

THE PERMANENT MISSION OF
THE HASHEMITE KINGDOM
OF JORDAN
GENEVA

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ



البعثة الدائمة
المملكة الأردنية الهاشمية
جنيف

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The Permanent Mission of the Hashemite Kingdom of Jordan to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and with reference to the latter's Note Verbale dated 15 January 2018 regarding the draft guidelines on the effective implementation of the right to participate in public affairs, has the honour to attach herewith the response from the Jordanian National Commission for Women on the subject mentioned in the Note Verbale.

The Permanent Mission of the Hashemite Kingdom of Jordan to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 5 March 2018



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الجنة الوطنية الأردنية لشؤون المرأة

Response of the Jordanian National Commission for Women to the request of the OHCHR for information to be taken into account during the preparation of the draft guidelines on the effective implementation of the right to participate in public affairs.

General remarks

The Jordanian Constitution extends the principle of equality to all citizens, and by implication to both men and women, there is no provision prohibiting discrimination on the specific ground of gender. Although a number of the constitutional provisions relating to civil and political rights are specified to be subject to regulation by law, specifically Election Law for the 2015, Law on Decentralization 2015, Law on Municipalities 2015.

Jordan has transposed into its national legal framework the key international and regional treaties concerning human, civil and political rights. These include, without reservations, the UN ICCPR, the UN Convention against Corruption, the UN International Convention on the Elimination of All Forms of Racial Discrimination, the UN Convention on the Political Rights of Women (CPRW), the UN Convention on the Rights of Persons with Disabilities (CRPD), the UN Convention on the Rights of the Child (CRC) and the Arab Charter of Human Rights (AChHR).

Jordan remains also committed to integrating Sustainable development goals 2030, specifically goal 16 which relates to: reducing all forms of corruption and bribery; establishing effective, transparent and accountable institutions at all levels; ensuring decisions are made in a participatory and representative manner at all levels, and protecting public access to information and fundamental freedoms in accordance with national legislations and international agreements.

Jordan's path to reform and development is guided by several national instruments and visions. The Jordan Vision 2025 provides a vivid policy instrument that aspires to achieve an integrated economic and social framework that governs the economic and social policies based on providing opportunities for all. The Jordan Vision 2015 primary principles include promoting the rule of law and equal opportunities, increasing participatory policy making, achieving fiscal sustainability and strengthening institutions.

Development in political life/public affairs

The Government passed a new Elections Law and enabled the Independent Elections Commission to conduct the 18th Parliamentary elections in September 2016. Jordan is also committed to expanding the process of popular participation through the preparation for a large-scale decentralization

process that allows citizens to identify their needs and priorities and to develop their areas and communities, thus enlarging popular participation in decision making process.

The Government of Jordan has made a commitment to issue regulations and instructions to implement the Decentralization Law by holding for the first time Decentralization elections in 2017 paving the way for decentralized planning which will enable the decision-making process to become a purely local one that responds to the citizens' local priorities and illustrate this government commitment to further enshrining public participation. The decentralization process clearly installs solid grassroots incubators throughout the country that function as mechanism to facilitate participation in the decision-making that affect people's lives, and increase their share of the national development's returns.

The citizen's right to vote emerges indirectly in the Constitution in the context of the right of parliament to be elected. The right to vote was de jure extended to those in pre-trial detention, thus preserving the presumption of innocence.

Following the 13 November 2015 population and housing census, it was estimated that some 13.7 per cent of the population were affected by disability related issues. Elderly citizens with special needs assistance and those impacted by illiteracy also signal the need for proactive measures to allow such citizens of voting age the opportunity to participate in public life through the right to vote and to stand as well as in the organs of electoral administration. Disabled voters again had the right to appoint their own escort to assist them voting or, in the absence of such, the Polling and Counting Committee (PCC) chairperson was charged with the task.

The right to stand. The right to take a seat in Parliament is limited to citizens who have attained the age of 30, thereby imposing a similar age restriction on candidacy, in particular considering that a citizen may be appointed a judge at the age of 27 or take a seat in a municipal council at 25.

The deletion of the prohibition on persons of dual citizenship from standing for election means that those Jordanians with multiple citizenship could, for the first time, stand in the 2016 elections.

There is no express recognition of ethnic or religious minority groups in the Constitution. However, legal provisions for reserved seats for Christians, Chechens and Circassians, attest to the fact that the state recognises the existence of such groups.

Rights of appeal arise on several bases in the legal framework, in favour of both voters and candidates, in the context of voter and candidate registration, and in permitting voter appeals against the results of elections. The Constitution guarantees the right of appeal to voters against the election of a candidate in their district.

Concerning the principle of accountability, the Government of Jordan made several commitments in this Third National Action Plan 2016-2018¹, which include the launch and enhancement of a complaints registration system and follow-up mechanisms to deal with complaints in a serious manner and to refer them to the judiciary, when necessary. The system receives complaints related to violations of citizen rights and those related to governmental services. The Government also made commitments to adopt the principle of budget disclosure in accordance with international standards, and to promote transparency and financial disclosure as part of its efforts to enable citizen participation in evaluation and audit of government spending decisions.

¹ <http://www.mop.gov.jo/EchoBusV3.0/SystemAssets/Reports/OGP%20Third%20National%20Action%20Plan%202016-2018.pdf>

Participation rights are linked to other human rights such as the rights to peaceful assembly and association, freedom of expression and opinion and the rights to education and to information.

The Constitution of Jordan provides for the right to assembly in Article 16 which stipulates that (i) Jordanians shall have the right to hold meetings within the limits of the law. (ii) Jordanians shall have the right to establish societies, unions and political parties provided their objective is lawful, their methods peaceful, and their by-laws not in violation of the provisions of the Constitution. (iii) The law shall regulate the manner of the establishment of societies, unions and political parties and the control of their resources. According to Constitutional amendments of 2011, every infringement on public rights and freedoms is a crime punishable by law.

Article 17 of the Constitution of Jordan provides that: "Jordanians are entitled to address the public authorities on any personal matters affecting them, or on any matter relative to public affairs, in such a manner and under such conditions as may be prescribed by the Law".

Article 7 of the Law on Guarantee of Access to Information No. 47 (2007) states: "Every Jordanian has the right to obtain the information he/she requires in accordance with the provisions of this Law, if he/she has a lawful interest or a legitimate reason therefor".

The Constitution of Jordan guarantees freedom of opinion and expression as well as freedom of the press. In addition, 12 laws regulate, directly or indirectly, the performance of the media. The role of the media during elections is weakly regulated. The Independent Election Commission (IEC), responsible for regulating and overseeing the campaign activities, including those related to media, issued its Guidelines for the Electoral Campaigns Publicity. These guidelines establish ceilings on publicity campaign expenditures and cover general aspects of the electoral media coverage, but do not provide for allocation of free airtime or space to political parties in the media.

In 2011 Jordan has joined the Open Government Partnership², which currently includes 69 countries. The OGP is an international initiative that was created to promote good governance in the world by using opportunities arising from developments in technology.

Jordan has developed its Third National Action Plan 2016-2018 under the Open Government Partnership Initiative to improve the development and planning processes, while further promoting citizens' participation and improving public sector efficiency based on inclusive and balanced approach in which the government and civil society are partners in delivering reform and development.

Guaranteeing and expanding the scope of public access to information is a prominent feature of Jordan's third National Action Plan. Several commitments in the plan reflect Jordan government's pursuit to strengthen the legislative framework governing access to information, while tackling specific areas where access to information is critical, such as enhancing environmental facilities available for persons with disabilities to access use information, related to justice sector, as well as an overall policy for provision of public and open data.

In order to reinforce the principle of public participation the Jordanian Government commits to strengthen the framework governing freedom of the media to promote aspects of citizen participation in the public life, and the independent role of the media in disseminating reports and coverage related to government performance.

² <https://www.ogp.int/jordan>

Media made good efforts to inform voters about the new electoral system and encourage voters' participation. Significant airtime and space was allocated in both electronic and print media to inform Jordanians about the development of the electoral process and the different activities carried out by the electoral administration.

The media paid significant attention to the importance of women's participation in the electoral race and the interpretation of the legal provisions about women's reserved seats. A significant number of candidates used social media as main tools for media campaigning.

UN Women, in partnership with the Ministry of Public Sector Development and the Greater Amman Municipality, launched a series of trainings for women in public service working in the Greater Amman Municipality. Despite women constituting a significant part of the overall public sector workforce in Jordan they remain under-represented in managerial roles. Within the framework of the regional programme 'Mixity and Leadership' funded by the Government of France, these capacity building opportunities aim to promote women's leadership and access to decision-making positions in the public sector.

The Jordanian National Commission for Women supports women candidates to run for political office at all levels, build the capacity of elected women, especially those in Parliament, supports civil society engagement in the political process.

Recommendations

While preparing the guidelines on the effective implementation of the right to participate in public affairs the following should be talking into account.

The States should:

- Guarantee on the constitutional level the rights to vote and the right to stand; equality before the law and clear legal framework free of discrimination on any ground;
- Guarantee independent justice system and access to remedy;
- Empower for participation in public affairs, promote civic education in schools and encourage civic engagement;
- Develop digital competence and establish e-governance;
- Establish a platform for e-participation (proposing and commenting laws, discuss and vote on legislative proposals);
- Creating and enabling environment for civil society activities;
- Guarantee the right to access to information and free media;
- Empowering women and youth to participate/engage in public affairs and build their knowledge and capacity.