

Reform rooted in respect for human rights

Position Paper

On the Occasion of the International Human Rights Day

Phenix Center for Economic and Informatics Studies

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Each year, on December 10th, the world celebrates the International Human Rights Day. The occasion is an opportunity for such social, political, and economic actors as governments, human rights organizations, CSOs, trade unions, and others, to conduct an assessment of the human rights situation in their respective countries, in terms of legislation, policies, and practices.

The Phenix Center for Economic and Informatics Studies has long been involved in monitoring Jordan's developmental progress in terms of the socioeconomic human rights enjoyed by people within the Kingdom, with a particular focus on the right to access decent work¹, which includes fair working conditions, decent wages and work hours, and social protection mechanisms, as well as workers' ability to defend these rights by resorting to their basic rights to freedom of association and peaceful assembly, and to conduct collective bargaining. As such, on this occasion, Phenix Center has undertaken to provide a brief overview of the Jordanian human rights situation in Jordan, particularly in respect to the abovementioned dimensions.

Overall, the gap continues to widen between the Jordanian Government's official discourse on human rights issues in the country, which praises their promotion and protection, and the developments witnessed on the ground. Namely, in 2016 the Jordanian Government continued to impose limitations on the civil and political rights of its citizens, such as the rights to freedom of association and peaceful assembly, and has, more broadly, failed to take concrete measures towards the promotion of socioeconomic human rights at large.

¹ Decent Work is enshrined in the 8th of the Sustainable Development Goals, which encases the promotion of "sustained, inclusive and sustainable economic growth, [and] full and productive employment and decent work for all." (See: <https://sustainabledevelopment.un.org/sdg8>)

Granted, in the beginning of 2014, a special governmental unit was assigned to dedicate itself to tackling human rights issues in the country – one where all ministries and relevant governmental organizations are represented –, tasked with overseeing and following up on the implementation of policies recommended by national and international partners and civil society organizations on such matters. In addition, the recent issuing of a comprehensive national plan for promoting human rights in the Kingdom has had a positive impact on the nature of official discourse regarding these issues, strengthening the relations and ties between public institutions and civil society organizations dedicated to the protection of human rights. Yet, even this greater degree of cooperation between government and civil society has failed to translate into a significant improvement of the human rights environment in Jordan.

Namely, citizens continue to face serious challenges in exercising their fundamental rights to freedom of opinion, expression, association, and peaceful assembly. Often, these challenges come either in the form of governmental interference, on the one hand, or inaction, on the other. Public officials commonly prevent CSOs, youth organizations and political groups from carrying out their activities, or even holding gatherings. Simultaneously, each of the country's consecutive governments has neglected to amend the relevant legislation towards the legitimization of the new and independent trade unions and the creation of new ones, beyond the mere 17 official unions which have operated under the umbrella of the General Federation of Jordanian Trade Unions since the 70s. In this regard, it is important to underline that Art. 16 of the Kingdom's Constitution, as per its 2011 amendments, states, in section (ii), that "Jordanians are entitled to establish societies, associations and political parties". Likewise, Art. 23, section (ii), subsection (f), states that "free trade unions may be formed within the limits of the law". Granted, the phrasing "within the limits of the law" leaves its share of room for circumvention; however, the adjective "free" may also be stressed, no less within a societal and political framework in which the only 17 existing unions are closely controlled by the government and other official bodies. Moreover, the fact that the majority of workers in Jordan remain unable to form or join trade unions blatantly contradicts a Constitutional Court ruling, issued in July 2013, which positively affirms the right of private as well as public sector workers to unionize.

Several restrictions and obstacles affecting the processes of social dialogue and collective bargaining in Jordan have been denounced by workers and their representatives. Discounting the fact that only 17 recognized trade unions take part in official negotiations, which effectively deprives vast numbers of workers of their right to representation, an important shortcoming is that the law allows public authorities to intervene at any stage of the bargaining proceedings, thus weakening the role, as well as the bargaining power, of both unions and those whom they are meant to represent.

Another, not all together distinct issue, is that of wages. Fair and proportionate wages, sufficing to enable workers to ensure decent lives for themselves and their families, are broadly recognized as a fundamental right in any national framework rooted in basic human rights. Yet, wage levels in Jordan have withstood a substantial decline over the past years, as witnessed among workers in the public and private sectors both. Most importantly, these have been accompanied by a steep rise prices, which has further contributed to the exacerbation of the poverty situation in the country, where increasing numbers of people now classify amongst the working poor. According to figures recently issued by the Department of Statistics and the Social Security Corporation, in 2015, 52% of wage earners registered with social security earned 400 JOD/month or less, while 72% earned 500 JOD/month or less. To put these figures into perspective, one may highlight that poverty threshold earnings are currently estimated to round 420 JOD/month for an average-sized family, i.e., one consisting of 5 family members. The same applies to the minimum wage of 190 JOD/month, which

hasn't been raised since 2012. Considering, furthermore, that large swathes of workers earn below-minimum wages, and that the informal economy is estimated to account for 44% of the national workforce, it becomes evident that a large majority of workers in Jordan classify amongst the working poor. To address the issue of the national minimum wage, a technical committee was set up by the government at the end of 2015. Based on its assessment, the committee recommended raising the minimum wage, but its recommendations have thus far gone unheeded.

Similarly, social security coverage in Jordan remains slim, in spite of the recent provisions added to the Social Security Act, which entitle all legally employed workers in the country to benefit from social security. Currently, only around 50% of employed workers in Jordan are covered by social security – roughly 1.2 out of 2.5 million – and taking the whole of the national workforce into consideration the number of those covered drops to a much smaller percentage. Even accounting for the small number of employees covered by pension systems and other forms of civilian and military insurance, it is clear that large swathes of the Jordanian workforce do not benefit from any form of social protection whatsoever. Ultimately, this reflects the weakness of the country's legislative framework in broadening and facilitating access to social security, while illustrating the government's inability to enforce the law and prevent evasion.

In the informal economy, in general, and, in particular, within small and medium enterprises (SMEs), workers' rights in Jordan are under numerous threats. International Labor Standards, as well as the national Labor Code, are routinely violated by private sector employers, and the inspections carried out by such competent authorities as the Ministry of Labor have been insufficient in stemming widespread abusive practices. As mentioned above, a great number of workers in Jordan earn below-minimum wages (i.e., less than 190 JOD per month). In addition, many workers experience delays in the payment of wages (which, if they exceeds 7 days from the due date, constitutes a violation of national labor laws), are not entitled to annual or sick leaves, in addition to being commonly denied leaves for justified emergency purposes. Working hours are also often in excess of the limits prescribed by law (8 daily hours), especially within certain sectors, and overtime pay is infrequent at best. Finally, it is important to underline the overall lack of compliance with adequate workplace safety and health standards in the Kingdom, once again particularly prevalent in the informal sector and within SMEs.

In light of these facts, it is necessary that the Jordanian government, and the several public institutions, address the numerous instances of human rights abuses which pervade the national labor market, by implementing the necessary policies and enforcing the appropriate practices, to ensure that decent work opportunities and conditions progressively become available to all. This will require a reexamination of current legislation from a human rights-based perspective. As per the issues detailed in this statement, such measures should include increasing the minimum wage; amending all laws pertaining to the formation of trade unions, to include the new and independent trade union movement; expanding the social protection system to cover all workers and enabling them to access basic health insurance; and reinforcing workplace safety and health laws, as well as inspection systems and practices. These steps, though few, would truly reflect a change in paradigm, and an honest will to promote decent work and other human rights in Jordan.