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Strengthening Access to Healthcare Services and Legal Protection Among Low-Income Jordanians and Refugees

The Role of Monitoring and Advocacy in Ending the Retention of Personal Identification Documents by Jordanian Hospitals



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Introduction

Since 2020, the Arab Renaissance for Democracy and Development (ARDD) has monitored the illegal practice of retaining personal identification documents by Jordanian hospitals as collateral for unpaid medical fees. This practice disproportionately has impacted refugees and low-income Jordanians, denying them access to essential services such as healthcare, education, and employment. Through extensive fieldwork, ARDD documented over 565 cases across northern, central, and southern Jordan, revealing violations of national and international laws protecting individuals' rights to identity and healthcare.

ARDD's advocacy efforts culminated in a landmark achievement with the issuance of Circular No. 748 by the Ministry of Health in January 2022. The circular prohibits hospitals from withholding identification documents and provides clear legal mechanisms for addressing financial claims, such as payment installments and government mediation. This milestone reflects effective collaboration between civil society and governmental institutions, ensuring protection for both Jordanian and non-Jordanian patients while reinforcing the rule of law.

After documenting the challenges leading to the issuance of Circular No. 748/2022, ARDD continued monitoring compliance with the circular and advocated for its adoption. Expanding these protection aspects requires ongoing collaboration with stakeholders, including the Jordanian Private Hospitals Association, to standardize all aspects of equitable healthcare practices. By addressing financial barriers and enforcing accountability, ARDD seeks to uphold the fundamental rights of all individuals, regardless of their legal or economic status.

ARDD continued monitoring compliance with the circular and advocated for its adoption. These efforts culminated once again in another achievement, represented by the issuing a subsequent circular from the Ministry of Health No. (6781/of 2024) dated August 12, 2024, confirming the first circular and emphasizing adherence to what was stated therein. This report serves as a continuation of the initial publication released in 2022, which documented the challenges and outlined recommended efforts. While the first report concluded with a call for active monitoring and advocacy to safeguard patients' rights, this follow-up report details the actions and progress achieved since then. Together, these two documents provide a comprehensive understanding of the challenges faced and the successes realized in addressing them.

Ending a Harmful and Illegal Practice: Circular No. 748/2022

As explored in the previous report, the practice of seizing identification documents by Jordanian hospitals originated as a means to ensure the payment of medical fees, particularly for refugees and low-income Jordanians who could not often provide financial guarantees. Over time, hospitals transitioned from requiring Jordanian guarantors to retaining identification documents, including those issued by UNHCR, as collateral. This practice, documented extensively by ARDD, is illegal and poses significant barriers to individuals' rights and livelihoods.

The impact on patients is profound. Without identification documents, individuals are unable to access basic services such as healthcare, education, and employment, and may face legal challenges, including the risk of detention for failing to prove their identity. Refugees are disproportionately affected, with many unable to register births, obtain work permits, or travel safely within the country. This practice undermines international human rights standards, including the 1951 Refugee Convention, which guarantees refugees' right to identification and documentation.

ARDD's fieldwork and stakeholder consultations underscored the damaging effects of document retention and catalyzed urgent advocacy efforts. These efforts culminated in the issuance of Circular No. 748/2022 by the Jordanian Ministry of Health on January 25, 2022. This milestone Circular prohibits hospitals from withholding identification documents and establishes clear legal procedures for resolving financial claims. The circular reflected the Ministry's commitment to upholding the rule of law and safeguarding individuals' rights, regardless of their legal or economic status.

Monitoring of Implementation of Circular No. 748/2022

As part of its work in oversight and monitoring, ARDD has ensured that there is immediate and permanent follow-up and monitoring of the implementation of Circular No. 748/2022. To achieve this, ARDD's Legal Aid Department monitored and analyzed the reactions of both hospitals and beneficiaries.

Since February 2022, the Legal Aid department monitored and followed up on government hospitals' response mechanisms to the circular issued by the Ministry of Health. ARDD lawyers communicated and worked with hospitals to implement the circular in cases where documents had been seized, to return these papers to their owners, and to reach final solutions to financial claims issues.

In addition, several refugees and individuals whose identification documents were seized at hospitals were directly contacted, and they were asked about how the hospitals dealt with them, whether their detained identification papers were returned based on the circular or whether the hospitals continued their approach, and whether there were new cases of detention of identity papers that occurred after the circular was issued.

Moreover, ARDD cooperated positively with hospitals during this phase to resolve outstanding financial claims for refugees and individuals. Mediation services were provided directly within many of these cases in a way that led to practical solutions, either by agreeing to pay in installments for many of these issues and paying an amount commensurate with individuals' financial capabilities or by paying the total amount if they were able to do so.

Although many hospitals acknowledged and responded to the circular and committed to implementing it in their work with patients, ARDD's efforts in monitoring highlighted how several hospitals refused to implement the circular and continued the practice of seizing patients' identification documents as a warranty for payment

Advocating for the Implementation of Circular No. 748/2022

During the follow-up and monitoring of hospitals that rejected the implementation of the Ministry of Health's Circular No. 748/2022, ARDD identified persistent refusals by some hospitals to comply, particularly in cases involving refugees. In response, ARDD took decisive steps to enforce the circular and end the unlawful practice of seizing identification documents.

First, the Legal Aid department began by documenting the names of non-compliant hospitals and compiling accurate case records where identification documents had been withheld, emphasizing the importance of reliable data to support enforcement efforts.

The second step involved holding meetings with hospital administrations to discuss the issue and advocate for compliance with circular No. 748/2022 as a legally binding directive issued by the Ministry of Health. Despite these efforts, some hospitals continued to ignore the circular and refused to engage in mediation facilitated by ARDD lawyers.

Consequently, ARDD escalated the matter by formally communicating with the Ministry of Health through official channels. Letter No. AA\4623\424 was sent to inform the ministry of ongoing violations, detailing specific hospitals, the number of cases, and the nationalities of affected individuals. Five government hospitals in two governorates were identified, involving 13 cases of document seizure, primarily affecting Syrian nationals. The letter also included a series of recommendations to enhance the enforcement of Circular No. 748/2022. These included continuous follow-up with non-compliant hospitals to ensure compliance, redistributing the circular to all hospitals to reaffirm its directives, and encouraging the use of legal channels to collect financial dues from patients. These measures aimed to strengthen adherence to the circular, protect individuals' rights, and promote lawful practices within the healthcare sector.

Issuance of Circular No. 6781/2024

In response to ARDD's formal communication, the Jordanian Ministry of Health issued Circular No. 6781/2024, directly addressing the five hospitals identified in ARDD's letter. This new directive reiterated the requirements of Circular No. 748/2022, emphasizing that hospitals must cease the practice of seizing patients' identification documents and instead pursue financial claims through legal and regulated means. Furthermore, the circular mandated these hospitals to immediately return any withheld identification documents to their rightful owners, reinforcing compliance with legal and ethical standards.

ARDD extended its efforts beyond the issuance of the circular by conducting a systematic follow-up through its Legal Aid department. This involved field visits by ARDD lawyers to the identified hospitals, where hard copies of the circular were delivered to the relevant departments. During these visits, lawyers demanded full compliance with both Circular No. 748/2022 and Circular No. 6781/2024, ensuring the return of detained identification documents and urging hospitals to adopt lawful methods for addressing financial claims.

Even after the issuance of Circular No. 6781/2024 in mid-2024, ARDD's approach remains proactive and comprehensive. Through ongoing monitoring, analysis, and field interventions, ARDD continues to track government hospitals' interactions with refugees, mediate financial disputes, and provide legal aid to affected individuals. This sustained effort underscores ARDD's commitment to protecting refugees' rights and ensuring the healthcare system adheres to established legal frameworks.

Lessons Learned

Civil Society as Key Actor for Accountability: ARDD's comprehensive and exhaustive monitoring and advocacy efforts underscore the vital role civil society plays in addressing violations and promoting accountability. Through meticulous documentation, proactive engagement with stakeholders, and direct intervention with the Ministry of Health, ARDD has not only highlighted critical gaps in the provision of health services and safeguarding of individual rights but also driven tangible policy responses, such as the issuance of Circulars No. 748/2022 and No. 6781/2024. These achievements reflect the effectiveness of civil society in fostering change and protecting the rights of vulnerable populations.

Constructive Dialogue and Collaboration to Ensure Success of Accountability: Equally significant is the role of dialogue and collaboration between civil society organizations and government institutions. ARDD's constructive engagement with the Ministry of Health illustrates how partnerships rooted in mutual accountability and shared goals can overcome stakeholders' resistance and advance compliance with legal and ethical standards. This cooperative approach strengthens the healthcare system and ensures that refugees and low-income individuals are treated with dignity and fairness.

Importance of Sustained Efforts: Moving forward, sustained collaboration, continuous monitoring, and advocacy will remain essential to addressing challenges and ensuring the full realization of individuals' rights. ARDD's work serves as a model for how civil society and government can work together to create lasting solutions that uphold justice and equality.

