

Legal Developments in the Field of Human Rights in Jordan: An Analytical Study of National and Analytical Mechanisms

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ABSTRACT

The protection and advancement of human rights depend on national and international legal systems, which offer institutions and legal frameworks for the local and global monitoring and defense of rights. Together, these procedures seek to strike a compromise between international commitments to preserve fundamental rights and national sovereignty. The national and international procedures that guarantee the protection and advancement of rights are the main subject of this article's analysis of legislative advances in the area of human rights in Jordan. It starts with a historical summary, emphasizing the part that national laws and pertinent organizations play in defending human rights as well as the international commitments that Jordan has made. It demonstrates that, in spite of encouraging advancements, the system still has difficulties with practical application, protecting the rights of women, prisoners, and the right to free speech. In order to guarantee efficient and long-lasting human rights protection, the findings also highlight the necessity of pursuing legislative reforms, increasing public awareness, and strengthening collaboration with international organizations.

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1. Introduction

Human rights are among the core values that underpin the legal system and respect for human dignity, making them the cornerstone of contemporary democracies. Every person is entitled to these rights, irrespective of their gender, race, religion, or any other factor. According to this viewpoint, safeguarding human rights has evolved into a key component of both domestic and international policies, with the goal of advancing social justice and guaranteeing everyone's freedom and equality [1].

Jordan is among the nations that have enacted laws and established organizations to defend human rights since gaining their independence. By signing international treaties and agreements and putting in place strong national procedures to guarantee the application of human rights on the ground, it is presently carrying on with its modernization and progress in this area. However, there are several obstacles to human rights in Jordan that need to be carefully examined in order to assess

the efficacy of the current systems and pinpoint areas that need improvement, whether at the institutional or legislative level or in the execution of international commitments.

Thus, the goal of this research is to present a thorough analytical analysis of Jordan's legal developments in the area of human rights, with an emphasis on assessing the effectiveness of the country's established mechanisms as well as the contribution of the international agreements Jordan has ratified to the protection of human rights. In accordance with international norms and Jordanian society's requirements, the research also discusses the difficulties and barriers these rights face and can help offer useful suggestions for enhancing and expanding the system of protection for these rights [2].

2. The International and Domestic Legislative Framework

2.1. The International Legal Framework for Human Rights in Jordan

2.1.1 Relevant International Treaties and Agreements

The area of human rights has grown internationally in recent decades as a result of Jordan's ratification of several international conventions and treaties that are essential to the global enshrinement of human rights. These consist of [3]:

- One of the most significant texts outlining the fundamental tenets of human rights is the 1948 Universal Declaration of Human Rights, which serves as a guide for national laws.
- In 2006, Jordan became a member of the International Covenant on Civil and Political Rights (1966), which protects people's civil and political rights.
- Jordan has also ratified the International Covenant on Economic, Social, and Cultural Rights (1966), which addresses the rights to employment, education, health care, and housing.
- Jordan ratified the 1989 Convention on the Rights of the Child in 1991 in order to safeguard children's rights.
- Jordan signed and ratified the 1965 International Convention on the Elimination of All Forms of Racial Discrimination in 1973.

2.1.2 The Role of International Conventions in Jordanian National Legislation

These conventions serve as a vital source of guidance for creating and modifying national legislation. In accordance with the principle of international priority, Jordan's national legislation must embrace the principles of these treaties as part of its international commitment. According to this principle, treaties that Jordan has ratified become a part of its domestic legal system and, in the event of a disagreement, supersede domestic laws.

Many national laws, including the Penal Code and the Civil Code, have been modified in this regard to conform to international norms, especially those pertaining to equality, freedom of expression, women's rights, and minority rights [4].

2.2. The National Legal Framework for Human Rights in Jordan

2.2.1 The Jordanian Constitution



The ultimate source of legislative and executive power in Jordan is the 1952 Constitution, which has undergone several changes. In particular, the articles pertaining to equality, freedom of expression, human dignity, and the sanctity of life constitute a set of concepts that uphold human rights. Some of its most crucial clauses are [5]:

- In addition to ensuring freedom of belief and the performance of religious ceremonies, Article 6 affirms that Islam is the religion of the Kingdom.
- Article 15: Prohibits unlawful killing and guarantees the human right to life.
- Article 10: Highlights the nondiscrimination and equality principles.
- Article 8: Declares that human rights are the responsibility of the law and that Jordanians are equal before it.

2.2.2 Relevant National Legislation

A variety of statutes directly pertaining to human rights exist in addition to the Constitution, such as [6]:

- The 2008 Law on Associations and Human Rights seeks to improve the protection of civil and political rights by regulating the activities of associations and non-governmental organizations.
- All types of violence are illegal under the Jordanian Penal Code, which also establishes punishments for human rights violations.
- Labor law restricts worker exploitation and creates legal foundations for workers' rights.
- The Family Protection Law promotes family concerns and safeguards the rights of women and children.

2.2.3 National Human Rights Institutions

- The National Center for Human Rights: Founded in 2006, it keeps an eye on Jordan's present human rights situation, assesses it, and offers suggestions for improving individual rights.
- The Human Rights Commission: Compiles reports on human rights issues and receives complaints [7].

3. National Mechanisms for the Protection of Human Rights

One of the main pillars for strengthening human rights protection inside the national framework is national mechanisms, which are also essential for bringing justice, accountability, and transparency together. This section focuses on the organizations and legislative and judicial branches that support Jordan's local human rights implementation.

3.1. National Institutions (National Council for Human Rights)

- Establishment and Establishment of the Council:

Law No. (73) of 2012 created the National Council for Human Rights. It is a national organization entrusted with overseeing and advancing human rights in Jordan, possessing autonomous legal and financial personality [8].

3.2. Cooperation between National Institutions and Activating Human Rights Oversight

By collaborating with its Executive Office, creating awareness and training initiatives for government institutions, and forming alliances with civil society organizations, the National Council for Human Rights is enhancing its function [9].

4. International Mechanisms and Cooperation Initiatives

In keeping with its mission to uphold and advance human rights, Jordan has ratified a number of international agreements pertaining to human rights and dignity preservation, such as:

- A binding national law that protects fundamental rights like the right to life, freedom of expression, and a fair trial is the International Covenant on Civil and Political Rights (1966), which Jordan ratified in 2000 after signing it in 1972.

- Its dedication to ensuring economic and social rights is reflected in its ratification of the International Covenant on Economic, Social, and Cultural Rights (1966), which is implemented through national laws and recurring reports.

- One significant step in lessening or at the very least legally battling discrimination is the 1965 International Convention on the Elimination of All Forms of Racial Discrimination.

Jordan's adherence to international recommendations and the attainment of global standards is demonstrated by the Convention on the Rights of the Child (1989), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (1979), and other agreements [10].

One of the most significant international organizations for keeping an eye on and enhancing states' human rights records is the United Nations Human Rights Council. Jordan is obliged to provide reports evaluating the advancements and difficulties in the field of human rights and offering suggestions for areas that need improvement as part of its periodic participation in the Universal Periodic Review (UPR) system.



Through this engagement, Jordan has the chance to show its dedication, enhance its procedures, and promise to carry out international suggestions, which include actions to fortify institutions and amend laws [11].

5. Human Rights Challenges in Jordan

Jordan faces many obstacles that affect the application of human rights principles as a society working to build its human rights system. These difficulties include institutional and legal barriers as well as those pertaining to the social, political, economic, and security frameworks. The purpose of this chapter is to explore the most significant of these issues, examine their sources and consequences, and provide possible solutions [12].

The freedom of expression and assembly is guaranteed under the Jordanian Constitution; however political practice shows that these rights are restricted. While media and social media restrictions persist, restricting freedom of criticism and political discourse, political party and union regulations place limitations on political activities.

Women are still underrepresented in political institutions and official organizations, and young people encounter barriers to political engagement, which affects democratic representation, even in the face of legislative changes aimed at increasing women's participation [13].

6. Recent Studies and Findings

The results of the most recent local and international research and reports on Jordan's human rights situation were used to objectively evaluate the country's achievements and shortcomings [14].

6.1. Review of Recent Studies and International Reports

- The World Human Rights Organization Report 2024:

According to the findings, Jordan has made great strides in enacting laws and increasing public understanding of human rights. Some observations have been made about the laws' implementation, however there are difficulties with the process, especially when it comes to women's rights and freedom of expression [15].

- The Office of the High Commissioner for Human Rights Report (2023):

It shows that Jordan has made a clear commitment to working with the Human Rights Committee in order to strengthen the eradication of violations pertaining to prisons and detainee rights, especially through the submission of periodic reports and the creation of complaint response mechanisms [16].

- A study by the Center for Political and Strategic Studies in Jordan (2023):

The study looks at the state of human rights from the viewpoints of age, religious diversity, and women's rights. It comes to the conclusion that while there has been a slow development, there are still gaps in both areas, especially when it comes to privacy and personal freedoms.

- Non-governmental organizations' reports, including those from Human Rights Watch and the International Human Rights Committee, condemn certain procedures and suggest additional reforms to promote transparency, monitor the rights of detainees more effectively, and remove limitations on free speech [17].

6.2. Evaluating the Effectiveness of Current Mechanisms

- The preservation of human rights is ensured by a reasonably appropriate legislative framework, particularly with the creation of the National Council for Human Rights, which has developed into a powerful monitoring body.

- Periodic compliance reports and Jordan's dedication to ratifying many international conventions show the government's strong commitment to upholding its international commitments [18].

7. Conclusion

According to research, Jordan has achieved great strides in the area of human rights thanks to both its adherence to international agreements and its domestic laws. The state's determination to advance and defend human rights is demonstrated by the creation of national organizations like the National Council for Human Rights and the drafting of pertinent laws. However, issues exist regarding actual implementation on the ground, particularly with regard to women's rights, freedom of expression, and the rights of detainees. Additionally, new research and global reports have demonstrated the ongoing necessity of strengthening the degree of collaboration between national institutions and international organizations as well as developing monitoring and supervision structures.

In conclusion, it can be claimed that Jordan has succeeded in laying a strong basis for the defense of human rights; however, ongoing work is necessary to guarantee that these ideals are applied in practice. Achieving genuine and long-lasting development in the area of human rights requires a dedication to ongoing modernization, a strengthening of regional and global collaboration, and an increase in public awareness.

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