



Position of the National Centre for Human Rights on the Instructions for the Preparation of Impact Assessment Studies of 2025

Issued pursuant to Article (13) of the Regulation on Good Regulation and Impact Assessment of Legislation and Policies No. (16) of 2025

Pursuant to the mandate of the National Centre for Human Rights under its Law No. 51 of 2006 and the amendments thereto, and by reference to Article (5/1) thereof, which vests in the Centre the competence to propose legislation related to the objectives of the Centre and to human rights matters, the National Centre for Human Rights welcomes the issuance of the Instructions for the Preparation of Impact Assessment Studies of 2025 as an important step towards consolidating the good-regulation approach and improving the quality of legislative and administrative decision-making in the Kingdom. These Instructions constitute a normative framework for ensuring that legislation and public policies are built upon rigorous analysis, objective scrutiny and the effective participation of stakeholders, in a manner that strengthens the principles of transparency and accountability and the protection of rights and freedoms.

The position of the Centre on these Instructions is set out below:

First: Strengthening the evidence-based approach to the drafting of legislation and policies

The Centre considers that the requirement to prepare impact assessment studies prior to the adoption of legislation and policies represents an important shift from an approach grounded in political will or administrative orientation to an approach grounded in evidence and analysis. This is consistent with:

- Article 128 of the Constitution, which prohibits any infringement of the rights and freedoms guaranteed thereunder;
- the principle of legality, which requires legislation to be proportionate, necessary and appropriate;

- Jordan's international obligations, particularly in the field of civil and political rights and of economic and social rights.

The Centre regards it as a positive feature that the Instructions distinguish between basic assessment and in-depth assessment, and link the choice between them to the nature of the subject matter and its potential effects, thereby reinforcing the principle of proportionality.

Nevertheless, the Centre points to the need for impact assessment studies to include a systematic analysis of the effect of any piece of legislation on human rights, as a fixed component not left to interpretation or discretion, in line with the practice followed in a number of States.

The Instructions further emphasise the importance of consultation, including through the electronic platform "Tawasol" and other means, so as to ensure that affected groups are reached. The Centre considers that this orientation strengthens:

1. The right to participate in the conduct of public affairs;
2. The guarantee of the right of access to information;
3. The principle of transparency and legislative openness, so as to ensure legislative stability.

The Centre nonetheless records the following observations:

1. Fair representation must be guaranteed for the groups most in need of protection, and participation must not be confined to official bodies.
2. Full information concerning the legislation under assessment must be made available, so as to ensure effective, knowledge-based participation.
3. The limited digital access available to certain groups must be addressed, through paper-based alternatives or field sessions.

Third: The methodology of human rights analysis within impact assessment

The Centre stresses that any legislation or public policy may have a direct or indirect effect on the human rights framework, whether the rights concerned are civil and political or economic, social and cultural. Accordingly, the Centre considers it necessary that the Instructions incorporate the following elements in any impact assessment:

1. The principles of necessity and proportionality;
2. Verification that the objective sought through the application of the Instructions cannot be achieved by means less restrictive of rights and freedoms;

3. Verification of the consistency of the draft legislation with the conventions ratified by the Kingdom;
4. Assessment of indirect or cumulative effects that may emerge years after the legislation enters into force.

Fourth: Recommendations

1. To require government entities to prepare a "human rights impact assessment report" as a stand-alone document annexed to every legislative impact assessment study, so as to ensure that the human rights dimension is not subsumed within general templates.
2. To establish a national index for measuring the impact of legislation on rights and freedoms, comprising quantitative and qualitative criteria that assist in monitoring compliance by the competent entities with international standards.
3. To adopt a unified human rights methodology covering: proportionality; necessity; protection against discrimination; the effect of the legislation on the groups most in need of protection; and the extent of its consistency with international conventions.
4. To require the entities concerned to publish draft legislation and the data surveys used in the assessment before submitting them for public discussion, so as to ensure knowledge-based rather than formal participation.
5. To hold field hearing sessions in the governorates when assessing legislation with an impact on local groups (farmers, workers, university students, women in the governorates, and others).
6. To establish an electronic register of legislative consultations, containing summaries of the views received and of the manner in which the entity concerned dealt with them, in fulfilment of the principle of transparency.
7. To require government institutions to publish their non-confidential databases so that they may be used in impact assessment.
8. To develop partnerships with the Department of Statistics and with universities in order to provide neutral and up-to-date data in support of assessments.