



Jordan: National Centre for Human Rights

Jordan's National Human Rights Institution before the International Coordinating Committee of NHRIs

Alkarama Foundation – 16 July 2015

1. Table of content

1.	Table of content.....	2
2.	Introduction.....	3
3.	Background.....	3
4.	Essential requirements for a NHRI.....	3
4.1	Establishment by Law or Constitution	4
4.2	Internal structure and appointment procedure of its members	4
4.3	Composition of the JNCHR and membership	5
4.4	Financial Independence	6
5.	Mandate of the JNCHR.....	6
5.1	Commenting on existing and draft laws	7
5.2	Monitoring the human rights situation	7
5.3	Monitoring and advising on compliance with international standards and cooperating with regional and international bodies	8
5.4	Cooperation with international bodies.....	8
5.5	Educating and informing in the field of human rights.....	9
5.6	Relations with civil society and accessibility to victims.....	10
5.7	Receiving complaints or petitions from individuals or groups	11
6.	Conclusions and recommendations	12
6.1	Conclusions.....	12
6.2	Recommendations.....	12
6.2.1	To the Subcommittee on Accreditation.....	12
6.2.2	To the JNCHR.....	12

2. Introduction

The Jordan National Centre for Human Rights (hereinafter JNCHR), created in 2002, was accredited to the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) in 2006 with a "B" Status¹. It was later reaccredited in October 2007² and October 2010³ with an "A" Status. It will be reaccredited by the Subcommittee on Accreditation (SCA) at its next session in November 2015.

The Alkarama Foundation would like to provide information that may serve to assist in the evaluation of the compliance of Jordan's national human rights institution (NHRI) with the Paris Principles in both legal and practical terms.

In this report, we have attempted to make a formal and substantive evaluation of the National Centre for Human Rights of Jordan and its role in the promotion and protection of human rights in the country.

We note that, lacking the fundamental requirement of independence, it cannot be maintained that the JNCHR fully complies with the Paris Principles, despite an active role in the country.

3. Background

Following its independence from the British administration in 1946, the Hashemite Kingdom of Jordan was ruled by King Hussein after the abdication of his father, King Talal, in 1952, until his death in 1999. In 1989, he resumed parliamentary elections and gradually permitted political liberalisation. In February 1999, following his father's death, King Abdallah II assumed the throne. Since then, he has consolidated his power and gradually continued the reforms initiated by his father, which, however, have not changed the authoritarian nature of the regime since the King still retains wide powers.

The civil war ravaging neighbouring Syria since 2011 has seen Jordan host some 600,000 Syrian refugees⁴. However, Jordan is reportedly refusing or limiting access to the country for thousands of people – including Palestinians and Iraqis who had been refugees in Syria – in violation of the principle of *non-refoulement*. The Jordanian authorities invoke the weakness of their capacity to absorb refugees, due to the insufficient level of their resources.

The human rights situation in the country presents other issues of concern. A moratorium on the death penalty that lasted eight years was ended by the hanging of 11 men accused of murder on 21 December 2014, thereby reinstating the capital punishment. Additionally, Jordanian civil society continued to suffer the consequences of the multiple draconian laws adopted previously, such as the Anti-terrorism Law, the Law on Public Gatherings, and the Law on Associations. Human rights defenders deplore the pattern of arrests followed by the arbitrary detention and unfair trials of political opponents and journalists, as well as the prohibition of active civil society associations and restrictions on freedom of expression.

In such a context, an effective and independent NHRI would be a useful tool ensuring that human rights are effectively protected and respected in the country.

4. Essential requirements for a NHRI

The Paris principles set out minimum conditions a NHRI should fulfil in order to carry out its mandate of protection and promotion of human rights effectively. Most importantly, these requirements are set to ensure its independence from the executive and the representation of the different sectors of

¹ ICC, *Report and Recommendations of the Sub-Committee on Accreditation*, 17th Session, Geneva, 12 April 2006, p.3.

² ICC, *Report and Recommendations of the Sub-Committee on Accreditation*, 22 to 26 October 2007, para. 3.7.

³ ICC, *Report and Recommendations of the Sub-Committee on Accreditation*, Geneva, 11-15 October 2010, para 5.2.

⁴ UNHCR, <http://data.unhcr.org/syrianrefugees/country.php?id=107> (accessed on 16 July 2015).

society. We are going to assess the essential requirements needed for a NHRI in the following paragraphs.

4.1 Establishment by Law or Constitution

According to the Paris Principles, the founding text of a national human rights institution, for instance the text setting forth its mandate, should be of a constitutional or legislative nature⁵. This statutory base is seen as the most secure way to guarantee the NHRI's independence from the other public powers, defending its legal powers if these are challenged, and its legitimacy before citizens.

The creation of the JNCHR dates back to 2000 with the decision of the King Abdullah II to establish a Royal Commission for human rights with the aim to assess the state of human rights in Jordan⁶. The Commission concluded its mission in 2002, with a recommendation to establish an independent national human rights body to enhance the protection of human rights in the country⁷. Subsequently, the Jordan National Centre for Human Rights (JNCHR) was established in 2002 by virtue of a temporary Law No. 75 and later became permanent under the Law of the National Centre for Human Rights No. 51 of 2006.

We can therefore conclude that, despite the fact that the initiative to create the JNCHR was initiated by the King, a procedure which would have undermined the JNCHR's independence; the formal establishment by virtue of a law rectified this shortcoming and ensured respect of the Paris Principles.

4.2 Internal structure and appointment procedure of its members

The Paris Principles set forth that "the composition of the national human rights institution and the appointment of its members, whether by means of an election or otherwise, shall be established in accordance with a procedure which affords all necessary guarantees to ensure the pluralist representation of the societal forces"⁸. Appointment procedures should be open and transparent and appointment methods, such as nomination by civil society organisations or appointment by Parliament shall to be preferred. On the contrary, as recalled by the SCA General Observation⁹, "the creation of a National Institution in other ways, such as by a decision of the Executive (through a decree, regulation, motion, or administrative action) and not by the legislature raises concerns regarding permanency, independence from government and the ability to exercise its mandate in an unfettered manner."¹⁰

Law No. 51 of 2006 provides the JNCHR with a "Board of Trustees", a "Commissioner General" and a "Secretariat" and details their respective appointment procedures.

According to Article 13.a of Law No. 51 of 2006, the Board of Trustees, which is tasked with supervising and managing the work of the JNCHR, shall be composed by a maximum of 21 members appointed by Royal Decree upon recommendation of the Prime Minister.

According to Article 18.a of the Law, the Commissioner General, who monitors violations of human rights in the country, receives complaints and follows up on them until their actual settlement¹¹, is appointed by decision of the Council of Ministers coupled with a Royal Decree, upon recommendation of the Board of Trustees.

⁵ Paris Principles, "Competence and Responsibilities", para.2.

⁶ His Majesty King Abdullah II Ibn Al Hussein, *Initiatives – Human Rights*, http://kingabdullah.jo/index.php/en_US/initiatives/view/id/79.html (accessed on 14 July 2015).

⁷ *Ibidem*.

⁸ Paris Principles, "Composition and guarantees of independence and pluralism", para. B.1

⁹ International Council on Human Rights Policies, *Assessing the Effectiveness of National Human Rights Institutions*, 2005, p.14.

¹⁰ International Council on Human Rights Policies, *Assessing the Effectiveness of National Human Rights Institutions*, 2005, p.14.

¹¹ Article 17.b and Article 17.d Law No. 51 of 2010.

The Secretariat, the executive body of the JNCHR, is headed by the Commissioner General (Article 18.a) and its employees are appointed by decision of the Board upon recommendation of the Commissioner General (Article 18.b).

Considering that the members of the leading organs of the Commission, the Board of Trustees and the Commissioner General, are both appointed by the executive power – the Prime Minister or the Council of Ministers – coupled with a Royal Decree, we can conclude that this appointment procedure does not satisfy the criterion established by the SCA. This procedure in fact does not ensure the independence of the Commission from the executive power and in particular the King, and therefore does not abide by the Paris principles.

It is also relevant to note that the employees of the Secretariat are also appointed by decision of the Board upon recommendation of the Commissioner General, two bodies which are nominated by decision of the executive. It emerges that even staff members shall, in the end, be persons that the executive must endorse.

We must recall that the JNCHR is reportedly considering to amend its current law so that the appointment procedures of the members of the Board of Trustees will involve broad consultations with the President of the Senate, the Speaker of the House of Deputies, and the Head of the Judicial Council before recommending the nominees to the Prime Minister and having them approved by Royal Decree¹².

While welcoming this willingness to enhance adherence to the Paris Principles, Alkarama notes nevertheless that this amendment is not enough to ensure full compliance. Indeed, maintaining a final nomination by Royal Decree, unless the King is devoid of a veto power on the final decision – in such a way that nomination by Royal Decree becomes a mere formal endorsement – is insufficient to meet the standards set forth in the Paris Principle. Furthermore, as no mention seems to be made of possible changes into the appointment procedure of the Commissioner General, we recommend that he shall be appointed following a broad consultation of the Parliament.

4.3 Composition of the JNCHR and membership

The Paris Principles require that the composition of a NHRI shall “ensure the pluralist representation of the social forces (of civilian society)”¹³, and encourages the inclusion of members of non-governmental organisations, trade unions and professional organisations, while government departments participate only in advisory capacity. For instance, the SCA guidelines note that “consideration must be given to ensuring pluralism in the context of gender, ethnicity or minority status”¹⁴.

In addition, in order to ensure the effectiveness of the JNCHR’s work, it is important that its members be selected on the basis of merit and knowledge of human rights.

The current provisions of the JNCHR Law do not specify any eligibility criteria or conditions for selecting the candidates of this Board or the Commissioner General; as a result, the JNCHR is not in line with the Paris Principle. It is in fact even reported that, for this reason, the JNHRC members are generally not perceived as objective in their work by the public opinion and civil society¹⁵.

However, among the amendments to the law the JNCHR is currently considering, some concern the selection process of the Chair and members of the Board of Trustees. The proposed amendments reportedly take into account the fair representation of women, minority groups, civil society and other components of society¹⁶.

¹² Asia Pacific Forum, *APF Member “Bare Facts” – Jordan*, 2014, p.3.

¹³ Paris Principles, “Composition and guarantees of independence and pluralism”, para.B.1.

¹⁴ ICC, *General Observations of the Sub-Committee on Accreditation*, May 2013, G.O. 1.7.

¹⁵ Interview held by Alkarama with a representative of lawyers and victims in Jordan.

¹⁶ Asia Pacific Forum, *APF Member “Bare Facts” – Jordan*, 2014, p.3.

Alkarama welcomes these foreseen amendments as they would allow for the representation of different sectors of Jordanian society and enhance its compliance with the Paris principles. We would also suggest that the draft law demands that members of the Board and the Commissioner General be experienced in human rights and selected on the basis of merit, while detailing specific criteria that should be fulfilled.

In light of the current appointment procedures and the absence of provisions demanding for a merit-based selection that would ensure the representation of all social forces, the JNCHR is not perceived as an independent institution by both civil society, victims of violations and their lawyers¹⁷ and at the international level¹⁸, and its members are not perceived as "objective"¹⁹.

4.4 Financial Independence

The Paris principles provide that NHRIs "shall have an infrastructure which is suited to the smooth conduct of its activities, in particular adequate funding", enabling it to hire its own staff and premises. Public funds shall be provided through a mechanism that is not under direct government control, for instance through Parliamentary vote, while at the same time, NHRIs should be free to raise funds from other sources, such as private or foreign donor agencies.

Article 3 of Law No. 51 of 2006 states that the JNHRC shall enjoy financial and administrative independence, while article 20 of the same law details the different possible sources of funding, as follows: "financial support provided by the government; proceeds of the financial and cultural activities and projects undertaken by the centre; donations, grants and any other resources approved by the Board in accordance with the provisions of the Law, provided the Council of Ministers approves such restrictions if their origin is foreign; wills or Waqf endowment."

Even if the Law allows the Centre to raise funds from a variety of sources, it is reported²⁰ that the total of NCHR's annual budget – which was \$636,402 for the year 2013 – comes from the Government. The sole dependence on governmental funds represents a shortcoming affecting the financial independence of the JNHRC.

Recalling that at its last reaccreditation session the SCA stressed "the importance of ensuring adequate funding in a sustainable manner"²¹, Alkarama wishes to encourage the JNHRC to seek funds from a variety of different sources.

5. Mandate of the JNCHR

The Paris Principles state that "a national human rights institution shall be vested with competence to promote and protect human rights"²² and shall possess "as broad a mandate as possible"²³. The SCA intends the term "promotion" as encompassing all those functions which seek to create a society where human rights are more broadly understood and respected. Such functions may include education, training, advising, public outreach and advocacy, while it interprets "protect" as those activities aimed at addressing and preventing actual human rights violations through, for instance, monitoring, inquiring, investigating and reporting on human rights violations, and may include individual complaint handling²⁴.

The envisaged functions the JNCHR shall exercise are detailed in the Paris principles under the "Competence and responsibilities" (paragraph 3). Furthermore, Additional Principles apply to NHRIs with a quasi-judicial competence, naming those NHRIs authorised to hear and consider individual

¹⁷ Interview held by Alkarama with a representative of lawyers and victims in Jordan.

¹⁸ U.S Department of State, *2013 Human Rights Reports: Jordan*, <http://www.state.gov/j/drl/rls/hrrpt/2013/nea/220360.htm> (accessed on 14 July 2015).

¹⁹ Interview held by Alkarama with a representative of lawyers in Jordan.

²⁰ Asia Pacific Forum, *APF Member 'Bare Facts' Member 'Bare Facts', Jordan*, February 2014, p. 3.

²¹ ICC, *Report and Recommendations of the Sub-Committee on Accreditation*, Geneva, 11-15 October 2010, para 5.2.

²² Paris Principles, "Competence and Responsibilities", para.1.

²³ Paris Principles, "Competence and Responsibilities", para.2.

²⁴ SCA general observations, General Observation 1.2, p. 7.

complaints of violations. We also note that under Articles 17.b and 17.c, the Commissioner General is mandated to receive and follow-up on complaints until they are settled and documented in the final annual report. The JNHCR has therefore a quasi-judicial function, in accordance with the Additional Principles to the Paris Principles.

We will now assess the practical implementation of the JNCHR mandate, according to each function it is required to carry out.

5.1 Commenting on existing and draft laws

The Paris Principles mandate NHRIs to “examine the legislation and administrative provisions in force, as well as bills and proposals, and shall make such recommendations as it deems appropriate in order to ensure that these provisions conform to the fundamental principles of human rights”²⁵ and shall, if necessary, be endowed with the power to “recommend the adoption of new legislation, the amendment of legislation in force and the adoption or amendment of administrative measures”²⁶.

Article 5.l of Law No. 51 of 2006 mandates the JNCHR to “propose legislation related to the Centre’s objectives”, while Article 5.j of the same law more generally mandates the JNCHR to make “recommendations and submitting proposal necessary for safeguarding human rights in the Kingdom”.

Under these two provisions, the JNCHR has a broad mandate allowing it to examine the legislation in force and propose new legislation. In its 2010 Annual report, the JNCHR reviewed Jordan’s legislation and suggested the amendment or the review of several laws. For example, the Centre suggested the amendment of the Law of the Supreme Court of Justice to guarantee the right to a fair trial and Article 208 of the Penal Code as to comply with the Convention against Torture²⁷.

5.2 Monitoring the human rights situation

The main role of a NHRI is to monitor the situation of human rights on the ground, and therefore shall have powers to gather information and evidence to fulfil this function effectively²⁸.

We note that Article 8 of Law No. 51 of 2006 establishes that the JNHRC may request any information necessary for the realisation of its objectives from the concerned parties, which shall respond without delay to such requests, implying that the government and any public institution shall collaborate with JNHRC and support its work, as demanded by the Paris Principles²⁹. We however regret to note that no mention is made in the law to the possibility to freely consider any questions falling within its competence without referral to any higher authority³⁰.

In addition, it is recognised that NHRIs shall have the authority to make regular visits to all places of detention, at times of their choosing and preferably with minimal notice³¹. Article 10 of Law No. 51 of 2006 ensures that the JNCHR has the mandate to visit “reform and rehabilitation centres, detention centres and juvenile care homes”.

However, Alkarama regrets that, as reported in a recent JNCHR publication³², the Centre needs the previous authorisation from the authorities to visit places of detention. This constitutes a major

²⁵ Paris Principles, “Competence and responsibilities”, para. 3.a.i.

²⁶ *Ibidem*.

²⁷ JNCHR, *Human Rights Situation in the Hashemite Kingdom of Jordan for 2010 – Issued under article (12) of the Law of the National Centre for Human Rights – 1 January 2010-31 December 2010*, Amman, 2010, p. 227 and following.

²⁸ International Council on Human Rights Policy and OHCHR, *Assessing the effectiveness of National Human Rights Institutions*, 2005, p. 18.

²⁹ *Ibid.*, para. B.

³⁰ Paris Principles, “Methods of Operation”, para. A.

³¹ International Council on Human Rights Policy and OHCHR, *Assessing the effectiveness of National Human Rights Institutions*, 2005, p. 18.

³² تقرير حول اوضاع اماكن التوقيف المؤقت في المملكة لعام 2013 اعداد المحامية نسرين صخر زريقات, رئيس وحدة العدالة الجنائي <http://www.nchr.org.jo/Arabic/ModulesFiles/PublicationsFiles/Files/NCHR%20Detention%20report%202013.pdf> (accessed on 15 July 2015).

breach of the Paris Principles as the prison's authorities can then for example transfer or threaten prisoners, or otherwise act in order to affect the JNCHR's appreciation of the detention centre.

In addition, Article 5.a of the Law regulating the JNCHR empowers the Centre to monitor the human rights situation in the country, addressing violations and following up on the adoption of the necessary measures taken in this regard, giving the Centre a broad mandate.

Alkarama notes that the JNHRC's annual report generally covers issues related to the broad spectrum of human rights, including civil, political, economic, social and cultural rights with seemingly independent positions. Annual reports include references to data and statistics of the cases collected and on the visits to detention places carried out³³. The reports also present a general account of the situation as well as general recommendations for improvement. Specific information and recommendations are left to thematic reports, which, however, are rarely issued.

Finally, lawyers' representatives Alkarama has interviewed reported that the JNCHR normally does not interfere or raises its voice on particularly politically sensitive cases. This demonstrates a selective approach on the part of the Centre, which is clearly due to the lack of independence of its members.

5.3 Monitoring and advising on compliance with international standards and cooperating with regional and international bodies

The Paris Principles mandate NHRIs to "promote and ensure the harmonization of national legislation, regulations and practices with the international human rights instruments to which the State is party" as well as to encourage their ratification³⁴.

As previously mentioned, Article 5.l of Law No. 51 of 2006 mandates the JNCHR to "propose legislation related to the Centre's objectives", while Article 5.j more generally mandates the JNCHR to make "recommendations and submitting proposal necessary for safeguarding human rights in the Kingdom".

As reported in its 2010 annual report, the JNHRC recommended that national laws comply with international standards – for example that the national penal law be amended in order to ensure full compliance with the Convention against Torture³⁵ and that several human rights instruments be ratified³⁶.

5.4 Cooperation with international bodies

"To cooperate with the United Nations and any other organization in the United Nations system, the regional institutions and the national institutions of other countries that are competent in the areas of the promotion and protection of human rights" is as another task falling under the mandate of NHRI, according to the Paris Principles³⁷.

As for the collaboration with the United Nations, in 2009, the JNCHR submitted an independent report to the Committee against Torture³⁸. From the information available to Alkarama, this is the only report the JNHRC has submitted to the United Nations mechanisms.

³³ US Department of State, *2013 Human Rights Reports: Jordan*, <http://www.state.gov/j/drl/rls/hrrpt/2013/nea/220360.htm>

³⁴ Paris Principles, "Competence and responsibilities", para.3.b and c.

³⁵ JNCHR, *Human Rights Situation in the Hashemite Kingdom of Jordan for 2010 – Issued under article (12) of the Law of the National Centre for Human Rights – 1 January 2010-31 December 2010*, Amman, 2010, p. 230.

³⁶ *Ibid.*, p. 237.

³⁷ Paris Principles, "Competences and responsibilities", A.3.e.

³⁸ JNCHR, *Report submitted by the National Centre for Human Rights To Committee Against Torture, 44 Session In response to some queries put forward by the Committee to Jordan about the second, third and fourth periodic reports on implementation of United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 11 March 2009, http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/JOR/INT_CAT_NGO_JOR_44_9253_E.pdf (accessed on 15 July 2015).

Areas of cooperation with institutions affiliated with the United Nations also concern the joint delivery of trainings. For instance, the Centre collaborated with the Office of the High Commissioner for Refugees in organising a workshop about asylum in Jordan for academics and researchers in 2010³⁹. It is regrettable to note that no information is provided concerning further workshops jointly organised by the Centre and the United Nations since 2010.

As far as the collaboration with national institutions of other countries is concerned, we note that the JNCHR has established a memorandum of understanding with the NHRIs of the Philippines and Indonesia as a form of collaboration centred in the promotion of the human rights of migrant workers. However, no information is provided concerning the practical implementation and outcomes of these collaborations.

The general lack of information on the activities the JNCHR carried out in partnership with international or other national organisations leads us to conclude that either these forms of collaboration have regrettably stopped, such as the submission of its own reports to the United Nations human rights mechanisms, or at the very least that they are not publicised, keeping the public unaware of its activities.

5.5 Educating and informing in the field of human rights

The Paris Principles also foresee that NHRIs publicise human rights by increasing public awareness, especially through information, education and the press⁴⁰. Activities to be considered within this framework are, for example, public awareness campaigns, training courses for officials and human rights trainings⁴¹.

Law No. 51 of 2006 provides in its Article 5 that the JNCHR shall take a broad series of promotional activities such as including human rights in the curricula of the different educational levels, issue public statements about its position on the human rights situation in the country, conduct studies related to human rights protection and promotion, organise training courses, have an active role in the media.

Regarding raising public awareness through the media, we note that the JNCHR has taken a public stand on human rights developments in the country, such as about the reintroduction of the death penalty in late 2014⁴². In addition, we also wish to point out that JNCHR's visits to detention centres are well publicised in the media. For example, in early January 2012, the Jordan Times reported that a task force of the JNCHR visited the Jweideh Correctional and Rehabilitation Centre to inquire on the inmates' decision to go on hunger strike⁴³. However, no information concerning the recommendations issued by JNCHR at the time has ever been provided.

As for the educational campaign, the JNCHR reports that it organised lectures and workshops in universities, such as workshops on the rights of persons with disabilities at the Hashemite University in December 2012⁴⁴. Additionally, the JNCHR has organised several workshops and training courses for public officials such as lectures on human rights at the Institute of Peace Operations Training for officers in the armed forces and public security in February 2010 or on human rights in the management of correctional facilities for officers and members of Public Security in September of the same year⁴⁵.

³⁹ JNCHR, Workshops, <http://www.nchr.org.jo/english/ActivitiesandEvents/Workshops.aspx> (accessed on 15 July 2015)

⁴⁰ Paris Principles, "Competence and Responsibilities", para A.g.

⁴¹ International Council on Human Rights Policies, *Assessing the Effectiveness of National Human Rights Institutions*, 2005, p.20.

⁴² Asia Pacific Forum, *Jordan: NCHR opposes executions*, 21 December 2014, <http://www.asiapacificforum.net/news/jordan-nchr-opposes-executions> (accessed on 15 July 2015).

⁴³ The Jordan Times, *NCHR taskforce visits Jweideh, hears inmates' complaints*, 4 January 2012 <http://www.jordantimes.com/news/local/nchr-taskforce-visits-jweideh-hears-inmates%E2%80%99-complaints> (accessed on 15 July 2015).

⁴⁴ JNCHR, *Workshops*, <http://www.nchr.org.jo/english/ActivitiesandEvents/Workshops.aspx> (accessed on 15 July 2015).

⁴⁵ JNCHR, *Lectures*, <http://www.nchr.org.jo/english/EventsandCalendar/Lectures.aspx> (accessed on 15 July 2015).

Furthermore, according to Article 12 of Law No. 51 of 2006, the Centre compiles and publishes an annual report. We note however, that public reports in Arabic⁴⁶ and English⁴⁷ are only partly published on the website of the Centre. Indeed, the most recent report uploaded in English dates back from 2010, while the Arabic versions between 2010 and 2014 are missing.

As for the information presented by the JNCHR and in particular the organisation of promotional activities, Alkarama notices that no information is provided on such activities after 2012, which leads us to conclude that either these activities were stopped or that they were not publicised on the website. Similarly, the fact that annual reports are only partly published leads us to conclude that either they were partly never issued, or at least never made public. We can therefore conclude that, in order to adequately fulfil its mandate, the JNHRC shall resume its educational and promotional activities, or at least publicise them.

Noticing that activities of the JNHRC are far from being fully publicised, transparency and public accountability cannot be guaranteed and it is impossible for the public to be aware of the JNCHR's activities. The role and activities of the JNCHR are known only by a restricted circle of people in the country and not by the general public, as interviews conducted by Alkarama have shown.

5.6 Relations with civil society and accessibility to victims

According to the Methods of Operations indicated in the Paris Principles, NHRIs should "develop relations with the non-governmental organizations devoted to promoting and protecting human rights".

No mention is made on the JNCHR's website of specific forms of collaboration between the JNCHR and civil society organisations. As for local partnerships with non-governmental organisations, Alkarama could not find any information in this regard. According to local sources (in particular members of the civil society interviewed by Alkarama), local consultations were held until one year ago but were suspended. In general, it seems that, even if existing, these partnerships are not well known by the public.

Furthermore, we wish to point out that Alkarama has submitted to the attention of the JNCHR the cases of Bassem Al Rawabedah and Thabet Assaf⁴⁸, arrested for having organised and participated in a peaceful demonstration against the French journal *Charlie Hebdo's* cartoons, on 16 January 2015 and the case of Ghassan Mohammed Salim Duar⁴⁹, arbitrarily detained since 29 October 2014 because of his support to the Palestinian cause. We did not receive any response in none of those two cases. Similarly, in 2013 the Global Detention Project submitted a request for information to the NCHR, but it never received a response⁵⁰.

Therefore, the JNCHR's working methods do not comply with the Paris Principles and shall establish and maintain relationships with non-governmental organisations.

In addition, we recall that it is of major importance that accessibility to the public is ensured and particularly to the most vulnerable sections of society, who would otherwise encounter particular difficulties in bringing attention to violation of their human rights⁵¹.

⁴⁶ See: <http://www.nchr.org.jo/arabic/إصدارات/تقاريرمراكزالإصلاحوالتأهيل.aspx> (accessed on 15 July 2015).

⁴⁷ See: <http://www.nchr.org.jo/english/Publications/AnnualReports.aspx> (accessed on 9 July 2015).

⁴⁸ Alkarama, *Jordan: Arbitrary Detention of Two Activists for Participating in Peaceful Demonstration*, <http://en.alkarama.org/jordan/1673-jordan-arbitrary-detention-of-two-activists-for-participating-in-peaceful-demonstration>, 28 April 2015 (accessed on 15 July 2015).

⁴⁹ Alkarama, *Jordan: Arbitrary Detention Targets Supporter of Palestinian cause*, <http://en.alkarama.org/jordan/1650-jordan-arbitrary-detention-targets-supporters-of-the-palestinian-cause>, 10 April 2015 (accessed on 15 July 2015).

⁵⁰ Global Detention Project, *Jordan Detention Profile* <http://www.globaldetentionproject.org/countries/middle-east/jordan/introduction.html>.

⁵¹ International Coordinating Committee on National Institutions for the Promotion and Protection of Human Rights (ICC), *General Observations of the Sub-Committee on Accreditation*, May 2013, p. 27.

In this regard, we wish to add that the law regulating the JNCHR provides in its Article 3.c that the Centre shall have its headquarters in Amman and may establish branches and open offices anywhere in the country. While there is no information available concerning the establishment of local offices, Alkarama found that the JNCHR organised a training course in 2010 for volunteer lawyers from all governorates on monitoring violations of human rights to the JNCHR focal points, so that the latter could be directly addressed by citizens without having to travel to Amman⁵². In addition, the JNCHR sometimes organises travels outside Amman to document cases of human rights violations⁵³. Finally, Jordanian citizens may contact the JNHCR through the online complaint form, by phone and through the 24-hour complaints-receiving hotline.

Although Alkarama welcomes all these activities aiming at reaching the victims and ensuring accessibility to the public, we regret that Jordanian citizens remain generally unaware of the role and activities of the JNHRC, making them ineffective in practice.

5.7 Receiving complaints or petitions from individuals or groups

The Additional Principles concerning the status of commissions with quasi-judicial competence address those NHRIs authorised to receive and hear complaints from victims of violations and details their prerogatives. According to them, NHRIs may hear and consider complaints, seek an amicable settlement through reconciliation or through binding decisions or transmit them to the competent authorities, informing the party of his/her rights, making recommendations to the competent authorities.

We note that Article 17.b and 17.c mandate the Commissioner General to receive complaints and follow-up on them until they are settled and documented in the final annual report. No further regulation is provided on the working methods of the Commissioner General office in dealing with these cases, which, on the contrary, shall be clearly set out.

The JNCHR's annual reports detail the numbers of cases registered every year. For instance, the 2013 annual report reports that 56 cases of arbitrary detention were received by the JNCHR, out of which 15 complaints were closed after they reached a "satisfying result", 6 others were closed for allegedly "not falling under the competence of the NHRI", 11 were closed because it was reportedly proven "there was no violation", while 24 were still pending. Similarly, it was reported that the Commission received 77 complaints of torture, of which 13 were "suspended upon request of the complainant", 15 were closed for allegedly having been proven that they were "not acts of torture". Only one case was referred to the police court and 48 cases are still said to be pending.

First, we wish to highlight that these statistics are not accompanied by any detailed commentary, for instance explaining why the inquiries were closed. Additionally, it is particularly worrisome to note that for torture cases, 15 were closed because they were "proven as non violent acts", which demonstrate that the JNCHR is applying a definition of torture which is not in line with the one provided under article 1 of the Convention against Torture. Finally, no measures of redress for victims are mentioned, and no mention is made of the subsequent prosecution of the perpetrators. It is hence questionable how such a mechanism could be effective in providing justice to victims of human rights violations.

We would therefore recommend that the JNCHR ensures that the procedure adopted by the Centre in dealing with cases of human rights violations are fully transparent and comply with the Additional Principles concerning the status of commissions with quasi-judicial competence. It is also of utmost importance that these cases are handled according to the highest human rights standards as set out

⁵² JNCHR, *Training sessions*, <http://www.nchr.org.jo/english/EventsandCalendar/TrainingSessions.aspx> (accessed on 15 July 2015).

⁵³ For instance in Irbid: The Jordan Times, *Human rights centre to receive complaints in Irbid Wednesday*, 8 June 2015 <http://www.jordantimes.com/news/local/human-rights-centre-receive-complaints-irbid-wednesday> (accessed on 15 July 2015) and Mafraq the Jordan Times, *NCHR to receive human rights complaints from Mafraq residents*, 6 July 2015 <http://www.jordantimes.com/news/local/nchr-receive-human-rights-complaints-mafraq-residents> (accessed on 15 July 2015).

in the international instruments to which the JNCHR is party in order to render this mechanism effective in protecting human rights in the country.

6. Conclusions and recommendations

6.1 Conclusions

The human rights situation in Jordan is currently characterised by several concerning issues, such as the reinstatement of the death penalty as well as patterns of arbitrary arrests and detentions followed by unfair trials of political opponents and journalists. Additionally, multiple draconian laws, such as the Anti-Terrorism Law, the Law on Public Gatherings and the Law on Associations, continue to affect the free exercise of rights and freedoms of opinion, expression and association, restricting the activities of civil society organisations.

In such a context, it would be highly beneficial that a national human rights institution effectively promotes a human rights culture and protects human rights for all.

However, the lack of independence of the JNCHR, due, among others, to the appointment of its members by the executive power, strongly undermine its capacity to take a clear and independent stand on sensitive issues, which only adds to a general lack of information on its activities and an ineffective complaints mechanism.

6.2 Recommendations

6.2.1 To the Subcommittee on Accreditation

For these reasons, we suggest that the Sub-Committee on Accreditation recommend that the JNCHR **be reaccredited with B status**.

6.2.2 To the JNCHR

We thus recommend the JNCHR to:

1. Amend the appointment procedures of both the members of the Board of Trustees and of the Commissioner General so that the Parliament approves their nomination in order to ensure full independence from the executive;
2. Adopt the draft amendments of the JNCHR law on the selection process of the Chair and members of the Board of Trustees in order to take into account the fair representation of women, minority groups, civil society and other components of society. Further amendments should be introduced requesting that members of the Board and the Commissioner General be experienced in human rights and selected on the base of their merit, detailing specific criteria to be fulfilled;
3. Be empowered by law to freely consider any questions falling within its competence and especially without prior referral to a higher authority;
4. Be empowered by law to visit places of detention without the previous authorisation from the authorities;
5. Resume the collaboration with the United Nations human rights mechanisms, and in particular through the submission of its own reports;
6. Resume educational and promotional activities;
7. Enhance the publication of information on the JNCHR's activities on its website, including its annual reports, in order to make them known to the public and ensure full transparency;

8. Establish and maintain relationships with civil society organisations, including by cooperating with international human rights organisations;
9. Establish clear procedures regarding the Centre's complaint mechanisms that are in accordance with the Additional principles concerning the status of commissions with quasi-judicial competence, to ensure that justice is provided to victims of human rights abuses; and ensure that the human rights standards applied by the Centre when dealing with case of human rights violations are the highest possible.