

**Universal Periodic Review of Jordan
3rd Cycle Review**

**Submission to the Office of the High Commissioner for
Human Rights**

by

**The Arab NGO Network for Development
ECOSOC Consultative Status-Roster**

&

**The Phenix Center for Economics & Informatics
Studies**



annd

Arab NGO Network for Development
شبكة المنظمات العربية غير الحكومية للتنمية



الدراسات الاقتصادية والمعلوماتية
ECONOMIC & INFORMATICS STUDIES

Introduction

1. For the occasion of Jordan's 3rd cycle review under the Human Rights Council Universal Periodic Review (UPR) process, this submission focuses on Jordan's compliance with its obligations to respect, protect and fulfill economic and social rights, focusing on the labor rights. Labor rights remained the top 4th issue tackled during the second cycle of Jordan, with 16 recommendations in this regard. On the other hand, Jordan accepted all recommendations calling for "combatting unemployment" and "further improving the employment of the population" that require revision of social and economic policies with a rights-based approach.
2. This report has benefitted from research and analysis done by the Arab NGO Network for Development on Jordan and by the the Phenix Center for Economics & Informatics Studies; mainly for the monitoring the implementation of the Agenda 2030, on informal labor through the bi-annually developed Arab Watch Report and IMF/WB Intervention in Jordan. Full text of the reports are included in the footnotes for further reading.
3. ANND and the Phenix Center believes that UPR mechanism can provide an additional opportunity to have a holistic monitoring of human rights obligations and voluntary commitments towards achieving sustainable development.

Social and economic policies implemented and their impacts on labor conditions in Jordan

4. During the second cycle review, Jordan accepted the recommendations towards "combatting unemployment" and "further improving the employment of the population". Yet, over the past years, Jordan's job-creating capabilities have sharply declined. Whereas circa 2007/2008 the Jordanian economy was capable of creating 70,000 new jobs yearly, by the end of 2016 this figure had dropped to 48,000. Total labor force of the total working age population have declined over the last 10 years from %39.8 in 2007 to %35.6 in 2016 due to weak capacity of the Jordanian economy to generate new job opportunities and the decline of women's participation to economic life, which did not exceed %13.4 in 2016. These figures are worrisome when considering that the national labor market should be able to accommodate for the entry of an additional 100,000 to 120,000 people into the workforce yearly¹.
5. Reliance on the support of two main IFIs—the International Monetary Fund and the World Bank has also impacted social and economic policies implemented in Jordan and had impacts on employment policies. In return for financial assistance, Jordan has had to agree to a number of conditions—typically in the form of policy prescriptions—as part of its multilateral agreements. The failure to ensure Jordan's economic autonomy, such as by fostering its job-creating industrial sector has contributed to the steady decline of the country's job-creating capabilities².
6. Unemployment rates have remained high, particularly among youth and females. While current unemployment rates stand at 18.5% for the whole of the workforce, current estimates place youth unemployment rates at approximately 35-40% (Department of Statistics, 2017), which is above the MENA region average of 30.4% (World Bank, 2014). There are also stark differences between

¹ Implementation of the 2030 Agenda: Opportunities and Challenges, by ANND, 2018 (to be published). Contact ANND offices at www.annd.org

² IMF and World Bank Intervention in Jordan: A misguided approach to economic reform, September 2017 available at <http://www.annd.org/data/file/files/IMF-JORDAN-PolicyBrief.pdf>

males and females—by the fourth quarter of 2016, 24.8% of female workers in Jordan were reportedly unemployed, to 13.8% of males (Department of Statistics, 2017)³.

7. According to official estimates the labor force in Jordan in 2016 was between 2.4-2.6 million workers. Of these about 1 million are migrant workers, the majority of whom are Egyptians, Syrians and Asians. 350,000 of them have official work permits. The rest work informally⁴.

8. Among all labor rights related UPR recommendations, there was no specific one addressing informal labor in Jordan, while the expansion of informal labor in Jordan should be taken into consideration; as by 2012 it was believed to employ 44% of the country's total (formal and informal) workforce.

9. Within the informal sector, workers are seldom covered by any type of insurance or social protection. Moreover, government policies depriving most of the workers in Jordan from trade union organization and the right to collective bargaining foster this trend. The high financial and tax obligations resulting from the registration of enterprises, including small ones, have led many employers not to register their enterprises officially⁵.

10. Although in 2014, the government issued a "national framework for the transition to the formal economy in Jordan" that emphasized a set of principles which included respect for the rights of individuals, families and groups to engage in special work, and respect for basic labor rights for all workers, including those in the informal economy; the framework has not been systematically and clearly implemented, with the exception of campaigns by the Social Security Corporation to expand the social security base⁶. Nevertheless, only approximately 1.22 million active workers in Jordan are covered by social security⁷.

11. While Jordan accepted 4 recommendations promoting the right of migrant workers, only noted the ratification of the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. There has been no progress in this regard. Similarly, during the 2017 Committee on the Elimination of the Racial Discrimination review, Jordan was recommended to ratify the Convention once again. Moreover, the Committee members noted that "the sponsorship system for foreign migrant workers continues to result in employers having excessive control over foreign migrant workers, rendering them vulnerable to trafficking, abuse and exploitative working conditions, with little recourse."⁸

12. Overall refugee rights in Jordan was addressed by 6 recommendations (out of which 4 of them were accepted) and Jordan showed commitment to seek further technical assistance and cooperation in order to "accommodate refugees in the country". Yet, the second cycle revision did not address specifically the labor rights of the refugees. The country hosts hundreds of thousands of migrant and refugee workers who are willing to work longer hours, and for lower wages and fewer benefits, leading to a deterioration on in working conditions throughout the country, and

³ Ibid.

⁴ <http://www.annd.org/cd/arabwatch2016/pdf/english/20.pdf>

⁵ Ibid.

⁶ Ibid.

⁷ Retrieved from <http://www.phenixcenter.net/en/paper/180>

⁸ http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/JOR/CO/18-20&Lang=En

posing serious challenges to the achievement of decent work in Jordan (as well as achieving SDG8)⁹.

13. According to official estimates issued by the Ministry of Labor, the number of Syrians in the labor market is close to 150,000 most of them are informal workers. It should be also noted that while the Labor Law No. 8 articulates the minimum wage in Jordan and was amended in 2017, raising the minimum wage to 220 dinars (previously 190 dinars), the minimum wage scheme remains insufficient, it applies only on Jordanians. In addition overall wage levels are generally low for ensuring an adequate standard of living, about 48.5% of wages are 400 dinars or less, close to the absolute poverty line of the standard family. Furthermore, discrimination against women with wage gaps persists in the country.

14. Jordan accepted all three recommendations calling for “eradicating child labor”. However, the refugee crisis has caused a spike in child labor in Jordan as out of necessity, several families are unable to provide their children with an education, instead requiring them to contribute to the family income. In addition to commonly working long hours (10-12 a day) for meager wages (-100 200 US\$ per month), working children are often vulnerable and subject to physical and emotional abuse. In Jordan, recent estimates suggest that the number of child laborers (under the age of 16) could be as high as 70 thousands.

15. Whereas with national vision for sustainable development, namely Jordan 2025, the government identifies key challenges with regard to promotion of employment as, informality of employment among migrant workers; supply-demand disharmony in the labor market; social attitudes towards employment in such fields as vocational and technical professions; and the prevalence of *wasta*, there is no mention of the challenges faced by the labor movement¹⁰.

16. Likewise, while the second cycle review of Jordan addressed freedom of association and the Jordanian Government committed to “Ensure that the legislation and the State respect articles 19 and 21 of International Covenant on Civil and Political Rights, which guarantee freedom of expression and freedom of association and assembly”, there was no focus on the fact that the social and political environment in Jordan has hindered the ability of workers to exercise their constitutional rights to freedom of association and assembly to improve their working and living conditions.

17. Whereas Jordan ratified ILO Convention no. 98 on Right to Organize and Collective Bargaining, several restrictions still remain; only the state-related union has a leverage in collective bargaining while independent trade unions do not have the same rights. Since 1976, there have existed only 17 recognized trade unions in the Kingdom, operating under the umbrella of the General Federation of Jordanian Trade Unions (GFJTU), which holds authority over each of the unions’ bylaws and internal affairs. In turn, the GFJTU is strongly associated with the government and as such does not stray far from the official stance on most issues. This hampers social dialogue in the country, indeed “social dialogue has not played a major role to date. It has a limited impact and role, to a certain extent because the concern for stability and central control may have inspired

⁹ Implementation of the 2030 Agenda: Opportunities and Challenges, by ANND, 2018 (to be published). Contact ANND offices at www.annd.org

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suspicion towards civil society, on the degree of freedom for social dialogue, and the degree of involvement of social dialogue in solving labor issues”¹¹

18. Both the GFJTU and each of the official unions are perceived to function undemocratically, with the GFJTU having gone the last 25 years without holding elections. Moreover, official unions do not represent workers in the public sector, seeing as the Civil Servants bylaw includes no provisions regarding the unionization of public sector, in spite of a 2013 decision by the Constitutional Court recognizing the right of civil servants to freedom of association.

19. In addition, given the high rate of informal labor in the country, it is crucial to note that they are deprived of trade union organization and collective bargaining. Not more than 10% of all workers in Jordan are organized in the trade unions.

Accordingly, we urge the Working Group and the members of the Human Rights Council to call upon the Jordanian government to:

1. Review the economic model applied in Jordan, based on the human rights perspective and protecting the interests of all parties; and stimulate the national economy by encouraging investment in labor-intensive productive sectors to alleviate unemployment and generate adequate and decent job opportunities
2. Implement the national framework developed by the government in collaboration with the International Labor Organization and social partners for the transition to the formal economy in 2014;
3. Re-enact the provisions of Article 3 of the Labor Law so that all waged workers are covered by the Labor Law, and that agricultural and domestic workers are not linked to special regulations;
4. Broaden the reach of the national social security system, to ensure decent minimum living standards for the more vulnerable segments of the population, ensure that the domestic workers are included in the social security system
5. Amend the insurance system against inability to work for medical reasons by approving the anti-unemployment insurance system.
6. Review wage policies in the public and private sectors to increase them, connecting them to inflation rates and Enforce minimum wage policies in the formal as well as the informal economy, to curb the effects of unjust competition posed by refugees and migrant worker
7. Ratify the ILO Convention no. 87 concerning Freedom of Association and Protection of the Right to Organize.
8. Review article 98 of the Labor Law, so that all restrictions limiting the establishment of trade unions for all workers in Jordan are removed;
9. Amend article (44/A) of Labor law to guarantee the right of all workers, who do not have a labor union, to hold collective bargaining with employers and general management.
10. Recognize the new and independent trade union movement and allow its actors to become key partners in social dialogue, and draw provisions for the creation of independent unions in the public sector;

¹¹ Social dialogue in Morocco, Tunisia and Jordan, available at https://www.google.com.tr/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwiV37nmu5PYAhWN_qQKHUr-D0oQFggqMAA&url=http%3A%2F%2Fec.europa.eu%2Fsocial%2FblobServlet%3FdocId%3D15319%26langId%3Den&usg=AOvVaw1XIW6jn7LjAai5c829F2D

11. Develop mechanisms for solving labor disputes in a developed manner to include new mechanisms and techniques such as mediation and arbitration.
12. Strengthen dialogue with civil society partners, and promote their inclusion in developing and implementing national strategies for the achievement of SDGs and promote awareness of SDGs and intensify national efforts towards the achievement of their targets.
13. Activate legal provisions related to limiting child labor and finding an effective mechanism for control
14. Amend Penal law to introduce Forced Labor as a serious crime against persons.
15. Repeal and amend all legal texts that involve discrimination against women, such as those related to granting women a family allowance and her family being eligible for her pension payment after her death.
16. Increase the maternity leave for female workers in the private sector within the framework of SSL to become 90 days instead of 70 days, to achieve equality between all workers.
17. Amend article (69) of the Jordan Labor Law to reduce the authorities of the Minister of Labor in identifying professions where women are prohibited to work.
18. Cancel the decision aimed at requiring Palestinians residing in Jordan who carry a temporary passport to have a work permit issued for them.
19. Amend article (12) of the Jordanian Labor Law in order to ensure that the children of Jordanian women married to non-Jordanian men are treated as Jordanians and allowing them to work in all jobs available in the labor market.
20. Amend article 31 of Labor law that permits group expulsion from work for reasons relating to restructuring organizations, so that workers who are dismissed receive fair compensations.
21. Amend article 58 of the Labor law to include all workers in supervisory and transport jobs in the overtime payment standards.
22. Amend the text of article (2) of Labor Law related to labor disputes in a manner that guarantees recognizing all labor disputes.
23. Include all workers under Labor Law protection mandate without adapting this protection by issuing regulations.
24. Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.
25. Improve the legal status of migrant worker by not granting employer the organizational and administrative authorities of the migrant worker through different legislation, as the relationship should be governed by the limits and conditions of the work contract.