

# Monitoring the Implementation of the Comprehensive National Plan for Human Rights 2016 - 2025

## Executive Summary

Issued by  
**Accountability, Governance and Participation – RASED**  
**(The Observer)**  
**Al Hayat Center - RASED**  
December 2017



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## Background

The following report has been implemented by Al Hayat Center RASED Government Program on monitoring government performance. This project monitors and evaluates government plans and strategies, most prominently the OGP, and builds public sector employees' capacity in a number of areas. This report represents a continuation of RASED's reports on OGP implementation of the National Integrity System (NIS). Through this report, Al-Hayat Center's research team aims to present a clear image of the implementation of Jordan's Comprehensive National Plan for Human Rights 2016-2025. This plan is considered one of the most important reforms in the field of human rights in Jordan. It was issued by a Royal request of the government and was officially launched in March 2016. The implementation period extends for ten years and includes implementations by Parliament and several government agencies. In terms of the plan's performance indicators, 70% are legislative amendments. Private sector and civil society organization have also been identified as implementing entities for some of the plan's activities.

The report provides a review of global best practices related to the activities of the Comprehensive National Plan. The recommendations provided by the research team are based on best practices, as well as the Jordanian constitution. This report does not aim to analyze the access to basic human rights in Jordan; but rather aims to provide citizens, governmental agencies, and concerned parties with a summary of Jordan's procedures' alignment with the concept of human rights, as well as the implementation of the published plan.

The National Comprehensive Human Rights Plan consists of three main pillars, with 17 goals, 64 objectives, 121 key activities, and 224 sub-activities. This report cover 159 sub-activities, representing 71.7% of the plan's activities.

This report is prepared by RASED Government for monitoring government performance, in cooperation with the Swiss Embassy in Jordan with an amount of 14,145 JD. The project extends for seven months.

Following this report's publication, RASED's research team will incorporate feedback from governmental and non-governmental entities into a methodology for biannual reports on the plan.



## Report Methodology

RASED's research team developed the following methodology to ensure that this report would be objective, accurate, inclusive, neutral, and reliable. While developing this methodology, the team was particularly conscious of elements of the report that would be sensitive, contentious, and evoke controversial viewpoints. The methodology is based on the research team's accumulated experience in monitoring and evaluation reports. The following research methods were implemented:

1. **Literature Review:** The research team used available printings and online resources, including news, governmental statements, local and international governmental and non-governmental reports, online platforms, printed and published governmental reports, and human rights reports by experienced human rights organizations. The research team paid attention to the dates of publication and the credibility of the resources. They also stressed all the information taken from external sources should be documented in a scientific approach.
2. **Meetings with Key Stakeholders:** The research team conducted meetings with the Government Coordinator for Human Rights and his team. At the meeting, RASED's used methodology for monitoring the plan was presented, in addition to the structure of the report, and general observations on the plan.
3. **Interviews with Additional Stakeholders:** The research team conducted interviews with government agencies, CSOs, media outlets, and human rights organizations in order for data gathering purposes, and to discuss various aspects of the plan. These interviews were either through phone calls or in-person settings.
4. **Legal Analysis:** The research team consulted lawyers who analyzed certain

laws addressed in the plan's objectives, particularly those modified during the report's timeframe. With reference to the plan's objectives, the research team assessed the progress of adopting human rights.

5. The research team divided the report into chapters, with each chapter representing a sub-activity of the plan, with a total of 64 sub-activities within the three main pillars. Each of the report's chapters includes the following sections:

- a) Brief information on the objectives, including the text of the objective, the key activities, the sub-activities, the timeframe for each activity, and the entity responsible for implementation.
- b) A three-part review of the objective, including: firstly, the background of the objective regarding the development of policies, legal framework, and national programs and strategies related to the target area (over the last ten years, if applicable); secondly, analysis of the objective regarding development, actions, and steps taken to implement it within the framework; and thirdly, documentation of internationally recognized best practices related to the content of this objective and the key recommendations that the research team considers essential in helping the government achieve the goal.

6. The plan was dealt with in this report in terms of its objectives. The plan is divided into pillars containing goals, objectives, and implementation activities. The research team monitored all the objectives of the plan, and evaluated the implementation of each objective by the relevant entities. This evaluation spanned implementation during the reporting period of January 2016 - October 2017. By necessity, in certain cases, key information occurring later than October 31, 2017 was added.

The research team adopted four progress assessment rates, as follows:

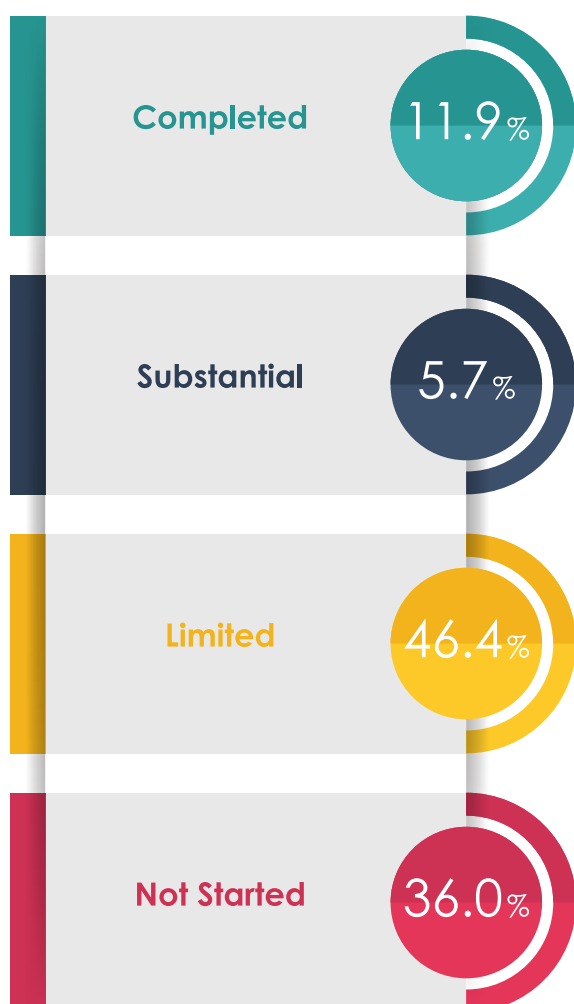
1. Completed: This rating is assigned to sub-activities that have been completed, consistent with their objectives.
2. Substantial (medium to high): This rating is assigned to a sub-activities with a high level of achievement, consistent with their objectives, but without full implementation. This rating is also assigned to ongoing sub-activities that involve continuous implementation over a long time frame.
3. Limited : This rating is assigned to sub-activities with implementation that is still in its initial stages, with impact that is not measurable. This rating is also assigned to sub-activities not closely related to their objectives.
4. Not started: This rating is assigned to sub-activities for which no action has been initiated.

## Results

The research team assessed the full contents of the three pillars of the Comprehensive National Plan for Human Rights 2016-2025. The main results were as follows:

### Human Rights Plan Sub-Activities Within the Report's Timeframe

**69.0%** Timeframes **Started**



### Human Rights Plan Sub-Activities with Future Timeframes

**31.0%** Timeframes **Not Started**



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## The First Pillar: Civil and Political Rights

This pillar contains 8 goals with 25 objectives, 55 key activities, and 105 sub-activities. Among other areas, these activities included legislative amendments and training programs, with 69.5% of the sub-activities in this pillar focused on legislative amendments. The research team's assessment of the level of implementation of this pillar's sub-activities found that within the report's timeframe, 66 activities, or 62.8% of the pillar's total activities, as in-progress.

Eight of these activities, or 12.1% of the pillar's total activities, were rated as completed. Most of these activities are related to legislative amendment. Five laws related to this pillar were amended, some fully consistent and some partially consistent with the objectives of this pillar. These laws are: the Penal Code, the Election Law, the Municipalities Law, the Criminal Procedure Law, and the Integrity and Anti-Corruption Law. The amendment on the Penal Code aims to reinforce the legal frame that strengthen penal protection of the most vulnerable segments of the population, including women and children. This amendment also aims to improve the performance of the judicial system, in consistency with the Constitution and international conventions the amendment on the Criminal Procedure Law aims to enhance access to justice by shortening the litigation period. The amendments of the Election Law and the Municipalities Law aim to combat election crimes, set a ceiling for spending on the election campaigns, and create mechanisms for combating the vote buying phenomenon. During the report's timeframe, the Ombudsman Bureau and the Anti-Corruption Commission merged to form a new commission that is considered their legal successor.

Five activities, or 7.6% of the pillar's total activities, were rated as substantial. These activities included: providing the best procedural and objective protection to those under all forms of arrest; enhancing means of access to justice by creating programs and units for legal aid; and enhancing political participation and contributing to public involvement in the decision-making process .

Whereas, 27 activities, or 40.9% of the pillar's total activities, were rated as limited. These activities included: providing the necessary legal information at the initial stage of investigation, including the right to a lawyer; enhancing and supporting the role of the Independent Election Commission to conduct free and fair elections; enhancing and protecting the right to peaceful assembly and formation of political parties, associations and unions; and enhancing the participation of civil society institutions and private institutions in the administration of public affairs.

Finally, 26 activities, or 39.4% of the pillar's total activities, were rated not achieved, with implementation having not yet begun. Most of these activities are legislative amendments.

### **First Pillar's Activities with Future Timeframes**

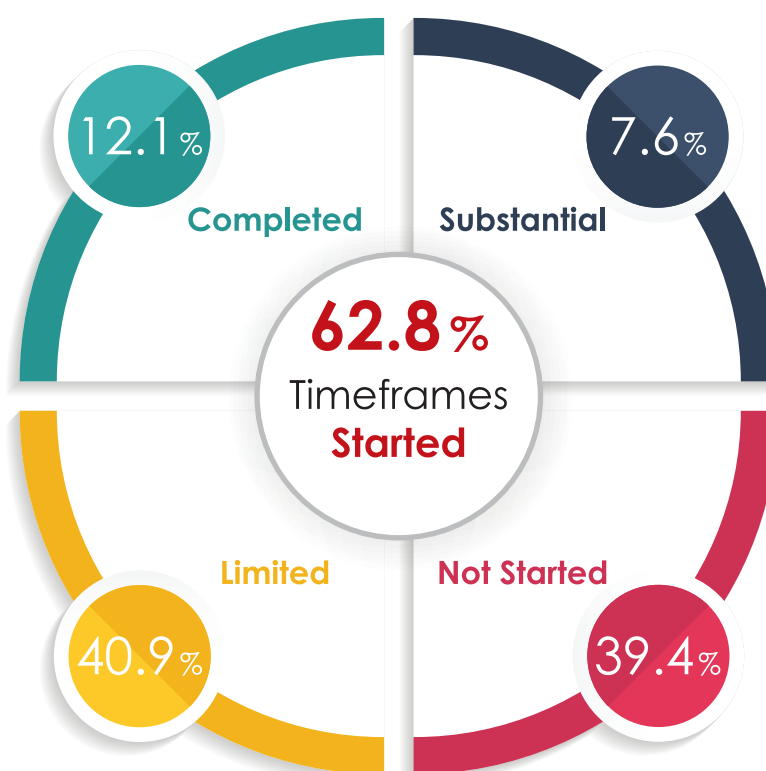
On another hand, 39 activities, or 37.2% of the pillar's total activities, had timeframes that had not begun during the period covered by the report. Nonetheless, 15.4% of these activities have been completed, which is a credit to the entities responsible for implementation. Some legal experts believes that some of these amendments would have taken place regardless the plan. Nonetheless, these amendments benefitted 20.6% of the plan's activities within this delineation that were rated substantial and limited. 64% of activities with future timeframes were rated not started during the report's timeframe.

Some of the most important objectives whose activities were completed, include: developing the legal framework regulating the right to life and physical integrity, and providing legal aid to those arrested. The Code of Criminal Procedure was amended in line with these objectives in order to narrow and reduce the period of detention for crimes: from 15 days to 7 days for cases whose penalties do not exceed two years, from 6 months to 3 months for bigger crimes, and from 2 months to one month for misdemeanors. The report also notes that legislative amendments to the Penal Code also showed progress towards achieving this goal. In the Penal Code, the word “arduous” was repealed, and the word “hard” was removed from the phrase “hard labor.” Additionally, activity related to the independence of the judicial authority took place, including introducing an independent annual budget, issuing a code of conduct for judges, and establishing a General Secretariat of the Judicial Council.

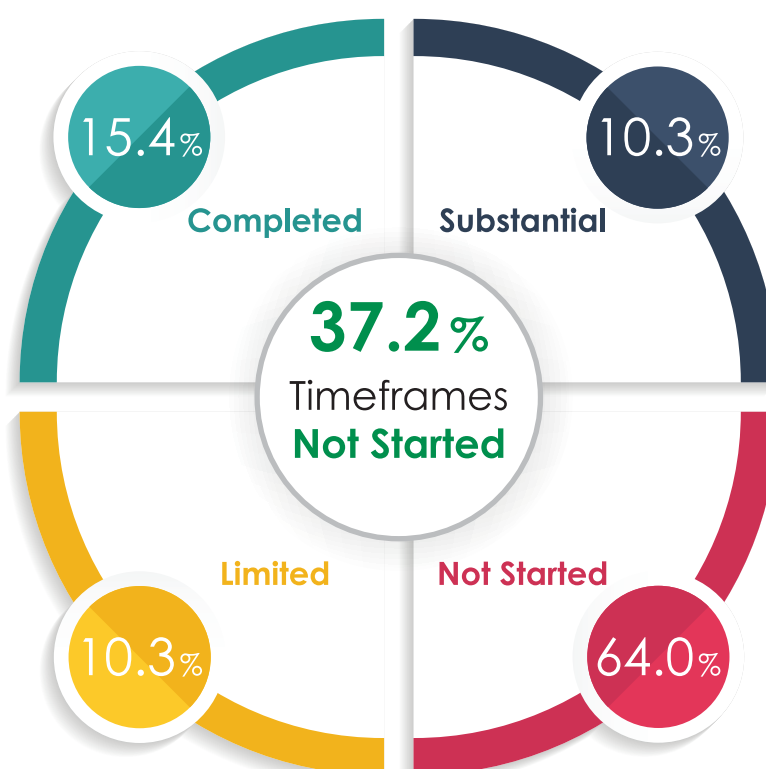
Another one of the pillar’s activities that has also been completed is the activity enhancing means of access to justice and shortening litigation period. The law amending the Code of Criminal Procedure gives the court the right to hold consecutive hearings for short periods outside official working hours in order to ensure prompt adjudication, monetarily sanctioning any party that uses fraudulent means to prolong proceedings.

There are some activities within this delineation that have been initiated and rated substantial and limited. These activities include procedural and objective protection to those subject to all forms of arrest, and amending relevant laws such as the Penal Code and the Crime Prevention Law.

## First Pillar's Sub-Activities Within the Report's Timeframe



## First Pillar's Sub- Activities with Future Timeframes





## The Second Pillar: The Economic, Social and Cultural Rights

The second pillar consists of five goals, with eight objectives, 29 key activities, and 46 sub-activities. The research team's assessment of the level of implementation of this pillar's activities found that within the report's timeframe, 33 activities, or 72% of the pillar's total activities, as in-progress.

Five of these activities, or 15.2% of the pillar's total activities, were rated as completed. These activities included: Enhancement and protection of the Arabic Language; enhancement and protection of cultural rights; and the preparation of legislation and adoption of policies needed for organizing the labor market in both the public and private sectors, thereby cementing the principle of equal opportunities and enhancing equal wages and workers' rights.

The two activities from this pillar that were rated as substantial are the labor law and amendments revising minimum wage, and increasing the allocations of the Development Fund for the provinces. Minimum wage was amended without amendment of the labor law, even though the plan determined that amendment of the law was the performance indicator for this activity.

Whereas 14 activities, or 42.4% of the pillar's total activities, were rated as limited. These activities included: unification health insurance services; issuance of the necessary legislation for creating unified forms for labor contracts; development of the school curricula; adoption of educational policies for technical and vocational education; enhancement of coordination between the Ministry of Culture and the civil society institutions to develop and promote culture; and promotion of the right to a healthy environment and the right to development through activation of laws related to the review of the Radiation Protection, and Nuclear Safety and Security Law.

Finally, 12 activities, or 36.4% of the pillar's total activities, were rated not achieved, with implementation having not yet begun. These activities included: introduction of a system to activate the labor law; the Health Ministry's free vaccination for all children; improvement of health and treatment services provided to citizens; ensured food and drug safety; the Nuclear Law; and the Standards and Metrology Law protecting the right to a healthy environment.

### **Second Pillar' Activities with Future Timeframes**

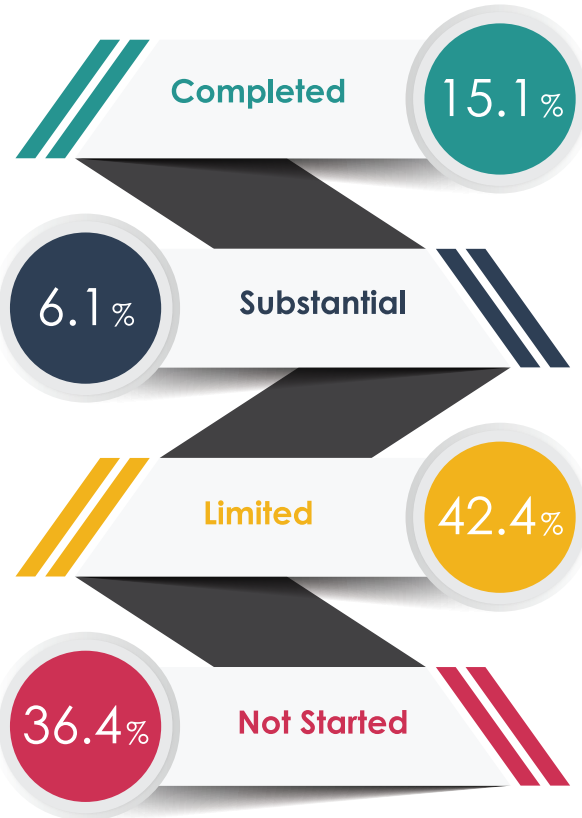
As for, 13 activities, or 28% of the pillar's total activities, had timeframes that did not begin during the period covered by the report. The research team found that two of these activities are completed. These two activities are reviewing the legislation that regulates the work of the Higher Health Council and endeavoring to rate schools and enhance control over them.

Within this delineation, 2 activities are substantial. These activities are: reconsidering minimum wages, pensions, and insurances and linking them to inflation; and unifying the mechanism for the accreditation of health services through the issuance of regulatory legislation and enforcement.

This pillar included eight activities within this delineation were rated as limited. These activities include activating the legislation and procedures related to medical accountability, and amendment of the Jordanian Universities Law and the Education Law.

## Second Pillar's Sub-Activities Within the Report's Timeframe

**72.0%** Timeframes **Started**



## Second Pillar's Sub-Activities with Future Timeframes

**28.0%** Timeframes **Not Started**



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## Third Pillar: Rights of the Categories that Are the Most Vulnerable to Violation

The third pillar consists of four goals, with 10 objectives, 37 key activities, and 73 sub-activities. The research team's assessment of the level of implementation of this pillar's found that within the report's timeframe, 59 activities, or 80% of the pillar's total activities, had begun.

Where five activities, or 8.5% of the pillar's total activities, were rated as completed. These activities included revising the Law for the Welfare of Disabled Persons, and revising the Penal Code - whereby disability is considered an aggravating circumstance for the crimes perpetrated against people with disabilities, and people with disabilities are protected from all forms of domestic violence.

Two activities were rated as substantial. These activities are ensuring the right of disabled people for candidacy and election, and introducing the legal amendments that would expand the health insurance umbrella for the elderly.

Whereas 33 activities, or 55.9% of the pillar's total activities, were rated as limited. The most prominent of these activities are: organizing training programs for raising awareness about the rights of disabled people; reviewing the legislations related to women's rights and proposing amendments thereto in a participatory framework; preparing national policies that endeavor to empower women and to take into account female empowerment within the general budget law; enhancing control over the shelters and nursing homes for the elderly; and activating and applying legal frameworks for combating child labor and curbing school dropout, as well as other activities related to children's rights, such as enhancing and activating control over children's shelters and homes to ensure that they take children's rights into account and

protecting the victims of human trafficking.

Finally, 19 activities, or 32.2% of the pillar's total activities, were rated as not achieved. These activities include: disability as an aggravating circumstance in the Law on Protection against Domestic Violence; amendment of the Education Law and the Code of Criminal Procedure to enable people with disabilities to make the decisions that are best for them; revision of civil and military retirement laws to ensure the protection of the financial and social rights of older persons; assessment and update of the National Strategy for Older Persons; and amendment of the Social Affairs Act and its regulations.

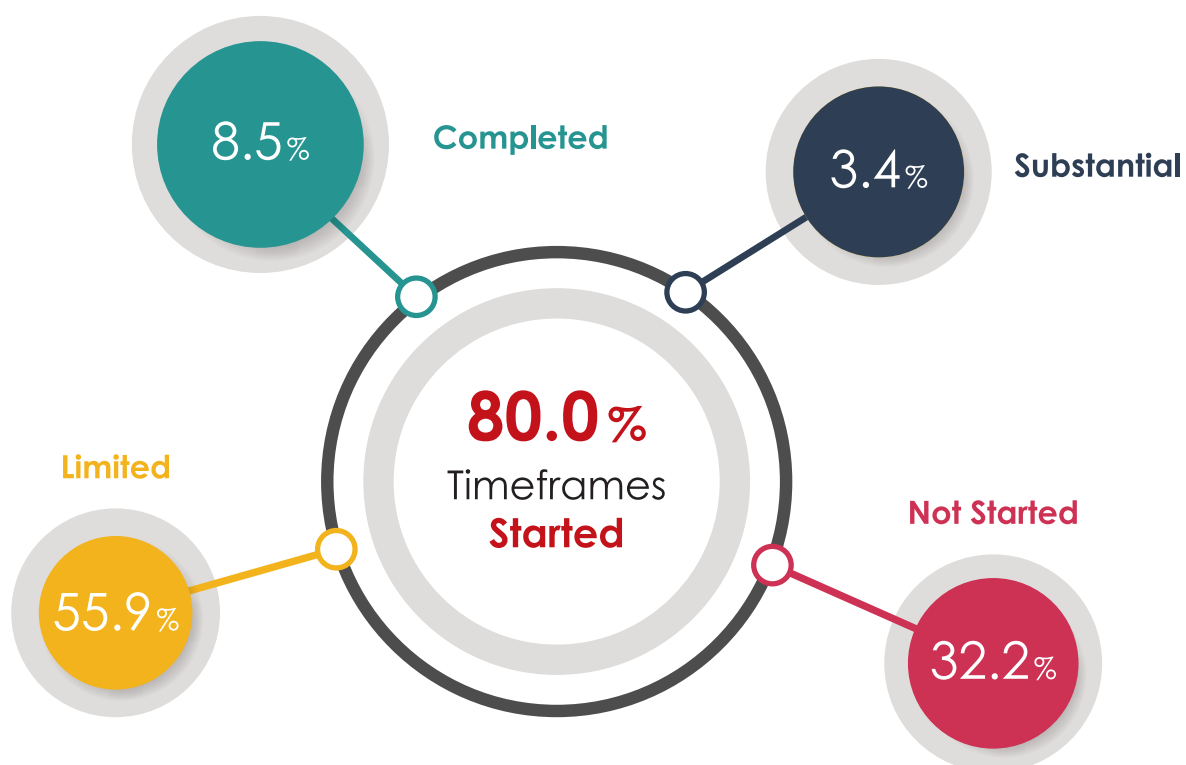
### **Third Pillar' Activities with Future Timeframes**

20 activities, or 20% of the pillar's total activities, had timeframes that did not begin during the period covered by the report. One of these activities was completed which is the amending on the Alimony Fund.

Within this delineation, three activities were rated as partially implemented. These activities include revising the legislation related to women's rights, primarily related to the Penal Code and Election Law, and revising the Protection from Domestic Violence Law to protect children against domestic violence.

Four activities within this delineation were rated as limited. One activity would amend the Code of Criminal Procedure to provide legal assistance to disabled people in courts. Two activities would improve support for women's rights in the Labour Law and the Municipalities Law. A fourth activity would activate the control mechanisms for the public and private sector institutions to ascertain the extent of their application of legislation related to women's rights, in addition to the revision of the Penal Code to protect children from violence.

### Third Pillar's Sub-Activities Within the Report's Timeframe



### Third Pillar's Sub-Activities with Future Timeframes



## Conclusions of the report

- 71.7% of the plan's goals began during their intended timeframes.
- 70% of performance indicators in the plan are legislative amendments
- There are different goals associated with the same performance indicators (legislative amendment), but each goal has a different timeframe.
- The language used is not fully consistent throughout the components of the plan. For instance, the usage of the terms "people with disabilities" and "disabled persons" is used to describe the same law in different activities.
- Some activities' implementing entities are unclear. For example, government and parliament are mentioned without specifying the exact authority responsible. This dispersion of responsibility decreases accountability.
- Some activities were implemented before the plan's start date. For example, the activity that is related to establishment of the Supreme Council of Islamic Jurisdiction, knowing that the Court had been established in 2015, prior to the release of this plan.
- The plan limits the performance indicators in the majority of the objectives and key activities by legislative amendment. This affects the rating evaluation of the plan, where it is possible to implement an activity without resorting to legislative amendment.
- Amendments to some of the laws which are defined as performance indicators for the plan occurred during the reporting period, but failed to include all relevant activities. This evokes the possibility of repeated amendment of these laws.
- Some of the legislation was amended during the reporting period, but did not have any impact on the activities that related to the plan.

## Examples on Ammended Laws Used as Indicators of the Assessment Rate of the Plan

<b>Penal Code</b>	Repealed in 9 Activities	<div> <div>4 Completed</div> <div>3 Started but not completed</div> <div>2 Not Started</div> </div>
<b>The Code of Criminal Procedure</b>	Repealed in 9 Activities	<div> <div>2 Completed</div> <div>4 Started but not completed</div> <div>3 Not Started</div> </div>
<b>The Code of Magistrates Courts</b>	Repealed in 3 Activities	<div> <div>Not activities have been implemented</div> </div>

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## Recommendations

### Recommendations on the plan in general

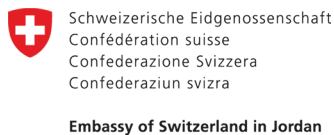
- Limiting the goals that need to be implemented to amend a single law, and working to make these amendments at once. This procedure requires modification to the timeframe for some key activities of this plan.
- The entities who prepared for the national plans and strategies should be aware of the committees which prepare other plans, to ensure that commitments between the plans are not mistakenly repeated or overlapping. If repetition is intended, it is important to explain the aim of that repetition to the public to avoid misunderstanding.
- Unifying the language that is used in formulating all components of the plan, to avoid misunderstanding as to the meaning of words and laws.
- A participatory relationship should be created between the legislators and those responsible for enforcing the government's plans. During the report's timeframe, some amendments were made to laws related to the plan, but did not relate to achieving the plan's goals.
- Revising the performance indicators of the plan to ensure enhanced achievement of the plan, as some of the plan's goal can be achieved without legal amendment, despite the fact that performance indicators are legislative amendment.
- The importance of finding mechanisms to measure the impact of the development in the human rights related organizations in Jordan.
- The need to continuously share information with the public about the human rights situation in Jordan, to limit the cases of analysis not based on evidence.
- The need to document human rights organizations' accomplishments in Jordan, and provide support resources beyond official awareness raising statements.
- Measure the impact of training courses received by law enforcement officials on an ongoing basis.
- Create a website for the National Coordinator for Human Rights and the comprehensive national plan, as a resource for all the plan's activities.

## Recommendation on the objectives and the key activities

- Amendment to the law to providing legal aid to persons arrested, by including the right to a lawyer in all cases.
- The recommendations resulting from the conventional mechanisms should be taken into account when amending the legislation.
- Expansion of the process of community involvement in the amendment of laws and raising awareness on this subject.
- Expansion of the process of community involvement in the amendment of laws and awareness on this subject and the mechanisms used to comment on the draft laws, including the possibility of commenting through the website of the Legislation and Opinion Bureau.
- Raising awareness around the political rights for citizens, refugees, and immigrants.
- Focus on training workshops for those responsible for applying the laws, especially on women and children's rights.
- Take legislative steps to ensure the full protection of the right to freedom of opinion and expression, particularly with regard to online publications.
- Start open discussion with stakeholders and civil society to review the laws related to journalism and media, in compliance with Jordanian conventional obligations.
- Continue to pursue policies and procedures that enhance women's participation in public life.
- Review the legislation related to guaranteeing a fair trial, and ensure it complies with international convention.
- Work on enhancing the right to access information, removing barriers to this right.
- Include a women's law in each party requiring a minimum level of female participation.
- Develop a clear mechanism for determining the minimum wage in line with the level of inflation.
- Amend the concept of torture in the relevant legislation to comply with Jordan's conventions.



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