

Jordan National Defence Law and COVID-19



Inclusive Participation and Institutional Strengthening Pillar

In Jordan, the first COVID-19 infected individual was identified on 2 March 2020. King Abdullah II Decreed the National Defence Law on March 17, activating the state of emergency to contain an outbreak of the coronavirus pandemic. A national response team led by the Prime Minister’s Office and the National Center for Crisis Management adopted strict measures to address the threat of the coronavirus, which included the closure of airports, schools and universities, and land border crossings, and closure of all private businesses and non-essential public services as well as all public religious practices. The NDL application entrusts the Prime Minister with the capacity to take all necessary measures to ensure public safety.

After the announcement of the NDL, the Prime Minister issued a series of Orders to facilitate the application of the NDL. To date, 11 detailed orders were issued.

Jordan National Defence Law (NDL)

“ Upon a decision and a Royal Decree, a National Defense Law shall be passed in case of emergency that would threaten the national security or public safety in all parts of the Kingdom or in a region due to war, disturbances, armed internal strife, public disasters or the spread of a pest or epidemic. ”

National Defence Law Application

NDL Orders	Issue Date	Summary
Defence Order (1)	20 March 2020	Suspends some provisions of the Social Security.
Defence Order (2)	20 March 2020	Prohibits the movement or travel of individuals throughout the Kingdom’s region.
Defence Order (3)	26 March 2020	Tightens curfew regulations and states the precautions, punishments and fines for the violation of Order No.2.
Defence Order (4)	31 March 2020	Separates the donation funds from the government's general revenue and establishes donation funds.
Defence Order (5)	31 March 2020	Suspends all court dates and appointments for lawsuits, in addition to the indefinite postponement of all prosecutions.
Defence Order (6)	9 April 2020	Provides necessary measures to reduce the negative economic impacts on private sector companies and employees and to enable the economy to recover after the end of the current crisis.
Defence Order (7)	15 April 2020	Organizing schools and university education, and vocational training and student evaluation mechanisms remotely.
Defence Order (8)	15 April 2020	Extra measures to protect public health and reduce the spread of COVID-19.
Defence Order (9)	16 April 2020	Allows some productions facilities to work within certain conditions.
Defence Order (10)	3 May 2020	Submission of income taxes returns extended to June 2020.
Defence Order (11)	3 May 2020	Establishes preventive and precautionary measures to reduce the risk of transmission of coronavirus; determines fines for violations.

The measures laid out in the orders have been contributing to the facilitation of the health response, although bringing some restrictions to constitutional rights such as:

Article 8: Right to Effective Judiciary
Article 13: Right to Freedom of Movement
Article 20: Right to freedom of Assembly and Association
Article 16: Right to Marriage and Family
Article 17: Right to Own Property
Article 23: Right to Work which includes the right of everyone to the opportunity to gain his/her living by work which he/she freely chooses or accepts.
Article 25: Right to an Adequate Standard of Living
Article 26: Right to Education

These eleven orders enacted a series of measures to mitigate the socio-economic impact of the restrictions, Which have been reinforced by complementary actions by Jordanian leaders:

30 March, His Majesty King Abdullah, called for the citizens' cooperation to overcome the pandemic, reassured that all measures will be taken to ensure that citizens' rights are respected.

1 April the King directed the government to plan beyond the current period and set a clear timetable to protect and sustain the economy, while devising an economic plan that puts the health and wellbeing of citizens at the forefront.

17 April, the Minister of Foreign Affairs and Expatriates announced the government's plan to support the return of 35,000 Jordanian students studying abroad. From that number, over 1,733 have returned and are currently in quarantine at hotels and other facilities at the Dead Sea. And a total of 1,491 non-Jordanians have left the Kingdom on the 6th and 7th May 2020.¹

In compliance with King Abdullah II request to the government to take necessary measures during the holy month of Ramadan to relax the strict lock-down measures, the Minister of State for Media Affairs announced the following:

On 27 April,

- 1.** Citizens are allowed to use their vehicles from 8 am to 6 pm but be based on the even-odd license plate policy, a policy that allows vehicles to run based on the last number on their plates."
- 2.** Restaurants, pastry shops to provide delivery service until 7 pm
- 3.** More sectors are allowed to resume work, such as hairdressing salons for men, beauty salons, laundries, accessories and cosmetics shops

On 3 May ,

- 1.** The reopening of all economic sectors as of Wednesday, including those that were not allowed to operate fully during the lockdown
- 2.** Cancellation of driving under the odd-even system
- 3.** Restaurants, pastry shops to provide delivery service extended until 9 pm

Precautions stated by order (11)



Wear face mask



Keep distance



Wear gloves

¹ <https://www.jordantimes.com/news/local/gaia-sees-1733-arrivals-1491-departures-recent-days>

Release process of seized vehicles under the Jordanian National Defence Order (3)



Vehicles that have been seized inside security centers yards

- 01** Vehicles will be released 30 days after the seize
- 02** Ensure that the driver of the seized vehicle has been ticketed for violating the curfew (paying fine, imprisonment, or both penalties together)
- 03** If the vehicle is seized without a winch, only storage fees will be paid, and one and a half dinars for everyday in the impound after the tenth day. Moreover, the total value will be paid to our accounting department, using the right form
- 04** If the vehicle is transported by a civil winch, clearance should be made between the vehicle driver and the owner of the winch. Clearance copy should be kept with you
- 05** If the vehicle is transported by a civilian crane, clearance should be made between the vehicle driver and the owner of the crane. Clearance copy should be kept with you
- 06** The vehicle will be delivered to its owner after signing on a receipt indicating that the vehicle is in its previous status without any defects or damages
- 07** Keep all identification documents with a special file for each vehicle



Vehicles that have been seized in private yards

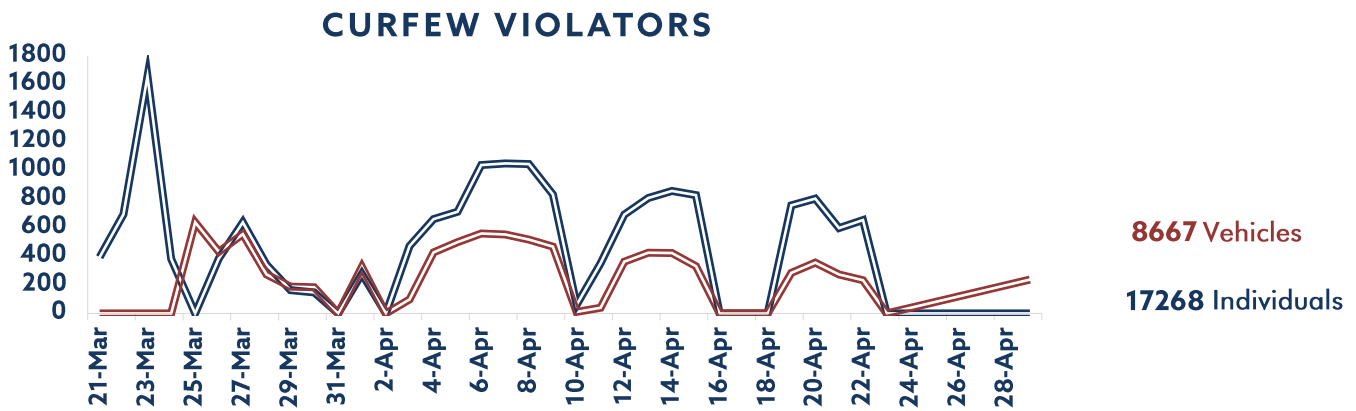
- 01** Vehicles will be released 30 days after the seize date
- 02** Ensure that the driver of the seized vehicle has been ticketed for violating the curfew (paying fine, imprisonment, or both penalties together) An exception is for those who were caught after 2020/21/3
- 03** Payment of 150 JDs should be paid to the accounting department in the Police Directorate (transportation fee)
- 04** Clearance should be made by paying the storage fees allowance between the vehicle owner and the garage owner calculated after the tenth day, as follows;
 1. Small Vehicles (1 JD / 1 day as floor charge allowance)
 2. Big Vehicles (2 JD / 1 day as floor charge allowance)
- 05** The vehicle will be received by its owner from the garage and in the presence of the PSD representative. The owner should sign a receipt stating that the vehicle has been received on its previous status without any defects or damage by the garage owner.
- 06** Keep all the documents you have in a special file for each vehicle

Conclusion

Human rights law recognizes that, in the context of serious public health threats, restrictions on some rights are permissible. However, they must have a **legal** basis and be:

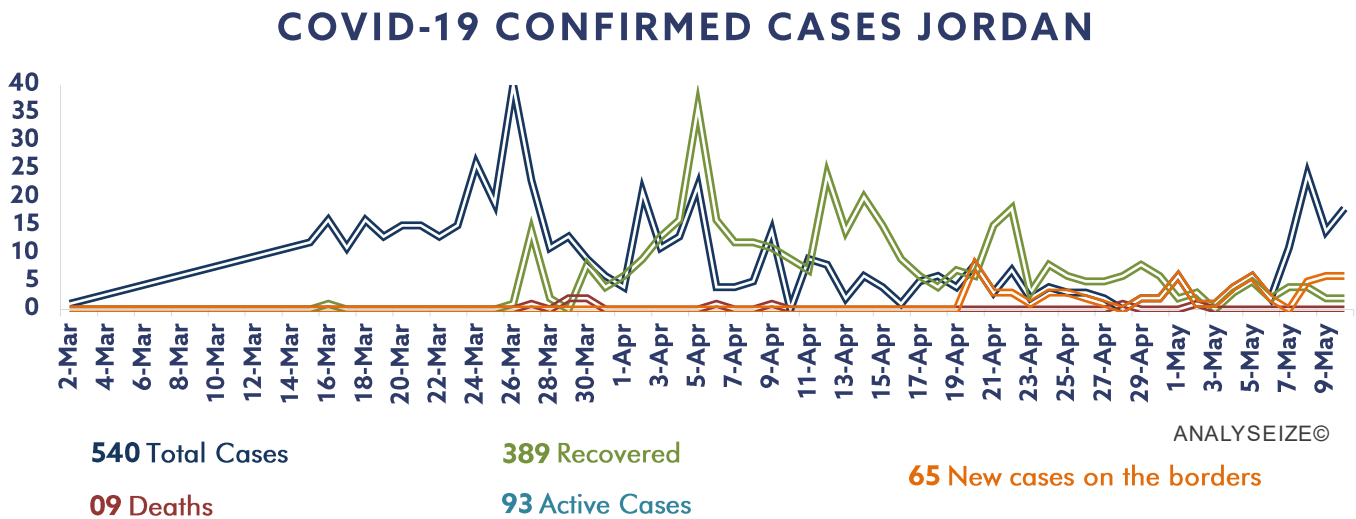
- strictly **necessary** and **evidence-based**;
- **neither arbitrary nor discriminatory** in application;
- of limited duration;
- respectful of human **dignity**;
- subject to **review**; and
- **proportionate** to achieve the objective.

Any curtailment of rights needs to take into consideration the **disproportionate** impact on specific vulnerable populations and marginalized groups.²



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Despite of the restrictions in certain Human Rights, the strict lock-down approach seems to have lessened the risk of infection, and smoothed out the slope as illustrated in the graphic below:



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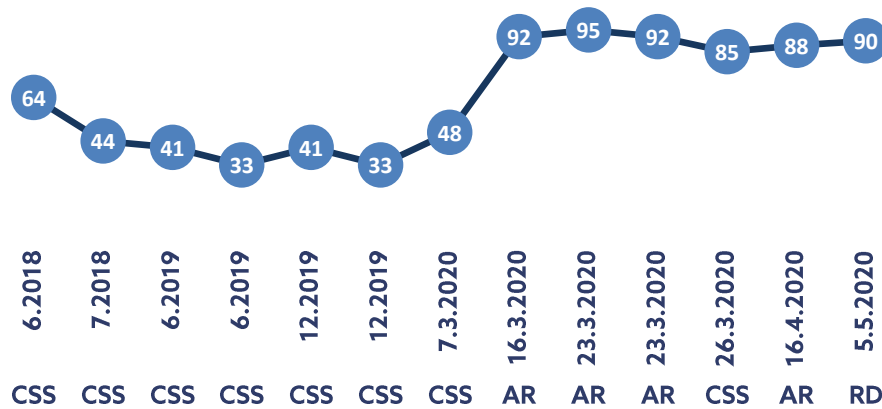
² UN Commission on Human Rights, *The Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights*, 28 September 1984, E/CN.4/1985/4.

The Jordanian Government’s prompt and firm reaction to the pandemic to have been effective to contain the spread of the virus. **From 28 April until 6 May** Jordan did not register any new case within its borders. However, **new cases at different border crossings** brought the number on **10 May to a total of 540 confirmed cases**.

Juxtaposing the two graphics it is noticeable to be a correlation between peaks in curfew violations and the increase in the number of active cases, which seems to indicate that social distance is an effective tool to contain the coronavirus. Relaxing the restriction to balance public health measures with socio-economic imperative will require monitoring and increased testing capacities to avoid a resurgence, such as the one described above at the border crossings.

According to the Arab Barometer survey, **public trust** in the government has fallen sharply in recent years, dropping from 72 percent in 2010 to 38 percent in 2018. However, without time-bound restrictions, the National Defense Law, has been effective for more than one and half-months. During this period, different surveys, indicate that trust in the government increased to around 87% per cent (see below graphic)². The effective approach of the Jordanian authorities to contain the spread of COVID-19, backed up by a consistent communication strategy, might have contributed positively to a trust paradigm shift in public institutions. Capitalizing on this renewed trust will depend on the government’s socio-economic navigation in the upcoming period.

TRUST IN GOJ: DECISIONS, HANDLING RESPONSABILITY, TRANSPARENCY 2018-2020 (PERCENTAGE %)



³ These figures were obtained from the Center of Strategic Studies, Rased and Analysieze in March – April 2020 and can be found on each of the aforementioned organization’s websites.