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## Examining the Evolution of Government Initiatives and Policies Promoting Human Rights in Jordan: A Model Analysis of King Hussein Bin Talal's Reign (1953-1999 AD)

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### Abstract

*This research delves into the historical trajectory of government initiatives and policies aimed at promoting human rights in Jordan, focusing specifically on the reign of King Hussein bin Talal from 1953 to 1999 AD. Employing a model analysis approach, the study aims to elucidate the key factors, mechanisms, and challenges that shaped the evolution of human rights promotion during this pivotal period. The research begins by providing a comprehensive overview of the socio-political landscape in Jordan during King Hussein's reign, emphasizing the geopolitical context that influenced the formulation and implementation of human rights policies. Drawing on primary sources, official documents, and scholarly works, the study traces the chronological development of government initiatives directed at safeguarding and advancing human rights within the country. Furthermore, the research explores the role of King Hussein bin Talal as a model for promoting human rights, examining his personal commitment to fostering a culture of rights-based governance. By analyzing specific policies and reforms enacted during his tenure, the study assesses the impact of these measures on the overall human rights landscape in Jordan. Key themes addressed in the research include the incorporation of international human rights standards into domestic legislation, efforts to enhance civic participation and political freedoms, and the management of social and cultural challenges. The analysis also considers the influence of regional and global dynamics on Jordan's human rights agenda during this period. In conclusion, this research contributes to the understanding of the historical context and dynamics that shaped government initiatives and policies promoting human rights in Jordan. By focusing on King Hussein bin Talal's reign as a model, the study provides insights into the successes and limitations of such initiatives, offering valuable lessons for contemporary human rights discourse and policy formulation in the region.*

**Keywords:** Jordan, human rights, government initiatives, King Hussein bin Talal, 1953-1999 AD, model analysis.

### Introduction

Research in the field of human rights is important and has implications for the concepts of freedoms and their promotion because of the impact these rights and freedoms have on activating democratic action and protecting the rights of citizens. If human rights began from the beginning of creation as natural rights related to humans, and that they arose with the emergence of humanity, then interest in them began to develop. With the development of societies over the ages. If we look at this development, we find that it has become a basic criterion in advancing the concept of the modern state.

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The research consists of an introduction, two chapters, a conclusion, and a list of the most important references. The first chapter deals with talking about human rights in terms of the concept of human rights and the sources of human rights. The second chapter is devoted to talking about the history of government initiatives and policies to promote human rights in Jordan in terms of the reality of human rights in the Jordanian constitution and the foundations of human rights protection. And strengthening democracy, government initiatives and policies. The research ended with a conclusion that included the most important findings reached by the researcher, and then a list of the most important sources and references.

## **Chapter One: Human Rights**

### **First: The Concept of Human Rights**

The term human rights constitutes a complex, comprehensive concept of an integrated system with intersecting and intersecting definitions, not devoid of complexity at the level of analysis. Overall, they represent a concept agreed upon in principle in that they are a fundamental human value, and there is hardly any difference except at the level of application and achievement.

He also called the science of human rights a special branch of the social sciences whose subject is the study of existing relationships between people in accordance with human dignity, while defining the rights and choices necessary to develop the personality of every human being. Thus, this definition assumes the establishment of a modern science called the science of human rights, so that the criterion for this science is human dignity. (on, (2005 AD, p. 26)

Human rights are also defined as those indivisible and inviolable rights that are due to a human being because he is a human being, and that aim to achieve the dignity of every human being, in addition to that they constitute a legal obligation whether at the national or international level.

It is also known as those universal rights defined by international agreements. It is a political process resulting from an international human rights legislative process (David, Human Rights, p. 5)

Likewise, rights are the moral rights that stem from the humanity of every human being, and which aim to guarantee their dignity. As for the second meaning of human rights, it is related to legal rights that were established in accordance with the processes of enacting laws in both national and international societies. These rights are based on the consent of the governed, that is, the consent of the owners. These rights (Leah Levin 1986, Human Rights, p. 22)

### **Second: Human Rights Sources**

Human rights sources consist of three main sources: (The international source, the national source, and the religious source. There is a reserve source, which is represented by international declarations and conventions, court rulings, and international organizations and committees concerned with human rights.

1. The international source is divided into two sources: global and regional, and the global source is the source that includes international charters, through general charters and special charters.
  - General charters. These are the charters that guarantee most human rights and are considered the general legitimacy of human rights. And among these conventions The United Nations Charter of 1945 AD, the International Covenant on Economic, Social and Cultural Rights of 1966 AD, and the International Covenant on Civil and Political Rights of 1966 AD.

- Special covenants are those covenants that concern human beings, such as children, women, the elderly, disabled and mentally ill persons, as well as refugees. These covenants also specifically specialize in labor agreements and the prevention of torture, slavery, and forced labour. They also have effect in specific cases, such as human rights agreements during armed conflicts, whether international or civil (Hunt 2013, p. 132)
- 2. The regional source is the source that includes human rights charters in regional organizations or those charters that have a regional application, and such charters. They are charters Human rights are governed by the Council of Europe, the Organization of American States, the Organization of African Unity, and the League of Arab States.
- 3. National source which includes national constitutions and legislation that include texts guaranteeing human rights
- 4. The religious source, which is a humanitarian source, is considered by Islamic countries to be one of the main sources constitutionally and legally. It is also one of the reserve sources for countries that resort to Islamic law when the legislative means that can be referred to have been exhausted (Shirzad 2007, *The Historical Development of Human Rights*, p. 22).

## **A For the Second Semester: History of Government Initiatives and Policies to Promote Human Rights in Jordan**

### **First: The Reality of Human Rights in the Jordanian Constitution**

Article (1) of the Constitution stipulates that the system of government is a representative, hereditary monarchy. We note that the parliamentary pillar has been given precedence over the royal pillar, and this presentation should have its implications. According to the traditions of the representative system, the people elect a parliament that exercises power in their name and expresses their will.

In accordance with the traditions and requirements of parliamentary government, a parliamentary government is formed from the parliamentary majority, and the government exercises its constitutional powers after gaining the confidence of the House of Representatives, and is subject in all its actions and decisions to oversight and accountability. In keeping with the traditions and principles of the parliamentary system, the king distances himself from exercising authority, in implementation of the principle of the coexistence of authority and responsibility. The king reigns and does not rule. According to the constitution, he is protected from all liability and responsibility.

In reality, this parliamentary system does not exist in Jordan yet, has never existed, and is not expected to exist in the foreseeable future. The ability of Jordanians to change the government is limited, and the king is the one who appoints the prime minister and accepts his resignation, and the same applies to ministers in accordance with Article 35 of the constitution.

The king exercises this power alone without any regard to the results of the parliamentary elections, so the elections become closer to popular participation than to democracy, as these elections do not lead to a democratic change in power, but rather in part of the legislative authority, and thus the House of Representatives becomes without actual powers according to the true parliamentary system.

Article No. (5) related to nationality is considered one of the controversial articles in Jordan. Nationality is the basic basis for granting political rights to citizens but not foreigners. It is the basis of citizenship and the standard for establishing political rights. It is one of the rights

recognized by a large group of international human rights standards, charters and agreements. According to these standards, they may not be arbitrarily deprived of this right.

In Jordan, the effects of government measures taken to implement the decision to disengage administratively and legally from the West Bank issued in 1988 continue to affect the rights of a large group of citizens of Palestinian origin. Reports of Jordanian, Arab and international organizations and institutions, including the National Center for Human Rights, which is a semi-official institution, confirm the government's continued Restricting the right to enjoy nationality in violation of the provisions of the Constitution, laws, and human rights considerations. We must take into account in this context that the issue of nationality is one of the vital issues in national affairs as it is related to sovereignty and national identity, and this is an issue of some complexity given the problem of Jordanian national identity, as The Jordanian national identity is not yet complete, and local and regional circumstances and the policies followed by the political system have led to faltering efforts in achieving political, economic, cultural and social integration of the components of the people, and building a final national identity for them, as the state failed to crystallize and formulate a national identity that satisfies everyone and contributes to Achieving political, cultural and social integration of the components of its people, and thus building a final national identity that is inclusive of itself and its citizens.

Article No. (6) is worthy of discussion with regard to the applications of the Jordanian Constitution because it affects many and broad segments of society on the one hand, and because it is one of the articles of the Constitution most vulnerable to violation in Jordanian history on the other hand. The segments concerned are women and many male Jordanians, as women constitute half of society and suffer. Discrimination in legal and social matters, especially in cases of marriage, divorce, inheritance, and personal status, as a result of social and tribal customs and cultural heritage. As for the most clear case in violation of Article No. (6) of the Constitution in discriminating against women because of their gender, it is the issue of women married to non-Jordanians, where their children are deprived of the right to obtain Jordanian citizenship, and sometimes husbands are deported from the country, leaving their wives and children where the children remain. Without citizenship or any official documents proving their identity

As for discrimination based on origin, it is enshrined in electoral, education, health, employment, and other laws. Human Rights Watch described Jordan in this regard by saying that discrimination between citizens on the basis of origin is unique to this country and no other. As for the bigger picture, a violation of the principle of equality between citizens is discrimination among them on the basis of loyalty. For the political system, which is the basic element for enjoying rights and privileges, with the absence of any objective standards to measure loyalty among individuals, competence, experience, and academic qualifications do not determine an individual's suitability for the position in which the Human Rights Watch report is located in 2015.)

Article No. (7) related to personal freedom, which was included in the Constitution in accordance with international human rights standards that guarantee the human right to freedom. In reality, in Jordan, despite the constitutional guarantees for this right, national legislation - especially the Code of Criminal Procedure - is still inadequate in achieving the required protection for the human right to freedom. There are also many practices that constitute a violation of this right, such as administrative authorities arresting people. And depriving them of their freedom according to administrative decisions, and interrogating them

without complaints against them based on the Crime Prevention Law, which the National Center for Human Rights recommended in many of its annual reports to be immediately abolished, because it constitutes a clear violation of international and national standards, and arbitrariness by members of the judicial police, where it is carried out. Punishing a person twice for the same act, once by the judiciary, and another time by administrative rulers (Muhammad 2009, International Law, pp. 82-83).

As for Article (8), the implementation of this article is still marred by deficiencies in the legislative environment, and this is coupled with policies and some wrong practices of the executive agencies. The National Center for Human Rights has released its reports to the public, documenting in them the forms of torture and ill-treatment that prisoners are subjected to. Before the administrations charged with caring for, rehabilitating and protecting prisoners, and the continued impunity of the perpetrators of these crimes, which means that there is a violation by these parties of the international standards contained in international agreements related to combating torture and other forms of ill-treatment. Successive governments have formed committees to address this phenomenon, and it is possible to In this regard, there is an indication of the improvement that has occurred in the conditions of prisoners in the country, as a national registry of torture cases has been established, and the Public Prosecution has begun investigating some torture cases (Human Rights Watch report in 2015).

Articles (9, 10, 11, 12, 13, and 14) are perhaps the articles that the Jordanian authorities have adhered to most since the entry into force of the Constitution. What helps in not violating them is that the Jordanian political system is a moderate system with a reasonable margin of freedom, and does not tend towards tyranny and using the tools of power to deport people, confiscate their property, or impose compulsory labor. Or preventing citizens from practicing their religious rituals in order to prove power and influence or take revenge on someone. A citizen is rarely deported from the country, and most of the cases of deportation that take place are for foreigners, including those married to Jordanian women. As for residency and movement rights, they take place within the framework of the laws and the protection of the regime. General, taking into account the same public rights and freedoms, and in general it can be said that respect for human rights contained in Articles (9, 10, 11, 12, 13 and 14) does not conflict with the political trends in the country (Report of the National Center for Human Rights in 2015, p. 12)

As for the practical applications of Article (15), as well as the laws issued related to it, there is a failure to fulfill what is stipulated in that article, which could be considered very advanced if it were devoid of the exceptions contained therein. Phrases such as "It is a condition that it does not exceed the limits of the law and in accordance with the provisions of the law" are vague expressions. It is subject to multiple interpretations, which may ultimately lead to emptying the constitutional article of its content. According to international law, if the state has discretionary authority to determine the conditions and freedoms to restrictions that limit their enjoyment and exercise, then those restrictions must be stipulated in the law in a precise and specific manner. It is detailed in such a way that matters are not left floating and ambiguous, so the authority exploits these situations in a way that restricts the essence of the right being restricted. Freedom of expression is the basic aspect and first foundation of intellectual freedoms, and it was clearly stated in the International Covenant on Civil and Political Rights issued in 1966 in Article (19). Protecting this right is one of the most important

## **Second: The Foundations of Protecting Human Rights and Promoting Democracy**

The reality of the situation in Jordan confirms that freedom of expression is limited in practice, and the overwhelming majority of citizens practice self-censorship that is consistent with the broad lines of official policy, and all official media convey only one point of view. The limitation of expression and the increasing restrictions on it are highlighted by the arsenal of laws that govern issues of opinion and expression, such as the Press and Publications Law, the Public Meetings Law, the State Security Court Law, the Penal Code, and others, as well as the increase in the number of cases of arrest and detention of journalists and citizens and their transfer to the State Security Court against the backdrop of issues related to freedom of opinion and expression. And restricting websites, preventing the publication of some articles in daily newspapers by their administrations, and having writers resort to publishing them on websites, and intimidating journalists, bloggers, and Internet users because of their opinions, in a way that conflicts with the previous article, as well as with international human rights standards, and emphasizes this. Many reports from human rights organizations confirm the decline in Jordan's position in the freedom index in recent years. At a time when the Jordanian authorities justify the repressive practices of freedom of opinion by maintaining security and stability in the country in a turbulent regional environment, observers believe that these practices aim to weaken the opposition. And drying up sources of protest and criticism (Khaled Al-Dabbas 2017, Human Rights Journal of Social Sciences, vol., p. 45).

With regard to Article (16), the right to peaceful assembly is one of the basic rights guaranteed by international conventions. In Jordan, the Public Meetings Law, which regulates this right, prohibits holding meetings without obtaining the prior approval of the administrative ruler (governor or administrator) without obligating him. Reasoning for the ban decisions, in order to enable the judiciary to extend its oversight over the legitimacy of those reasons, making the law restrictive of the right to assembly, obstructing freedom of expression and the right to political participation, and in violation of the provisions of the Constitution. As a result of this law, the authorities banned many meetings, marches, dialogues, and seminars, and many sit-ins and peaceful demonstrations were dispersed. Demanding political reforms using force, it also threw hundreds of activists into prisons because of their participation in activities that did not receive the approval of the administrative governor (Report of the National Center for Human Rights in 2005, p. 21).

This situation applies to the laws of charitable associations, social organizations, unions, and other civil society institutions. For example, applications for registering new associations are transferred to the Ministry of Interior, which in turn sends applications for registration of new associations to the General Intelligence Department, which may recommend accepting or rejecting the application. The government has dissolved many associations under the pretext of committing legal violations. In addition to the restrictions on the work of associations, the procedures for obtaining funding from international donors are complicated, which leads to the loss of opportunities to obtain funding.

## **Third: Initiatives and Policies Governmental**

- National Charter for Human Rights 1990 AD

To complete and enhance the national construction process, King Hussein bin Talal issued a royal directive to form a royal committee to draft a national charter, which establishes the rules of general national action, defines its methods, clarifies the path to the future, and sets general regulations for the practice of political pluralism as the other pillar of democracy based on



constitutional constants and political and national heritage. And to the existing realities in Jordanian society, in a way that ensures the continuation of the process of national progress and democratic transformation in the country and avoids stumbling and regression. The Jordanian Constitution stipulates a set of general constants and rules that regulate the style of government in the Hashemite Kingdom of Jordan. The Jordanian people have dealt with these constants and rules since the establishment of the Jordanian state and the consolidation of its foundations, and they considered them as axioms without disagreement, as they stem from the core of their convictions, conscience, and interests. These constants and rules are represented by In taking pride in the national identity of the Jordanian people through lineage and belonging to the Arab nation, and in belief in peace as the religion of the state and the civilization and culture of the people. Whereas adherence to these constants and rules would make the continuation of the Jordanian national and national struggle towards a better future an essential task placed on the shoulders of the government and the people alike. Al-Mashaqba, 2001, *The Jordanian Political System*, p. 33.

- The National Society of the Red Crescent in Jordan, where Jordanian Law No. (3) was issued in 1969, is committed to fulfilling its missions to alleviate the suffering of vulnerable victims and people exposed to natural disasters, and to protect their dignity and rights in a way that preserves their lives, safety, security and well-being. It works according to its strategic plan within the framework of the International Federation's strategy. For the Red Cross and Red Crescent Societies, and its axes: promoting the basic principles of the movement and its humanitarian values, disaster preparedness, disaster response, health and care in the local community. The Society establishes blood banks, establishes centers for first aid, nursing, and social services, communicates and cooperates with the International Committee of the Red Cross, cooperates with official and private health bodies, and educates citizens about the Society's objectives of the Cross.

## Conclusion

The concept of human rights is considered one of the complex concepts at the level of analysis, although there is a global and principled agreement in that it represents a fundamental value for humanity. However, we see a difference in the level of application and optimal respect for these rights, and this reflects their reality at the current stage, as it is going through a real crisis and is facing... Great challenges due to the current global transformations, the tremendous scientific and technical progress, and the great economic disparity, which led to the necessity of changing national practices to accommodate this progress, by resorting to new concepts and effective means capable of transforming human rights from abstract legal rules and standards into a tangible reality and embodying the practical effects of declarations and conventions. And international conventions, which can only be achieved through national action by deepening the participation of citizens and all actors in the process of decision-making, implementation, control and supervision, and the presence of transparent and accountable institutions, accountability and the rule of law.

Human rights sources consist of three main sources: the international source, the national source, and the religious source

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