**COI QUERY**

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|                   | 2. Legislation  
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| **Date of completion** | 20 November 2023 |
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All sources used are referenced and cited in the bibliography section. A quality review has been performed in line with the above mentioned COI methodology. This document does not claim to be exhaustive or conclusive as to the merit of any particular claim to international protection. If a certain event, person or organisation is not mentioned in the report, this does not mean that the event has not taken place or that the person or organisation does not exist. Terminology used should not be regarded as indicative of a particular legal position.

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COI QUERY RESPONSE – Jordan

Situation of atheists and non-religious individuals, including legislation, treatment by society and the state, availability of state protection

1. Overview

According to the CIA factbook, based on 2020 estimates, as of 6 November 2023, in Jordan, 97.1% of the population was Muslim, predominantly Sunni. Christians, comprising several branches, made up 2.1% of the population and Buddhists 0.4%. Individuals whose religion was registered as ‘other’ and ‘unaffiliated’ accounted for 0.1% of the total population in both cases, based on estimates from 2020.¹

2. Legislation

2.1. Constitution

Under Article 6 (i) the Constitution states that ‘there shall be no discrimination between them [Jordanians] as regards to their rights and duties on grounds of race, language or religion’.² Article 14 establishes that ‘The State shall safeguard the free exercise of all forms of worship and religious rites in accordance with the customs observed in the Kingdom, unless such is inconsistent with public order or morality’.³

However, the Constitution of the Hashemite Kingdom of Jordan states in Article 2 that ‘Islam is the religion of the State’.⁴ As mentioned, although Jordan’s Constitution ‘safeguards the free exercise of all forms of worship and religious rites’⁵, non-Islamic religious groups must obtain official registration with the government, while Islamic religious groups do not need to do so.⁶ Non-Muslim religious communities that are granted official recognition by Jordan are: Greek Orthodox, Roman Catholic, Armenian Orthodox, Melkite Catholic, Anglican, Maronite Catholic, Lutheran, Syrian Orthodox, Seventh-day Adventist, United Pentecostal, and Coptic.⁷ Other religious groups, such as: the Free Evangelical Church, Church of the Nazarene, Assemblies of God, Christian and Missionary Alliance, and Baptist Church were recognised as associations instead of religious denominations. The 2022 Report on International Religious Freedom published by the US Department of State (USDOS) reported that not all religious groups present in Jordan were recognised by the government, like the Baha’is and Jehovah’s Witnesses.⁸ Registered ‘denominations’ ‘may administer rites such as marriage and establish

¹ US, CIA, The World Factbook - Jordan, last updated 6 November 2023, url
ecclesiastical courts. Recognized religious groups may also own land, open bank accounts, and enter into contracts.

2.2. Apostasy and blasphemy

USDOS noted that neither the criminal or penal code specify penalties for apostasy, nor are there penalties under the Constitution or civil law for conversion. According to the same source, blasphemy is penalised under the Jordanian Penal Code: Under Title Six on Crimes Relating to Religion and Family, the Penal Code states:

‘Article (273)

Whoever dares to publicly scorn or curse any of the profits [sic], he/she shall be punished by imprisonment from one to three years’.n

[...]

Article (274)

Whoever publicly violates fasting in the month of Ramadan, he/she shall be punished by imprisonment up to one month or a fine up to twenty five dinars.’

[...]

Article (278)

Whoever commits one of the following acts, he / she shall be punished by imprisonment for a period not to exceed three months or a fine not to exceed twenty dinars (JD20):

1. Publishes any print, writing, picture or effigy calculated or tending to outrage [sic] the religious feelings or belief of other persons, or;

2. Utters in a public place and in the hearing of another person any word or sound calculated or tending to outrage the religious feelings or belief of such person [sic].’

2.3. Family and personal status laws

Religious courts have jurisdiction over all matters of ‘personal status’ in Jordan, including marriage, divorce, child custody, adoption, and guardianship. USDOS reported that ‘according to the constitution, matters concerning the personal and family status of Muslims come under the jurisdiction of sharia courts. Under sharia, converts from Islam are still

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10 USCIRF, 2022 Blasphemy Law Compendium, 14 September 2023, url, p. 21
11 Jordan, Penal Code No. 16 of 1960 (as amended up to Law No. 8 of 2011), url
considered Muslims and are subject to sharia but are regarded as apostates’. In cases related to personal status matters in which both parties are Muslim, the jurisdiction falls under sharia courts, whereas cases concerning personal or family issues that involve a non-Muslim party ‘is heard by a civil court unless both parties agree to use a sharia court’. The US Embassy in Amman stated that there is no provision for civil marriage and divorce in Jordan, whereas the 2022 Report on International Religious Freedom published by USDOS mentioned that ‘There is no legal provision for civil marriage or divorce for members of unrecognized religious groups’. For inheritance matters, sharia law is always applied regardless of religious affiliation.

3. Treatment by society

Information on the treatment of atheists and non-religious individuals by society in Jordan was scarce among the sources consulted by EUAA within the time constraints of this query.

Pew Research Centre reported that in 2020, in Jordan, religiously unaffiliated people encountered hostilities from society. Converts and atheists alike stated that they had reported experiencing discrimination and threats of violence against them. Non-believers reported ‘societal intolerance’ and discrimination.

USDOS stated that in 2022 there were cases of atheists who reported to the police that they had experienced physical abuse from family members for rejecting the family’s religion. The source further noted that due to the lack of police response ‘individuals continued to live in fear and risked further physical and psychological abuses’.

4. Treatment by the state

Information on the treatment of atheists and non-religious individuals by the state in Jordan, including cases of prosecution or penalisation of apostasy or blasphemy was scarce among the sources consulted by EUAA within the time constraints of this query.

Freedom House remarked in 2023 that ‘unrecognized religious groups are allowed to practice their faiths but face disadvantages stemming from their lack of legal status’. Pew Research Centre reported that in 2020, in Jordan, religiously unaffiliated people ‘faced harassment’

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18 Pew Research Center, Religiously unaffiliated people face harassment in a growing number of countries, 27 January 2023, url
from the government.23

According to the Freedom of Thought Report on Jordan published by Humanists International in 2023, ‘the legal problems of atheists and non-religious apostates face[d] are due to the personal status law, which is the main law based on Islamic Sharia rules’.24 USDOS stated that atheists and individuals belonging to unrecognised religious groups did not have specific tribunals and were required to ‘request a civil court to hear their case’.25 As mentioned, because Sharia courts have jurisdiction over marriage, divorce, and inheritance, ‘individuals declared to be apostates could ‘have their marriages annulled and be disinherited, except in the case of a will that states otherwise’.26 The source added that ‘Any member of society may file an apostasy complaint against such individuals before the Sharia Public Prosecution’.27

With regards to identity cards, as of 2016, the information concerning religion is not displayed in the physical card, but the information is stored in the card’s electronic chip. The information on religious affiliation is also included in the birth certificate and is on file in other government records.28 Freedom House noted that ‘atheists and agnostics are required to list a religious affiliation on government documents’29 which according to USDOS meant selecting the religion professed by their fathers.30

Regarding the implementation of blasphemy laws, in 2016, the Jordanian writer Nahed Hattar, who was born in a Christian family but considered himself an atheist,31 was killed outside the court by a local imam. He was facing charges for ‘insulting Islam’ after posting a cartoon on Facebook depicting an Islamic State of Iraq and Syria (ISIS) militant.32 Amnesty International (AI) described the attack as a ‘deplorable attack on freedom of expression’ under the country’s ‘strict blasphemy laws’.33

Further information on the treatment of atheists and non-religious individuals by the state could not be found among the sources consulted by EUAA within the time constraints of this query.

5. Availability of state protection

Information on state protection for atheists and non-religious individuals in Jordan was scarce

23 Pew Research Center, Religiously unaffiliated people face harassment in a growing number of countries, 27 January 2023. url
29 Freedom House, Freedom in the World 2023, Jordan, March 2023, url
31 New Arab (The), Who was Nahed Hattar?, 25 September 2016, url; BBC, Jordan writer in blasphemy case Nahid Hattar killed, 25 September 2016, url; Washington Post (The), With the murder of Nahed Hattar, the Middle East’s fury comes to Jordan, 29 September 2016, url
32 Guardian (The), Jordanian writer shot dead as he arrives at trial for insulting Islam, 25 September 2016, url
33 AI, Killing of Jordanian journalist a deplorable attack on freedom of expression, 26 September 2016, url
among the sources consulted by EUAA within the time constraints of this query.

USDOS reported that in cases of abuse and violence against atheists reported to police, "officers allegedly dismissed them, calling the issue a "family matter" and that the authorities were unable to intervene in these cases."\(^3^4\)

BIBLIOGRAPHY


New Arab (The), Who was Nahed Hattar?, 25 September 2016, https://www.newarab.com/features/who-was-nahed-hattar, accessed 16 November 2023


**ADDITIONAL SOURCES CONSULTED**

AI Monitor; Canada - Immigration and Refugee Board of Canada; Center for Strategic Studies; Deutsche Welle; ECOI.net; European Union – EUAA COI Portal; Human Rights Watch; Middle East Eye; Minority Rights Group; Tahrir Institute for Middle East Policy; The Jordan Times; United Nations – Office of the High Commissioner for Human Rights; United Nations High Commissioner for Refugees; Refworld; VOA News.