such activists are bold enough to announce strong positions, even when these go against some internal policies of their association and government policies.⁸³

Compared to this, the attitudes of trade unions and the GFTU towards public issues usually conform to government positions, even when those positions conflict with the

⁸⁰ Freedom House, Freedom in the World 2015. <https://freedomhouse.org/report/freedom-world/2015/jordan#.Va9QDVtTt04>

⁸¹ Information retrieved from the analysis conducted by the research team on the data from the interviews conducted.

⁸² Information retrieved from the analysis conducted by the research team on the data from the interviews conducted.

⁸³ Information retrieved from the analysis conducted by the research team on the data from the interviews conducted.

interests of their members. For example, trade unions and the GFTU supported economic policies that harmed the interests of workers. This indicates their control by government institutions and lack of independence.

In recent years a group of CSOs has actively emerged in the area of promoting democracy, social justice and human rights, and has become more vocal. CSOs here include Partners-Jordan, the Jordanian Society for Human Rights, the Justice Centre for Legal Aid and the Jordanian Federation of Independent Trade Unions. Those CSOs mostly criticise and advocate on public policies related to public freedoms, and challenge the adoption of economic and social policies that relate particularly to the freedom of association for workers, tax policies, education policies and social protection.

In view of these restrictions, many Jordanian CSOs have submitted reports to the UN Human Rights Council's Universal Periodic Review (UPR) mechanism, making severe criticism of the human rights situation in Jordan at the legislative and practical levels. The most important reports have come from the INSAN Coalition, which is discussed in the section on CSO cooperation and coalitions further below, and the Center for Defending Freedom of Journalists, which subjected the General Statistics Law and Press and Publications Law to particular criticism.

VII. Peaceful assembly

Key findings

Public assemblies may be held without the need to obtain prior approval; CSOs must simply notify the authorities at least 48 hours in advance. This right has been exercised on a large scale in recent years in various parts of Jordan, but in practice there have also been some setbacks. Some assemblies have been prohibited by the government, and other peaceful protests stopped with many activists being arrested. Harsh penalties for defenders deter many CSOs from organising assemblies, and the law makes no provision for spontaneous demonstrations. Further, the rights to peaceful assembly are denied to non-Jordanian citizens

Detailed analysis

Article 21 of the ICCPR secures the right to participate in peaceful assemblies and associations.⁸⁴ The UN Declaration on the Protection of Human Rights Defenders emphasises the importance of this right for the promotion and protection of human rights and fundamental freedoms. These international instruments make clear that everyone has the right, individually and in association with others, and at national and international levels, to meet and assemble peacefully.⁸⁵ Article 16 of the Constitution of Jordan also establishes the right to assembly, but only for Jordanian citizens and provided that the assembly is within the limits of the law.

In the light of the political and social mobilisations that Jordan and the MENA region have seen in recent years, the government amended the Public Assemblies Law in 2012. CSOs wishing to convene an assembly must now notify the Administrative Governor 48 hours before the event. The notice must include the names, addresses, and signatures of the organisers, the objective of the gathering, and its time and place, so that the authorities can provide the security and facilities required. This abolished the previous requirement that prior written approval should be received from a governorate for an organisation to hold a public gathering, which had been imposed by a previous law (No. 7 of 2004).

The first restriction in the Public Assemblies Law is that the right to peaceful assembly is limited to Jordanian citizens only, excluding foreign residents from organising and participating in protests and demonstrations freely. Furthermore, Article 2(e) of the Instructions Regulating Public Assemblies and Demonstrations of 2011 of the Public Assemblies Law prevents people who have previous criminal convictions from participating in demonstrations and protests. These violate international agreements that confer this right equally on all people.

The Public Gatherings Law also considers organisers of a public march or protest accountable in the event of incidents of violence.⁸⁶ Organisers are also held responsible

⁸⁴ The International Covenant on Civil and Political Rights, Article 21.

⁸⁵ Declaration on the Protection of Human Rights Defenders, Article (1). General Assembly Resolution A/RES/53/144.

⁸⁶ Public Gatherings Law (No.5 of 2011), Article 8.

for the protection of assembly participants and for keeping order. This can deter people from taking on the organisation of assemblies. In addition, the requirement to provide 48 hours' notice prevents spontaneous protests from taking place, even though these are sometimes legitimate instant responses to current events.

Further, the Public Assemblies Law contains vague language that provides the authorities with wide discretion to disperse public gatherings, and to punish participants. Article 7 gives the Administrative Governor the power to disperse or dismiss an assembly if he deems that its declared objectives have changed or its continuation would lead to damage to lives or property.⁸⁷ According to Article 8, anyone who violates "security and public order" or causes harm to other people or public and private properties may be subject to punishment under criminal law. It can be seen that these terms give the authorities considerable leeway.

The penalties for violators are also quite harsh, ranging from a fine of between JOD 200 to JOD 1,000 (approximately US\$280 to US\$1,400) to a jail sentence of between one and three months or both.⁸⁸ The Public Gatherings Law considers that any gathering held contrary to its provisions is illegal, and therefore potentially subject to punishment. This is inconsistent with international standards and best practice, which consider that the purpose of a prior notice period is to enable the competent authorities to take the necessary measures to facilitate the holding of an assembly, and to maintain public order, public morals and public health and safety, as well as to safeguard the rights and safety of others. It should not cause spontaneous gatherings where it is impossible to meet the notice requirement, or that do not have a specifically identified organiser, to be considered as illegitimate.

In practice, thousands of peaceful gatherings were organised during the four years preceding this study, and these were mainly peaceful, without government interference or excessive violence from security forces. There were, however, some instances of violent dispersal of peaceful gatherings with social or political objectives, in which dozens of participants were arrested. For example, at the 'March 25' demonstration, a

⁸⁷ Public Gatherings Law (No.5 of 2011), Article. 11.

⁸⁸ Public Gatherings Law (No.5 of 2011), Article. 10.

protest held in Amman in 2011, in which thousands of demonstrators demanded political reforms, resulted in one protestor dying and several being injured. On 13 October 2014, several workers and trade unionists from the Aqaba Container Terminal were arrested during a strike to demand better working conditions.⁸⁹ Many labour protests have been dispersed through excessive force. In April 2014, the government also prevented the Muslim Brotherhood from organising a festival to celebrate the anniversary of their association.

Because of these restrictions, with the exception of some professional associations, and the newly established independent and unrecognised trade unions, most CSOs in Jordan tend to avoid organising external public gatherings, and prefer to hold internal meetings only. They do this to avoid being harassed in their activities by government authorities.⁹⁰

VIII. Government-CSO relations

Key findings

There is a lack of a clear public policy and mechanisms that regulate relations between the government and civil society in Jordan, and a lack of recognition by the government of the partnership role of civil society. This means that there is a lack of routine, regular engagement between the government and CSOs. There has been some recent increase in dialogue, but there is civil society scepticism about the quality of this engagement. The effectiveness of relations dramatically depends on personal relations between representatives of the government and civil society.

Detailed analysis

The government does not engage effectively and seriously with CSOs when developing national policies. Such engagement is only sporadic and volatile. The enduring lack of a public policy to regulate dialogue between the government and civil society is a key obstacle to the development of more constructive relationships. There are no institutionalised public policies to guide engagement between the various parts of civil

⁸⁹ Database of Jordan Labor Watch 2014, Phenix Center.

⁹⁰ Information retrieved from the analysis conducted by the research team on the data from the interviews conducted.

society and official institutions, and the only body that is explicitly charged with doing this is the Jordan Economic and Social Council.⁹¹ This was established in 2009 with the objective of acting as an advisory body for the government and enhancing dialogue and engagement between different stakeholders, including the government, civil society, trade unions and professional associations.⁹² However, it has so far failed to influence public policies, and this is largely due to the fact that the government selects its members, including the non-government representatives, and avoids including people that raise opposing views. The government has also demonstrated a lack of commitment to engage with the Council, compared to its engagement with parliament.

In recent years, apart from the Human Rights Unit, which engages with human rights CSOs, other parts of the government have engaged with CSOs more than previously. These include the Prime Ministry and the Ministry of Planning and International Cooperation, which developed a strategy for 2015 to 2025 with input from some CSOs. Additionally, some parliamentary committees have begun to engage more regularly and consistently with civil society representatives in law-making, for example, on the Social Protection Law and the Labour Law. Parliamentary committees have also invited CSOs, including human rights CSOs, trade unions and professional associations, to participate in policy-making discussions.⁹³ Nonetheless, the prevailing opinions of CSOs are that such consultations are usually not taken very seriously by the government, and the government has been accused of using these with the aim of improving their image.

There are also a number of existing relationships between government figures and CSOs, which result in CSOs taking part in joint activities. This particularly includes activities oriented around monitoring and analysing public policies and developing alternatives, and several dialogues have been held, but a challenge is that these are not based on clear principles and criteria. The lack of a policy framework limits dialogue to the level of personal interaction between officials and civil society representatives.

⁹¹ Information retrieved from the analysis conducted by the research team on the data from the interviews conducted.

⁹² Jordan Economic and Social Council website, http://www.esc.jo/Mission_Statement.aspx; by-laws of the Jordan Economic and Social Council (No.7 of 2007).

⁹³ Information retrieved from the analysis conducted by the research team on the data from the interviews and the focus group discussions conducted.

To some extent, relationships also depend on the strength and standing of the sector of civil society concerned. For instance, when trade unions and employers' organisations made sharp criticism of some public policies pertaining to the work of their organisations, government administrations were forced to open up an in-depth dialogue with them. This was an indication of the ability of such organisations to use their close connection to the government in order to raise issues and have their concerns taken seriously.

Absent in Jordan, over successive governments, is a state of mutual understanding and partnership between CSOs and the government. Both camps have contributed to this impasse. Most government officials treat CSOs as insignificant, or see them as bodies that take political stands or object to public policies, and that therefore hinder their work. On the civil society side, many CSOs do not fully seek or undertake a partnership role. Many of them are wary of disturbing or irritating the authorities out of fear of backlash.

Neither camp views the other as complementary partners. The government fails to appreciate or acknowledge the ways that many CSOs share the burden of the state, as they provide services such as education, health, legal assistance and small loans to businesses. CSOs are also accustomed to targeting their activities to reach places and communities that government institutions do not reach. Despite playing these vital roles, CSOs continue to encounter many challenges, because of the restrictive laws and policies outlined above that have the aim of confining CSOs, including in their formation, operation and access to resources. This situation reflects a weak level of trust between the two spheres.

IX. CSO cooperation and coalitions

Key findings

There is almost no legislation that addresses the area of cooperation between and coalition working among CSOs, both domestic and international. Cooperation and coalition working among CSOs is relatively weak, although there has been some progress towards building networks and alliances, leading to increased coordination

between many CSOs. Collaborations are often temporary and thematic, and limited to joint and specific activities over defined periods of time.

Detailed analysis

The legal framework of Jordan is almost completely lacking in relation to the issue of cooperation between and coalition working among CSOs, including domestic and international CSOs. The only types of CSOs for which there are relevant laws are trade unions, which according to the laws of the GFTU, must come together under the umbrella of the federation,⁹⁴ and the Chambers of Commerce and Industry, which are brought together under their respective laws.. In Jordan there are four Chambers of Commerce which, according to Article 7 of the Chamber of Commerce Law (2003) are united together. ⁹⁵ The same goes for the Chambers of Industry according to Article 7 of the Chambers of Industry Law (2005).

Results of the analysis suggest that cooperative relations between CSOs in Jordan are generally weak, and confined to a limited number of CSOs.⁹⁶ Cooperation depends on the existence of good personal relations between CSO representatives, and the absence of situations where CSOs are in competition. Interviews suggest that the experience of cooperation and coalition working in Jordan has also fluctuated, with experiences both of a very cooperative approach and highly competitive relations, giving a diversity of results and opinions.

Coalitions are usually formed to perform specific joint activities for set periods of time, and are temporary in nature. Because of this, they tend to end as soon as the project that brought the coalition together was completed. Few networks and alliances exist for a long period, as most of them were built for implementing specific projects which required the formation of alliances. In recent years, some more significant networks, alliances and other forms of cooperation among CSOs have developed, but these have faced the same challenges of sustaining their joint activity.

⁹⁴ Unified Fundamental Bylaws for Trade Unions in Jordan.

⁹⁶ Information retrieved from the analysis conducted by the research team on the data from the interviews and the focus group discussions conducted.

For example, one coalition that was seen as successful was the INSAN Alliance UPR, an alliance of CSOs that formed to submit a Universal Periodic Report (UPR) to the UNHRC, offering the point of view of civil society on the human rights situation in Jordan.⁹⁷ The Coalition prepared a report for the second UPR for Jordan and provided follow-up on issues previously raised on the application of human rights principles and standards, and the recommendations of UPR Working Group members during the first revision cycle. The alliance helped to mobilise Jordanian public opinion and drew attention to many ways in which human rights are undermined in Jordan, in legislation, policies and practices. The network, however, ended upon the conclusion of the mission. There was also a notable lack of structures to manage the internal relations of the alliance.

Other alliances have formed to provide parallel reports to governmental ones on the implementation of human rights conventions, but they also have come to an end for similar reasons. For example, in 2012, a network of women rights CSOs issued a shadow report alongside the government's report to the Committee for the Elimination of Discrimination against Women (CEDAW). The coalition lasted only until the report was issued.⁹⁸

Recently, a fresh coalition was established, in which several Jordanian CSOs are working together on the promotion of democracy. Although in the opinion of those involved the outlook looks promising, the development of this coalition is still in progress, as work is underway to prepare policies to help maintain its durability. The coalition, called Himam, includes 13 organisations in its current embryonic stage, and plans to open up membership more broadly. It aims to develop a common code of conduct, foundational documents and by-laws that could be adopted widely by Jordanian CSOs.⁹⁹

⁹⁷ The INSAN Coalition for Universal Periodic Review was formed in December 2012 by a group of Jordanian CSOs, media professionals and experts on human rights. The members constitute a wide range of experts on human rights issues who collaborated on the preparation of the report. The collaboration included consecutive and periodic meetings between members and other CSOs. See <http://www.annd.org/english/data/statement/file/31.pdf>.

⁹⁸ Managed by Society of Arabic Women, Society Musawah organization, Campaign "My mother is Jordanian and her nationality is my right".

⁹⁹ Himam Coalition includes the following organisations: Phenix Center for Economic and Informatics Studies, Center Partners Jordan, Justice Center for Human Rights, Mizan Center, Identity Center for Human Development, Justice Center for Legal Aid, Al-Amal Foundation for Training and Entrepreneurship, Al-Quds Center for Political Studies, Social Media Commission, Center for Defending Freedom of Journalists, Al-Hayat Center, Ruwwad Center for Development, Tamkin Center for Legal Support.

The law also says little about cooperation and coalition working with international CSOs. The only regulation applies to trade unions, which must receive the approval of the GFTU before cooperating with international trade unions.¹⁰⁰

In the view of those consulted, the main reasons that prevent more effective cooperation and the building of stronger coalitions between CSOs are the limited financial capabilities of CSOs, poor administrative capacities and a lack of vision. Most CSOs are individual in their nature and design, except for those that have a particular mandated structure because of their semi-official nature, such as trade unions, employers' associations and professional associations. Many of these organisations have a limited interest in public policy change and in cooperating more widely.

Many CSOs compete with each other to secure access to funding and to undertake projects, which further hinders cooperation. Many CSOs also lack strong internal governance practices, which is another obstacle to cooperation, as if CSOs lack a clear vision, objectives and methodologies, they will not see the need to strengthen their influence and achieve their goals through cooperation.

X. Access to information

Key findings

Despite the existence of a law regulating the access to information in Jordan, many obstacles prevent the exercise of this right by citizens and CSOs. Weaknesses come both in the provisions of the law and its weak enforcement mechanisms. There are many exceptions and a lack of accountability over decisions to reject requests for information. Because of this, individual relationships with state officials are used to circumvent weak official processes.

Detailed analysis

Article 19 of the ICCPR sets out that people should be enabled to have access to any information held by public agencies, except in very limited cases.¹⁰¹ However, Jordanian citizens and civil society lack free access to information.

¹⁰⁰ Unified Fundamental Bylaws for Trade Unions in Jordan, Article 20.

One of the reasons for this deficit is that there is an absence of detailed database systems, which would ensure the existence of systematic information. However, it is also because the government is overly protective of data and information.

Access to information did not improve significantly after the passing of the Law on the Protection of the Right to Access to Information (Law 47 of 2007). The law has faced much criticism because of the restrictions and exceptions it introduces. For example, the law requires a justification of legitimate interest when people apply to obtain information, without defining the term "legitimate interest", and sets no limits to the principle of legitimacy.¹⁰² The law also gives wide grounds for rejecting a request for information.

Following a request for information, if the relevant agency does not answer within 30 days, the law states that the request should be considered as rejected.¹⁰³ This could be seen as a presumption in favour of rejection, implying that the release of information will be the exception rather than the norm. It can also be seen as restricting the role of the Supreme Court, because it allows a government agency to reject a request without providing any justification, which limits the prospect of bringing a legal challenge against a rejection.

The Law on the Protection of the Right to Access to Information is also undercut by other laws, such as the Law on Protecting State Secrets and Documents (1971), which prohibits the distribution of a wide range of documents, thereby removing them from access to information provisions, for reasons of national security, or because they are protected under another law.

The law does not stipulate any penalties for officials that fail to provide the information requested. But there are heavy punishments for people who share information deemed to be secret. In particular, breaching the Law on Protecting State Secrets and Documents can bring some heavy punishments, including a life sentence with forced labour or the death penalty.

¹⁰¹ The International Covenant on Civil and Political Rights (1996), Article 19.

¹⁰² Law on the Protection of the Right to Access to Information (No. 47 of 2007). Article 9-13.

¹⁰³ Law on the Protection of the Right to Access to Information (No. 47 of 2007). Article 9.

The Law on the Protection of the Right to Access to Information can therefore be seen to fall short of international principles. Given the deficits in the law, it is clear that most individuals and CSOs do not seek to obtain information through official processes, but rather use their personal relationships with officials in government agencies to seek information. This reflects a broader pattern in the Jordanian public administration, where officials respond more to personal relationships than to applying laws and established procedures.

XI. Summary of key findings and conclusions

Jordanian laws that regulate the formation and operation of CSOs fall short in many ways of international standards, as set out in the Universal Declaration of Human Rights, as well as ILO standards on the right to organise. Among these shortfalls, Jordanian laws insist that the government must give prior consent for the formation of a CSO, rather than simply be notified. This applies except for not-for-profit companies, which are however limited to a few areas of activity, and employers' associations, which are closely connected to the government.

The Societies Law, under which most CSOs fall, does not support the independence of the work of CSOs. Instead it limits the activities of CSOs, by forbidding them to work in fields of politics or related to political parties and their objectives, and it also restricts the right of non-Jordanians to participate in the formation of organisations. The law imposes a requirement that associations report their intention to hold public meetings two weeks in advance, grants the Minister of Social Development the authority to send government officials to attend CSO meetings, forces associations to submit administrative and financial annual reports to the government, and authorises the relevant minister to dissolve an association's board of directors and appoint interim alternative ones.

The Labour Law grants the tripartite committee, formed by the Minister of Labour and comprising representatives of the government, employers and existing trade unions, the power to decide which professions are entitled to establish new unions. In practice, it

functions to block attempts to found unions, thereby preventing hundreds of thousands of private sector workers from establishing their own trade unions. Public sector employees are also prevented from forming trade unions. The law denies non-Jordanian workers the right to participate in the establishment of unions, or of taking governing positions in unions. It also denies union members the right to develop and modify their own by-laws. The Labour Law mandates that all trade unions must be members of the GFTU and be subject to its by-laws. The by-laws allow the GFTU to intervene in internal trade union affairs, to the extent of having the power to dissolve their boards of directors, and appoint interim ones.

Professional associations and Chambers of Commerce and Industry operate under special laws, but in these as well, members are not entitled to draft or modify by-laws. For professional associations, membership is mandatory among the relevant profession, while for the Chambers of Commerce and Industry, most members are denied the right to vote or run for management positions.

The laws that regulate access to funding, from both domestic and international sources, contradict internationally recognised standards and best practices. The Societies Law requires CSOs to obtain the approval of the Prime Minister to access foreign resources, a process that is often delayed, and to undertake domestic fundraising. Some government funding is available for CSOs, notably the Societies Support Fund of the Ministry of Social Development, but associations may not collect donations more than twice a year for the same activity. Trade unions are financed through the contributions of their members, while the GFTU is entirely financed by the government. Professional Associations are financed by mandatory contributions from their members, service fees and returns on their investment funds. The Chambers of Commerce and Industry are financed through the mandatory contributions of their members. The limitations on the receipt of international funding and the paucity of domestic resources constrain the ability to act of many CSOs.

Many CSOs in Jordan are not able to express their opinions or take stands on issues of concern, because the Societies Law them from taking part in political activities. Many associations self-censor for fear of the government obstructing their activities as a

consequence. The amended Press and Publications Law increased restrictions on the freedom of expression and media freedom. However, some CSOs have grown to more strongly raise human rights concerns, and some CSOs members, such as members of professional associations, are more confident about expressing their views on a range of issues.

The Public Assemblies Law allows assemblies to take place on the basis of prior notification of the relevant authority, rather than permission needing to be sought. This right has been exercised on a large scale in the four years preceding this study in various parts of Jordan, but there have also been setbacks. Some gatherings of a peaceful nature were prevented by the government, other peaceful protests were stopped and on several occasions activists have been arrested. The penalties in the law are harsh, spontaneous demonstrations are not provided for within the law, and non-Jordanians are denied the right to free assembly. These restrictions encourage CSOs to hold private rather than public meetings.

There is an absence of regular, ongoing dialogue between the government and CSOs, and a lack of clear public policies and mechanisms to regulate the relationship and encourage partnership. The one body that exists to play such a role, the Jordan Economic and Social Council, has all its members appointed by the government, and is not given priority by the government. In the absence of structures, relationships are ad hoc and volatile, and highly dependent on personal relations between government officials and CSO representatives. While there has been some recent increase in dialogue, there is also scepticism about the quality of this. The ability and positioning of CSOs to develop relations with the government is varied.

There are significant weaknesses in cooperation among CSOs in Jordan, although there has been some recent slow progress towards the establishment of new networks and alliances, leading to a higher level of coordination between some CSOs. However, there are still a limited number of organisations cooperating and taking part in networks. Collaboration is usually not ongoing, but rather tends to be limited to a focus on specific tasks for specific periods of time. Cooperation is also mainly based on good personal

relations between those in charge of CSOs, and dependent on organisations not being in competition with each other.

There are many obstacles that prevent the exercise of the right to access information by individuals and CSOs. While there is a Law on the Protection of the Right to Access to Information, it contains numerous weaknesses, in its enforcement mechanisms, the broad discretion it grants officials and the exceptions it makes. Most citizens and CSOs access information through unofficial routes, utilising personal relationships with officials, rather than through the formal processes.

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XIII. Annexes

Annex No I: List of Expert Advisory Panel (EAP)

Names	Position
Raja' Hiyari	Director, Jordan Partners
Hadeel Abdul Aziz	Executive Director, Al-Adel Center for Justice and Legal Aid
Basil Hamad	Director, the Debate Foundation
Amal Alsayed	Voluntary Societies Union of Amman
Moath Momani	Lawyer, specialising in civil society issues
Mohammed Shamma	Journalist, specialising in civil society and human rights issues
Riyadh Soboh	Expert in human rights issues
Nadine Nemri	Journalist, specialising in civil society issues

Annex No II: Names of experts who were interviewed

Names	Position	Date of interview	Duration of interview (minutes)
Asma Khader	Lawyer, former Minister of Media, and an expert on civil society issues	2 Dec. 2014	135
Muhannad Elazzeh	Member of the Senate House, and an expert on human rights issues	20 Nov. 2014	60
Saa'ed Karajah	Lawyer and an expert on civil society issues	3 Dec. 2014	120
Bater Wardam	Journalist, and an expert on civil society issues	4 Dec. 2014	180
Samar Dudin	Director of Ruwwad for Development	3 Dec. 2014	120
Raja' Hiyari	Director of Jordan Partners	25 Nov. 2014	90
Hadeel Abdul Aziz	Executive Director of the Al-Adel Center for Justice and Legal Aid	20 Nov. 2014	150
Basil Hamad	Director of the Debate Foundation	23 Nov. 2014	80
Amneh Zu'bi	Former head of the Jordanian Women's Union, and presently a consultant for the Women's Union	24 Nov. 2014	95
Dima Elamad	General Director of	18 Nov. 2014	90

	Registrar of Societies		
Mohammed al-Husseini	Director of Identity Center for Human Development	29 Nov. 2014	90
Dima Jowayhan	Executive Director, ICNL-MENA Office.	7 Dec. 2014	120
Mohammed Shamma	Journalist, specialising in civil society and human rights issues	29 Nov. 2014	90
Riyadh Sobh	Expert in human rights issues	17 Nov. 2014	120
Nidal Mansour	Executive Director, Center for the Defence and Protection of Journalists	6 Dec. 2014	120
Mohammad Jeriabie	General Manager of Thuraya Centre for Studies	5 Dec. 2014	150
Nadin Nemri	Journalist, specialising in civil society issues	30 Nov. 2014	120 Minutes

Annex 3 - List of participants in Focus Group Discussion (FGDs) and their organisations

(1) Amman – Central Region

Name	Organisation
Ayed Abdel Jaber Tayem	King Hussein Foundation - Research and Information
Husien Otaibi	Lawyers for Defending Human Rights Society
Lyla Naffaa	Jordan Women Society
Azzam Smadi	Jordanian Independent Trade Unions Federation
Nadin Nemri	Journalist, specialising in civil society issues
Saddam Abu Azzam	Legislative Studies Center
Moaz Momany	Lawyer, specialising in civil society issues
Moaz Wahsheh	Sindyan Society for Development
Amneh Zubi	Jordan Women Union
Hadeel Abdelazziz	Al-Adel Center for Justice and Legal Aid

(2) Governate of Ajloun – Northern Region

Name	Organisation
Khalid Al Sarayery	Irbid Cultural Forum

Rania Qadhat	Irbid Ladies Charitable Network
Ali Alsawalmeh	West Irbid Charitable Society for Special Needs challenges
Ahmad Bataiyneh	Al Hussein Sport Club, Irbid
Ra'fat Al Qura'an	Al Taibah Sport Club, Irbid
Mohammad Ahmad Alshooha	Irbid Chamber of Commerce
Khawla Bani Hani	The Feminine Federation – Irbid
Sami Al Khasawneh	Voluntary Association Union of Irbid Governorate
Mahmoud Yousef Al Qsous	Islamic Center Voluntary Society
Khaldonabandah	Kidney patients / Irbid Care Association
Dr Abdul-Razzaq Tbeishat	King Hussein Orphanage Charitable Organisation, Irbid
Hanna Jardat	Women's Programmes Centre, Irbid Camp
Elham Mustafa Alsharman.	Almazar Alshamali Ladies Society for voluntary work
Mohammed Abdullah Aljarrah	Almazar Alshamali Society for Students in Need
Ibrahim Abu Saleem	Alshamal Society for Local Community and Persons with Special Needs
Thabet alissa	Ashamal Forum for Intellectual Thinking
Hafeeza Arsalan	North Shouneh Charitable Society

(3) Governate of Ma'an – Southern Region

Name	Organisation
Mousa Khalefa	Civil society activist
Dr Akram Kraishan	Maan International Center for Studies
Zeyad Ghalib Shammari	Maan Community Center
Samia Odeh	Princess Basmah Center
Tharwat Abu darwish	Maharat Society
Matar Mohammad	South Society
Hasan Nuiemat	Al Shara Center
Mahmoud Saleh	Al Shat Youth Center
Abdarrazzaq Muhtaseb	Future Builder Society
Ali Kraishan	Maan Sport Club
Mohammad Al Khoura	Maan Youth Club Committee
HamzahKhalaf	Housing Committee in Maan
Yahya Al Tawarah	Ministry of Social Development
Hussien Al Tawarah	Al MAqsourah Society
IssaTahir	Al MAqsourah Society
Mahmoud Al Tawarah	Al MAqsourah Society
Yassir Kraishan	Jordanian Engineering Association
Khalid Mohammad	Al Reef Sport Club

Khalid Hijazeen	Al Badia research Center
Lana Kraishan	Al Anwar Society for Women Affair
MunaKhawaldeh	Al Anwar Society for Women Affair
AnasAtayyeh	South Society for Development

Annex 4: List of participants in the National Consultation

Name	Organisation
Farhan Taani	Jordanian Society for Persons with Disabilities
Mahmoud Al Kharaz	National Committee for Dialogue
Rami Quiwder	Legal Aid
HiamDamra	Al Wasat political party
ArwaBalqar	Women Support Network
Maysar Abu Syam	Al Ozwah Society
IbtesamAtaAllah	Shuaa Society
Dima Jweihan	ICNL – MENA
Amal Al Sayyed	Social Development Society
Ahmad Merie	Independent Trade Union for the Workers in Electricity
Raja Al Hiyary	Partners – Jordan
HAitham Shihab	National Center for Human Rights
Moath Al Momani	Lawyers Without Borders
Maha Al Nubani	Family Development Society
Rania Al Jaabari	AL Safeer
Lawaheth Al Mousa	Shoaa Society
Reem Al Zebin	JOHUD
Ahmad Al Natur	Anti Smoking Society
Majid Mohammad	Egyptian Embassy
Nabeelah Al Syouf	Independent consultant
Jamal Al Tebawi	Baituna Society
Lazhar Alawi	GFA - Amman Office
Randa Abu Hammour	Jordanian Society for Culture and Science
Rawan Al MOumani	Lower House Research Center
Basel Al Hamad	Debate Foundation
DemaKhlaifat	Registry Department
Omer Ktoun	Investment and Development Society
Lamees Naser	Al Multaqa Society

Annex 5: Assessment Matrix

EENA Assessment Matrix			
Mandatory Dimensions			
<i>Dimension #1: Formation</i>			
Factual Questions	Green Flag	Yellow Flag	Red Flag
1. What legal instruments (laws, regulations, decrees, etc.) currently govern(s) the formation of Civil Society Organizations (CSOs)?	Few enabling legal instruments; clear, non-overlapping regulatory regimes	Several legal instruments; some overlap, lack of clarity in regulatory regimes	Many legal instruments; unclear, overlapping regulatory regimes
2. Who is legally permitted to serve as a CSO founder? Who is excluded from serving as a founder?	Minimal eligibility requirements (e.g., residency of founders)	Extensive eligibility requirements (e.g. residency and citizenship of founders)	Extremely burdensome eligibility requirements (e.g. citizenship and clean criminal record or license/occupation of founders)
3. What minimum number of individuals is required to form a CSO? What are the requirements of membership?	Fewer than 5 minimum members; minimal eligibility requirements	5-10 minimum members; extensive eligibility requirements	More than 10 minimum members; extremely burdensome eligibility requirements
4. What procedures are required to register/incorporate a CSO?	Minimal registration procedures; comparable with	Extensive registration procedures	Extremely burdensome registration procedures

(A comparison can be made with registering business entities.)	registration of for-profit legal entities		
5. Is there a minimum capitalization requirement to register a CSO?	No minimum capitalization requirement (except for a reasonable requirement for foundations)	Nominal minimum capitalization requirement for most CSOs and/or burdensome capitalization requirement for foundations	Burdensome minimum capitalization requirement for associations and/or foundations
6. What are the specific grounds for rejecting a CSO's application for registration/incorporation? Are such grounds sufficiently detailed?	Minimal, clearly defined grounds for rejecting a CSO's application	Numerous, somewhat unclear grounds for rejecting a CSO's application	Extensive, vague grounds for rejecting a CSO's application (excessive discretion accorded to registrar)
7. Must CSOs adhere to certain categories of purpose before being allowed to form; or are some CSOs with certain agendas (human rights protection or democracy-promotion, for example) forbidden from forming?	No restrictions on CSO's purpose	Requirement that CSOs adhere to purposes stated in the law	Restrictions on CSO's purpose; prohibition of certain purposes
8. Can registration decisions be appealed? If so, how frequently are registration decisions appealed? What are the results?	Clear, available means for unbiased appeal	Somewhat unclear or unavailable means for appeal; biased review (appeal is to the registrar or other implicated official)	No means for appeal

9. What documentation is required for a CSO's incorporation/registration?	Minimal documentary requirements (such as basic contact information and bylaws)	Extensive documentary requirements (e.g., minutes of founders' meeting, ministerial certification, detailed statement of purpose/activities)	Extremely burdensome documentary requirements (contact information for all board/members/staff/participants, workplans, statement of assets)
10. Are CSOs required to regularly renew their registration?	No renewal required	Renewal required every few years	Renewal required annually
11. What registration fees are required?	No or nominal registration fees	Nominal registration fees; comparable with private sector registration fees	Burdensome registration fees; excessive compared to private sector registrations fees
12. What is the approximate cost to register a CSO, and how long does the process typically take?	Nominal registration costs; clear deadlines in the law; less than 30 days	Burdensome registration costs; unclear deadlines for the registrar; 30-90 days	Prohibitive registration costs; unclear or no deadlines for the registrar; more than 90 days
13. How many CSOs are currently registered?	<p>Please include your own assessment of the situation based on:</p> <ul style="list-style-type: none"> - The # of CSOs registered, - The # of CSOs/1000 people, - The % of pending applications; <p>or another relevant indicator.</p>		

14. Are there draft laws or regulations that, if adopted, would restrict or, alternatively, ease the formation of CSOs? If so, please summarize the content of the key provisions and in what stage of the legislative process it currently stands.	Pending legislation/regulations that will significantly ease the formation of CSOs	Pending legislation/regulations that may restrict the formation of CSOs	Pending legislation/regulations that will severely restrict the formation of CSOs
Perception Questions	Green Flag	Yellow Flag	Red Flag
1. Is the entity responsible for registering CSOs sufficiently funded and staffed?	Yes	Some lack of capacity/resources	Unable to fulfill mandate
2. Is registration easily accessible? E.g., are there sufficient locations/centers around the state for registering CSOs, or is the process all done electronically?	Yes	Registration difficult to access for many CSOs	Registration accessible to only a few CSOs
3. What non-legal and/or non-governmental barriers, such as slow or ineffective	No non-legal or non-governmental barriers to formation	Some non-legal and/or non-governmental barriers to formation, such as	Prohibitive non-legal and/or non-governmental barriers to formation, such as banks refusing

bureaucracies, inability to access funds, or difficulty buying/leasing property, affect the formation of CSOs?		unreasonable bureaucratic delays that make it significantly more difficult to form a CSO	to work with CSOs, that create a significant barrier to entry
4. To what extent is there a perception of excessive discretion, favoritism (political, ethnic, religious, etc.), and/or corruption in the registration process?	None	Some perceived unfairness (discretion, favoritism, corruption)	Widespread perceived unfairness (discretion, favoritism, corruption)
<i>Dimension #2: Operation</i>			
Factual Questions	Green Flag	Yellow Flag	Red Flag
1. What law(s) directly govern(s) the operation of CSOs? Do any other laws affect or influence the operation of CSOs?	Few enabling laws; clear, non-overlapping regulatory regimes	Several laws; some overlap, lack of clarity in regulatory regimes	Many laws; unclear, overlapping regulatory regimes
2. Are CSOs required to notify the government of any meetings? If so, of each meeting or only key meetings? Are they required to notify the government of the list of candidates for the board of directors? Of the results of elections?	No/minimal required notification (i.e. only in case of changes in the board of directors or legal representatives of the CSO)	Some notification requirements beyond the minimal ones	CSOs required to notify the government of all meetings, elections, election results

3. Are CSOs required to submit periodic reports to the government? What kind of reports – e.g. activity or financial reports –, and how often?	Annual reporting appropriate to CSO's size	Multiple and/or extensive annual reports required	Extremely burdensome, frequent reporting required
4. Are CSOs required to periodically report to the government for any other reasons? What reasons and how often?	No/minimal other reporting	Some other reporting required	Extremely burdensome, frequent other reporting required
5. Are CSOs subject to government audits or inspections? How often, and what types?	Annual audits; small CSOs exempt	Annual audits regardless of size; risk of unwarranted inspection	Frequent and/or politically-motivated audits, unwarranted inspections
6. What types of information are CSOs required to publicly disclose?	No/minimal other disclosure required (e.g., use of public resources)	Some other disclosures required (e.g., salaries of lead officials)	Extensive other disclosures required (e.g., names of all members)
7. What administrative requirements affect the operation of CSOs?	Minimal, clear administrative requirements, such as basic documentation of the CSO and a contact person	Several, somewhat unclear administrative requirements, such as certifications from multiple sources	Many, unclear administrative requirements making it prohibitively difficult to abide by the rules
8. Are CSOs mandated to align	No alignment required	Some alignment required (e.g.	Full alignment required; and/or

their activities with governmental priorities as defined in national development plans?		for certain types of CSOs)	non-alignment is penalized
9. On what grounds is the government legally permitted to terminate or dissolve a CSO? Is there an opportunity to appeal this decision?	Very limited grounds for termination/dissolution; sufficient opportunity to unbiased appeal	Many, somewhat unclear grounds for termination/dissolution; limited availability of unbiased appeal	Extensive, vague grounds for termination/dissolution; no means for unbiased appeal
10. On what grounds can a CSO be voluntarily dissolved?	No limitation on voluntary dissolution	Some limitation on voluntary dissolution	Voluntary dissolution prohibited
11. Are there draft laws or regulations that, if adopted, would restrict – or, alternatively, ease - the operation of CSOs? If so, please summarize the content of the key provisions and in what stage of the legislative process it currently stands.	Pending legislation/regulations that will significantly ease the operation of CSOs	Pending legislation/regulations that may restrict the operation of CSOs	Pending legislation/regulations that will severely restrict the operation of CSOs
Perception Questions	Green Flag	Yellow Flag	Red Flag
1. What level of oversight does the government have over CSOs? Extensive, moderate, or light?	Light, e.g. required annual reporting with rare, justifiable additional oversight	Moderate, e.g. frequent reporting requirements, permits for certain activities, and/or frequent inspection or	Extensive, excessive reporting and permission requirements and near-constant oversight;

		auditing	
2. In practice, do the legal and administrative requirements referred to above act as impediments to the productive operation of CSOs? Are they helpful to the daily operation of CSOs?	Helpful administrative requirements (e.g., reasonable documentation related to claiming tax benefits)	Administrative requirements somewhat impede CSO's operation (e.g., requests for additional information once the legally required reports are submitted; slow bureaucracy holds up CSO activities etc.) and/or more than 20% of total staff time devoted to compliance.	Administrative requirements severely impede CSO's operation (e.g. detailed reports on CSO events required for the government; frequent audits on a range of regulations - labor, tax, social security etc.); and/or more than 50% of staff time devoted to compliance.
3. Are there non-legal grounds that, in practice, the government uses or cites to terminate or dissolve a CSO? In practice, how have such terminations been conducted: according to the law or otherwise?	No non-legal grounds for termination/dissolution	Non-legal grounds, such as policy directives, sometimes used to terminate/dissolve CSOs	Non-legal grounds, such as action without any stated justification, frequently used to terminate/dissolve CSOs
4. Is there a history of state harassment of CSOs for allegedly not adhering to administrative and/or legal requirements? Is there a history of state harassment of CSOs for other reasons or in general?	No history of harassment	Some history of harassment	Frequent harassment

Dimension #3: Access to Resources			
a. General questions about the funding environment			
Factual Questions	Green Flag	Yellow Flag	Red Flag
1. Which financial resources do CSOs have legal access to: State funds? Earned income? Donations? Foreign donor funding? Other?	No limitation on funding	Some limitations on funding (e.g., legal requirements related to certain income types or volumes of income)	Burdensome limitations on funding (e.g., key funding sources of CSOs are inaccessible)
2. What legal barriers hinder access to each of these potential sources of funding?	No legal barriers to funding	Some legal barriers to funding (e.g., must register to receive foreign funding; must establish a company to generate any earned income;)	Burdensome legal barriers to funding (e.g. may not receive foreign funding; may not engage in economic activities)
3. Do laws and/or regulations prohibit CSOs from distributing profits or otherwise providing inappropriate private benefit to officers, directors, or other insiders?	Clear prohibition on profit distribution, private benefit	Somewhat unclear regulation of profit distribution, private benefit	Vague regulation of profit distribution, private benefit
4. Upon dissolution or termination, what happens to a	Few, clear enabling laws on CSO assets after	Multiple or unclear laws on CSO assets after	Nonexistent or vague laws on CSO assets after

CSO's assets? What laws and/or regulations affect distribution of assets upon dissolution?	termination/dissolution	termination/dissolution; some space for governmental discretion on use of assets	termination/dissolution; ample space for governmental discretion on use of assets
5. Are there draft laws or regulations that, if adopted, would restrict – or, alternatively, ease – CSOs access to resources? If so, please summarize the content of the key provisions and in what stage of the legislative process it currently stands.	Pending legislation/regulations that will significantly ease CSOs' access to resources	Pending legislation/regulations that may restrict CSOs' access to resources	Pending legislation/regulations that will severely restrict CSOs' access to resources
Perception Questions	Green Flag	Yellow Flag	Red Flag
1. What non-legal and/or non-governmental barriers hinder access to each of the potential sources of funding for a CSO?	No non-legal or non-governmental barriers to funding	Some non-legal and/or non-governmental barriers, such as an under-developed banking system, lack of CSO fundraising capacity	Burdensome non-legal and/or non-governmental barriers, such as financial transaction restrictions, lack of CSO fundraising capacity
2. How reliable is a CSO's access to legally permissible funds? And how freely available are these funds?	Reliable, available funds	Unreliable, somewhat unavailable funds	Extremely unreliable, limited availability of funds
3. How much does a CSO's financial sustainability depend	Not at all (as long as CSO complies with reasonable	Somewhat (e.g., government can exercise discretion in	Entirely (e.g., government has control over key resources of CSOs;

on government oversight and approval?	regulations)	approving or influencing access to certain sources for CSOs)	and/or resources are prohibited)
4. How effectively does the legal and policy framework support the mobilization of local resources?	Effectively, e.g., the government takes measures to encourage local philanthropy	Somewhat effectively, e.g., the laws allow donations but do not incentivize them	Not at all effectively, laws hinder philanthropy or it is otherwise not possible to practice philanthropy
5. Does government and donor funding support the full range of CSO programming and activities, including e.g., innovation, core funding, policy development and advocacy?	Yes, such funds are generally available	Limited availability of such funds (e.g., only from a couple of donors or for a few types of CSOs)	Such funds do not exist or are restricted to a very small group of CSOs
6. What type of source of funding are CSOs most dependent on?	A variety of funding sources	Few/not sustainable funding sources	One or no funding source
7. What is the perceived reliability of different sources of funding? (or what source of funding is more reliable for CSOs)	A variety of reliable funding sources	A few reliable funding sources	No reliable funding sources
8. Are you seeing any recent changes in the funding environment at the national level? What are the impacts of any changes on CSOs?	Funding environment is improving or already enabling and likely to remain so	Funding environment deteriorating and/or at risk of significantly deteriorating	Funding environment significantly deteriorating

b. Government funding			
Factual Questions	Green Flag	Yellow Flag	Red Flag
1. Is government funding currently available for CSOs? If so, is it available for any type of CSO or are there special types of CSOs that are supported by the government?	Government funding generally available	Government funding somewhat available (e.g., from certain departments for certain types of CSOs)	Practically no government funding available
2. In what form and at what levels is government funding available? E.g. are grants, subsidies, institutional (core) support provided at the central level and/or at the local level? Is there a special funding mechanism (e.g. a fund) for CSO support? Are there examples of contracting with the government by CSOs?	A variety of government funding options at both central and local levels	Limited government funding options; good practice examples exist but not widespread; either central or local level lags behind	One or no form of government funding at any level
3. What are the laws, rules and policies currently governing government grants and subsidies of CSOs?	Few, clear enabling laws/rules/policies governing government funding, including those ensuring transparency in awarding grants or contracts	Multiple, somewhat unclear laws/rules/policies governing government funding; general procurement rules applied to CSOs	Many and/or vague laws/policies governing government funding; too restrictive or no specific rules for awarding public funds to CSOs

	to CSOs		
Perception Questions	Green Flag	Yellow Flag	Red Flag
1. To what extent is the legal framework conducive to government funding of CSOs? What are specific legal and non-legal barriers to increased, more efficient or more transparent government support?	Legal framework is conducive to government funding; no significant legal or non-legal barriers to transparent government support	Legal framework somewhat conducive to government funding; some legal and/or non-legal barriers to transparent government support (e.g., a law that allows funding of CSOs but no clear implementation mechanisms; or: calls for proposals do not respond to CSO priorities)	Burdensome legal framework for government funding; prohibitive legal and non-legal barriers to transparent government support (e.g., unreasonably strict criteria for CSOs to be eligible for support; highly discretionary decision-making)
2. Is the dispersal of government funds seen as predictable, transparent, easily understandable and impartial?	Generally yes	Dispersal of government funds is seen as somewhat unpredictable, opaque, confusing and/or biased	Dispersal of government funds is seen as extremely unpredictable, opaque, confusing and/or biased
3. Has government support decreased or increased within the past years? What is expected in the following years?	Government support steady or increasing; expected to continue increasing	Government support not increased recently; not expected to increase	Government support decreasing; expected to continue decreasing (or practically non-existent)
c. International funding			

Factual Questions	Green Flag	Yellow Flag	Red Flag
1. Are there different standards/requirements for accessing foreign sources of funding versus domestic sources of funding?	No additional criteria/requirements for foreign funding	Some additional criteria/requirements for foreign funding (e.g., separate registration requirement)	Burdensome additional criteria/requirements for foreign funding (e.g., need to align activities to government plans)
2. What are legal barriers to accessing and using foreign resources by a CSO, if any? E.g. is there government notification and/or oversight required to acquire foreign funding? Are there additional reporting requirements when using foreign funding?	No legal barriers to foreign funding	Some legal barriers to foreign funding (e.g., notification requirement)	Burdensome legal barriers to foreign funding (e.g., permission and onerous reporting requirements)
3. Are there bilateral or multilateral agreements in place that affect foreign donors' ability to donate and establish partnerships with CSOs? If yes, what kind of agreements are they (statement of medium to long-term commitment to a relationship; funding framework, etc.)	Bilateral and/or multilateral agreements facilitate access to foreign funding	Few bilateral/multilateral agreements regarding foreign funding	No or restrictive bilateral or multilateral agreements regarding foreign funding

Perception Questions	Green Flag	Yellow Flag	Red Flag
1. What non-legal barriers to receiving foreign funds exist in practice?	No non-legal barriers to foreign funds	Some non-legal barriers to foreign funds (e.g. complex application and reporting processes)	Prohibitive non-legal barriers to foreign funds (e.g. complex application and reporting processes; dramatic decrease in donor funding)
2. Has the overall state of governance and rule of law in the country affected donor's contribution to CSOs? If so, how?	Overall governance and rule of law encourages donors	Overall governance and rule of law a risk for donors	Overall governance and rule of law prohibitive for donors
<i>d. Philanthropy</i>			
Factual Questions	Green Flag	Yellow Flag	Red Flag
1. What are the laws and/or regulations specifically addressing philanthropy?	Few, clear laws/regulations encourage philanthropy	Multiple, somewhat unclear laws/regulations regarding philanthropy	Many and/or vague laws/regulations regarding philanthropy
2. Are tax exemptions available to those who engage in philanthropy?	Tax exemptions easily available	Limited tax exemptions available	No tax exemptions available

3. Are CSOs permitted to be the recipients of both corporate and individual philanthropy?	Yes, under reasonable criteria (e.g., charitable purposes)	Some unreasonable or unfavorable restrictions on CSOs as recipients of corporate and/or individual philanthropy (e.g. must provide a report to every single donor)	Burdensome restrictions on CSOs as recipients of corporate and/or individual philanthropy (e.g., annual re-registration as charity to be eligible)
Perception Questions	Green Flag	Yellow Flag	Red Flag
1. Does the legal and regulatory framework encourage philanthropy? If so, how? If not, how?	Yes - – basic laws are in place to provide tax benefits for donations, options to create foundations and endowments, volunteering	Somewhat – e.g., donations and volunteering are allowed but there are no incentives or the procedures are burdensome or unclear	No – prohibition (in law or in practice) of donations and/or volunteering (e.g., lack of legislation resulting in a de facto prohibition)
2. Is there a philanthropic tradition? What encourages it? What discourages it?	Yes	Somewhat	No
3. Do CSOs regularly fundraise from the domestic public or corporations? Do CSOs have fundraising capacity? Or capacity to diversify their funding?	Yes - e.g., there are established practices or well-known examples of domestic fundraising, and an increasing level of CSO income is from domestic philanthropic sources	Somewhat – e.g., there is growing awareness of the importance of domestic fundraising, some “pioneering” organizations and successful programs to build such capacity of CSOs	No – e.g., the vast majority of CSOs are not allowed to conduct, or neglect to conduct domestic fundraising

4. Do individuals regularly donate to CSOs?	Yes – e.g., people regularly donate to a variety of CSOs or there is at least a broad segment of CSOs that receive such donations (e.g. humanitarian, children’s etc.)	Somewhat – e.g., there is a growing trend in donations to CSOs, e.g., with a focus on more “popular” causes	No – regular donations are insignificant in the income of most CSOs
5. Do corporations regularly donate to CSOs?	Yes – e.g., companies regularly donate in various forms (money, in-kind, expertise) to a variety of CSOs. SOCIAL RESPONSIBILITY	Somewhat – e.g., there is at least a group of companies that introduced giving programs	No – company donations are insignificant in the income of most CSOs
<i>Dimension #4: Expression</i>			
Factual Questions	Green Flag	Yellow Flag	Red Flag
1. What laws affect a CSO’s ability to freely express their opinions? What rights are guaranteed under the existing legal framework, including the constitution, with respect to expression, including access to the Internet?	No/minimal restrictions on CSOs’ expression, restrictions in conformity with international norms	Some restrictions on CSOs’ expression	Stifling restrictions on CSOs’ expression; clear violation of international norms
2. Which international treaties	All relevant treaties have	All or most relevant treaties	Few or no relevant treaties have

have been ratified that affect the ability to publicly express oneself? What treaties have been ratified that affect the right to access the Internet?	been ratified (UDHR, ICCPR, regional HR treaties)	are or will be ratified in the near future	been ratified or are likely to be ratified in the near future
3. What laws and/or regulations regulate the content of expression? What restrictions are placed on this content (i.e., restrictions for national security, “fighting words”, commercial speech, obscenity)?	Few, clear laws place minimally regulate expression in conformity with international norms	Multiple and/or somewhat unclear laws regulate expression	Many and/or vague laws stifle expression
4. Are there time, place and manner restrictions placed on expression?	No/minimal time, place and manner restrictions	Some time, place and manner restrictions	Burdensome/stifling time place and manner restrictions
5. What legal barriers, if any, hinder a CSO’s ability to openly express its opinions, particularly on matters critical of government policies?	No/minimal legal barriers to CSOs’ expression	Some legal barriers to CSOs’ expression	Prohibitive/stifling barriers to CSOs’ expression
6. Are there draft laws or regulations that, if adopted, would restrict – or, alternatively, ease – CSOs’ freedom of expression? If so, please summarize the content of the key provisions and in	Pending legislation/regulations that will significantly ease the expression of CSOs	Pending legislation/regulations that may restrict the expression of CSOs	Pending legislation/regulations that will severely restrict the expression of CSOs

what stage of the legislative process it currently stands.			
Perception Questions	Green Flag	Yellow Flag	Red Flag
1. What non-legal barriers hinder a CSO's ability to openly express its opinions?	No non-legal barriers to expression	Some non-legal barriers to expression (e.g. limited number of independent media outlets that will give space to CSO voices)	Prohibitive/stifling non-legal barriers to expression (e.g., fully government controlled news and internet media)
2. Is open criticism of government policies and practices tolerated? What, historically, has been the reaction of the government to such open criticism?	Public criticism is tolerated	Public criticism is condemned by the government and/or occasionally retaliated	Public criticism is prohibited by the government and if it happens, it is promptly retaliated
3. Are individuals and CSOs aware of their rights with respect to expression? Does the political culture openly support these rights? Or are they actively suppressed regardless of legal protections?	Individuals and CSOs are aware of their rights; political culture supports free expression	Many individuals and CSOs are aware of their rights; political culture frowns on free expression	Few individuals and CSOs are aware of their rights; political culture hinders free expression
<i>Dimension #5: Peaceful Assembly</i>			
Factual Questions	Green Flag	Yellow Flag	Red Flag

1. What laws address the rights to peaceful assembly, including domestic legislation/regulations and international treaties to which the country is a signatory?	Few, clear enabling laws governing assemblies; all relevant treaties have been signed and ratified	Multiple, somewhat unclear laws governing assembly; some relevant treaties have been signed and ratified	Many, vague laws governing assembly; many relevant treaties have not been signed or ratified
2. Are there limits placed on who can assemble? Are groups with certain agendas or orientations forbidden from assembling?	No/minimal limits on who can assemble; limitations in conformity with international norms	Some limitations on who can assemble; limitations may be unreasonable, vague or allow for government discretion	Prohibitive limitations on who can assemble (e.g. groups promoting certain issues or affiliations are not allowed to assemble); clear violation of international norms
3. Are individuals or CSOs planning a strike/protest required to seek permission or notify the government in advance of the strike/protest?	No permission or advance notice required, except reasonable advance notice to local authorities e.g., if the protest would block traffic or security is requested; however, spontaneous assemblies allowed	Advance notice always required and/or should be provided to multiple authorities; spontaneous assembly not allowed	Permission required
4. Are there limits on the time, place and manner that individuals or groups can assemble, strike, protest or otherwise publicly (and peacefully) express their views?	No/minimal limits on time, place and manner of assembly	Some limits on time, place and manner of assembly; limitations are unreasonable, vague or allow for government discretion	Prohibitive limits on time, place and manner of assembly

5. How are aggressive/violent demonstrators dealt with in the law and in practice?	Violence is avoided and contained; security response is proportionate	Violence is not well contained; security response is not strictly proportionate	Violence is escalated; security response is disproportionate
6. Are there draft laws or regulations that, if adopted, would restrict – or, alternatively, ease – individuals and/or CSOs right to peacefully assemble? If so, please summarize the content of the key provisions and in what stage of the legislative process it currently stands.	Pending legislation/regulations that will (significantly) ease the right to peaceful assembly	Pending legislation/regulations that may restrict assemblies	Pending legislation/regulations that will severely restrict assemblies
Perception Questions	Green Flag	Yellow Flag	Red Flag
1. Is there a history of government-led violence or aggression against peaceful demonstrators, activists and/or strikers?	No history of violence or aggression	Some history of violence or aggression	Frequent instances of violence or aggression
2. In practice, are groups who gather to openly criticize the government through protest, strike or other form of peaceful demonstration tolerated?	Criticism and protest are tolerated	Criticism and protest are condemned	Criticism and protest are met with reprisals

Optional Dimensions			
Dimension #7: Government-CSO Relations			
Factual Questions	Green Flag	Yellow Flag	Red Flag
1. To what extent are CSOs permitted to engage in the political (electoral) process? E.g., are they permitted to nominate candidates for public office? Support or oppose political parties/candidates? Fundraise for political parties/candidates? If so, under which conditions?	CSOs generally permitted to engage in political process; few, clear enabling laws governing CSOs and the political process, which establish reasonable limitations (e.g., CSO may not be eligible for tax benefits if engages in the political process; must disclose funding provided to a political party)	CSOs are generally allowed to engage in the political process but there are multiple and/or unclear laws governing CSOs and the political process that allow for government discretion	CSOs prohibited from engaging in the political process; or total lack of legislation / many, vague laws governing CSOs and the political process resulting in a de facto prohibition
2. To what extent are CSOs allowed to participate in public policy activities? Are they allowed to advocate (campaign) and lobby for legislation? If so, under which conditions?	CSOs allowed to participate in public policy activities; advocacy and lobbying are permitted with no/minimal restrictions (e.g., CSO must disclose its lobbying efforts)	CSOs are partially allowed to participate in public policy activities; vague laws allow for government discretion; there are some unreasonable restrictions on advocacy and lobbying activities (e.g., must obtain government permission to organize an event)	CSOs, or a significant segment of CSOs, are forbidden from participating in public policy activities, including advocacy and lobbying

3. What are legal / institutionalized opportunities for CSOs to participate in the decision-making process? E.g., are there open hearings, consultations, multi-stakeholder working groups?	Multiple legal/institutional opportunities for CSOs to participate in decision-making processes on a regular basis	Limited legal/institutional opportunities for CSOs to participate in decision-making processes (e.g. only one department organizes such forums; only CSOs with a large membership are allowed to participate in such forums etc.)	No or insignificant legal/institutional opportunities for CSOs to participate in decision-making processes
4. To what extent are there compacts, liaison officers, committees, or other similar mechanisms to promote cooperation and communication between government and civil society?	At least one well-functioning mechanism available to promote cooperation and communication between government and civil society	At least one mechanism to promote cooperation and communication between government and civil society is being considered, or exists with some challenges in its implementation	No mechanisms available to promote cooperation and communication between government and civil society
5. Are there draft laws or regulations that, if adopted, would inhibit – or, alternatively, ease – government-CSO relations? If so, please summarize the content of the key provisions and in what stage of the legislative process it currently stands. THERE ARE NO DRAFT LAWS	Pending legislation/regulations that will (significantly) ease the government-CSO relations	Pending legislation/regulations that may restrict government-CSO relations	Pending legislation/regulations that will severely restrict government-CSO relations
Perception Questions	Green Flag	Yellow Flag	Red Flag

1. In general, what is the nature of the relationship between the Government and CSOs? Contentious? Harmonious? Somewhere in the middle?	Harmonious or “live and let live” relationship between government and CSOs	Somewhat contentious relationship between government and CSOs	Antagonistic relationship between government and CSOs
2. Is there regular communication between CSOs and the Government? How can the quality of the dialogue between the Government and CSOs be characterized?	There is regular, productive communication between CSOs and government	There is limited, often ineffective communication between CSOs and government	There is minimal, ineffective communication between CSOs and government
3. Are the opinions of CSOs taken into account when drafting legislation, or more generally, anywhere in the legislative process?	Relevant CSOs opinions are routinely taken into account	CSOs opinions are sometimes taken into account	CSOs opinions are rarely or never taken into account
4. Are there timely consultations with civil society organisations in order for them to impact government decisions?	Yes	Sometimes	Rarely or never
5. Is there full transparency and accountability for development priorities, strategies, plans and actions by government?	Yes, or there is a participatory process in place to develop such transparency and accountability	There is some transparency and accountability (e.g., certain departments publish data)	There is little or no transparency and accountability

6. Do CSOs have a mechanism to dispute or appeal certain government decisions at the central or local level? Is this mechanism a reliable, genuine and effective way for CSOs to voice their dissent to particular government decisions? In practice, has this mechanism been successfully utilized by CSOs to produce a fairer result?	Yes, several such mechanisms exist and at least one has proven successful	CSOs have limited mechanisms for appeal; these mechanisms are not reliable and CSOs are usually unsuccessful	CSOs have no mechanisms for appeal, or in practice such mechanisms have never produced any results
7. Does the Government view CSOs as partners and allies in their own work, or as potential threats to their agenda?	CSOs are viewed by government as partners	CSOs are sometimes viewed by government as partners and sometimes as a threat, or largely ignored	CSOs are generally viewed by government as a threat
8. Are CSOs capable of participating in a broad range of public policy initiatives and activities, or are they restricted by non-legal barriers to a narrow range of circumscribed activities?	No/minimal non-legal barriers to CSOs public policy participation (e.g., government denounces CSOs but does not prevent them from participating)	Some non-legal barriers to CSO public policy participation depending on the type of activity or policy issue involved (e.g., participation mechanisms only exist in a few "less sensitive" areas, such as humanitarian aid or child welfare; and/or CSOs are not well organized to participate)	Severe non-legal barriers to CSO public policy participation (e.g., raiding CSO premises, harassment or incarceration of CSO leaders and members; CSOs lacking basic capacity to participate)
9. Have there been any significant changes in relations between	Relations between civil society and government have	Relations between civil society and government have	Relations between civil society and government have deteriorated

civil society and the government in your country in the last two years? If so, please describe these.	improved in the last two years	deteriorated somewhat in the last two years	significantly in the last two years
10. Have any global events or processes in the past two years affected state-civil society relations at the national level? If so, how? (i.e. The Aid effectiveness debate, etc.)	Global events / processes affected state-civil society relations in a positive way (e.g. government involved CSOs in planning for development).	Global events/processes have not affected state-civil society relationship; or have had a controversial effect (e.g. a restrictive draft law that was successfully rebuked)	Global events or processes had an adverse effect on state-civil society relations (e.g., a restrictive law on foreign funding was adopted as part of an international counter-terrorism initiative)
11. What conditions do you feel need to be in place to allow for a good and effective relationship between state and civil society?			
<i>Dimension #8: CSO Cooperation and Coalition</i>			
Factual Questions	Green Flag	Yellow Flag	Red Flag
1. Do(es) the law(s) governing CSO operations similarly regulate coalitions of CSOs working together? Does the law(s) allow or prohibit such groupings? Does it encourage or hinder without outright prohibiting such groups?	Few, clear enabling laws facilitate coalitions; or law is silent on coalitions without presenting obstacles to their formation	Law inhibits coalitions (e.g., participation opportunities are only open for individual CSOs, not coalitions);	Law forbids coalitions directly or indirectly (e.g., legal entities may not form an association; mandatory registration of groupings etc.); or enforces coalitions (e.g. prescribes a nation-wide CSO umbrella body with mandatory membership)

2. Are domestic CSOs legally able to partner with foreign CSOs, and vice versa? If not, what are the conditions for cooperation? What level of government oversight/notification is required, if any, for such alliances?	International partnerships are allowed or facilitated	Some restrictions on international partnerships (e.g., government notification required)	Burdensome restrictions on international partnerships (e.g., government permission or presence required)
3. Are coalitions, platforms or similar voluntary groups of CSOs, common? Are such coalitions often found working together for a common agenda?	Coalitions are widespread and mostly effective	Coalitions are rare and sometimes ineffective	Coalitions are rare and/or usually ineffective
4. Have CSOs adopted any means of voluntary self-regulation? ¹⁰⁴ If so, please describe this shortly.	CSOs have adopted clear, enabling, and effective means of voluntary self-regulation; or those are now being developed through an inclusive, participatory process	CSO self-regulation is not voluntary (e.g., undertaken to fulfill government expectations) and/or effective (e.g. principles were adopted but are not complied with)	No voluntary CSO self-regulation
5. Are there draft laws or regulations that, if adopted, would restrict – or, alternatively, ease – CSO	Pending legislation/regulations that will significantly ease cooperation and coalition-	Pending legislation/regulations that may restrict cooperation and coalition-building	Pending legislation/regulations that will severely restrict cooperation and coalition-building

¹⁰⁴ Here self-regulation generally refers to the Istanbul Principles: <http://www.cso-effectiveness.org/istanbul-principles,067>. Please specify any other form of self-regulation that you may include.

cooperation or coalition-building? If so, please summarize the content of the key provisions and in what stage of the legislative process it currently stands. THERE ARE NO DRAFT LAWS	building		
Perception Questions	Green Flag	Yellow Flag	Red Flag
1. What is the nature of the relationship between and among CSOs? Are they able and willing to cooperatively work with one another? Are there certain sectors (e.g. environment, women, human rights etc.) where this is more typical than others?	CSOs are generally cooperative; some sectors show a good model that others aim to follow	There are some examples of cooperation, but it is generally a challenge; well-organized sectors are isolated from the rest of the organizations	CSO cooperation is rare; there are factors that severely restrict cooperation (e.g., security, government harassment); and/or there are deep divisions in the sector that prevent it from cooperation
<i>Dimension #10: Access to Information</i>			
Factual Questions	Green Flag	Yellow Flag	Red Flag
1. What laws and/or regulations govern or affect a CSO's access to information? Do they vary based on the type of information being sought?	Few, clear enabling laws govern CSO access to information	Multiple, somewhat unclear laws govern CSO access to information	Many, vague laws govern CSO access to information; laws fail to establish a clear right of citizens to access information

2. Is there an appeal process for information? Has it been denied?	There is a fair and effective appeal process	There is limited opportunity for fair and effective appeal	There is no opportunity for fair or effective appeal
3. To what extent are government officials themselves accessible to the public? What opportunities exist for the public, including CSOs, to meet with government officials about their personal or organizational interests and needs?	Government officials are generally accessible	Some opportunities exist for public to access government officials	Minimal opportunities for public to access government officials
4. Are there draft laws or regulations that, if adopted, would restrict – or, alternatively, ease – CSOs' access to information? If so, please summarize the content of the key provisions and in what stage of the legislative process it currently stands.	Pending legislation/regulations that will significantly ease access to information	Pending legislation/regulations that may restrict access to information	Pending legislation/regulations that will severely restrict access to information
Perception Questions	Green Flag	Yellow Flag	Red Flag
1. Is the process of obtaining government information transparent, smooth,	Process for obtaining information is transparent, smooth, easy and based on	Process for obtaining information is unclear; includes some governmental	Process for obtaining information is arbitrary, slow and mired in red tape

sufficiently easy to navigate, and based on the rule of law, or is it difficult, seemingly arbitrary, slow, and mired in bureaucratic red tape?	the rule of law	discretion and/or includes multiple burdensome steps	
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