



Research Paper on

The Role of National Human Rights Institutions in Monitoring the 2030 Sustainable Development Goals

Jordan as a Model

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Introduction

The integration of human rights into sustainable development work is no longer a luxury; it has become an international objective, since human rights constitute both the foundation and the outcome of the development goals and policies of any society in any country of the world. Protecting, respecting and facilitating rights is one of the national tools for overcoming the obstacles and challenges that the State faces in achieving development, as the fulfilment of these rights is the most prominent manifestation of the achievements and success of sustainable development.

By linking sustainable development to human rights, the focus shifted from meeting individuals' needs from a material standpoint to a rights-based principle imposed by law and by international human rights standards. This is achieved by applying the element of empowering individuals and communities without any discrimination, and by activating the effective participation of the various stakeholders – individuals, civil society organizations and government – in order to secure equitable access to the distribution of the gains of development and to guarantee a life of dignity for present and future generations.

The years 2015/2016 marked a milestone in the field of human rights and development, as it was recognized that sustainable development cannot be achieved without the full realization of human rights. This is reflected in the approach underpinning the 2030 Agenda for Sustainable Development¹, which aims to strike a balance among the three dimensions of sustainable development – the social, the economic and the environmental – and which will constitute the overarching framework guiding development work at the global and national levels over the next fifteen years. The recognition accorded to this Agenda is unprecedented in scope and significance at the international level owing to its link to the human rights-based approach². The Agenda emphasizes the different realities and living conditions of each country, as well as respect for national policies and priorities, given that the goals it sets out are the fruit of public consultations and intensive contacts conducted over more than two years across the world, with broad participation by civil society.

The Interconnection between the Sustainable Development Goals and Economic, Social and Cultural Rights

The origins of the relationship between human rights and development go back to the International Covenant on Economic, Social and Cultural Rights, which established a direct link between the advancement of human rights and government policies to promote human, social and cultural

¹The Agenda introduced a broad set of goals and targets, comprising 17 Sustainable Development Goals and 167 targets [T.N.: as in the original; the 2030 Agenda contains 169 targets], which seek to achieve comprehensive objectives for promoting economic and social rights and to provide decisive opportunities to further advance the realization of human rights for all people everywhere.

²The Agenda is guided by the purposes of the Charter of the United Nations, the Universal Declaration of Human Rights, the Millennium Declaration, the international human rights treaties, the 2005 World Summit Outcome Document and the Declaration on the Right to Development.

development. International rules established a system for monitoring the impact of development on human rights by requiring States to submit reports on economic, social and cultural rights to the committee concerned with those rights. Some trace the relationship between the two back to the phrase "freedom from want" in the preamble of the Universal Declaration of Human Rights.

The Declaration on the Right to Development subsequently contributed to the theoretical evolution of the concept of development. It clarified the relationship between development and human rights, linked the right to development to the human person as the central subject of the development process – being both its end and its means – and brought to the fore development in its human framework and its various dimensions, aimed at improving the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation. This is an inalienable and indivisible part of human rights, encompassing the full realization of all human rights and fundamental freedoms. States have the duty to formulate national development policies that facilitate the realization of the right to development; they must ensure equality of opportunity for all in access to basic resources such as education, work, health, food and housing, and must encourage popular participation.

The Role of National Human Rights Institutions in Monitoring Economic and Social Rights: the National Center for Human Rights as an Example

Proceeding from the principles enshrined in the Paris Principles for the establishment of national human rights institutions – beginning with independence and a broad mandate set out in the constitution or in legislation, and emphasizing the role of the national institution in submitting reports, harmonizing legislation and encouraging the ratification of international conventions – national human rights institutions acknowledge the need to enhance their capacity to monitor the State's obligations in respect of these rights. International law recognizes that States cannot guarantee that all their citizens enjoy these rights immediately, for reasons related to a lack of resources. The monitoring carried out by national human rights institutions can yield important and significant results³:

1. Determining whether the State is fulfilling its obligations, and establishing a basis for accountability;
2. Clarifying the areas in which the State is meeting its obligations and those in which it is falling short;
3. Identifying the source and nature of violations and the problems encountered in realizing economic, social and cultural rights;
4. Identifying priorities for action and proposing the areas to which resources should be allocated;
5. Supporting and advocating these rights through legislation and through policy formulation in their field;
6. Encouraging principled policy-making that incorporates a human rights perspective, and procedures that facilitate public accountability.

At the development level, national human rights institutions may undertake the following:

³Handbook on Economic, Social and Cultural Rights.

1. Implementing promotional and educational programmes, which means mainstreaming the national human rights institution's work on economic and social rights into its programmes through strategic planning, evaluation, monitoring and promotion;
2. Reviewing laws and draft laws and harmonizing them with international standards, which requires encouraging the State to ratify the conventions relevant to economic and social rights and devising measures to ensure the consistency of national laws with international obligations;
3. Advising the State and shaping policies;
4. Establishing national benchmarks to measure the progressive realization of economic, social and cultural rights;
5. Conducting research and inquiries;
6. Considering specific complaints;
7. Providing a basis for the reports and documents submitted to national bodies.

The Current State of Development in Jordan

First: The National Legal Standard for the Right to Development

Although the Jordanian Constitution does not refer directly to the right to development, Article 6 affirms that the State shall guarantee education and work within the limits of its capabilities, shall guarantee tranquillity and equal opportunities for all citizens, shall protect motherhood, childhood and old age, and shall care for young people and persons with disabilities. Article 16 refers to the right of Jordanians to assemble and to establish associations, trade unions and political parties; Article 19 refers to the right of communities to establish and administer their own schools for the education of their members; Article 20 affirms that basic education is compulsory and free for Jordanians in government schools; Article 22 affirms the right of Jordanians to hold public office on the basis of competence and qualifications; and Article 23 refers to the State's obligation to direct the economy in a manner that ensures the provision of employment opportunities for Jordanians.

Jordan has ratified numerous international conventions⁴ and published them in the Official Gazette, whereby they have become an integral part of the national legislative system, such as the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and numerous conventions of the International Labour Organization.

These conventions and constitutional provisions have been translated into numerous national laws governing the guarantee of economic, social, cultural, civil and political rights.

At the policy level, the Jordan 2025 document charts a path for the future and sets out the integrated general framework that will govern economic and social policies based on providing opportunities for all,

⁴The Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Declaration on the Right to Development, the African Charter on Human and Peoples' Rights, the European Social Charter, the Maastricht Principles on obligations relating to economic rights and the Limburg Principles on violations of economic, social and cultural rights. The vast majority of States have ratified the international treaties recognizing these rights and have adopted national and local laws to give effect to them. It is internationally accepted that economic, social and cultural rights are interrelated, interdependent and indivisible from civil and political rights and, like them, are of a legal nature.

and whose principles include the rule of law, fiscal sustainability and the strengthening of institutions. It comprises four main pillars: the citizen pillar (engaged and participating); the society pillar (safe and stable); the business pillar (dynamic and highly competitive); and the government pillar (highly efficient).

The Government's Executive Development Programme 2016–2018⁵ is likewise one of the most important development programmes of recent years. It aims to advance Jordan economically and socially by building a strong and sustainable economy in which the private sector is a partner of the public sector in development, with complementary roles. The programme covers 26 development sectors and is to be implemented by 121 entities – ministries, independent and official government institutions, civil society organizations or the private sector – in order to achieve the development objectives over the next three years. Furthermore, the Royal initiatives, visions, speeches and letters of designation, together with the content of national documents such as the "We Are All Jordan" document, the National Charter, the "Jordan First" documents and the Fifth Royal Discussion Paper, constitute national references for realizing the right to development. In addition, a Royal Decree was issued in 2011 establishing a special Governorates Development Fund as a tool to provide sustainable financial support for development projects in the governorates.

- The normative framework of the right to development provides a reference point for assessing the Kingdom's resolve to translate its international obligations under the right to development into concrete action that ensures a life of dignity and the well-being of citizens. Article (2) of the International Covenant on Economic, Social and Cultural Rights affirms the core obligations of States Parties to guarantee the rights enshrined in the Covenant by urging the adoption of legislative measures and by working to ensure the progressive effective enjoyment of those rights to the maximum of the State's available resources; recognizing and applying the principle of equality and non-discrimination on any ground; international cooperation and assistance; and the obligations to respect, to protect and to fulfil.
- A detailed examination of Jordan's compliance with the eight international standards reveals the following:

First: Adoption of Legislative Measures

The Jordanian Constitution clearly guarantees economic, social and cultural rights in its provisions with regard to the right to work, the right to education and the right to health, and implicitly refers to the guarantee of other rights, most notably that combating poverty and addressing its effects is a strategic objective of the State and a national responsibility, and that justice must be pursued in the geographical and social distribution of services and development projects so as to meet citizens' basic needs and reduce poverty. The field monitoring carried out by the National Center has shown that numerous violations affecting citizens' economic, social and cultural rights persist. Practice has revealed the ineffectiveness of the strategies pursued to reduce unemployment and poverty rates; the overlapping work of official and voluntary institutions proceeds in a non-institutional manner; rural development projects suffer from marketing problems; and government housing projects still suffer from a clear shortage of the funding required to discharge this right.

⁵For further information, please consult the Development Programme 2016–2018 document on the website of the Ministry of Planning.

Second: Ensuring the Progressive Effective Enjoyment of Rights

This means obliging a State Party to the International Covenant on Economic, Social and Cultural Rights, regardless of its level of national wealth, to move as expeditiously as possible towards the realization of the rights set out in the Covenant within a reasonable period of time. The phrase "progressive realization" does not mean that the State may defer the realization of rights indefinitely, as such deferral would be contrary to international law; on the contrary, the State must immediately begin taking steps to fulfil its obligations under the Covenant.

At the national level, this standard has been translated into numerous development programmes, plans and projects: the Government's Development Programme 2016–2018, the Gulf Grant Programme, the Ten-Year Plan 2015 and the National Human Rights Plan.

Third: To the Maximum of Available Resources

The available-resources standard, like the provision on progressive realization, is frequently used to justify the non-realization or violation of economic and social rights. However, this standard obliges the State Party to guarantee minimum rights for all, irrespective of the State's level of economic development.

At the national level, this standard has been translated into the Jordan 2025 document [T.N.: the original reads "2015"]. In order to put its outputs into effect, medium-term executive programmes were prepared and adopted as the policy reference in the preparation process, taking into account the various sectoral development strategies, the demographic-opportunity policies and participatory work, in pursuit of balanced development among the governorates and a reduction of the disparities between them, food security, and sustainable human development based on empowerment and equal opportunities.

Fourth: Free from Any Discrimination

This means eliminating any discrimination that detracts from the enjoyment of economic, social and cultural rights in any form, including discrimination by any independent third party, whether individuals or bodies.

At the national level, Jordan has met this standard, as development projects, programmes and plans are directed at all residents of the Kingdom's territory without any discrimination.

Fifth: Through International Assistance and Cooperation

This standard recognizes that many States will be unable to fulfil their obligations on their own and will need international support. It therefore has two dimensions: the obligation to accept assistance and the obligation to provide it.

At the national level, the Ministry of Planning and International Cooperation is the link between all ministries and government and private institutions, on the one hand, and external sources of funding from foreign States and institutions, on the other. The Kingdom has been able to obtain foreign assistance in the form of grants, concessional loans and technical assistance⁶ to secure the funding needed to implement

⁶Current development assistance and projects:

- The Regional and Local Development Project (RLDP), in cooperation with the World Bank and the French Development Agency.
- The Programme to Combat Poverty through Local Development (21 municipalities), funded by a European Union grant.
- The Local Governance Development Programme (LGDP), funded by the US Millennium Challenge Corporation (MCC), which benefited the municipalities of Greater Jerash, Greater Madaba, Burqush, Al-Shifa, Al-Hasa, New Shobak, Fuheis, Rabbat Al-Koura and New Birayn.

priority development projects and programmes, in line with national priorities and plans, in a number of vital sectors, particularly water and sanitation, infrastructure, health and education. The grants received by the Kingdom may be classified into general budget support, concessional loans and technical assistance. Total foreign assistance to Jordan in 2015 [T.N.: the amount is not stated in the original], in addition to the additional support to Jordan within the comprehensive framework for responding to the Syrian crisis; the volume of regular, additional and humanitarian foreign assistance committed for 2016 amounted to USD (2.8) [billion] [T.N.: the unit is omitted in the original].

Sixth: The Obligation to Respect

This means obliging the State to refrain from any act that violates the sanctity of individuals' lives or affects their freedom to use the material or other resources available to them, by reason of practices, policies and legal measures that restrict the use of resources.

At the national level, in applying this obligation, the State pursued a rentier policy in the development process, which resulted in a worsening budget deficit, rising public debt, continuing economic stagnation, low economic growth rates, the high cost of goods and services, and the aggravation of poverty and unemployment. The rentier policy remained the dominant approach of successive governments, and there have been no signs indicating that the authorities are taking the need to integrate human rights into public policy with any seriousness, whether at the level of legislative, administrative or economic measures, in addition to the limited popular participation in the formulation of development strategies and programmes, whether in providing advice or in delivering services.

Seventh: The Obligation to Protect

This means preventing the rights of any citizen from being violated by any party, whether a natural or legal person or the private sector. The State must guarantee legal redress for victims of violations when they occur and must take effective measures to protect citizens from any form of discrimination.

At the national level, litigation over violations resulting from deprivation of economic, social and cultural rights remains ill-defined, and many violations occur as a result of the practices involved in implementing development policies.

Eighth: The Obligation to Fulfil

This means that the State shall take positive measures in cases where other measures have failed to ensure the full realization of these rights. This requires the Government to regulate the economic sector and to provide the necessary public services, basic infrastructure, a tax policy and other measures to redistribute resources.

The obligation to fulfil accordingly requires the State to: allocate a sufficient proportion of expenditure to the progressive realization of economic, social and cultural rights; provide public services; develop plans and strategies with specific objectives relating to economic, social and cultural rights; establish benchmarks for monitoring economic, social and cultural rights; guarantee and adopt government

– The Programme to Combat Poverty through Municipal Development, which benefited the municipalities of Al-Shu'la, Eil and Deir Alla.

– The Municipal Development Capacity-Building Project ("Baladiyati"), funded by a European Union grant.

– The Support to Local Economic Development in Jordan Project (PLEDJ), which benefited the municipalities of Ajloun and Tafileh, funded by a European Union grant.

legislation and policies on economic and social rights; and give the utmost attention to the rights of the groups most vulnerable to violations of their economic, social and cultural rights.

At the national level, there are numerous development windows in Jordan, such as the Development and Employment Fund, the Productivity Enhancement Programme and the IRADA centres, the Agricultural Credit Fund, the Jordan Loan Guarantee Corporation, the Hashemite Fund for the Development of Jordan Badia and the Jordan Enterprise Development Corporation. An item of the State budget has been allocated to realizing the rights to education, health and work; however, the National Center for Human Rights' study on economic and social rights in the State budget during the years 2000–2010 revealed a stereotyped pattern of public spending, with total spending on education, health and work not exceeding 11%, 10% and 2% respectively of total public expenditure; that is, the share of the three sectors in total spending amounted to only 23%.

Extent of Compliance in Achieving the Millennium Development Goals in Jordan

From the outset, the Jordanian Government worked to integrate the Millennium Goals into national plans and to establish a mechanism for measuring the extent of their achievement by adopting performance indicators in this field. This was reflected in the Economic and Social Development Plan 2004–2006, the Executive Programme 2007–2009, the Executive Development Programme 2011–2013 and the Development Programme 2016–2018, which took into account a set of policies, procedures, programmes, projects and activities aimed at achieving those goals and at attaining a better standard of living for citizens.

In a manner that broadens the base of popular participation in development decision-making and follow-up, and enables citizens and local bodies and actors to identify their needs and set their priorities for advancing their local communities – and, given the importance of meeting citizens' basic needs – the Government is working in parallel to strengthen the productive capacity of the governorates. The Government has designed and implemented a number of development initiatives that contribute to responding to many of the development challenges in the governorates along three main pillars: developing infrastructure and basic services; stimulating local economic activity and attracting and encouraging investment in these sectors; and activating the role of civil society institutions in local development. The government initiatives for the development of the governorates included a set of development programmes within a medium-term participatory planning framework, implementing the Royal visions and directives to raise development levels in the governorates.

- Within the framework of the Millennium Development Goals, Jordan has given special importance to tackling poverty and unemployment and to providing employment, training and job opportunities for young people of working age, in addition to the achievements made in providing education for all, the best evidence of which is the indicators of general education in Jordan at the overall level and by sex and region.
- Health has been accorded the highest importance in recent years, with a view to attaining an advanced level of health for all Jordanians, with a focus on maternal and child health, which still requires further work and effort to reach best international practice in this field. Attention to the environment has likewise been among the national priorities, with a view to achieving a sustainable environment in terms of controlling gas emissions, protecting biodiversity and preserving protected areas of all kinds, and combating desertification and air, water and soil pollution.

- In the field of women's empowerment and equal opportunities, Jordan has taken important steps in terms of providing education for females and empowering women politically and economically.

Assessment of Achievement

Despite the positive assessments confirming that Jordan has achieved, or come close to achieving, the Millennium Goals, numerous development challenges still hinder the progress to be made by 2030: poverty rates and unemployment among young people and women remain high, and the quality of education needs improvement. The health, education, transport, social security, environmental and other systems that form the pillars for fulfilling economic, social and cultural rights have regressed. These challenges are manifested as follows:

Development Challenges Facing the State

- Declining economic performance and a slowdown in the pace of economic growth.
1. The general budget deficit and rising indebtedness;
 2. Declining national exports and the trade balance tilting towards imports;
 3. Rising poverty rates at the national and local levels;
 4. Limited overall economic participation and limited participation of women, amid high unemployment rates that vary between regions;
 5. Jordan's scarcity of water resources, the country being considered the third poorest in the world [in water];
 6. Confronting desertification, environmental degradation and climate change;
 7. The Syrian refugee crisis and its impact on development sectors;
 8. The absence of policies for measuring the progress made in realizing economic and social rights;
 9. The scarcity of economic empowerment programmes for marginalized groups, owing to the unsustainability of medium, small and micro development projects.

Development Challenges Facing the Citizen

A number of development challenges affecting individuals' rights persist, namely:

1. Limited popular participation in drawing up and developing national and local development plans;
2. A widening gap among citizens in the acquisition of these rights;
3. The absence of oversight and accountability bodies and of a genuine role for civil society organizations;
4. The limited political and economic participation of women and their limited access to decision-making positions;
5. High public transport fares, fuel prices and housing rents;
6. The limited contribution of the private sector to poverty-alleviation programmes, and the unsustainability of the fixed assets of most productive projects;
7. The declining quality of education and the failure to link its outputs to the labour market;
8. The absence of a role for civil society organizations.

Recommendations

1. Combating discrimination and inequality through the adoption of legislation, policies and multiple accountability systems;
2. Promoting social justice and the values of democracy and transparency, together with women's political and economic participation and their access to decision-making positions;
3. Empowering national civil society in relation to the national agenda through dialogue and participation in decision-making and in the implementation of programmes;
4. Adopting policies that meet service needs, with attention to growth and to economic empowerment programmes;
5. Adopting policies aimed at limiting internal migration so as to reduce its impact on the capital's infrastructure, by developing the governorates and effectively applying the principle of decentralization in distributing the gains of development;
6. Activating the role of the private sector in development programmes, whether in financing or in implementation.