

# POLICY BRIEF



## Jordan

### Religion: A fixed identity marker intertwined with opportunity

**The Hashemite kingdom of Jordan is a constitutional monarchy with King Abdullah II holding broad executive powers.<sup>1</sup> Members of the upper house of the parliament, the Senate, are appointed by the king. The king controls policymaking and the legislative process because every bill requires the approval of the Senate and the king to become law.<sup>2</sup> Winner of the 2018 Templeton Prize, King Abdullah II has been recognized for his exceptional contributions to bring religious harmony between Islam and other religions.<sup>3</sup>**

The constitution of Jordan declares Islam as the state religion with the sharia courts following the Hanafi school of Islamic jurisprudence.<sup>4</sup> Sharia courts have the power to adjudicate personal status affairs of Muslims but do not

recognize converts from Islam to other religions. The law criminalizes criticism of Islam as well as condemnation of the ruling family and the system of government.

Ninety five percent of Jordanians are Muslims, almost all of whom are Sunni.<sup>5</sup> About two percent of the population practices Christianity<sup>6</sup> and a smaller minority belongs to Shia Muslims, Baha'is and Druze communities.<sup>7</sup> Minority religions face restrictions to their right to freedom of religion or belief. For example, Shia Muslims face severe restrictions in building their mosques for worship.<sup>8</sup> Furthermore, they are subject to heavy monitoring by the Jordanian security services who carry out targeted raids, arrests and interrogations against them.<sup>9</sup>

<sup>1</sup> <https://freedomhouse.org/country/jordan/freedom-world/2022>

<sup>2</sup> *Ibid*

<sup>3</sup> <https://www.publishersweekly.com/pw/by-topic/industry-news/religion/article/77372-king-abdullah-ii-of-jordan-wins-templeton-prize.html>

<sup>4</sup> Article 14, The Constitution of The Hashemite Kingdom of Jordan, Available at <https://www.refworld.org/pdfid/3ae6b53310.pdf>

<sup>5</sup> "United States Department of State International Freedom of Religion Report 2021", USIRFR, June 2022, pp. 2. Available at: <https://www.state.gov/wp-content/uploads/2022/04/JORDAN-2021-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf>

<sup>6</sup> "Jordan: Country Dossier", World Watch Research, February 2022. Available at <https://opendoorsanalytical.org/wp-content/uploads/2022/01/Jordan-Full-Country-Dossier-December-2021.pdf> (password: freedom)

<sup>7</sup> Jordan, The Freedom of Thought Report, October 2018. Available at <https://fot.humanists.international/countries/asia-western-asia/jordan/>

<sup>8</sup> Jordan debating whether to open up to Shiite pilgrims, Religious News Service, July 2021. Available at <https://religionnews.com/2021/07/08/jordan-debating-whether-to-open-up-to-shiite-pilgrims/>

<sup>9</sup> Jordan's Encounter with Shiism, Khalid Sindawi, Hudson Institute, August 2010. Available at: <https://www.hudson.org/research/9819-jordan-s-encounter-with-shiism#:~:text=According%20to%20some%20sources%2C%20there,free%20to%20practice%20their%20faith>

## Freedom to have or adopt one's religion

Jordanian law does not prohibit apostasy, however, blasphemy-like accusations often prompt conversion cases tantamount to apostasy.<sup>10</sup> Article 273 of the Jordanian Penal Code (JPC) criminalizes blasphemy with an imprisonment term up to three years. Due to the huge influence of tribalism in the Jordanian society, repercussions for abandoning Islam as a religion are enormous at a societal level as well. Converts from Islam and their children, although still considered Muslims who are subject to sharia law, are regarded as apostates.<sup>11</sup> An apostate, under the Jordanian law, is deemed to be a person without a religion and thus stripped of their civil rights along with the ability to get a job or inheritance.<sup>12</sup> Anyone who converts and is vocal about this can be referred to the Islamic Sharia Court where he/she would be found “without religion” and considered incapacitated. All his/her contracts would then be broken (including marriage) and he/she would be worse off than someone who is cognitively incapacitated.<sup>13</sup>

Marriage between a Muslim woman and a non-Muslim man is not sanctioned under the Jordanian Personal Status Law (PSL). According to the PSL, adult children of a man who converts to Islam are ineligible to their inheritance unless they also convert to Islam. On the other hand, minor children of a man who has converted to Islam from a different religion are automatically considered Muslims, and hence, are legally barred from reconverting to their father's former religion.<sup>14</sup>

**“An apostate, under the Jordanian law, is deemed to be a person without a religion and thus stripped of their civil rights along with the ability to get a job or inheritance.”**

Non-Muslim students can opt-out of Islamic religious subject in school, but it is mandatory that every student must pass an Arabic language exam in high school which includes comprehensive knowledge of a few verses of



King Abdullah I mosque in Amman with the the Al Bishara Greek Orthodox church next to it.

<sup>10</sup> Jordan, End Blasphemy Laws, June 2020. Available at: <https://end-blasphemy-laws.org/countries/middle-east-and-north-africa/jordan/>

<sup>11</sup> “Country Report: Jordan”, USIRFR, *Ibid.*, pp.3

<sup>12</sup> See various court rulings: Cassation court case No. 3574/ 2005, Sharia court case no. dated 21 of April 1980, Sharia court case no. 1136/43107 dated 14 of July 1997

<sup>13</sup> “Jordan: Country Dossier”, *Ibid.*, pp. 26

<sup>14</sup> Jordan: Personal Status Law No. 15 of 2019. Available at: <https://www.refworld.org/docid/5ffdc84.html>

Quran.<sup>15</sup> Minorities also frequently face discrimination in their jobs because of their faith. In the mostly traditional and tribal Jordanian society where men are regarded as the primary earners, this can cause economic troubles for the wider family.

## Monitoring and surveillance of minorities

Religious minorities experience more freedom in Jordan compared to other countries in the region. Interfaith dialogues are promoted by the king himself.<sup>16</sup> Registered churches and Christian groups are allowed to operate without hindrance, although they must abstain from proselytizing. However, the same level of liberty is not available to converts from Islam. They are regularly monitored by the Jordanian security services and can get summoned for interrogations without notice.

If found proselytizing to Muslims, unregistered non-Muslim religious groups face threats of arrest and prosecution by the government under the JPC for disrupting “public order”, “inciting sectarian conflict” and “harming national unity”. Renewal of residency permits of foreign religious leaders or volunteers is declined by the security officials on the concerns that their activities could provoke extremist attacks or based on accusations of proselytization.<sup>17</sup>

## Freedom of expression

Article 15 of the constitution of Jordan guarantees freedom of opinion and expression by speech, writing, photography, and other means of expression. According to the constitution, the right to freedom of expression is subject to limitations set forth in the country’s national laws. However, the constitution goes on to state that any such law should not affect the core principles of the right to freedom of expression which includes an individual’s right to hold an opinion and the freedom to express it without interference by the state if it does not harm a person’s reputation or is not a threat to national security. Nonetheless, the Cybercrimes Law No. 27 of 2015 is used by government authorities to impose arbitrary restrictions on online and offline expression by illegally collecting personal data, processing electronic data without permission, and disclosing personal data unlawfully. The 2019 amendment to this law sought to extend its reach even to applications used on personal computers and



A young Jordanian woman reading the Bible in Arabic.

mobile phone devices.<sup>18</sup> Under Article 11 of the same law, online defamation can lead to a fine and prison sentence of at least three months.<sup>19</sup> This has allowed the authorities to increasingly censor critical coverage or spread misinformation in recent years. Minorities in Jordan are forced to self-censor and are gradually turning more anxious in expressing themselves on social media about the royal family, Islam, the military and in sharing opinions that could be construed as proselytizing. Additionally, converts from Islam to other religions must maintain caution when expressing their opinions due to potential backlash or pressure from their local community and for fear of potentially being ostracized.

## Advocacy of religious hatred

Jordanian religious scholars and educationists often use social media, television and the internet to disseminate incendiary opinions against Christians, Baha’is, Hindus and other minorities.<sup>20</sup> A review of Jordanian textbooks in the fall of 2021 by the Institute for Monitoring Peace and Cultural Education in School Textbooks (IMPACT-se) showed the removal of antisemitic content from the curricula,<sup>21</sup> however, Jordanian teachers working for an international relief organization have been found to have expressed support for antisemitism and terrorist groups.<sup>22</sup> As much as the government’s efforts to tackle religious hatred should be welcomed, there is still a long way to go to ensure that the country’s citizens are educated on the values of religious tolerance towards different religions and minority groups.

<sup>15</sup> “Country Report: Jordan”, USIRFR, *Ibid.*, pp.6

<sup>16</sup> “Jordan: Country Dossier”, *Ibid.*, pp.9

<sup>17</sup> “Country Report: Jordan”, USIRFR, *Ibid.*, pp.3-4

<sup>18</sup> The right to freedom of expression online in Jordan, International Center for Not-for profit Law. Available at: <https://www.icnl.org/wp-content/uploads/Guide-to-Internet-freedoms-in-Jordan-English.pdf>

<sup>19</sup> *Refworld | Freedom on the Net 2018 - Jordan*. <https://www.refworld.org/docid/5be16b0dc.html>

<sup>20</sup> “Country Report: Jordan”, USIRFR, *Ibid.*, pp.17

<sup>21</sup> <https://theprint.in/opinion/qatar-is-cleaning-up-its-school-textbooks-less-anti-semitic-jihad-no-longer-peak-of-islam/794769/>

<sup>22</sup> <https://www.jpost.com/middle-east/article-710247>

# Recommendations:

To ensure the fundamental rights of Christians and other minority faith adherents, Open Doors makes the following recommendations:

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## 1 Freedom to adopt or change one's religion or belief is a fundamental part of the right to freedom of religion or belief, without which, such right would be emptied of any significance:

- The Jordanian Government should cease designating blasphemy as a criminal offense and ensure that freedom of religion or belief, including the freedom to change one's religion, is fully respected;
- King Abdullah II should, through a royal decree, amend the Penal Code by removing the blasphemy provision in Article 273 that prosecutes individuals for their peaceful exercise of the right to freedom of religion, including the freedom to have or adopt a religion or belief; and condemn any act of discrimination and intolerance against individuals who decide to change their religion or belief;
- The Jordanian Government should issue a law guaranteeing protection from discrimination on the basis of one's religion.

## 2 To address advocacy of religious hatred that incites intolerance, discrimination and violence against other faiths:

- King Abdullah II should continue to make concerted efforts in promoting the values of interreligious harmony and interreligious dialogue outlined in the Amman Message by publicly condemning inciting speech against minority religions, fostering interfaith dialogues in educational institutions and

finding new ways to educate the citizens, at the local level, to accept such dialogues;

- The Jordanian Government should adopt a comprehensive strategy that includes a legal mechanism to criminalize incitement to religious hatred, faithfully mirroring guidelines and principles set by the "Rabat Action Plan on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence."

## 3 To ensure the full respect of freedom to manifest one's religion or belief, freedom of assembly and freedom of expression, the Jordanian Government should:

- Allow religious organizations without official registration to operate freely and peacefully, in accordance with the right to freedom of religion or belief as laid out in Art. 18 ICCPR;
- Define what constitutes "disruption of public order" under Article 147 of the Jordanian Penal Code in accordance with Arts. 19 & 20 of the ICCPR.

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Any questions? Please email [advocacy@od.org](mailto:advocacy@od.org)