



Position of the National Centre for Human Rights on the Draft Local Administration Law of 2026

Proceeding from the legal mandate of the National Centre for Human Rights under its Law No. (51) of 2006, and in particular its competence to review national legislation and to state the extent of its consistency with the provisions of the Jordanian Constitution and with the international human rights conventions ratified by the Kingdom, and in harmony with the constitutional principles affirming participation in the conduct of public affairs, the rule of law, equality, justice and transparency, the draft Local Administration Law of 2026 has been reviewed from a human rights perspective that balances the requirements of developing local administration and strengthening good governance with the guarantee of the protection of human rights.

The Centre observes that the draft Law represents a qualitative advance by comparison with previous legislation, in that it embraces the concepts of strategic planning, sustainable local development, participatory budgeting, digital transformation, the promotion of local investment, the development of institutional oversight, and the expansion of the scope of municipal services — all of which are orientations capable of improving the efficiency of local administration and enhancing the quality of the services provided to citizens.

The draft Local Administration Law of 2026

The Centre likewise commends the creation of local development units, neighbourhood committees and internal oversight units, the obligation imposed upon municipalities to publish periodic reports on their performance, the adoption of digital transformation, and the provision made for accessibility and reasonable accommodation for persons with disabilities, all of which are positive steps that strengthen the principles of participation, transparency and accountability.

The position of the Centre on the draft Law

The Centre observes that certain provisions contained in the draft still require the strengthening of human rights guarantees, whether by embedding them in the body of the Law itself or by limiting referral to regulations and instructions in matters affecting the rights and legal status of individuals,

so as to achieve a greater degree of legal certainty and to reinforce the legislative protection of human rights.

Accordingly, the Centre submits the following observations

First: Article (15) concerning the establishment, merger or alteration of the boundaries of municipalities

The draft permits the Council of Ministers, upon the nomination of the Minister and the recommendation of the Administrative Governor, to establish municipalities, to merge them or to alter their boundaries following a study of the administrative, financial and service-related impact.

The Centre considers that this provision represents an important development, in that it requires technical studies to be conducted before the decision is taken; it does not, however, contain any express provision guaranteeing the involvement of the local communities affected by such decisions, or affording them the opportunity to express their views before the decisions are approved, notwithstanding that these decisions directly affect the rights, services and local representation of the population.

The Centre recommends the insertion of a provision requiring public consultations to be held with the local communities concerned and the results thereof to be published before any decision is issued establishing, merging or altering the boundaries of municipalities, in furtherance of the principle of participation in the conduct of public affairs and in consolidation of the principles of transparency and participatory administration.

Second: Article (25) concerning notification of, and objection to, financial claims

Third: Article (30) concerning the publication of performance reports

The draft regulates the procedures for notifying persons liable of the amounts due to the municipality, and permits objection before the municipality and thereafter recourse to the competent court. It requires, as a condition of an action of objection, payment of twenty per cent (20%) of the amount claimed or the provision of a bank guarantee.

The Centre considers that the regulation of objection procedures constitutes a positive guarantee of the right of access to justice; the requirement of paying a proportion of the amount, or of providing a guarantee, may however in certain cases constitute a practical obstacle to the exercise of that right, particularly for persons of limited income and for small enterprises.

The Centre therefore recommends that the judge be granted a discretionary power to waive or reduce this requirement whenever it appears that compliance with it would preclude access to

justice, in a manner that strikes a balance between the protection of public funds and the guarantee of the constitutional right of access to justice.

The draft obliges municipalities to prepare quarterly reports on service performance and on their financial position and to publish them on their website and social media pages.

The Centre regards this provision as among the most prominent of the provisions that strengthen transparency and accountability; its effectiveness, however, requires that the minimum content of the information to be published be specified, including completion rates, service quality indicators, the principal challenges encountered and the corrective measures taken, so as to enable citizens to assess the performance of municipalities objectively.

The Centre therefore recommends the insertion of a provision specifying the minimum content of such reports, and guaranteeing ease of access to them and their availability to the public.

Fourth: Article (31) concerning neighbourhood committees

The draft creates neighbourhood committees with a view to strengthening community participation in decision-making and in the preparation of budgets and to conveying the voice of citizens; it refers, however, all provisions relating to their formation, the selection of their members and their competences to instructions to be issued subsequently.

The Centre considers that the establishment of neighbourhood committees represents an important development in strengthening local participation; the fundamental guarantees relating to the mechanism of their formation, the criteria for the representation of the local community — including women, young persons, persons with disabilities and older persons — and their independence ought, however, to be set out in the Law itself, given that they affect one of the most important instruments of popular participation.

The Centre recommends that the Law provide for the fundamental principles governing these committees, and that instructions be confined to procedural and organisational aspects.

Fifth: Article (34) concerning the local development unit and internal oversight

The Centre commends the provision obliging the participation of women, young persons, older persons and persons with disabilities in the preparation of the local needs guide, and likewise welcomes the creation of internal oversight units and the strengthening of institutional oversight within municipalities.

That said, the Centre considers that the strengthening of accountability requires provision to be made for the publication of summaries of the results of the work of the internal oversight units and

of the corrective measures taken by municipalities, in a manner that does not conflict with the confidentiality of information required by law and that enhances citizens' confidence in local administration.

Sixth: General observations on the draft

The Centre observes that the draft contains a large number of referrals to implementing regulations and instructions for the regulation of substantive matters relating to powers, procedures and the rights of individuals. Notwithstanding the importance of legislative flexibility, excessive referral to secondary legislation may affect the principle of legal certainty and diminish the guarantees that the Law itself is expected to lay down.

Accordingly, the Centre recommends that the Law contain the fundamental provisions relating to rights, guarantees and substantive procedures, and that the role of regulations and instructions be confined to the regulation of executive and technical aspects.

The Centre further recommends that provision be made for the principle of periodic assessment of the human rights impact of local policies, plans and programmes, so as to ensure that local development contributes to strengthening equality and non-discrimination and to improving the quality of services for all inhabitants.

At the same time, the Centre affirms that completing the human rights architecture of the draft requires the strengthening of certain legislative guarantees, in particular as regards the effective participation of local communities, the right of access to justice, the consolidation of the principles of transparency and accountability, and the limitation of referral to secondary legislation in substantive matters.

Recommendations

1. Strengthening inclusive participation

The Centre recommends the amendment of Article (34) so as to provide for the guarantee of effective and balanced representation of women, young persons, persons with disabilities and older persons in the neighbourhood committees, the local development unit and the advisory committees, at a level of not less than one third of the membership of those committees whenever this is feasible, in furtherance of community participation and non-discrimination.

2. Strengthening the legal guarantees of community participation

The Centre recommends the amendment of Article (31) so that the Law contains the fundamental principles governing the formation of neighbourhood committees, the mechanism for selecting

their members and the criteria for the representation of the local community, and so that these guarantees are not left to implementing instructions alone.

3. Guaranteeing transparency and disclosure

The Centre recommends the widening of the scope of Article (30) so as to encompass the publication of performance reports, the results of oversight, completion indicators and the decisions of the councils, in a manner that strengthens the right of citizens of access to information and to hold local administration to account.

4. Strengthening the right of access to justice

The Centre recommends that Article (25) be reconsidered so as to grant the court a discretionary power to waive or reduce the requirement of paying a proportion of the amount or providing a guarantee in those cases in which it may constitute an obstacle to the exercise of the right of access to justice.

5. Limiting referral to instructions

The Centre recommends that referral to regulations and instructions be confined to technical and executive matters only, and that guarantees, rights and substantive procedures be embedded in the body of the Law, in a manner that strengthens legal certainty and preserves constitutional guarantees.

6. Subjecting decisions of local impact to public consultation

The Centre recommends the amendment of Article (15) so as to oblige the competent authorities to conduct publicly announced community consultations before taking decisions to establish, merge or alter the boundaries of municipalities, and to publish the results of such consultations, in a manner that gives effect to the right of citizens to participate in the conduct of public affairs.