

Amman, December 16, 2023

Position Paper

Comments on the Draft Social Development Law of 2023

1. Introduction

Social development is a multidimensional and interdisciplinary concept that considers the interplay between various factors influencing the quality of life. Governments, non-governmental organizations, and international agencies worldwide often collaborate to implement policies and programs aimed at fostering social development.

Key elements of social development include social safety nets, poverty alleviation, access to healthcare services, education and training, housing assistance, employment support policies, and policies for social Inclusion, in particular those that address systemic barriers and discrimination that may contribute to social disparities.

Social work, social care, and social development are related concepts, but they have distinct focuses and roles. They share the common goal of improving well-being, but each concept operates at different levels and addresses distinct aspects of social services. In contrast to the more systemic efforts of social development to create a more equitable and just society through the different policies, strategies, and tools, social work involves professional intervention to empower individuals and communities, and social care provides direct assistance to those in need of support for daily living.

2. About the Draft Law and its Review Process

According to the draft document, the rationale for the draft Social Development Law is developed to “enable the Ministry of Social Development to Provide protection and social care to groups in need in a participatory and fair manner.” Furthermore, the draft law focuses on revisiting and updating the Social Development Law of 1956, in particular article 3, regarding the provision of:

comprehensive social security and productive adequacy, coordinate social services for all citizens in all stages of life, and regulate their investment.

As of November 20, the draft law is under revision by the Parliament. While the text available online at the Parliament’s website consists of 7 articles,¹ the current draft revised for this position paper extends to 28 articles.

As per the draft law, the 28 articles articulate the following points:

- 1- Procedures for licensing, monitoring and supervising institutions and centers that provide care services.
- 2- Regulate the social work profession, determine the conditions for its practice and approve and license its programs;

¹ The publicly available draft law can be found at:
<https://lob.gov.jo/?v=2&lang=ar#!/DraftDetails?DraftID=10640&AddComment=0&PageIndex=1&DraftTitle=%D9%85%D8%B3%D9%88%D8%AF%D8%A9-%D9%82%D8%A7%D9%86%D9%88%D9%86-%D8%A7%D9%84%D8%AA%D9%86%D9%85%D9%8A%D8%A9-%D8%A7%D9%84%D8%A7%D8%AC%D8%AA%D9%85%D8%A7%D8%B9%D9%8A%D8%A9-%D9%84%D8%B3%D9%86%D8%A9-2023>

- 3- Establish a fund for social protection and care under the oversight of the Ministry of Social Development;
- 4- Impose penalties on those who violate the provisions of the law.

On November 29th, 2023, a group of experts and practitioners gathered at ARDD offices to examine the shortcomings and gaps of the current draft law and to provide a set of recommendations to improve the important mandate of this law.

3. General Assessment of the Law

This piece of legislation is critical for reorienting developmental efforts toward a rights-based approach in the field of professionalization of social work and care work. However, in its current state, the law necessitates the following improvements:

1- Clear definitions and scope of work

The existing draft lacks precision in definitions and delineation of roles. It conflates social development with social work. The term "development" is notably ambiguous, blending local and international interpretations. A comprehensive review of definitions is essential, requiring the inclusion of a broader set to clarify concepts related to protection, care, social work, and social development, especially since the draft law imposes penalties on anyone who practices any of these practices without a license.

2- Internal coherence and efficacy

In dealing with the issues covered by the legislation, the legislator differentiated between the legal personality and the natural person (Articles 17, 18, and 20), without following a clear criterion for distinction, as the application of the draft law to institutions or individuals is characterized by confusion and ambiguity.

Moreover, the draft law necessitates numerous subsequent regulations, which could potentially dilute its core objectives and effectiveness, resulting in a loss of coherence and efficacy. Conversely, although the draft legislation references the issuance of regulations on various topics covered, it also incorporates certain provisions within the law itself. Given the legislative delegation, why are some provisions explicitly addressed in the draft law only to be subsequently referred to for the issuance of regulations governing the same subject matter?

3- Participatory and Consultative process

Despite being a pivotal piece of legislation governing social development and protection, the writing process did not involve crucial stakeholders. The lack of consultation with local development entities, social work professionals and experts, international aid agencies, and donor organizations has resulted in a draft legislative text that leaves many aspects unresolved. For instance

while presenting an opportunity to advance human development and sustainable goals within a modern framework, the law introduces new responsibilities for all stakeholders. However, it also poses a risk of constriction by imposing additional approval requirements on projects related to the law, accompanied by strengthen the legislation.

4- Interdependence and Coordination with other Relevant Ministries and Government Institutions

Experiences worldwide highlight how social care and social work involve a variety of institutions and organizations that play crucial roles in providing services, advocacy, education, and research. These entities work together to address the diverse needs of individuals, families, and communities. Among key institutions and organizations involved in social care and social work are (this is not an exhaustive list):

1. Government Departments and Agencies (Ministry of Health, Ministry of Labor, National Council for Family Affairs, Higher Council for Persons with Disabilities, Family Protection Department, Municipalities, and others.)
2. Regulatory Bodies such as the Health Care Accreditation Council, maintaining quality standards by guiding healthcare professionals provide an example of how to measure their performance against these standards, and monitor their improvements using our quality improvement methods.
3. Professional Associations (Social Workers' Association, Nursing Association...).

4. Comments to the Current Draft Law

Upon reviewing the current draft law, we find several flaws and inconsistencies, which can be summarized as follows:

1- Name and Rank of the Draft

The name and rank of the current draft fails to convey the objective and scope of what it intends to do. Social Development Law is an overarching term that does not capture the objectives of what the current draft regulates, namely, social work and social care work, protection, and enhancing productivity.

2- Missing and unclear definitions

The current draft law lacks clear definitions for the key issues it regulates: Shelter, protection, development, care homes, productivity enhancement, and social work. Clarity is needed in designating and specifying these terms, especially if they include daycare facilities, home-based daycare, and caregivers hosting children in their homes.

3- Inaccuracy in the use of some terminology

The draft laws employ some terms inaccurately, as in the case of "care," which is sometimes mentioned independently, while in other instances, it utilizes the term "social care," as specifically noted in Article (4). In this case, the question arises whether "social care" differs from "welfare." Article (8) and the term "shelters" is also confusing. While the residences may serve as protection

homes, as seen in facilities designated for abused women, or as care homes for children requiring protection and care, as articulated in paragraph (a), it is evident that these homes may offer a

4- Scope of the Law

Article 5 of the draft law does not clarify the nature and scope of social work and care services, granting the minister vague authority to add other professions without specifying clear criteria.

5- Licensing and Certification

Article 7 concerning the prohibiting the provision of care without obtaining licenses for various categories, including those in the nursery age, creates confusion. Coordination is needed to reconcile this with the regulations governing nurseries, specifically Directive No. 77 of 2018, which establishes a technical committee for nurseries.

6- Internal Coherence

Article 11 of the Draft Law implies the provision of services by the ministry to graduates of shelter houses who have exceeded 18 years of age, contradicting itself by stating that beneficiaries aged 16-18 should be prepared.

7- Concerning Donations

The language in Article 15(a) of the current draft requires licenses and approvals for fundraising campaigns for legal entities, creating uncertainty about individual fundraisers. This raises questions about the legal pursuit of individual fundraisers without licenses or approvals, contradicting Article (20), which imposes penalties on all fundraisers, whether natural or legal persons, without clear guidelines.

Article 15 (15/A) mentions fundraising campaigns and not fundraising alone, while Paragraph B specifies the licensing conditions for fundraising and does not mention (fundraising campaigns). Article 20 came to punish those who collect donations or announce a fundraising campaign. Who determined the purpose of the article whether it would include (fundraising and fundraising campaigns) or only campaigns?

8- Penalties regarding violations in the draft

Article 22 allows the confiscation of funds obtained in violation of its provisions but does not specify the expenditure of confiscated funds.

The article does not specify how confiscated funds should be spent.#

There is no time frame nor a clear pathway towards certification and registration specified to enable the adjustment of the current delivery of services by organizations and professionals so that they do not incur penalties.

5. Recommendations

Given the significance of the proposed draft in enhancing the well-being of vulnerable populations and ensuring equitable access to protection and care services, as well as emphasizing the professionalization of social work, regulating fundraising practices, promoting social responsibility values, and encouraging private sector involvement in social development, the following recommendations are presented:

1- Thorough Review Process through a Collaborative Approach

The draft law necessitates a thorough process of review to clarify definitions concerning key issues, such as shelter, protection, and development. Furthermore, the draft law should be fully revised so that it clarifies all the roles that pertain to MOSD and make sure that the law does not contradict the bylaws that have already been issued over the years since 1956. ,

To ensure clarity and to promote an understanding of shared understanding among stakeholders, it is recommended to follow the following collaborative approach:

- *Formation of a Collaborative Working Group* comprising experts in social work, professionals, legal experts, and relevant stakeholders to collaboratively develop a comprehensive set of definitions aligned with international standards while considering the local context, to ensure that these definitions cover a wide range of meanings related to social development (including, but not an exhaustive list: protection, care, shelter, social work, social development, productivity enhancement, care homes...) within the scope of the law.

- *Conduct national consultations* with local and international organizations, private and public entities, and relevant bodies, and seek input from practitioners and experts in the field, to establish an accepted set of definitions.

This collaborative approach will enhance the effectiveness of the law in addressing issues related to protection, care, and shelter by providing a solid and unambiguous foundation for its implementation.

2- Rank and Name Change for Clarity and Alignment with the draft's Objectives

If this legislative effort aims to tackle the professionalization of Social Work and care services in Jordan, then to enhance clarity and align the name with its intended purpose, it is proposed to adopt a name that is more targeted and descriptive, such as "**Social Work Regulation** " or "**Social Work and Care Professions Regulations**" This title and rank accurately convey the main subjects and regulatory aspects of the law, facilitating a clearer understanding of its objectives among stakeholders and the general public.

3- Licensing and Certification

The current draft law should explicitly call for a licensing and certification framework for entities providing services and for certification of professionals Moreover, it is recommended to adopt fundamental steps to achieve an efficient and cohesive licensing framework for social and care workers through the centralization tasks under an independent and specialized entity or regulatory body responsible for overseeing the entire licensing process, from application reviews to inspections and approvals.

To ensure the success of the licensing framework, it is recommended to adopt a cooperative and coordinated approach among different relevant entities such as representatives from Ministries of Labor, Health, Higher Councils, childcare and caregiver experts, social workers, and educational professionals, to establish clear criteria for licensing and certification.

Leveraging the expertise gained by these professionals, it is imperative to create pathways for their professionalization and certification as social workers, even in the absence of a formal social work degree, within the legal framework. This would ensure the utilization of valuable experience and enhance the effectiveness of social service delivery in Jordan.

4. Establishment of a Fund

It is recommended the law explicitly sets out specific articles dedicated to the establishment of the fund, including the mechanisms for securing and allocating funds, as well as the responsibilities of the Ministry in overseeing these resources.

The Fund offers financial assistance for protection, care, and social programs, and these services may extend beyond the Ministry of Social Development to involve various other entities. This is apparent in Article (14), which discusses the programs offered by the Ministry and does not align with the content of the project. The project lacks clarification for the duplication observed in Articles (13) and (14), both addressing the programs provided by the Ministry without offering a rationale for this repetition.

The law should also clearly define potential funding sources and establish a framework for the activation and utilization of funds dedicated to specific purposes.

To ensure the law's effectiveness and avoid conflicts in its implementation, it is recommended to conduct a comprehensive review to identify and resolve any potential conflicts with current financial monitoring systems.

5. Principles and Mechanisms regarding the Fund

The following recommendations address principles and mechanisms to ensure the adaptability, transparency and accountability of the Fund:

5.1. Transparency and Accountability in Fund Management

- Integrate provisions into the law that promote transparency and accountability in fund management.
- Include requirements for report preparation, auditing procedures, and mechanisms to ensure the effective and purpose-driven use of funds.
- Ensure public confidence, facilitate proper financial auditing of activities, and uphold the law's transparency, clarity, and consistency in application.

5.2 Periodic Review and Update Mechanism

- Enforce a periodic review process to assess the financial status of the fund, allowing regular updates to the law to accommodate evolving societal needs, emerging professions, and advancements in international and local standards.

- Ensure the law remains adaptable and responsive to dynamic social and economic conditions.

5.3 Fundraising Standards

- Define clear and objective standards that charitable entities must meet to obtain fundraising licenses.
- Include criteria related to the nature and charitable purpose of the campaign, financial transparency, adherence to legal and ethical standards, target demographics, and establish mechanisms to ensure proper documentation and delivery of funds to the intended beneficiaries.
- Clarify licensing conditions, fundraising methods, and spending procedures within the law itself instead of delegating this responsibility to a separate system, promoting transparency and consistency in law enforcement.

6- Adding other sources of funding to populate the Fund

Apart from the funding sources outlined in Article 13, it is advisable to incorporate funds derived from criminal activities associated with begging into the law. This inclusion aims to guarantee that the confiscated resources are utilized for beneficial social purposes.

7- Usage of Funding Obtained from Violations of the Draft

It is proposed that the funds seized because of violations of the law (Article 22) could potentially be directed to support the proposed fund in the draft law.

Considering the previous points and recognizing the significance of this draft law and the need for enhancements, it is crucial to engage in national deliberations and conduct a public dialogue to solicit perspectives and collect comprehensive feedback on the proposed legislation. This approach aligns with the public interest, especially considering the mounting economic challenges, pervasive poverty, and unemployment that impact substantial segments of the Kingdom's population.

Annex 1: Social Development Draft Law Key Points and Asks

Key Point	Key Ask	Rational
<p>Name and Rank for this Law</p>	<p>Rename and provide a new rant to this current draft, i.e.: Social Work and Social Service Instructions/Bylaws (Nidham)</p>	<p>Social development is a multidimensional and interdisciplinary concept that considers the interplay between various factors influencing the quality of life.</p> <p>As per ILO (2016), current social protection programs in Jordan include Nutrition (school feeding); Social Services; NAF; Zakat; Social Security...</p> <p>In general, key elements of social development include social safety nets, poverty alleviation, access to healthcare services, education and training, housing assistance, employment support policies, and policies for social Inclusion, in particular those that address systemic barriers and discrimination that may contribute to social disparities.</p> <p>The current draft law only addresses one aspect of social development, namely, social work and care services. The title</p>

		<p>and rank proposed in these comments would accurately convey the main subject and regulatory aspects of the draft legislative effort, facilitating a clearer understanding of its objectives among stakeholders and the public.</p>
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<p>Licensing of companies/ organizations providing social services</p>	<p>Include key components of a licensing framework for entities providing social services, including the designation of a body responsible for overseeing the entire licensing process, from application reviews to inspections and approvals.</p>	<p>Social services are not provided in a vacuum: they are interconnected and depend on the target population and the nature of the services provided. This rationale is currently missing from the current text. For instance, Licensing of health services is currently done by the Health Care Accreditation Council.</p> <p>To ensure the success of the licensing framework, it is recommended to adopt a cooperative and coordinated approach among different relevant entities such as representatives from Ministries of Health, Higher Councils, childcare and caregiver experts, social workers, and educational professionals, to establish clear criteria for licensing and certification.</p>
<p>Certification of Social Workers done by MoSD in the current draft</p>	<p>Certification of social workers should be done by an independent entity from MoSD</p>	<p>In Jordan, various universities offer Bachelor's and Master's programs in Social Work without nationally established standards, albeit their curriculum aligns with international norms. While a National Association of Social Workers exists, Jordan lacks an independent entity responsible for ensuring professional standards and official registration of social work professionals, a common practice globally. For instance, in the United States, the National Association of Social Workers (NASW) serves as the largest membership organization for professional</p>

social workers, established in 1955. NASW is committed to fostering the professional growth and development of its members, establishing and upholding professional standards, and advocating for sound social policies.

Independent social work certification bodies worldwide oversee the maintenance of professional standards, facilitate the registration of professionals, and promote lifelong learning among practitioners.

Certification of Existing Staff active in the Humanitarian and Social Work fields.

Pathways for professional recognition of existing humanitarian and social service workers

Social work in Jordan operates within a broader context where civil society organizations play a pivotal role in delivering social services due to the absence of a strong centralized system. This is especially significant in supporting individuals with disabilities.

Additionally, over the past 13 years, Jordan has been actively involved in providing humanitarian aid to refugees. In response, humanitarian organizations have provided training to professionals in case management and service provision under the ethical principle of "Do no harm".

Leveraging the expertise gained by these professionals, it is imperative to create pathways

		<p>for their professionalization and certification as social workers, even in the absence of a formal social work degree. This would ensure the utilization of valuable experience and enhance the effectiveness of social service delivery in Jordan.</p>
<p>Establishment of a Fund for Social Services/Work</p>	<p>It is recommended the law explicitly sets out specific articles dedicated to the establishment of the fund, including the mechanisms for securing and allocating funds, as well as the responsibilities of the Ministry in overseeing these resources.</p>	<p>The law should also clearly define potential funding sources and establish a framework for the activation and utilization of funds dedicated to specific purposes.</p> <p>To ensure the law's effectiveness and avoid conflicts in its implementation, it is recommended to conduct a comprehensive review to identify and resolve any potential conflicts with current financial</p>

		<p>monitoring systems.</p> <p>The law should ensure the fund adheres to the principles of adaptability, transparency, and accountability</p>
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No consultative process to draft this law

Establishment of a Collaborative Working Group comprising experts in social work, professionals, legal experts, and relevant stakeholders to collaboratively develop a comprehensive set of definitions aligned with international standards while considering the local context,

Despite being a pivotal piece of legislation governing the professionalization of social work in Jordan, the writing process did not involve crucial stakeholders. The lack of consultation with local development entities, social work practitioners and experts, and international aid agencies providing humanitarian aid, has resulted in a legislative text that leaves many aspects unresolved. For instance, while presenting an opportunity to advance human development and sustainable goals within a framework for professionalization, the law introduces new responsibilities for all stakeholders. However, it also poses a risk of constriction by imposing additional approval requirements on projects related to the law, accompanied by stringent penalties for civil and social engagement initiatives. A participatory and consultative process is essential to address these concerns and strengthen the legislation.