

**Referendum for the Commission assigned to consider amending the
Constitution including proposals of the Jordanian human rights
organizations to amend the Constitution**

We are human rights organizations of Jordan signed below, and in our contribution to deepening the dialogue on constitutional amendments that seek political reform and political development in terms of the International Bill of Human Rights and the standards ratified by Jordan, and in accordance with the principles of equality among citizens, separation of powers, rule of law, and ensure the rights and fundamental freedoms of the citizen. The human rights organizations appreciate the royal gesture to form a royal commission to consider amending the Constitution in line with the state of intellectual and political maturity in our country, and correspond to the provisions of its articles with the standards and the international covenants on human rights ratified by Jordan, and in accordance to the Jordanian National Charter of 1991, which stipulated the need for constitutional amendments, especially since the policies pursued by most governments have led to the existence of a real crisis in the relationship between the ruling establishment and the people and eventually led to a real gap and predominance of one power over another, and realizing the necessity for the amendment, from more than one side and for various considerations, mostly the requirements of democracy and reform, development, environment, and human rights. It suggests a number of amendments and hope that they are taken into consideration as follows:

**First: with regard to the rights and fundamental freedoms of
Proposals for amendment:**

1. Stipulate the establishment of a Constitutional Court to decide on the constitutionality and the interpretation of laws and how to form them to replace the materials, 57, 58.59, 60, 61 122 relating to the Supreme Council.

2. Stipulate the right to life, not to be subjected to torture, physical or psychological abuse, or inhuman treatment or degrading.

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3. Expressly state that treaties ratified by Jordan are higher in rank to the laws in case of disagreement. 4. Amendment to **Article V**, to the original text by adding the following statement: "**the Jordanian citizenship may not be withdrawn from its holder.**" 5. Add to **Article VI** paragraph A the word a (sex) to become: Jordanians before the law are equal without discrimination in rights or duties, on grounds of race, color, sex, language, religion, political or non-political opinion, national origin, social origin, property, birth or other status. 6. Add the word "and health" to paragraph (2) of article VI, after the word "and education."

7. Article VII: Amendment to include three paragraphs as follows: 1. Personal freedom is a natural right and shall not be touched, and except in cases of flagrante indictment, no one may be arrested, searched or detained or have his freedom restricted in any way or prevented from traveling without a court order necessitated by and of public security, 2. No medical or scientific experiment be performed on any person without his consent, 3. Any assault on the rights and public freedoms guaranteed by the Constitution is a crime of which the lawsuit arising from them are not dropped when outdated and the state fair compensation to the victim of an assault 4. Torture is not permissible within the limits of the Hashemite Kingdom of Jordan in any form or any. 8. Amend paragraph (1) of **Article IX**: to become the "no Jordanian may be deported from the territory of the Kingdom **and no Jordanian shall be prevented from returning to it.**"

9. Amend **article 10** to become: "Homes are inviolable and shall not be entered, except by a decision of the judicial authority, in the circumstances set forth by the law, and in the set forth therein.

10. **Article 15 / 1**: amend by the removal of the last phrase to read as: "The State guarantees freedom of opinion, and each shall be free to express his opinion by speech, writing, photography and other means of expression. ".....

11. In **Article 15** add: Jordanians have right to peaceful demonstration.

12. **Article 15 / 3** modified by replacing the words except in accordance with the provisions of the law. To read: "Newspapers may not be

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disrupted or cancel their privileges **except by judicial decision** in accordance with the provisions of the law.

13. Add to **paragraph 2 of Article (16)** and after the word "**political parties**", unions, and federations.

14. Amend **Article (18)** by adding after the word "telegram" and "**electronic**" and add the following phrase at the end of the text "**and by a judicial decision**".

15. Add a new article provides that " in the case of issuing any law regulating the rights and freedoms set forth above, it may not restrict the right or to detract from it or in its essence. **Second: In the area of separation of powers.**

16. **Members of the Senate are to be elected.**

17. **Article 24 / 1.** Modified to become "**the people are the source of authority**" instead of the text "the nation is the source of authority".

18. **Article 34 / 3**, so as to provide limiting the right to dissolve the House of Representatives to the House of. 19. Amendment to **article 34 / 4**, to provide for the inadmissibility of the of the Senate but by itself.

20. In **Article 45** delete the last phrase ((**or any other legislation, to any person or body**)).

21. Amend **Article 54** so as to write off the last phrase and add another phrase, to read: each ministry composed is to present a cabinet statement to the House of within one month from the date of its formation, if the Council was in session and requests the confidence to that statement, and if the Council is not in session or is dissolved **in the first session after the meeting.**

22. **Article 57** amended by canceling **the establishment of the Court**, or at least return to the previous text and replace it to read as follows: " the Higher Council is compose by **the head of the superior court** as chairman and eight other members, **four** of them appointed by the Senate of its members by voting and **four** judges of the supreme court in order of

seniority and when necessary complete the number from heads of courts, which follow them in order of seniority as well.

23. Amend **Article 63** so that the number of members of the Senate is one third of the members of the House of.

24. Amend **Article 67** so that the administration process of elections shall be assigned to a supreme independent body.

25. Amend **Article 71** to provide that deciding on appeals for the validity of the prosecution is assigned to the judiciary authority.

26. Cancellation of **paragraphs 4, 5, and 6 of Article 73** concerning the conditions of the extension and postponement of the Council of Representatives because the conditions that necessitated the amendment changed.

27. **Article 78** which states that the period of the regular session is four months, and propose to amend the term to six months or eight months, since there are many things that the Council must decide on and 4 months is not enough to do so.

28. Cancellation of **the third paragraph of Article 82** and replace it with the text that allows the parliament to consider any order at the special and then include it on the agenda.

29. The deletion of **paragraph 2 of Article 88**, so that it does not allow the appointment of a deputy, but by the will of the voters in that region.

30. Amend **Article 94** so that it returns to the original text stipulated in the Constitution of 1952, which stipulates the right of the Council of Ministers with the consent of the king to put temporary laws to meet emergencies as follows: A. Public disasters. B. State of war and emergency. C. The need for urgent expenditures that cannot be delay. And these temporary laws which must not contravene the provisions of the Constitution have the force of law, provided that the Council is objected on at its first meeting and if not approved the Council of Ministers with the consent of the king shall declare null and void into force immediately and from the date of the declaration shall cease to have the force of law that does not affect the contracts and acquired rights. -

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The deletion of **paragraph 3 of Article 99**, which considers special courts as type courts. - Cancel the last phrase of **Article 102**, which states (or any other legislation in force) because it does not allow the executive authority in developing regulations governing the jurisdiction of the courts of violating the principle of separation of powers. - Cancel **Article 110** relating to the special courts as having the same authority of the.

Your Excellency Mr. Chairman, Excellencies, Distinguished members of the Committee. The human rights organizations are aware of the enormity of the task entrusted to this Committee, as part of its efforts to cooperate with your committee in all matters relating to the subject of Designation, which is at the core of our specialties, we put all our capabilities and potentials in the service of the Commission's work, and we look forward to receiving in the near future any information about the methodology and mechanism of the Commission's work that will help determine our role in supporting your work, and within the limits of the approach expected, we see the need for comprehensive survey-based Jordanian public opinion poll and especially the leaders of thought, opinion, and people of experience and competence to determine the extent of the need for constitutional amendments, their kind, and their extent in view of the requirements of development, democracy, human Rights, and any other requirements dictated by international and national commitments in various fields and areas. The coalition of human rights organizations is fully ready for the implementation of this comprehensive survey with high level of professionalism to be of service to your esteemed committee as soon as possible as basis of reference and a comprehensive national for future of the constitutional amendment desired. Looking forward to your esteemed committee and receiving your kind response to our proposal.

With respect and appreciation.

Names of the organizations signing

- 1- Amman Center for Human Rights Studies [ACHRS]
- 2- The Arab Organization for Human Rights/ Jordan
- 3- The Jordanian Women Union
- 4- Arab women Organization of Jordan
- 5- Amnesty International/ the Jordan Group

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Amman Center for Human Rights Studies

- 6- Adaleh Center for Human Rights Studies
- 7- Amman Forum Society for Human Rights
- 8- Jordanian Association of Jurists
- 9- Arab Bridge Center For Human Rights & Development
- 10- Aljthour Center For Human Rights & Development
- 11- Observatory for Human and Environment

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