

**Miss: Margaret Sekaggaya**

**Special rapporteur on the situation of the human rights defenders, Office of the High commissioner of the human rights**

Please find attached the answers to your questionnaire regarding human rights defenders that will be used to inform your report to be submitted to the human rights in March 2013.

Regards

DR. Musa Burayzat

Commissioner General for human rights

**Answers of the of the National Centre for human rights in Jordan to the Questioners  
regarding human rights defenders**

Q (1.A):

The Jordanian National Centre for Human Rights NCHR in was established by virtue of temporary law Number. 75 (2002), as an independent national institution to replace the Royal Committee for Human Rights, which was established in 29 March, 2000. In 2006 the temporary law was replaced by a permanent one, law No. 51 (2006) which was then published in the Official Gazette, issue No. 4782, 16 October 2006.

Q (1.B):

The law of the NCHR provides for the financial, administrative and political independent of the National Center for Human Rights in the Articles of the law as follows:

Article 3:

A Center, called “The National Center for Human Rights” shall be established in the Kingdom as a legal personality enjoying financial and administrative independence. In this capacity, the Center may exercise the full right of legal disposal, including drawing of contracts and ownership of movable and immovable properties, and resort to the Judiciary for litigation.

Article 6:

The NCHR shall enjoy complete independence in undertaking its human rights-related intellectual, political and humanitarian activities and functions. Furthermore, the Board or any of its members shall not be held accountable for the measures taken within the Center’s competences specified herein.

Article 8:

The NCHR may request any information, data, or statistics it sees necessary for the realization of its objectives from the concerned parties, which shall respond without delay to such requests.

Article 13:

(A) The NCHR shall be supervised and managed by a Board of Trustees of no more than 21 members, whose Chairman and members are appointed by Royal Decree at the recommendation of the Prime Minister.

(B) The Board shall elect from among its members a Deputy Chairman who deputizes for the Chairman during his absence.

(C) The Board shall serve for a term of four years.

Article 16:

(A) The Commissioner General shall be appointed by decision of the Council of Ministers at the recommendation of the Board for a three-year renewable term, provided the appointment is coupled with a Royal Decree. The services of the Commissioner General shall be terminated by the same procedure.

(B) The Commissioner General shall be responsible before the Board for the performance of his tasks and shall be assisted by a number of full-time commissioners appointed by the Board at the recommendation of the Chairman. The Commissioner General may delegate some of his responsibilities to any of the commissioners, should the circumstances require it.

Article 20:

The Center's financial resources shall consist of the following:

(A) Financial support provided by the Government.

(B) Proceeds of the financial and cultural activities and projects undertaken by the Center.

©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 resources if their origin is foreign.

(D) Wills and Waqf endowments.

In response to the Centre's demand and upon a request of the Prime Minister, the Special Office for the Interpretation of Laws, which is the highest body for interpreting laws in the country, issued in 2009 Decision No. 3 of 2009 which clearly states that NCHR is considered an independent institution of public benefit and ensures its legal entity enjoying full financial and administrative independence. The legal entity and full independence of NCHR are further ensured by the fact that its expenditures and financial records are monitored by an independent auditor appointed by the Board of Trustees (Governing Body of NCHR) and not by the Governmental Audit Bureau, which monitors government institutions' expenditures and financial records.

Though the law does not specifically stipulate of the plurality of the composition of the institution, yet, the members of the Board of the Trustees often represent many sectors of the Jordanian society (administrative and political expertise, academia, associations

representatives, media personnel, non-governmental organizations, Muslim and Christian clerks, women, persons with disabilities).The mandate of the NCHR in following-up violations of human rights is wide ranging and can be seen through the following stipulations in its law :

#### Article 4:

The Center shall aim to achieve the following:

(A) Enhance the principles of human rights in the Kingdom and shall be inspired in doing so by the tolerant message of Islam, the values inherent in Arab-Islamic heritage, the rights stipulated in the Constitution, and the principles emphasized in international charters and covenants.

(B) Participate in efforts aimed at promoting human rights principles in Jordan at the intellectual and practice levels, as well as non-discrimination between citizens because of race, language, religion or gender.

(C) Enhance the democratic process in the Kingdom with a view to creating an integrated, balanced model based on spreading freedoms, guaranteeing political pluralism, respecting the sovereignty of the law and guaranteeing the right to economic, social and cultural development.

(D) Endeavor for the Kingdom's accession to Arab and international human rights charters and conventions.

#### Article 5:

The Centre shall employ the following means and methods in its quest to achieve its objectives:

(A) Verifying that human rights are being observed in the Kingdom when addressing any transgressions or violations thereof and following up on the adoption of the necessary measures for that purpose, including settlement of said transgressions or violations or referral to the Executive or Legislative Power or the competent legal authority in order to put an end thereto and eliminate the effects thereof.

(B) Endeavoring to include human rights principles, especially as stipulated in Islam, in the curricula of the different educational levels.

(C) Declaring positions and issuing statements related to human rights issues in the Kingdom.

(D) Conducting legal, political, social, educational, and intellectual studies and researches related to the Center's objectives.

(E) Organizing lectures, seminars, and conferences pertaining to the Center's objectives and participating in similar activities, provided that the provisions of the relevant valid laws are being observed.

(F) Organizing training courses, seminars educational sessions.

(G) Issuing human rights-related statements, bulletins and periodical and non-periodical publications.

(H) Participating in television and radio programs, panel discussions and interviews, as well as in the preparation of press materials.

(I) Exchanging information and experiences with similar national, Arab, and Islamic associations and organizations, as well as regional and international institutions.

(J) Making recommendations and submitting proposals necessary for safeguarding human rights in the Kingdom.

(K) Establishing a database of information related to human rights.

(L) Proposing legislation related to the Center's objectives.

Article 7:

The Centre shall monitor transgressions of human rights and public freedoms in the Kingdom and shall strive to halt any such transgressions.

Article 8:

The NCHR may request any information, data, or statistics it sees necessary for the realization of its objectives from the concerned parties, which shall respond without delay to such requests.

Article 9:

If the violation of human rights is perpetrated by a public employee, the Center may notify the official party to which they said employee is attached and request adoption of the suitable legal measures against him.

Article 10:

The NCHR has the right to:

(A) Visit reform and rehabilitation centers, detention centers and juvenile care homes and shall do so according to proper rules.

(B) Visit any public place, which has been reported to be the venue of past or present transgressions of human rights.

Article 12:

The NCHR shall compile an annual report on the situation of human rights and public freedoms in the Kingdom and shall submit said report to the House of Notables, the House of Deputies and the Council of Ministers.

Q (1.c):

The (NCHR) received an (A) accreditation in the year 2010 from the International Coordination Committee of the National Institutions for Human Rights (NHRIs). It also assumed the chair of the Asia-Pacific Forum in the year 2010 and currently of the chair of the International Coordination Committee since March 2012.

Q (2.a):

An answer for this question is in Articles 4-10 mentioned above.

Q (2.b):

See Articles 5 (a), 7 and 9 mentioned above.

Q (2.c):

As previously stipulated in article (4) of the law, the mandate of the NCHR is very broad .It covers all human rights fields .The consideration of the complaints and the following-up of the human rights violations covers the governmental and the non-governmental sectors. This was stressed by article (5-A) and articles (7) and (9) which were very clear in including considering the violations of human rights by the public official .The NCHR shall not be held accountable for the measures taken within the Center competences as stipulated (article 6) . Article (10) gives the NCHR the authority of monitoring human rights violations in all areas of Human Right within the kingdom, including the Reform and Rehabilitation Centers, as well as all sectors including the Security Departments.

Q (2.d):

According to article 10 of the NCHR mandate, the center has the right to Visit reform and rehabilitation centers, detention centers and juvenile care homes and shall do so according to proper rules. It can also visit any public place in which it is reported that a past or present transgression has occurred regarding human rights.

The NCHR has established a mechanism to monitor places of detention. This is done through the Criminal Justice Unit which is entitled to conduct unannounced and on the spot visits to these facilities. Unfortunately, the NCHR is not empowered to provide remedies to human rights violations or have a witness protection mechanism. It refers complaints to the competent executive, legislative or legal authorities, in cooperation with the NCHR, so as to put end to them and eliminate their effects.

Q (3.A and b):

Article (6) of the law of the NCHR protects the Board of the Trustees from accountability. Yet there is no clear text regarding the operating staff. Since the majority of the decisions of the NCHR are issued in the name of the Board of the Trustees, this provides partial protection for staff members. None of the staff of the NCHR has been subject to any encroachment or harassment. As for the human rights activists who work in various quarters, the NCHR pays attention to any violation that occurs against them and follows their cases through various means, namely contacting the competent authorities, carrying investigations and issuance of special reports.

Q (4.a):

The NCHR coordinates with the civil society associations through:

- 1- Exchange of invitations to attend training workshops and seminars.
- 2 - Establishment of coalitions and networks in the area of human rights (Child Rights Network, Lawyer's Network, Elections observing network).
- 3 - Provide the NCHR with human rights violations complaints for follows-up ensuring of their validity.
- 4 – Implementation of joint activities in the area of training, studying, and monitoring of human rights. In addition to its preparation of its own report, the NCHR contributes towards preparing shadow reports in close collaboration with the non-governmental organizations and CBOs.

Q (5.A):

The NCHR staff have never been subject to any harassment or interference in their affairs by the governmental or security departments.

Q (5.b):

The ratification of Jordan of many human rights conventions, especially the two International Covenants for civil, political rights and economic, social and cultural rights. and the Arab Charter for Human Rights, constitutes a protection to the Institution and Its staff, especially

the right of association, freedom of opinion and expression, In addition to the rights enshrined in the Jordanian Constitution and the Law of the NCHR.

Q (5.c):

The NCHR has never been subject to any direct pressure or interference in its work

Q (6.a):

As stated in article (20) of the NCHR law, its financial resources consist of:

(A) Financial support provided by the Government.

(B) Proceeds of the financial and cultural activities and projects undertaken by the Center.

(C) 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 resources if their origin is foreign.

(D) Wills and Waqf endowments

The government grant and the proceeds of the funded projects constitute the two main financial resources .The rate of the government support to the 2011 budget of the NCHR constituted 90% of the operating expenses, while revenue from the funded projects constituted 10%. In 2011, The NCHR spent around 200,000 JDs (280,000 US\$) on its direct activities through the funded projects funds.

Q (6.b):

Despite the governmental financial support and the provision by the government of the centers headquarters and the freedom of receiving international funding, yet it still faces financial difficulties. The most important of these is the insufficiency of the governmental funding (it fluctuates according to the economic situations of the state). This poses a challenge to the NCHR in conducting its activities the need to an outreach mechanism and open branches to ensure geographic coverage of the centre, to the governorates and distant areas. Our work is confined to a main office in the Capital of Amman. In addition, the governmental fund is limited to the operating expenses and does not include the implementation of HRs activities. The funding by the international donors is tied to their agendas and priorities, not necessarily associated with the priorities of the NCHR. Therefore presenting a challenge to the implementation of the NCHR plans, strategies activities.

Q (7.A):

Article (13) stipulates the method of the appointment of the Board of Trustees members:

A) The Center shall be supervised and managed by a Board of Trustees of no more than 21 members, whose Chairman and members are appointed by Royal Decree at the recommendation of the Prime Minister.

(B) The Board shall elect from among its members a Deputy Chairman who deputizes for the Chairman during his absence.

(C) The Board shall serve for a term of four years.

Article (16) stipulates the method of appointing the Commissioner-General:

(A) The Commissioner General shall be appointed by decision of the Council of Ministers at the recommendation of the Board for a three-year renewable term, provided the appointment is coupled with a Royal Decree. The services of the Commissioner General shall be terminated by the same procedure.

(B) The Commissioner General shall be responsible before the Board for the performance of his tasks and shall be assisted by a number of full-time commissioners appointed by the Board at the recommendation of the Chairman. The Commissioner General may delegate some of his authorities to any of the commissioners, should the circumstances require it.

Q (7.b):

There are no criteria or standards in the law regarding the membership and chairmanship of the Board of Trustees. But the selection must consider the representation of different societal components and sectors, (previous governmental expertise, academia, religious figures, and people with disabilities). Any member who assumes an official position cannot take part in the decisions of the Board. It is worth mentioning that many people have recommended the removal of one former chairman of the Board of Trustees due to his political positions which considered outside the scope of the NCHR mandate.