

## COUNTRY REPORT: JORDAN

# Monitoring of the ENP Progress report 2014

### Introduction

---

The Arab Spring has fundamentally changed the political landscape of Europe's Southern neighbourhood – the Middle East and North Africa (MENA) and clearly revealed the need for a new social contract based on respect for fundamental freedoms, dignity and rule of law, in addition to the revision of social and economic policies towards ensuring sustainable development and economic and social justice. Despite high expectations, after more than two years the revolutions have thus far been unable to produce consolidated and stable democracies and a growth-based economic model have been still promoted by national and international actors. Widespread non-democratic practices are still hindering the transition towards multiparty democracy and conflict in the region is alarming with the ongoing war in Syria, Libya and in Iraq. Thus while significant changes have been produced in all countries, the MENA region is still lagging behind the promises of the Arab Spring.

In the aftermath of the uprisings, the EU offered its Southern Mediterranean partner countries “A partnership for democracy and shared prosperity” in the context of the revised European Neighbourhood Policy that focused on democratic transformation, a partnership with people and civil society, and sustainable and inclusive growth.

With yearly progress on the implementation of the European Neighborhood Policy, the EU assesses the progress and regress in implementation of Action Plans. In light of the Progress Reports on the implementation of the European Neighbourhood Policy 2014, SOLIDAR in coordination with the Arab NGO Network for Development (ANND) and in cooperation with the CONCORD working group on Enlargement, Pre-accession and Neighbourhood (EPAN), Global Network Arab Countries and the Association of Local Development Agencies (ALDA) conducted a consultation process from April to October 2014 to provide an opportunity for the organisations within the “SOLIDAR Network for Social justice in the MENA region” to comment on the progress reports prepared by the EU. This country report presents the outcomes of the consultation which focused on the key topics when it comes to the promotion of social justice: Freedom of Association and Peaceful Assembly, Decent Work and Social Protection.

The responses to the consultation clearly indicate that in **Jordan** worrying developments took place in 2013 and 2014. These developments demand attention in the new Progress Reports and should be incorporated in the policy making that shapes the relations between the EU and the region.

### Executive Summary

---

*Please find below a general overview of the feedback submitted by partners through the attached feedback tables. The partners' feedback can in no way be taken to reflect the views of SOLIDAR and its members.*

#### ***Freedom of association and peaceful assembly***

##### **1. Access to Economic, Social and Cultural Rights (ESCRs)**

While there have been attempts to improve the regulatory framework protecting freedom of expression, Jordan is still lacking from a comprehensive and coherent regulatory framework. For example, under the Public Meetings Law public demonstrations do not need prior authorization from the government; however some demonstrations were deemed “illegal



assembly” according to section 165 of the Penal Code, and referred to the military State Security Court (SSC). Moreover, implementation remains the major obstacle. While Jordan has ratified the International Covenant on Civil and Political Rights that limits the practice of trying civilians before courts with non-civil judges, several breaches in implementation have been reported.

In June 2013 amendments to the Press and Publication Law entered into force as an attempt to regulate online communication, and CSOs have pointed out that these amendments are contrary to the right of freedom of expression included in the constitution and article 19 of the International Covenant on Civil and Political Rights ratified by Jordan.

Regarding education and health policies, there have not been significant improvements partially due to the additional demands from Syrian refugees. For example, the School Development Improvement Programme did not bring about expected positive results as violations of the right to education and widespread illiteracy rate are still reported.

With respect to women’s right, Jordan’s legislation still discriminates against woman by denying them the right to pass nationality to their husbands and children. Labor legislation discriminates against women at various levels, and women continue to represent a very modest rate of the labor market, around 14.2%.

## **2. Ability to establish associations and their access to funding**

The Law on Societies (Law 51 of 2008), and the Law Amending the Law on Societies (Law 22 of 2009) maintains the right of the authorities to reject applications to register an organization or receive foreign funding. Under this law, the ministry can reject the request without sending it to the prime minister and without clarifying the reasons for rejecting the request.

## **3. Participation in decision making processes (including EU delegations)**

Municipal elections took place on 27 August 2013, and they were administered by the Ministry of Municipal Affairs and monitored by the IEC and by volunteers and civil society organizations. However, the official turnout was very low (37.3%) and it did not reflect the whole spectrum of the Jordanian society as for example members of the armed forces did not participate in the elections, despite the fact that they are eligible by law to vote in the municipal elections.

### ***Decent work and social protection***

#### **1. Setup of social protection floors**

Jordan has launched a Poverty Reduction strategy for 2013-2020 and it has also started to implement the Social Security Cooperation 2012-2016 strategic plan therefore contributing to enhance social security coverage targets. Despite that, coverage of the Jordanian social service remains low (56%), and it is reported that retirees have no access to health insurance benefits as required by the ILO Convention No.102 concerning Minimum Standards of Social Security.

#### **2. Growing informal economy and indecent work**

Jordan did not register any progress on labor standards as it failed to ratify the ILO Convention No.87 on “Freedom of Association and Protection of the right to organize”. In addition, Jordan has still not amended the Jordanian Labor Law in the field of Trade Unions to



adapt it to international labor standards. Job creation and unemployment remains one of the most critical challenges in Jordan, with unemployment rate between 12% and 14 %.

### **3. Respect for migrant workers' rights**

Jordan has taken considerable steps forward in amending legislations to improve protection of rights of migrant workers, including the development of a new action plan on trafficking in human beings. However, implementation remains problematic and unreliable. For instance, recent increase in minimum wages does not apply to migrants' workers, who are further discriminated against on the basis of their nationality.

A common practice in Jordan that is not foreseen by the law is the "sponsorship" system that links workers with their employers so that they are not allowed to leave Jordan without permission of the employer. This system fosters practices of forced labor and exposes workers to all kind of labour violations.

In addition, the Jordanian Law does not criminalize forced labor, and migrant workers face growing threats of deportation and administrative detention practices that are becoming even more common, random and arbitrary. Access of victims to psychological, social or legal support to the victims is also limited, if any. Victims also have no access to rehabilitation or training and temporary work permits are not provided during periods of perpetrators' trials. Lastly, child labor has also increased, especially among Syrian refugees, as 50 thousands children less than 16 years old are on the labor market.

#### ***Recommendations***

In 2013, Jordan acted upon a number of key recommendations contained in last year's ENP progress report, notably the adoption of an anti-corruption strategy and the ratification of the regional Convention on pan-Euro-Mediterranean preferential rules of origin. Other key Recommendations made previously remain valid. In line with the commitments agreed in the ENP Action Plan, Jordan should pursue the reforms processes and to enforce the laws adopted. In the context, the EU-Jordan partnership should:

- Continue building a more consensual, inclusive, participatory and open political system where all Jordanians feel represented, by amending accordingly the electoral legal framework, to strengthen the independence and impartiality of the judiciary and its administrative capacity;
- Ensure freedom of expression and freedom of the media, including by amending the relevant provisions of the Penal Code such that violations relating to freedom of expression and freedom of the media are no longer referred to the State Security Court;
- Secure freedom of association by relaxing current regulations and creating a conducive environment for active participation on the part of citizens by ensuring effective and consistent application of constitution principles and implementation of the International Covenant on Civil and Political Rights;
- Take concrete steps to eradicate violence against women and promote further integration of women in politics, economic affairs, education and employment, e.g. by ensuring that the law on protection against domestic violence is enforced;
- To move forward with the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Implement additional measures to ensure decent work by enhancing Jordanian Labor legislation in line with international labor standards and by promoting the ratification of the ILO Convention No.87 with respect to trade unions;



- Ensure continue support of the EU to make sure that security coverage targets are met and especially to ensure the progressive extension of security coverage also to migrant workers and more vulnerable population;
- Move forward with the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW).



The following table outlines the feedback provided by local partners on the 2014 EU progress Report

Benchmark	Report 2014	Feedback (comments, analysis, feedback)
<b>Freedom of association and peaceful assembly:</b>		
<p><b>1. Access to Economic, Social and Cultural Rights (ESCRs)</b></p>	<ul style="list-style-type: none"> <li>Concerning <b>freedom of assembly</b>, public protests directed towards both domestic and regional affairs continued in Jordan throughout 2013, albeit on a smaller scale than has been experienced in previous years. The police have generally handled protests in a professional manner, and have sought to maintain a peaceful atmosphere. Arrests of activists and protesters have continued however and several have been charged with participating in 'unlawful gatherings' under Article 165 of the Penal Code and referred to the military State Security Court (SSC).</li> </ul>	<p>Under the Public Meetings Law, which entered into force in March 2011 is no longer required any government authorization to hold meetings or rallies or public demonstrations. However, in 2012 the protesters were accused for "illegal assembly" under section 165 of the Penal Code. In addition, there have been also arrests of people calling for political reforms and calls to topple the king, and the police dispersed the demonstrators with tear gas, as happened when raising gas prices.</p> <p>The trial of civilians before military courts contradicts fundamental fair trial standards enshrined in the International Covenant on Civil and Political Rights which Jordan is party to. Moreover, Jordanian Constitution in its recent amendments limits trying civilians before Court with non-civil judges. Yet more than 200 Jordanian citizens, in 2011 and 2012, were referred to the State Security Court on charges of undermining the regime or other political charges. During protests for lifting subsidies on fuels in Jordan, 12 children were tried before State Security Court instead of juvenile court.</p>
	<ul style="list-style-type: none"> <li>As regards <b>media freedoms</b>, the amendments to the press and publications law, adopted in September 2012, entered into force in early June 2013. Local and international CSOs referred to the law as an attempt to regulate online communication and publications in violation of the provisions of the</li> </ul>	<p>These amendments are contrary to the right to freedom of expression contained in the Constitution, and Article 19 of the International Covenant on Civil and Political Rights, ratified by Jordan and that stipulates that every human being has freedom to seek various forms of information and ideas, receive and impart to others, regardless of frontiers, either in the form of writing or in print, in the form of art, or</p>



Constitution.	through any other media of his choice.
<ul style="list-style-type: none"> <li>Continued progress was made in <b>education</b> reform, including in the management, monitoring and evaluation of schools under the School Development Improvement Programme</li> </ul>	There have been attempts to carry out reforms but its results did not bring about significant positive results on the education sector, as several violations of the right to education have been recorded, and many of Statistics emphasizes the continuing rise in fraud and methods and the presence of illiteracy among a large number of students.
<ul style="list-style-type: none"> <li>Jordan's <b>health</b> system faced additional demands for medical services from refugees having fled the crisis in Syria.</li> </ul>	Yes, when the number of people increased in the area because of the refugees is increasing the pressure on medical services.
<ul style="list-style-type: none"> <li>The presence of the refugees is straining the country's natural resources (notably <b>water</b>), subduing its economy and exerting tremendous pressure on its educational system and health care services.</li> </ul>	Indeed, there is a growing pressure on resources in general and water in particular, because Jordan inherently lacks water. In addition, it needs to be noted that despite the external assistance provided to refugees it is not enough to prevent and face the occurrence of pressure on services.
<ul style="list-style-type: none"> <li><b>Cultural</b> cooperation between Jordan and the EU continued, including through a number of specific projects carried out as part of the Euro-Med Heritage Programme. This programme supports the mobility of artists and social entrepreneurs, promotes Jordan's creative industries, cultural expression and public debates advocating human rights.</li> </ul>	The EU gave a number of projects that include various fields and achieved successes, but these projects have so far not been able to cover all citizens for various reasons possible because of the language or programs that did not cover topics of interest to certain groups.
<ul style="list-style-type: none"> <li>The cause of Jordanian <b>women's rights</b> in various areas such as political participation, economic empowerment and violence against women, are</li> </ul>	The nationality law still discriminates against women by denying them the right to pass their nationality on to their spouses and children. The Residence and Immigration law does not grant the right of a



	<p>matters of serious concerns.</p>	<p>Jordanian wife's children and husband of foreign nationality to reside in the country, but leaves such matter to the authority.</p> <p>Labor legislations also discriminate against women; civil service system grants working men a family allowance that is not granted to women unless they have a deceased or disabled spouse. The system also deprives the family of a deceased female employee from her retirement salary unless there is a demonstrated need for such, while this need is not required for males.</p> <p>The rate of women's participation in, and contribution to, the labor market is modest: 14.2%.</p>
<p><b>2. Ability to establish associations and their access to funding</b></p>	<ul style="list-style-type: none"> <li>The legal provisions and practices on <b>freedom of association</b> remained unchanged. The law on societies maintains the right of the authorities to reject applications to register an organisation or receive foreign funding.</li> </ul>	<p>The current law in Jordan prevents associations from getting any external funding without the approval of the prime minister. So the associations write to the ministry responsible about them and tell them about their desire to obtain funding from the donor.</p> <p>Then the ministry studies the request, and sometimes the ministry rejects the request without sending it to the prime minister under the pretext of non-approval of the project's objectives to the organization's goals.</p> <p>If the ministry has sent the letter for prime minister, this could be accepted or rejected.</p> <p>There were some cases in Jordan whereby the prime minister or the ministry rejected the application from an organisation to obtain funding. And it's not necessary for the government to clarify its reasons to reject the request.</p> <p>In case a request is sent to the prime minister and the government</p>



		<p>did not reply within 30 days, the association can receive funding and start its project without the approval of the government.</p> <p>Upon the establishment of an organization or association, the government can refuse to register the association because its objectives are suspicious.</p> <p>But in most cases the government approved to register the association, and in the absence of the government's response on the approval or rejection of the application for registration of the association within 60 days since the submission date of the request, the association is considered automatically and legally registered.</p>
<p><b>3. Participation in decision making processes (including EU delegations)</b></p>	<ul style="list-style-type: none"> <li>Municipal elections, which had last been held in 2007, took place on 27 August 2013. The elections were administered by the Ministry of Municipal Affairs, while the IEC monitored the process. Official election voter turnout was 37.3 %. The official turnout did not however reflect the approximately 1.25 million members of the armed- and security forces who abstained from participating in the elections following government instructions, despite the fact that, by law, they are eligible to vote in the municipal elections. For the first time in Jordan, thousands of volunteers from local CSOs observed the elections.</li> </ul>	<p>The elections were controlled by volunteers and civil society organizations, and this election did not reflect all citizens, including members of armed forces, where they can participate in the municipal elections because it is service and not political but they did not participate in the parliamentary elections, perhaps to prevent anyone say that the government is cheating because members of the armed work with them.</p>
<b>Decent work and Social Protection:</b>		
<p><b>4. Setup of social protection floors</b></p>	<ul style="list-style-type: none"> <li>The <b>Social Security Corporation</b> began implementing its strategic plan 2012-2016 in January, the EU technical assistance team having</li> </ul>	<p>The coverage of the Jordanian social services is still at a shy figure of only 56%. Subscribers and retirees of the System have no health insurance benefits, which is one of the minimum standards of social</p>



	<p>completed the necessary work in its supporting role. Statistics confirmed that 2012 targets for social security coverage were met and that coverage stood at 62.3 %. The social security law, needed to ensure the sustainability of the progress achieved, remained however with Parliament.</p>	<p>security as per ILO Convention No. 102 concerning Minimum Standards of Social Security</p> <p>The Social Security Law is still under discussion in parliament so as to ensure preservation of the money of social security subscribers.</p>
	<ul style="list-style-type: none"> <li>In January, a <b>poverty reduction Strategy</b> for 2013-20 was launched. Its overall objective is to contain and reduce poverty, vulnerability and inequality through the adoption of a holistic and results-oriented approach targeting poor and below middle-class households.</li> </ul>	<p>Yes, because poverty is a developmental problem requires a comprehensive policy to improve the lives of the poor people and disadvantaged and to provide opportunities and integrate them into their community by collecting poverty data and evaluate the different resources that are available and try to link them</p> <p>Poverty is worse in rural areas; whereas 17.4 % of Jordanians live in rural areas, approximately 19 % of the rural population is classified as poor</p>
	<ul style="list-style-type: none"> <li>The Jordanian Employment and Technical and Vocational Education and Training Council started planning a new TVET strategy for the next five years. Development of a National Qualifications Framework has also commenced. Mapping of TVET governance in Jordan was launched as part of the new project "Governance for Employability in the Mediterranean"</li> </ul>	<p>Yes, because of unemployment, social exclusion, and inequality is one of the problems that should be addressed as it is one of the root causes of instability in the area south and east of the Mediterranean. "The labour market does not need the skills produced by the education system, and the only thing that has changed during the past 20 years is that the number has doubled!" Therefore, the main challenge in the transformation to education systems that focus on demand.</p>
<p><b>5. Growing informal economy and indecent work</b></p>	<ul style="list-style-type: none"> <li>There was no evidence of progress on labour standards. Jordan has not ratified the International Labour Organisation Convention No 87 on 'Freedom of Association and Protection of the Right</li> </ul>	<p>Yes, there was no progress on labour standards, where according to a report prepared by a labour Observatory Jordanian Labour in 2011 about the existence of a gap between international labour standards and the reality of the actual practices with respect to decent work. The report recommended amending the Jordanian labour law in the</p>



	<p>to Organise’.</p>	<p>field of trade union organization or the issuance of a special law regulating the trade union action in line with international labour standards. So as to allow for all workers in Jordan to organize themselves freely, without taking approvals from the Ministry of Labour, and only informs the official bodies do, and recognizes the concept of trade union pluralism.</p> <p>The report also recommended raising the wage levels to become more harmonization with high levels of prices of basic goods and services, and linked index inflation and raise the minimum wage to take into account the level of absolute poverty line adopted in Jordan and adult (350) dinars to the family standard (5.7) individuals, and link it with inflation index on an annual basis</p>
	<ul style="list-style-type: none"> <li>• Job creation and employment remained among the most critical challenges for Jordan, with the highest rates among youth. Overall, unemployment in 2013 was estimated at 12.7%, compared to 12.2% in 2012 and it continued to be high among those holding a bachelor’s degree or higher qualification.</li> </ul>	<p>There is high unemployment, because the lack of jobs due to a culture of shame where the person prefer to stay away from work in any job and take any salary and the conditions of traveling abroad has also become rather complex.</p> <p>Unemployment rates are still fixed as for the last ten years, between 12 and 14%. It is estimated that one third of young Jordanians are unemployed , while the unemployment rate is twice as high among females compared to males; 10% among males and 20% among females</p>
<p><b>6. Respect for migrant workers’rights</b></p>	<ul style="list-style-type: none"> <li>• Jordan made progress in improving the protection of migrant workers, but more work is required in this field, including through the development of a new action plan on trafficking in human beings and regular meetings of the National Committee for the Prevention of Trafficking in Human Beings.</li> </ul>	<p>Jordan enables migrant workers to work and raised their salary somewhat. Moreover, Jordan needs to consider the issue of trafficking in human like let the employee work in another job or giving him tasks outweigh of his ability or the confiscation of passports by their managers</p> <p>Jordan has taken considerable steps in amending legislations to</p>



		<p>improve protection of rights of migrant workers. Still, the majority of such legislative amendments have been passed rapidly and some of them have also lost their values by not being implemented.</p> <p>Domestic and agricultural workers have been included under the umbrella of Jordanian Labor law, but the effectiveness of such protection was conditioned on issuance of a bylaw. The domestic workers bylaw was issued but agricultural workers bylaw still not issued.</p> <p>Recent increases in minimum wages excluded migrant workers, which are considered discriminatory against them. Moreover, regulations discriminate between migrant workers based on their nationality.</p> <p>In practice not law, Jordan implements a "sponsorship" system, particularly in dealing with Egyptian workers, as such workers are linked to their employer, they are not allowed to leave Jordan, or change employers without permission of the employer. This led to blackmail and promoted practices of forced labor.</p> <p>Migrant workers in Jordan are still exposed to verbal, physical, and sexual abuse by employers; especially domestic workers who are forced to stay in their work place, work for long hours, and are denied vacations and weekends.</p> <p>Deportation of migrant workers has become a random, common, and arbitrary procedure amongst employers to the extent that upon recommendations of competent authorities worker is temporarily detained until deported, sometimes despite having residency / work permit.</p>
--	--	--



		<p>Migrant Workers are subjected to administrative detention, and suffer from prolonged litigation process, sometimes their rights are compromised due to lack of professional interpretation of court proceedings.</p> <p>In 2009, Jordan passed a law to combat human trafficking. The judiciary application of such law, however, is still modest except in case of organ trafficking. Confusion has also been noticed among judges as they handle such cases as labour issues or traditional abuse or by withholding of passports.</p> <p>Forced labour issues are still viewed in court as regular labour cases. The Jordanian law, to date, does not criminalize forced labour until it evolves in to any form of human trafficking.</p> <p>On the other hand, victims of human trafficking still face lack of safe shelters, which is a critical component of combating human trafficking. Access of victims to psychological, social or legal support to the victims is also limited, if any. Victims also have no access to rehabilitation or training and temporary work permits are not provided during periods of perpetrators' trials.</p>
<p><b>Other comments or analysis</b></p>	<ul style="list-style-type: none"> <li>• Child labour</li> </ul>	<p>The child labour increased, especially among Syrian Refugees.</p> <p>Early and forced marriage among Syrian women.</p> <p>Child labour rates are till significantly high and are now continuously increasing due to the poverty levels and lower living standards. Reports announced that 50 thousand children, (under 16 years old) are in the labour market.</p>



With the support of:

