

**NATIONS UNIES**  
**HAUT COMMISSARIAT DES NATIONS UNIES**  
**AUX DROITS DE L'HOMME**

**PROCEDURES SPECIALES DU**  
**CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS**  
**OFFICE OF THE UNITED NATIONS**  
**HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

**Mandates of the Special Rapporteur on the rights to freedom of peaceful assembly and of association;**  
**the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on**  
**the human rights of migrants.**

REFERENCE: AL Assembly & Association (2010-1) G/SO 214 (107-9) G/SO 214 (106-10)  
JOR 1/2012

31 August 2012

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on the human rights of migrants pursuant to Human Rights Council resolutions 15/21, 16/5, and 17/12.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the rejection **of the application made by a human rights organization supporting migrant workers in Jordan to receive funding from donor organizations.**

According to the information received:

On 19 June 2012, the association Tamkeen for Legal Aid and Human Rights Studies, which is a Jordanian organization providing free legal advice to migrant workers, applied for approval to receive US\$350,000 of funding from four foreign foundations, the Open Society Foundations, the Foundation for the Future, Pro Victimis, and IREX.

It is reported that the proposed project was designed to advocate for the rights of migrant workers in Jordan. Other proposed activities included training Jordanian judges, lawyers, and security officials to implement legislation protecting workers; and provision of legal advice, representation, and psychosocial support for migrant workers who are victims of human rights violations. The funds were also to be used to help migrant workers receive medical care, raise awareness about the rights of migrant worker, document human rights abuses against migrant workers, and establish a website highlighting problems faced by migrant workers in Jordan.

On 27 June 2012, the cabinet denied to the association the permission to accept foreign funding, without providing any explanation.

According to the information received, the 2008 “Societies Law”, amended in 2009, which makes it mandatory for associations to obtain the approval of the cabinet before soliciting and obtaining foreign funding, increased the power of officials to interfere in the work of associations. The procedure to establish an association reportedly requires the approval of the authorities, which do not need to provide any reasons if such permission is denied. This Law further requires associations to submit annual plans to the Government in advance, allow for the participation of Government officials in internal meetings, remove the management of organizations upon Government’s request, and impose on associations to seek prior approval before receiving any foreign funding. It is reported that such provisions do not comply with international law and standards related to the right to freedom of association and unduly limit this right in Jordan.

Concern is expressed that the refusal to grant permission to Tamkeen for Legal Aid and Human Rights Studies to obtain foreign funding may be aimed at preventing the association from conducting its activities freely and from exercising its legitimate right to freedom of association. Concern is further expressed that several provisions of the 2008 Societies Law, amended in 2009, including those relating to foreign funding, are not in compliance with international law and may deter people from exercising their legitimate right to associate freely.

Without expressing at this stage an opinion on the facts of the case, we would like to recall article 20 of the Universal Declaration of Human Rights (UDHR) and article 22 of the International Covenant on Civil and Political Rights (ICCPR).

In addition, we would like to draw the attention of your Excellency’s Government to Resolution 15/21 of the Human Rights Council in which the Council “calls upon States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely [...] including persons espousing minority or dissenting views or beliefs and human rights defenders [...] seeking to exercise or to promote these rights.”

We would like to make reference to the first thematic report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (A/HRC/20/27), in which he details best practices related to these fundamental freedoms, as it could further guide the authorities in facilitating and protecting the rights to freedom of peaceful assembly and of association, in law and in practice. In particular, we would like to refer to paragraph 99 of this report, which states that “[a]ssociations should be able to access domestic and foreign funding and resources without prior authorization”.

In this connection, we would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally

Recognized Human Rights and Fundamental Freedoms, and in particular articles 1 and 2 which state that "everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels" and that "each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice".

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the Declaration:

- article 5 points b) and c) which provide that for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right to form, join and participate in non-governmental organizations, associations or groups, and to communicate with non-governmental or intergovernmental organizations;

- article 9 paragraph 3 point c) which provides that everyone has the right, individually and in association with others to offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms; and

- article 13 which stipulates that everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedom, through peaceful means, in accordance with article 3 of the declaration.

In order for migrants, who are among the most vulnerable in any society, to be able to have their rights respected and protected, they need to be empowered through governmental institutions and civil society organizations dedicated to supporting their claims. In this regard, we wish to refer to Human Rights Council resolution 18/21, which stresses the obligation of States to protect the human rights of migrants, regardless of their status (para. 3); expresses concern at legislation and measures adopted by some States that may restrict the human rights and fundamental freedoms of migrants (para. 4); and further stresses that migrants have the right, without any discrimination, to just and favourable conditions of work, and should have the appropriate means to pursue that right, including through the protection of the rights to [...] freedom of association (para. 9). We would also like to draw your attention to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which we encourage your Excellency's Government to ratify. The Convention recognizes the right of migrant workers and members of their families to seek the aid and assistance of associations established in accordance with law, with a view to protecting their economic, social, cultural and other interests (article 26).

Moreover, as it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the above summary of this case accurate?
2. Has a complaint been lodged by or on behalf of Tamkeen for Legal Aid and Human Rights Studies?
3. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Please confirm the legal grounds for the rejection of the application of Tamkeen for Legal Aid and Human Rights Studies to receive foreign funding and how this decision is compatible with international norms and standards as stated, inter alia, in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.
5. Please provide the full details of the aforementioned the 2008 Societies Law, amended in 2009, and explain how its provisions are in accordance with Jordan's obligations under international human rights law and standards.

We would appreciate a response within sixty days. Your Excellency's Government's response will be made available in a report to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the above mentioned human rights association are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

Please accept, Excellency, the assurances of our highest consideration.

Maina Kiai  
Special Rapporteur on the rights to freedom of peaceful assembly and  
of association

Margaret Sekaggya

Special Rapporteur on the situation of human rights defenders

François Crépeau  
Special Rapporteur on the human rights of migrants