



Forgotten Rights

The Working and Living Conditions of
Migrant Workers in the Agricultural Sector in Jordan





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EXECUTIVE SUMMARY

This report is the result of unprecedented quantitative and qualitative research on the working and living conditions of migrant workers in the agricultural sector in Jordan, and serves as the first stage of a broader project to promote and protect the rights of migrant workers in this sector. The study has been funded by the European Union, coordinated by ARCS-Culture and Development, and implemented by Tamkeen Fields for Aid. It is based on individual interviews with 324 agricultural migrant workers, 17 field visits to work sites, and 12 interviews with main stakeholders, including ministries, farmers' associations, embassies and international organisations. All research was conducted in full cooperation with the Ministry of Labour, the Ministry of Agriculture, and farmers' associations.

In particular, the agricultural sector has the highest proportion of migrant workers among the major economic sectors recruiting foreigners, namely agriculture, manufacturing, construction, hotels and restaurants, and personal and social services. Formal employment of migrant workers in agriculture represented 68% of the workforce in this sector in 2009.¹

The presence of migrant workers in agriculture dates back to the 1970s and their proportion in the labour market has since been gradually increasing. There are four combined reasons for the high participation of migrant workers in the agricultural sector in Jordan: 1) An urbanization of the overall population, combined with a movement of the national workforce towards the service sector in the mid-1970s; 2) Major developments in water management and irrigation of the Jordan Valley and, to some extent, the Highlands since the 1980s; 3) An active governmental policy for the recruitment of a foreign workforce from 1985 to the late 1990s; 4) The recent repulsion of the national work force towards manual work.

¹ Department of Statistics, Employment and Unemployment Survey

In 2011, of the 32% of the 280,263 work permits granted to foreigners by the Ministry of Labour were allocated in agriculture and fishing. Among the 89,414 work permits delivered for agriculture, 97% were given to Egyptian nationals. The main remaining nationalities with work permits in this sector were Pakistani (1,857), Bangladeshi (333), Indian (143), Yemeni (118), and Syrian (95). The migrant workforce in the agricultural sector in Jordan is distinctly composed of a vast majority of males. In 2011, 99.5% of the work permits were granted to men, while only 389 women received work permits. The women that received these work permits were mainly of Pakistani nationality. A geographical repartition of the issuance of work permits indicates that a third of the work permits for agriculture were delivered in the Balqa Governorate, while almost half of the work permits in this sector were distributed in the Governorates of Amman, Zarqa, Irbid, and Mafraq.

Moreover, the agricultural sector has the highest proportion of informal employment of nationals from all the sectors of the Jordanian economy.² However, this result does not necessarily reflect the proportion of informal employment among foreign workers. As findings from Tamkeen's research show, a large proportion of migrant workers holding a work permit in the agricultural sector are, in fact, in an irregular situation and are recruited informally, i.e. by an employer different from the one listed on their work permit. Therefore, a variety of factors must be taken into account to evaluate the extent of informal employment of migrant workers in the agricultural sector.

Among the 90,000 people holding a work permit obtained in the agricultural sector, there are four main categories of situations in which these workers fall under, two of which are irregular situations:

1. Work-permit holders who effectively work with their legal employer (regular situation).
2. Work permit holders who left their legal employer after a few months and who work with other employers for the rest of the year without a new permit (irregular situation).
3. Work permit holders who, in advance, agreed with and paid an employer to obtain a work permit under his or her name, but in practice informally work with other employers. This category of work permits can be described as fraudulent work permits (irregular situation).
4. Work permit holders who, in advance, agreed with an employer to obtain a work permit, but in practice are self-employed and sustain their own economical activity. This practice is highly common amongst the Pakistani

² 2012 study conducted by the Ministry of Planning and International Cooperation

community and reflects a discrepancy between their legal status as workers and their actual activity.

Throughout the course of multiple field visits, the Tamkeen Research Team also encountered a number of workers who simply did not hold any work permits, i.e. undocumented and/or work in an irregular situation. Their number is extremely difficult to evaluate and some trends can be seen as a result of the study. The Tamkeen Research Team detected three main categories of undocumented migrants. The first category corresponds to workers who arrived to Jordan before the establishment of work permits, entered as tourists, or pilgrims who stayed in the Kingdom to work in agriculture. This category of undocumented workers is likely to decrease in numbers over the years, and mostly includes Egyptian workers who have been in Jordan for 20 years or more, or those who recently entered the country as pilgrims. It also includes many Syrian families who entered the country over the past 10 years before the Syria crisis in order to work in the Jordan Valley. The second category concerns workers who entered Jordan with a valid work permit but never renewed the expired work permit. This category is largely composed of Egyptian workers who stayed in Jordan after their permits expired, or who left their legal employer without their passport when it was confiscated. A third category encompasses the Syrian refugees that have recently arrived in the rural areas as a result of the Syria crisis since 2011. The number of these refugees working in agriculture is difficult to assess, but is certainly growing with the increasing number of Syrian refugees entering the Kingdom.³

During the past two years, results demonstrate that the massive influx of Syrian refugees in the Kingdom has developed a new foreign workforce in agriculture that is composed of families in extremely precarious situations and looking for any possible source of income. Families are often recruited through acquaintances or relatives that were previously working in agriculture. Employers recruiting Syrian refugees are especially interested in paying low salaries for long hours of work and in filling the voids left by Egyptian workers who left their legal employers.

The recruitment of Syrian refugee families raises several new issues in relation to the protection of children's rights, and human and labour rights. A main concern is the development of child labour and their significant lack of access to education. Regarding the persons that have reached the age employment, none of them had work permits and were generally paid a lower wage (approx. 1JD/hour or 110JD/month) than any of the other workers met. While the vast majority of agricultural migrant workers are men, the involvement of Syrian refugee families in agricultural activities has also increased the number of women working in the field. This change requires critical attention in order to prevent and respond to potential

³ See UNHCR, Syria Regional Refugee Response:
<http://data.unhcr.org/syrianrefugees/country.php?id=107>

outcomes of gender-based violence, especially against young women. In regards to the level of education of the workers interviewed, 52% responded that they have at least some education, including 36% who declared having their middle diploma. The remaining 48% of the workers interviewed are illiterate and therefore face serious difficulties accessing information about their rights.

A repartition by the age groups of the workers interviewed shows strong prevalence of young and middle aged adults, between 20 and 39 years old, which represents almost $\frac{3}{4}$ of the workers interviewed. The proportion drops significantly to 17% of workers between 40 and 49 years old. In contrast, the presence of workers below 20 or above 50 is rare. This repartition corroborates the fact that a number of Egyptian workers are traveling back and forth to Jordan according to their family situation in Egypt. The youngest workers, who are single or engaged, come to Jordan to earn a sufficient amount of money for marriage. Once they get married and have children, they may return to Jordan for a couple of years in order to support their family staying in Egypt. 61% of the workers interviewed were married, which signifies that many families are separated because of the strict ban placed on family reunion in the agricultural sector. On this account, 48% of the workers interviewed consider their work in Jordan to have had a negative effect on their relationship with their families, as distance created a sense of alienation between them.

By delving deeper into the types of professional occupations and salaries migrant workers held in their home country, we are provided with an improved understanding for the number of reasons and objectives of expatriation in Jordan. For example, 50% of the workers interviewed were earning less than 90JD per month in their home country. This statistic shows that a majority of workers may expect an increase of approximately 50% of their salary as a result of their expatriation in Jordan. Our results also show that a high proportion (62%) of workers were farmers in their home country. Among these workers, 70.5% stated that they do not want to change their occupation or sector. This proportion appears to be significantly lower among the workers who were not previously working in agriculture in their home country. These results are of particular importance in considering the motives behind workers switching occupations, as many of the employers interviewed complained about a high number of workers leaving the farms to work in other sectors. The results indicate that by matching the migrant workers' professional occupation in the home country prior to departure with the one conducted in Jordan, there is a higher likelihood that workers will voluntarily stay in their current activity.

After giving careful consideration to the legal framework pertinent to workers in agriculture, the study's results indicate that migrant workers in the agricultural sector are under an exceptional legal status that combines two main elements. The first issue is that the Labour Law does not apply to agricultural workers, as their legal status is organised by special regulations. According to the various interviews

conducted by the Tamkeen Research Team, the current legal situation of migrant workers in agriculture causes great confusion among stakeholders and legal professionals, and has had a high negative impact on the protection and promotion of their rights. The second aspect encompasses issues that result from the lack of uniform application and protection of Labour Laws, as well as the use of discriminatory rules towards Egyptian workers, who compose the vast majority of the population of agricultural workers.

According to the 2012 Employment Instructions, agricultural workers are prohibited from changing sectors, even after their work permit for agriculture expires. In addition, the worker is affiliated with the farm mentioned on his or her work permit. Accordingly, employers have the legal obligation to inform official authorities if a migrant worker abandons work during the period in which the work permit is valid.⁴

The 2012 Employment Instructions organise a framework in which foreign workers are entirely dependent upon their legal employer. This legal structure is also known as the “Sponsorship System” or “Kafala System.” The International Labour Organisation describes this system as having an “inherently exploitative nature”⁵ because it establishes a situation of quasi-forced labour in which the legal employer has full authority over the worker in regards to his or her legal status in the country. In Jordan, agricultural workers cannot be absent from work without being reported to the Jordanian authorities, and cannot change employers during the period covered by their one year work permit, except with the approval of both former and new employers. Consequently, they may be confined to forced labour. If they leave their work without the consent of their legal employer, they enter into an irregular situation and are subject to deportation.

In addition, Jordanian law does not explicitly require the consent or the presence of the worker to issue or renew their work permit. As a result, employers often obtain work permits from the directorate instead of the workers. This practice prevents the administration from verifying the actual consent of the workers concerned to renew their work permits and to stay in Jordan. This situation raises serious concerns as it may coerce workers to stay in the Kingdom another year against their will.

The special rules applicable to workers of Egyptian nationality must be taken into

⁴ Unofficial Translation, Ministry of Labour

⁵ International Labour Organisation Report on Human Trafficking in the Middle-East, 12 April 2013: “The ILO estimates that 600,000 migrant workers – 3.4 in every 1,000 of the regions inhabitants – are compelled to work against their free choice. Though other regions including Central and South-eastern Europe experience much greater rates of forced labour, the Arab region’s vast scale of migration, in conjunction with the inherently exploitative nature of the sponsorship, uniquely and systematically fosters forced labour situations.”; See also, US Department of States, 2011 Trafficking in Persons Report – Jordan, 27 June 2011.

account, bearing in mind that they represent 97% of workers holding work permits in agriculture. For example, a comprehensive set of rules applies specifically to Egyptian workers in regards to recruitment, contracts, family visits, entry into and exit from the Kingdom.

Egyptian and Jordanian authorities deliver an official contract that applies to the recruitment of Egyptian workers, regardless of the sector. This contract is extremely weak in terms of protecting and informing workers, and instead focuses on the duties of the workers. There is no information provided about the employer's responsibilities to the worker, except in relation to the salary. Further, there are no clauses provided on working hours, tasks to perform, precise workplace, accommodation, benefits, holidays, social security, or resignation. In particular, no mention is made of the rights of the worker to possess all of his, personal documents, including his passport, and that the worker is not obligated to pay additional money or to sign any financial bail when entering the country. Upon arrival, many workers are shocked when employers demand further expenses and confiscate their passports, or when the nature and the type of work they are required to perform is unexpected.

When Egyptian workers arrive to Aqaba, they are required to deposit \$250 to the Jordanian authorities in order to ensure that they will join his or her legal employer. The mandatory \$250 deposit places a heavy burden upon the workers and acts as a discriminatory practice as it only applies to Egyptian workers. The Tamkeen Research Team believes that the \$250 deposit is highly disproportionate, and is an inefficient method of combating the development of a black market of fraudulent contracts.

Regarding family visits for Egyptian workers in the agricultural sector, joint regulation between Egypt and Jordan simply prohibits workers' wives and children from settling in the Kingdom or entering the Kingdom to visit. Conversely, Egyptian workers currently in Jordan are not allowed to freely leave the Kingdom. Since April 2012, Egyptian workers are not allowed to travel back to Egypt without receiving a legal clearance signed by their legal employers. To obtain this legal clearance and to be allowed to leave the country, Egyptian workers must "give the company [...] a general, complete, absolute and non-retractable absolution in any right and/or current and/or future complaint concerning all previous actions and [must] forfeit [their] right to start any legal proceedings against the aforementioned company". The study analyzes the requirement for a legal clearance as a contradiction to Article 12 of the International Covenant on Civil and Political Rights, which protects the right for anyone to be free to leave any country.

The study has determined five recruitment methods in relation to working conditions, and presents that the working and living conditions greatly vary depending on the recruitment process:

1. **Formal recruitment without intermediaries** encompasses a process in which the employer directly selects a worker to work on the farm in a regular situation, without any private intermediaries involved in the recruitment. This is the proper legal procedure that should be followed when recruiting Egyptian workers. However, a very limited number of workers are recruited under such circumstances.
2. **Formal recruitment with occasional intermediaries** can be defined as a recruitment process in which the employer asks an employee about whether he knows anyone interested in being recruited. The employee accordingly finds family members and acquaintances, but often requires a commission from them. While this commission is considered illegal, it is claimed to be “the price of the contract.” The price may vary because the intermediary employee requests the amount, of which is determined on a case-by-case basis. The prospective employee generally pays this fee to a brother, a cousin or a friend, and it is usually between 150 and 400 JD. Formal recruitment with occasional intermediaries is the most common type of formal recruitment.
3. **Formal recruitment by a private agency in Egypt** is a third type of formal recruitment and raises the most serious concerns, as it strongly denotes patterns of human trafficking. The cooperation treaty between Egypt and Jordan forbids such a practice, as the recruitment procedure must be organised by the respective ministries only.⁶ However, recruitment agencies act illegally and offer job opportunities worldwide without officially mentioning Jordan as a country of destination. Once the worker is in the agency, he is offered a decent opportunity to work in Jordan. If he accepts the job offer, he is required to sign a promissory note agreeing to be held responsible, and to pay an amount of money decided by the agency if he leaves the job. Next, the agency follows all the legal procedures, in cooperation with the employer, for the worker to receive a work permit. Upon arrival to Jordan, the employer confiscates the worker’s passport. In addition, workers receive a salary lower than the one agreed upon in the contract. Formal recruitment by private agencies in Egypt appears to be the most sophisticated and systematic process of human trafficking we have encountered in the agricultural sector. Urgent action

⁶ Article 1 of the 2007 Memorandum

must be taken by the Egyptian and Jordanian authorities to prevent and punish such practices.

4. **Fraudulent recruitment of Egyptian workers** consists of the recruitment of Egyptian workers under “free contracts” or “commercial contracts,” which do not exist in Jordanian Law. Fraudulent recruitment can be defined as formal recruitment where the legal employer and intermediaries agree with the worker in advance to let the worker work informally with other employers all year long in exchange for a high amount of money. As a result, the workers concerned have work permits with a legal employer, but work informally with other employers of their choice. “Free contracts” or “commercial contracts” do not have any legal value in Jordan. However, professional contract dealers or “brokers” are selling such false contracts at a very high price, varying from 700JD to 1200JD when recruited in Egypt, and 400JD when recruited in Jordan.

According to the various interviews conducted with workers and stakeholders in the course of the research, the current black market for false contracts is massive and has a high negative impact on the entire labour market by positioning workers in irregular situations. The Tamkeen Research Team estimates that at least 40% of the recruitment in the agricultural sector is fraudulent, and that approximately 40,000 workers with agricultural permits are working in other sectors apart from agriculture.

5. **Informal recruitment** can be described as the recruitment of migrant workers without written contractors’ valid work permits. Informal recruitment involves a large population of migrant workers, but their number is difficult to estimate. It includes:
 - a) Egyptian workers who have been recruited through fraudulent contracts (“freelancers”), and Egyptian workers who left their legal employer without obtaining a new work permit.
 - b) Egyptian workers who have expired work permits or do not have work permits.
 - c) To a limited extent, Syrian refugees and Pakistani workers.

The working and living conditions greatly vary depending on the communities concerned. Results highlights that workers in regular situations mainly face more restrictions, particularly in their freedom of movement, in comparison to irregular workers. The vast majority of workers interviewed who were in irregular situations

possess their personal documents and stated that they can change employers on a daily basis if they are unsatisfied with their salary, working conditions, or treatment.

Regarding the issue of salaries, Tamkeen's research highlights that almost 80% of the workers interviewed earn between 150JD and 250JD per month, with 6.3% earning less than the minimum salary for foreigners (150JD). In contrast, 14.5% of the workers interviewed were earning above 250JD. However, there are discrepancies between the salary amounts cited by the workers and statistics released by the Ministry of Labour in 2011 that show a high portion of workers as earning more than what has been agreed upon in their contract.

Further, 14.5% of the workers interviewed earn more than 250JD, while only 70 workers in the entire country officially earn more than that. A similar situation is seen in regard to the workers interviewed who earned between 190JD and 250JD. They represented 40.1% of the panel, while official statistics indicate that only 15.8% of migrant workers in agriculture conclude contracts with a salary between 151JD and 250 JD. Among the 40.1% of workers, a number are freelancers that work in irregular situations on daily or hourly wages. This trend is confirmed by many employers who explained to the Tamkeen Research Team that a number of Egyptian workers have an official salary of 150JD or 190JD, but earn more by having additional remunerated activities or by working as freelancers. However, these salaries remain very low. In comparison, it is worth mentioning that the average salary was 403JD per month for Jordanian men and 359JD for Jordanian women in 2010.⁷

In this regard, employers and representatives complained and described the rise of salaries for migrant workers as "unjustified," mainly due to the large presence of migrant workers in irregular situations in the sector. As results show, the current dynamic of the labour market of migrants in agriculture affects the wage of the workers in various ways. In practice, "freelancers" who work in irregular situations are free to change employers on a daily basis and are paid approximately 1.5JD per hour, which increases the salary costs of employers in comparison to the recruitment costs of workers in regular situations.

The discrepancy between wages and the extremely poor working and living conditions of workers in regular situations, including delayed payments, encourage their decision to leave the farms they are employed in to join the informal market. In addition, prospective workers aware of the situation are also inclined to benefit from higher wages by buying "free-contracts" or "commercial contracts," and therefore enter the category of "freelancers." As a result, the loss of workers in regular situations force employers to recruit workers in irregular situations at a higher wage.

⁷ Department of Statistics

Concurrently, the study shows that, as a response to the departure of workers in regular situations and the resulting economic loss, a number of employers increase pressure to work longer hours, seize passports, and limit or even reduce wages for workers in regular situations. However, the Tamkeen Research Team witnessed the deterrent effect of such practices on the length of time workers spent in regular situations. It seems that the higher the pressure and restrictions placed on workers in regular situations, the higher the departure rate on the farm, with many even leaving without their passports. As a result, their departure correlates to the increase in both the number of workers in irregular situations and the economic loss of the employers. The pressures employers place on workers to stay on the farms intensifies the number of departures, and incites workers to work as freelancers, thus perpetuating the vicious cycle for years.

Both workers and employers are losing benefits in the current situation, including workers in irregular situations who are forced to leave the formal sector in search for a more decent life with improved working conditions. The Tamkeen Research Team, as well as several farmers, recommends that the situation of migrant workers in agriculture be significantly improved as a response to the dead-end dynamics of the current labour market in agriculture.

Regarding hours of work, results show that more than 47% of workers are usually working 4 to 8 hours while another 45% are working from 8 to 12 hours, i.e. making extra-hours. In addition, 6.7% of workers responded that they usually work from 12 to 16 hours, if not more, which raises serious concerns regarding potential forced labour. Moreover, the less the worker earns extra-hours, the more likely he is to receive extra-payment for it. In fact, 70% of workers working between 4 and 8 hours per day stated that they receive extra-payment if they work more than 8 hours a day. By contrast, 52% of the workers working 8 to 12 hours said they do not receive any extra-payment. This proportion increases to 75% for those working 12 to 16 hours, and to 87% for those working more than 16 hours per day.

Despite the recent reform of the Social Security Law that requires employers in this sector to register their agricultural workers with the Social Security Cooperation,⁸ results highlight that 99% of the workers interviewed did not have access to Social Security, which covers diseases and injuries acquired in the course of the worker's professional activities. In addition, only 6% of the workers interviewed had health insurance, which is paid by the workers themselves and covers disease and injuries unrelated to work. In this regard, with a vast majority of the workers interviewed, at least 70%, are unequipped with masks, gloves, fire extinguishers, or first aid kits. Further, 30% of the workers mentioned they were equipped with basic dust masks, 20% with gloves, 15% with first aid kits, and 10% with fire extinguishers. However, the fact that workers are equipped with such items does not necessarily imply that

⁸ 2010 Social Security Law

the employer was responsible in providing the equipment. Many workers decide to buy the equipment and tools to ensure their personal safety in the workplace.

Among the ten major problems or difficulties caused by the employer that were mentioned in the Tamkeen Research Team's questionnaire, 59% expressed difficulties in receiving their salary on time, which has been analysed as one of the main reasons why agricultural workers choose to leave the farms. Another main topic of reoccurring complaints from the workers interviewed were restrictions on holidays, especially since the establishment of a clearance system for Egyptian workers that requires the employer's approval to leave the country. In practice, the situation varies greatly depending on the employer concerned. In this regard, workers categorized the time they needed to visit their ill parents and children under the item "restriction on holidays" in the questionnaire. Many workers have expressed their desolate sentiments regarding the distance from their families and their inability to support or say goodbye to a dying parent or child to the Tamkeen Research Team.

Moreover, 19 to 24% of the workers interviewed expressed the fact that they are victims of restriction of freedom, intimidation, or threat and seizure of passports; all indicators of potential human trafficking or forced labour. For example, the concepts "restriction of freedom" and "intimidation or threat" encompasses a large array of situations. Intimidation or threat is often of a financial nature or related to the restriction of holidays. Concerning the seizure of passports, a number of workers agree to leave their passport with their employer to complete administrative procedures or in order to not lose or damage the document. However, in practice, once the employer is asked to return the passport, he refuses to hand it back without first obtaining payment. The workers interviewed who reported seizure of passport as an issue in the questionnaire are only among those who identified this practice as a problem. Many others left their passports with their employers based on trust. The signing of promissory notes seems less common (9%) but certainly occurs in a similar context, and strongly indicates forced labour and human trafficking. Through field visits and qualitative data collected, results clearly show that workers in legal situations are the category of workers most exposed to human trafficking or forced labour.

The living and housing conditions are generally extremely poor with serious issues related to safety, sanitary conditions, and access to water. There are three main types of accommodation, with each type concerning a specific population of workers. 1) Plastic houses, which are an assemblage of materials, mainly plastic, built by the workers themselves on the working site. 8% of the workers interviewed were living in such conditions and were often workers in regular situations that were required to live on site but to whom the employer did not provide accommodation. 2) Tents where the vast majority of Syrian and Pakistani families live. While these communities mostly move between the Jordan Valley and the Highlands, Tamkeen's results show that these populations are not of a nomadic

culture. They had previously lived in concrete houses in their own country and would like to settle in one place but are unable due to the prohibition of construction on agricultural lands for accommodation purposes, or because they must continue moving to find work in their field. 3) Basic 20 m² rooms made of concrete material where typically four workers sleep and cook. 55% of the workers interviewed were living in such rooms. Most of the farms have rooms for workers in regular situations that are employed all year long. In contrast, workers in irregular situations that are mostly comprised of Egyptian “freelancers” live in workers’ compounds, composed of 50 or more rooms off of the main roads.

According to the interviews conducted with the workers, distance is the most commonly expressed difficulty they face. To the same extent, a number of workers interviewed considered loneliness and humiliation as the most challenging aspect of living and working in Jordan, and highlighted the psychological dimension of their condition. Their narratives serve as a reminder to the importance of responding to psychological violence, as well as to physical violence. For example, two workers claimed that the hardest part of their experience was physical abuse, while others identified the denial of freedom, seizure of passport, or low salaries as major setbacks. Among the greatest concerns expressed by workers were their relationships with local authorities and employers, such as police expulsions, swindles by the employer, and the fact of being hidden from the labour authorities by their employers. In terms of working conditions, Tamkeen’s results show that the obligation to work long hours or on non-working days constitute the main obstacles workers expressed in their interviews.

Lastly, the working and living conditions of agricultural workers in Jordan greatly vary depending on the nationality, and the legal situation of the workers in the Kingdom. There are four main categories of workers, in relation to issues faced, that have emerged from our results. 1) Migrant workers in a regular situation, i.e. workers holding a work permit who work effectively with their legal employers; 2) Egyptian workers in an irregular situation; 3) Syrian refugee families living in rural areas and working in agriculture and; 4) Pakistani families who sustain their own economical activities and hold work permits. The study reveals that migrant workers in regular situations are highly vulnerable to human trafficking and forced labour and are the main victims of these practices. Conversely, a number of Egyptian workers are in irregular situations in order to escape the harsh working and living conditions that workers in regular situations face. In addition, an increasing number of Syrian refugee families who live in poor conditions experience serious difficulties in fulfilling their most basic needs. The study reveals that Syrian refugees are highly vulnerable to economical exploitation and child labour, while women and girls may be at risk of experiencing gender-based violence. In contrast, the study shows that the community of Pakistani farmers are mainly facing legal issues as a result of a discrepancy between their legal status as workers and their role as farmers sustaining their own economical activity, including issues related to housing.

Key Recommendations:

Human Trafficking and Forced Labour

- As a matter of urgency, intensifying cooperation between Egyptian and Jordanian authorities to prevent and punish trafficking in persons between the two countries for the purpose of forced labour in agriculture, in particular:
 - Taking legal action to close and punish private recruitment agencies currently recruiting workers illegally in Egypt.
 - Establishing labour inspection in the agricultural sector and providing trainings for labour inspectors on human trafficking in this sector.
 - Providing special assistance to the victims, especially through the establishment of at least one refuge dedicated to men in rural areas, particularly in the Jordan Valley.
- Abolishing the current clearance system applicable to Egyptian workers, as it restricts their freedom to leave Jordan. This system contradicts Article 2 and 12 of the International Covenant on Political and Civil Rights of 1966, and increases the risk of blackmailing and forced labour.

- Further assessing the presence of child labour in the agricultural sector, developing programs to prevent child labour, supporting access to education, and punishing employers recruiting children in violation of the Labour Law.
- Conducting further assessments to get a better understanding about the situation of women and girls working and living in the agricultural fields, and the risks they may face with exploitation and violence. Further assessments will enable relevant stakeholders to design appropriate awareness raising activities and services for the prevention of and the response to gender-based violence in this sector.
- Providing agricultural workers with the same legal protection as other workers in the Kingdom by reviewing Article 3 of the Labour Law. Another option might be adopting a comprehensive regulation under the same article to ensure that agricultural workers receive legal protection equivalent to the one currently provided by the Labour Law.
- In the view of ensuring the protection of the fundamental rights of migrant workers in Jordan, ratifying and implementing, as early as possible, the United Nations *International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families* of 18 December 1990.

In an effort to effectively protect the rights of all agricultural workers, ratifying and implementing the International Labor Organisation *Convention concerning Safety and Health in Agriculture* of 21 June 2001 (ILO Safety and Health in Agricultural Sector Convention, No. 184), and the *Convention concerning Labour Inspection in Agriculture* of 25 June 1969 (ILO Labour Inspection (Agriculture) Convention, No. 129)

- In an effort to reduce the number of workers who are in irregular situations, and responding to forced labour, enacting changes in the current legislation will allow migrant workers in agriculture to change employers without requiring authorisation from the original employer during the period covered by their work permit.
- To reduce both the number of workers who are in irregular situations and the exploitation of workers buying fraudulent contracts, the Ministry of Labour should review the recruitment procedure before the Employment Committee. They should also significantly consider the role of the Ministry of Agriculture and farmers' associations in the recruitment procedure of

migrant workers in agriculture in order to develop their accountability and transparency in the process. Such review should be coupled with an active policy to investigate the demand and actual need of an employer's request to recruit migrant workers in order to increase control over the procedure, as well as to firmly punish and effectively deal with fraudulent employers and brokers.

- Conducting further scientific studies and establishing working groups in order to respond to the departure of workers from the farms of where they are legally employed. This would help determine the feasibility of increasing the minimum salary for migrant workers in agriculture to 190JD per month and significantly improve their working and living conditions on site. Such work must carefully take into account the current overall costs sustained by employers in recruiting workers in irregular situations.
- Facilitating access to food and drinkable water for workers and families living in the farms, including the establishment of UNHCR food providers in the Jordan Valley for the benefit of Syrian refugees.
- Developing medical services in the Jordan Valley, specifically in relation to sexual and reproductive health and childcare.
- Supporting and establishing training courses on the sites of key family households, in regards to proper management of toilets and waste water, to avoid exposing workers and families, especially children, pregnant women, and elders, to disease and infections. These measures will effectively respond to the extremely poor sanitary conditions of migrant workers living in plastic houses, such as Egyptian workers, and the Syrian and Pakistani families living in tents.
- Supporting and establishing training courses on the sites of workers and employers, in regards to the improvement of safety in workers' accommodation, in order to respond to the extremely poor safety conditions of migrant workers living in plastic houses and rooms.

Methodology

This study is based on several research methods to gather and analyse information about the living and working conditions of migrant workers in the agricultural sector in Jordan. The primary objective of this study is to assess their needs within the aim of protecting and promoting their rights as both migrants and workers through the course of the project and beyond.

The research was conducted through four methods, in addition to a desk review: individual interviews using questionnaires, interviews with stakeholders, focus groups with workers, and photo and video documentaries. This multifaceted approach allowed the Tamkeen Research Team to carry out a quantitative and qualitative study to ensure a global perspective and a comprehensive understanding of the issues at stake. The complexity of the study and the use of various and interrelated methods has required the establishment of a team of skilled professionals to execute this study successfully in accordance with the highest professional standards.





Methodology

1) ***Tamkeen Research Team***

In the initial stage of the research, the first Senior Researcher, MrTaleb Al Saqqaf,⁹ developed a questionnaire to be used for individual interviews with the migrant workers. In identifying the main themes covered by the questionnaire, as well as the geographical areas where migrant workers should be interviewed, MrTaleb Al Saqqaf relied on the support and long standing experience of Tamkeen Fields for Aid (Tamkeen) and, in particular, the expertise of Executive Director Mrs. Linda Khalash. The first Senior Researcher, with the support of Tamkeen, selected and trained 10 field workers to administer the questionnaires. Dr. Nizar Alabadi, Statistician, integrated the data collected through the administration of the questionnaires into a professional data management system.

Meanwhile, Mrs. Rania Al-Sarayrah, Journalist, Mrs. Linda Al Khalash and Mr. Nicolas Sauvage, the second Senior Researcher conducted semi-structured interviews with stakeholders. In addition, Ms. Nadia Bseiso, Documentary Photographer, produced the photo documentary included in this report, and Mr. Asam Moubideen, Journalist, produced a video documentary to be used through the course of the project.

On the basis of data and information collected, further field visits were conducted by the second Senior Researcher, Mr. Nicolas Sauvage, with the support of field

⁹ Mr Taleb Al Saqqaf was hired as Senior Researcher to conduct this study. Unfortunately, Mr Al Saqqaf was not in the position to pursue this work due to personal reasons. A second senior researcher was therefore hired to pursue the study.

workers and staff members of Tamkeen for interpretation, in particular Mrs. Diala R. Al Amiri, Mrs. Suzanne Fayed, and Mrs. Nour Qawasmi.

The analyses of the data and information collected, as well as the drafting of the report, has been conducted by Mr. Nicolas Sauvage, in consultation with Mrs. Linda Kalash, and Mr. Mahmoud Al Aqtash, Lawyer at Tamkeen.

2) **Quantitative Study**

The quantitative study consisted of conducting a survey that covered a large scale of issues, in particular, the living, and social and working conditions of workers. The questionnaire, available in Annex 1, includes 59 questions divided in four sections:

Personal information (4 questions) - While ensuring the anonymity of the migrant workers interviewed, this section focuses on their nationality, age, level of education, and area of origin in their home country.

Recruitment (12 questions) - This section aims to collect information on the amount of time workers spent in Jordan, the recruitment process, including discrepancies between the information received by the workers prior to recruitment and the realities of their work; their wish to join the sector or to leave it; the persons involved in their recruitment; the costs of recruitment, and the means through which they covered the expenses.

Working conditions (13 questions) - This section covers the salary in their home country and in Jordan, methods of payment, working hours, ill treatment, and violations of human and labour rights, safety and security, and participation in a trade union.

Social conditions (30 questions) - This section focuses on their social conditions at three levels: it considers the relationship between the workers and their families, including the financial support they have to guarantee in their home country and the frequency of contact with their family. It also addresses the relationship between migrant workers and Jordanian society. In addition, it entails their living conditions, *i.e.* the kind of premises they live in, the number of persons in each premise, their relationship with the employer, activities conducted in their free time, and medical and social security. The questionnaire ends with inquiries about their plans for leaving the Kingdom.

The questionnaire alternated between open-ended questions (13), multiple-choice questions (24), and yes/no questions (22), and included 11 questions requiring further information or explanations depending on the answer.

The Senior Researcher selected and trained 10 field workers to conduct individual interviews with the workers and to complete the questionnaire. The field workers' group was composed of 8 Jordanians and 2 Egyptians with experience in the agricultural sector.

The interviews were conducted on 12 predetermined agricultural sites to fill in the questionnaires in order to ensure high quality of the data collected. Sites were chosen to reflect the reality and the variations in the agricultural sector in Jordan. This includes intensive agriculture (Jordan Valley) as well as rain-fed agriculture for cereal, olive and grape production (Highlands). Accordingly, 324 questionnaires were filled in between 21 February and 23 March 2013 in the North and Central regions of Jordan, namely: Madaba Governorate, Ajloun Governorate, Al Ramtha Area, Irbid Governorate, Ein El Basha in Al Balqa Governorate, and the Jordan Valley from North to South. One field visit to El Mafraq was aborted due to the refusal of the employer and the fear of the workers.

A statistician conducted the treatment of the data collected through the IBM SPSS Statistics software. Data was completed with information collected during the qualitative study.

3) ***Qualitative Study***

The qualitative study was conducted as a result of the quantitative study and consisted of desk reviews, photographs, videos, interviews with stakeholders, and focus group discussions with workers on site.

The first component consisted of video and photo documentaries on the living and working conditions of the migrant workers. Field visits covered the entire Jordan Valley, El Ramtha Area, and El Balqa Governorate. The video documentary compiles oral commentaries and testimonies of migrant workers. The video and photo documentaries contributed to the deeper understanding of the living conditions of migrant workers, highlighting sensitive aspects of their daily life, as well as social and emotional conditions that could not have fully emerged from the quantitative study.

The second component consisted of semi-structured interviews that were carried out with the following local institutions, embassies, and farmers:

- 4) The Director of Central Inspection Directorate, Ministry of Labour
- 5) The General secretary Assistant for Marketing and information and the Head of the Directorate of Policy Studies and Knowledge Management, Ministry of Agriculture
- 6) The Director of Migrant Workers Directorate, Ministry of Labour
- 7) The Director of the Anti-Human Trafficking Unit
- 8) Former Minister of Agriculture

- 9) The Head of the Farmers' Union
- 10) The Union for Landlords and Exporters in the Agricultural Sector
- 11) The Labour Attaché of the Embassy of Egypt in Amman
- 12) The Deputy Head of Mission of the Embassy of Pakistan in Amman
- 13) The First Secretary of the Embassy of Bangladesh in Amman
- 14) The Emergency Education Consultant, Host Community, UNICEF, Jordan Country Office

The final component consisted of complementing findings through further field visits to Egyptian workers by focusing on mechanisms of exploitation that could not be revealed through the quantitative study. In addition, field visits were conducted to reach specific communities that were not sufficiently represented in the quantitative study, particularly the Syrian refugee community and Pakistani farmers.

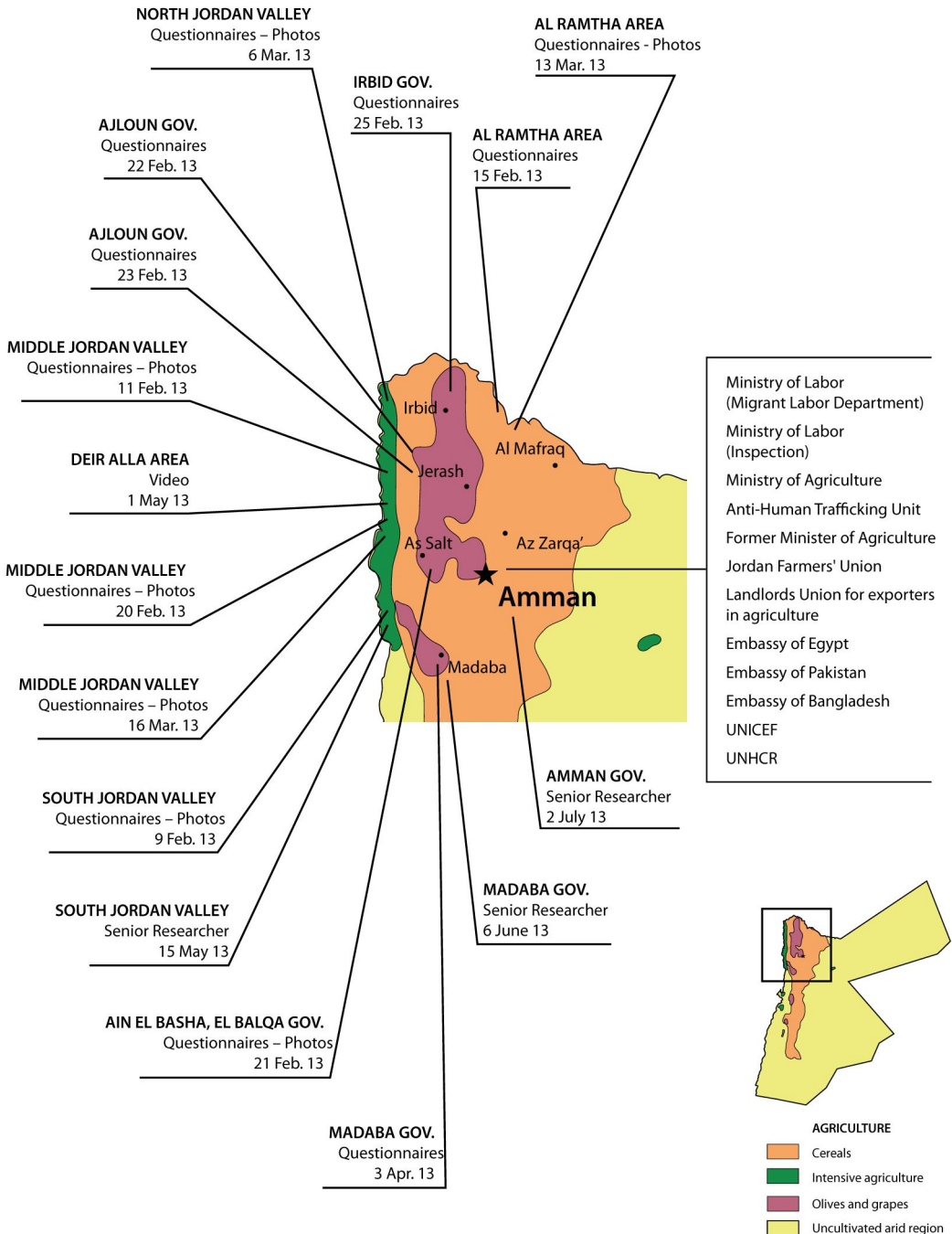
Interviews were conducted through informal discussions in focus groups. Interviewees were reached through the method of snowball sampling, also known as chain-referral sampling, which consists of using a small pool of initial informants to indicate other potential interviewees who meet the eligibility criteria and who can potentially contribute to the study. These field visits allowed the Tamkeen Research Team to ensure a comprehensive understanding of the specific needs of these communities, as well as the interaction between the communities concerned, and their role in the labour market. These visits facilitated the collection of sensitive information that could not be obtained through the questionnaires.

Considering the significant increase in the number of Syrian refugees working in the agricultural sector and the current humanitarian response provided to protect this population, the Senior Researcher also attended relevant inter-agency meetings led by UNICEF and UNHCR in Amman under the framework of the Syrian Regional Refugee Response. The Senior Researcher participated in these meetings in order to compare information collected on Syrian families in agriculture with existing data, and to assess the current programs and activities targeting this population.

MAP OF ACTIVITIES

Field Visits

Interviews of Stakeholders





Introduction: Overview of the Population of Migrant Workers in Agriculture

The introductory chapter of this study provides a brief historical perspective on the presence of migrant workers in agriculture, and highlights the reasons for the rise of this population in Jordan since the mid-1970s. Furthermore, it includes an overview of the current labour market, with a special focus on the complexity of the informal market in this sector, and a synopsis on the social and economic situation of migrant workers prior to their arrival to Jordan for work.





Introduction: Overview of the Population of Migrant Workers in Agriculture

Brief Historical Perspective on the Presence of Migrant Workers in Agriculture

The agricultural sector has the unique composition of comprising the largest segment of migrant workers among the major economic sectors recruiting foreigners, namely agriculture, manufacturing, construction, hotels and restaurants, and personal and social services. According to the Department of Statistics, formal employment of migrant workers in agriculture represented 68% of the workforce in this sector in 2009. Since they first entered the agricultural sector in the 1970s, the proportion of migrant workers in the labour market has steadily increased.

There are four combined reasons for the high presence of migrant workers in agriculture in Jordan:

- 1) An urbanization of the overall population, combined with a movement of the national work force towards the service sector.
- 2) Major developments in water management and irrigation of the Jordan Valley and, to some extent, of the Highlands.
- 3) An active governmental policy for the recruitment of foreign work force from 1985 to the late 1990s.
- 4) More recently, the repulsion of the national work force towards manual work.

Urbanisation and Movement of the National Workforce Towards the Service Sector

Until the mid-1960s, the rural population of Jordan was mainly composed of Jordanian farmers and of Palestine refugees displaced as a result of the 1948 Arab-Israeli war, mainly in the Jordan Valley.¹⁰ The defeat in the 1967 Arab-Israeli War, and the consecutive massive influx of Jordanians from the West Bank imposed restructuring of the Jordanian economy. Moreover, in the early 1970s, the most educated sector of the Jordanian population expatriated to the wealthy oil economies in the Gulf Countries. Their remittances significantly contributed to the Jordanian economic boom of the 1970s, which later led to the urbanisation phenomenon that still carries on today.¹¹

The following table shows an increasing number of localities of more than 5,000 inhabitants in the Kingdom since 1979. The two following maps highlight very low annual population growth in the rural areas in comparison to a growing population in urban areas. In particular, the national census increased in 1994 and shows that the rural population massively invested in Amman and Zarqa since the previous census (+54%).¹²

Locality size	1979	1994	2004
> 250 000 inhabitants	1	2	3
100 000 - 250 000	2	2	1
50 000 – 100 000	0	5	5
10 000 – 50 000	15	33	45
5 000 - 10 000	26	53	67
1 000 – 5 000	205	268	298
< 1 000	898	723	524
Total	1137	1102	1032

Distribution of population according to locality size

Source: National Population and Housing Census (Ababsa 2013, Atlas of Jordan, p.260)

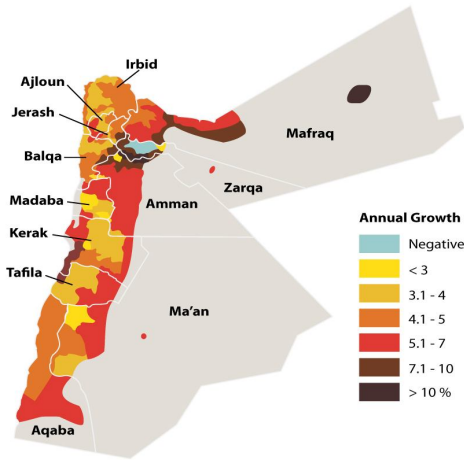
It is worth noting that Palestine refugee population followed the same trend towards urbanisation. As a result of the 1967 war, and until 1973, there was a rapid and massive movement from the Jordan Valley toward cities and camps on the Highlands.¹³ As described below, the Palestine refugees who were in the Jordan Valley moved to the cities.

¹⁰ See in particular, Van Aken, M.; Courcier, R.; Venot, J-P; Molle, F. 2007. Historical Trajectory of a River Basin in the Middle East, The Lower Jordan River Basin (in Jordan), International Water Management Institute and French Regional Mission for Water and Agriculture, Amman, p. 60-71.

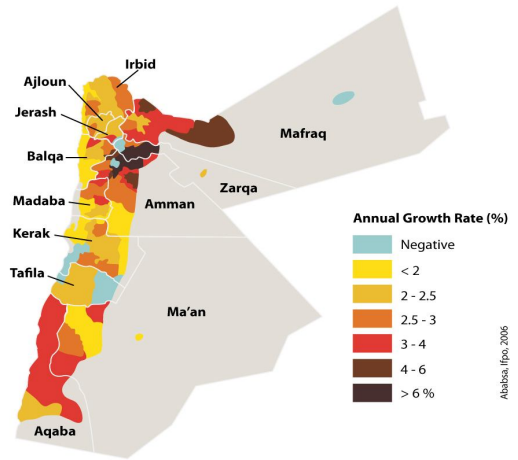
¹¹ See Ababsa, M. 2013. "Changes in the Regional Distribution of the Population" in *Atlas of Jordan*, Presses de l'Institut Français du Proche Orient, Amman, pp. 257-267 and "Jordan's Rentier Economy: Chronology", *ibid*, pp. 289-292.

¹² *Ibid.*, p. 265

¹³ See Al Husseini, J. 2013, "Jordan and the Palestinian" in Atlas of Jordan, Presses de l'Institut Français du Proche Orient, Amman, pp. 231-245.

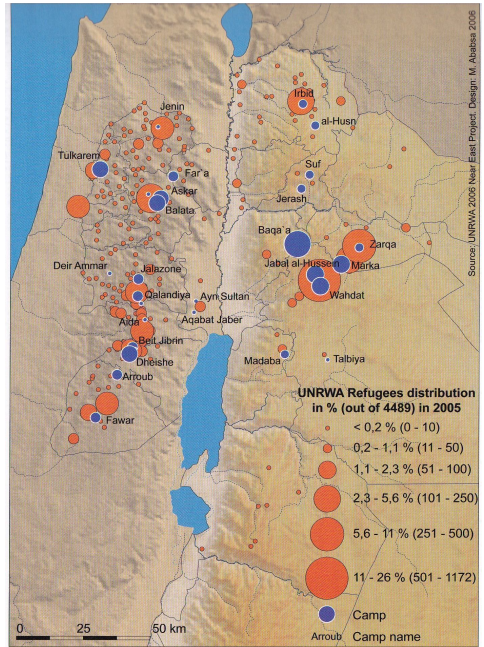
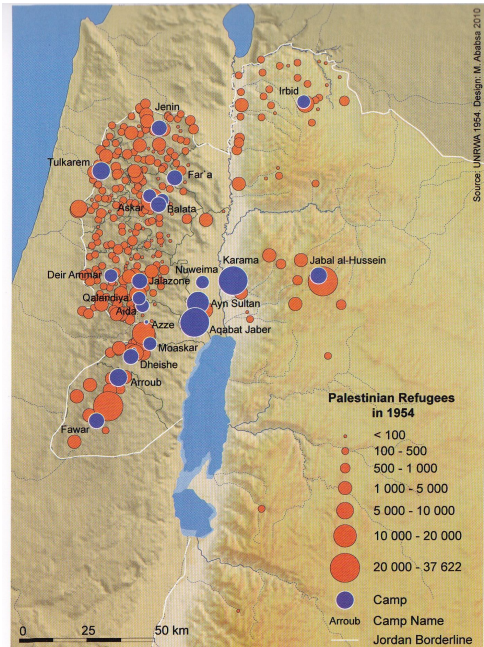


Ababsa ifpx, 2006



Ababsa ifpx, 2006

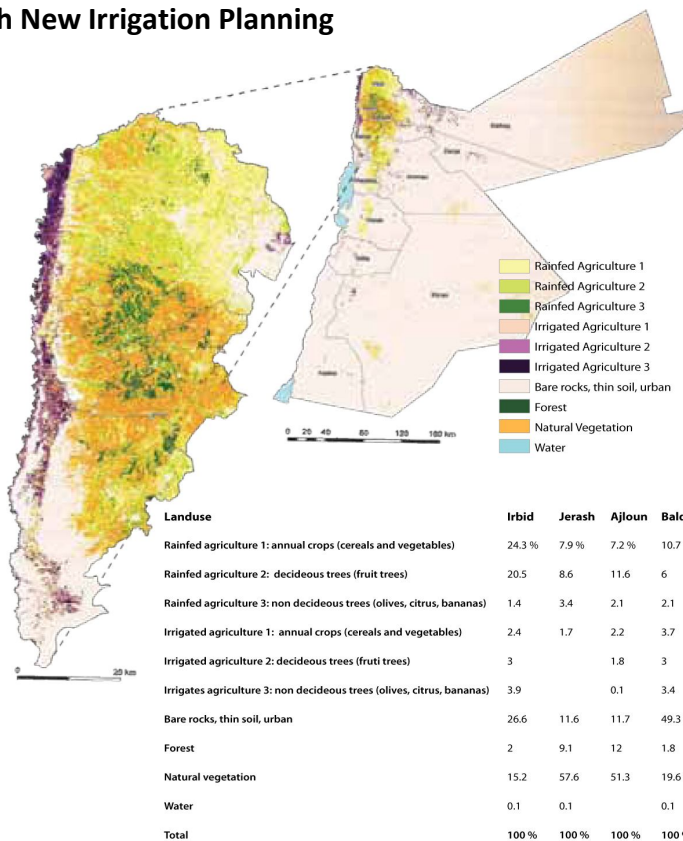
So Source: Ababsa 2013, Atlas of Jordan, p. 266
 urce: Ababsa 2013, Atlas of Jordan, p. 237



Palestine Refugees Spatial Distribution in 1954 (left) and 2005 (right) in Jordan and the West Bank according to UNRWA Surveys.

In addition to urbanization, the phenomenon of hiring foreign workers in the agricultural sector resulted from the larger gravitation of the national workforce towards the service sector. As described earlier, the emigration of nationals to the Gulf countries freed a number of positions within the Kingdom. The most educated Jordanians who remained in the Kingdom entered the service sector, while a fragment of the working population, mainly Palestinians and residents of the Jordan Valley who were previously limited to low-skill activities, were able to obtain higher-skilled positions. Public administration and the army also maintained a high level of recruitment favourable to Jordanians,¹⁴ which vacated another large segment of the Jordanian labour market.

Major Development of Intensive Agriculture in the Jordan Valley through New Irrigation Planning



Jordan Agricultural Land Use
 Source: Ababsa 2013, *Atlas of Jordan*, p. 313

¹⁴ De Bel Air, F. 2013 “Composition of the population” in *Atlas of Jordan*, Presses de l’Institut Français du Proche Orient, Amman, p. 250

While urbanization and the movement of the national work force towards the service sector called for the recruitment of foreign workers, a new water infrastructure was developed to extend irrigated agriculture to the Jordan Valley and, to some extent, to the Highlands. The new water infrastructure split and molded the Jordanian agricultural sector into two, a traditional sector and an intensive sector. The traditional sector remained in the Highlands as rain-fed agriculture, while the Jordan Valley experienced "a super-green revolution"¹⁵ that began in the 1980s. During that time, the agricultural sector was described as the "corner stone of national development".¹⁵ The area of irrigated crops was extended from 9,300 hectares in 1950, to 16,000 hectares in 1975, and presently to 23,000. This growth facilitated the development of intensive agriculture.

The massive transformation of the agricultural sector in the 1970s-1980s required a new influx of workers, arriving mostly from Egypt. The map shows the current Jordanian Agricultural Land Use, and highlights the shift between a productive modern

The influx of Egyptian workers in Jordan stems from a variety of factors. The persistent economic crisis in Egypt since the 1970s has served as one of the main driving forces pushing workers to seek work opportunities in Jordan. The economic transformation (Infitah), led by the Egyptian leader Anwar El Sadat in the 1970s, significantly increased unemployment in Egypt. According to the Labour Attaché at the Embassy of Egypt in Amman, Mr. Al Atian, there were 312 Egyptian workers in Jordan in 1973. In the first half of the 1970s, Egyptians' main destination for work was located in the Gulf countries and Iraq, not Jordan. Few years later the number of Egyptian workers in Jordan increased to 7,500 in 1976, as Jordan was a crossing point to reach Iraq. In the following decade, the number of Egyptians working in Jordan significantly increased as a result of the Iranian-Iraqi War, which forced thousands of Egyptians working in Iraq to seek refuge in Jordan. This population eventually settled for work in the Kingdom. In 1985, the number of Egyptian workers reached 46,085, most of whom worked in the agricultural sector. The influx of this new foreign workforce served as an opportunity for Jordan to fill in the gaps left by the national workforce in an expanding agricultural sector. The sector (irrigated) and a traditional one (rain-fed).

Due to the high number of Egyptian workers in the country and the demand for migrant workers to develop the Jordanian economy, particularly the agricultural sector, the Egyptian and Jordanian governments signed an agreement on March 26, 1985 to establish cooperation for the exchange of workforce. This agreement is still in force and aims to equalize the rights and obligations of Egyptian workers with those of Jordanian workers. The same year, the late King Hussein and the former Egyptian president Mubarak adopted an unwritten agreement to exempt Egyptian

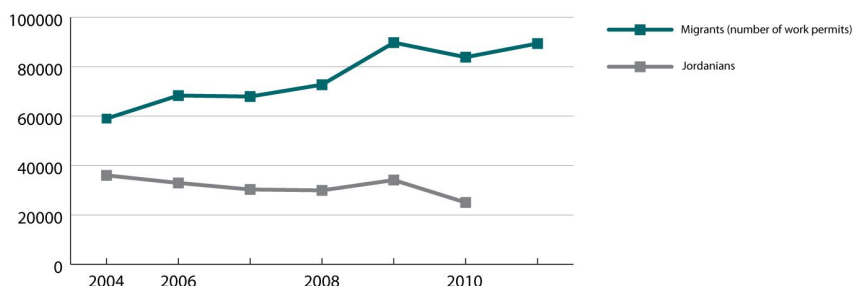
¹⁵ Khouri 1981

nationals from the visa requirement when entering Jordan, and vice-versa. Many Egyptian workers considered emigrating to work in the Kingdom because of the reciprocal exemption of visas.

Until 1990, the number of Egyptian labourers coming to Jordan was very high, averaging between 15,000 and 20,000 workers every year. When the first Gulf War started in August 1990, Egyptian workers in Iraq arrived again to Jordan to escape the war. The Department of Statistics evaluated the number of Egyptian workers in 1992 at 190,000 in the Kingdom. Since then, the number of Egyptian workers holding work permits varies. As a result of the massive return of Jordanian expatriates from the Gulf countries in the early 1990s, the number of Egyptian workers with work permits plummeted to 50,000 in 1994. However, it progressively increased again to almost 250,000 in 2010, with a reduction to 190,000 in 2011.

Repulsion of the National Workforce Towards Manual Work

The proportion of the national work force in the agricultural sector has dropped during the past 40 years. According to the Department of Statistics, only 1.7% of the Jordanian employees were employed in agriculture in 2011, while there were 5.5% in 2000. By contrast, the number of foreign workers in this sector has increased from 30,000 in 2000 to 90,000 in 2011.



Numbers of Jordanian employed contra number of work permits granted to foreigners in Agriculture and Fishing

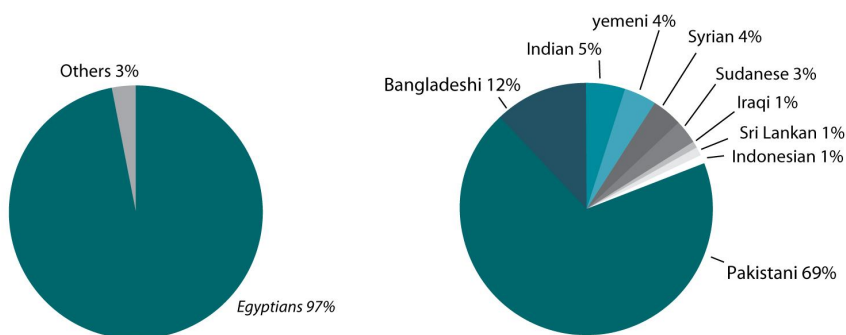
Source: Department of Statistics and Ministry of Labour

Recently, the Ministry of Labour has made concerted efforts to replace foreign labour with Jordanian labour in response to the unemployment crisis.¹⁶ In these efforts, the government must combat a “culture of shame” towards manual work and positions currently held by low-skilled foreign labour. This culture of shame can be attributed to national workers' disdain for manual jobs, considered mundane, menial, or exacting.¹⁷ Despite the Ministry of Labour’s efforts to promote such activities among nationals as an attempt to counter high unemployment rates, especially among the youth and in rural areas,¹⁸ the differential between foreign and national employees remains the highest in the agricultural sector of the Jordanian economy.

The presence of foreign workers in this sector is an additional element that reinforces the culture of shame toward agricultural tasks. As described in a remarkable study on the Lower Jordan River Basin, “The devaluation of specific agricultural tasks by the Jordanian population in the last decade is linked to the growing economic segmentation transversal to the different communities in the Lower Jordan River Basin. While other wage labour activities, such as mechanics, car washing, construction or painting, are accepted by local shabab (young men) of poor families, the farm has developed a social stigma due to the presence of Egyptian labourers [...]”

The Current Labour Market of Migrant Workers in Agriculture

Work Permits Delivered to Migrant Workers in Agriculture



Proportion of Work Permits Delivered by Nationality, total (Agriculture, 2011)
Source: Ministry of Labour

Proportion of Work Permits Delivered by Nationality, excl. Egyptian Workers (Agriculture, 2011)
Source: Ministry of Labour

¹⁶ Ministry of Labour, National Strategy for Employment, 2010-2011

¹⁷ AL Hussein, J. 2013, “Challenges Facing Jordan’s Labour Market”, in Atlas of Jordan, Presses de l’Institut Français du Proche Orient, Amman, pp. 354-368

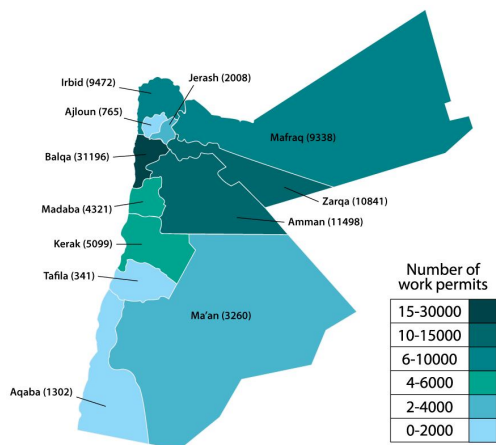
¹⁸ National Agenda for 2006-2015 or Kulluna Al Urdun for the 2007-2015 period.

Among the 280,263 work permits granted by the Ministry of Labour in 2011, 32% were allocated to the agricultural and fishing sectors. Of the 89,414 work permits distributed in agriculture, 97% were granted to Egyptian nationals. In this regard, 45% of the work permits were given to Egyptian nationals in agriculture. The remaining nationalities with work permits for agriculture were Pakistani (1,857), Bangladeshi (333), Indian (143), Yemeni (118), and Syrian (95).

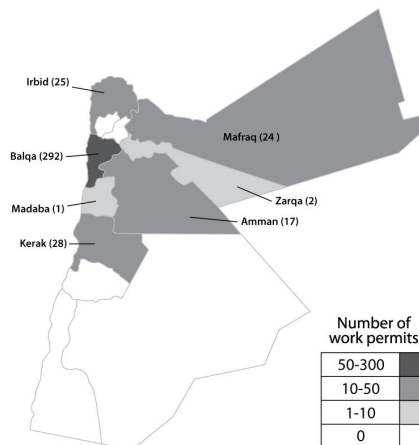
In 2011, 99.5% of the agricultural workers with work permits were male, while substantially all of the women holding work permits were of Pakistani nationality. Of the 389 women holding work permits, 384 of them were from Pakistan.

The geographical repartition reveals that a third of the work permits for agriculture were granted in the Balqa Governorate. Additionally, almost half of the work permits in this sector were granted to the Governorates of Amman, Zarqa, Irbid, and Mafrq.

Our statistics indicate that 75% of the work permits were granted predominately to Pakistani women in the Balqa Governorate, while the remaining permits were mainly distributed in Kerak, Irbid, Mafrq, and Amman Governorates.



Work permits delivered in Agriculture by governorates in 2011
Source: Ministry of Labour



Work Permits delivered to women in agriculture, by governorates in 2011
Source: Ministry of Labour

The Complexity of the Informal Labour Market in the Agricultural Sector

According to a recent study conducted in 2012 by the Ministry of Planning and International Cooperation, the agricultural sector has the highest proportion of informal employment among nationals compare to any other sectors of the

Jordanian economy.¹⁹ However, this result does not necessarily reflect the proportion of informal employment among foreign workers. Tamkeen's research shows that a large proportion of migrant workers holding a work permit in the agricultural sector are in irregular situations and are recruited informally, i.e. by an employer different from the one recorded on their work permit. Therefore, a number of factors must be taken into account to evaluate the extent of informal employment of migrant workers in the agricultural sector.

Work-Permit Holders in Irregular Situations

According to Jordanian Law, a migrant worker must effectively work with the employer record edon his or her work permit in order to remain in a regular situation. As a result, if a migrant worker changes employers without accordingly updating his or her work permit, the worker concerned becomes irregular and he or she is subjected to fines and deportation.

Among the 90,000 persons holding work permits obtained in the agricultural sector, there are four main categories of situations, two of them being irregular:

1. Work-permit holders who effectively work with their legal employer (Regular situation).
2. Work-permit holders who left their legal employer after a few months and work with other employers for the remainder of the year without a new permit (Irregular situation).
3. Work-permit holders who agreed in advance to pay an employer to obtain a work permit under his or her name, but in practice work informally with other employers. This category of work permits can be described as fraudulent work permits (Irregular situation).
1. Work-permit holders who agreed in advance to obtain a work permit from an employer, but are in practice self-employed and sustain their own economical activity. Such a practice is highly common among the Pakistani community and reflects the discrepancy between the law, which requires them to have work permits, and the needs of the members of this community, who are in practice self-employed (discrepancy between legal status and activity).

This table is a compilation of the various data collected, as well as field visits conducted throughout the course of the research and described throughout this report.

The exact proportion of each category within the number of work permits delivered every year is difficult to evaluate. Category No. 4 describes the situation of Pakistani nationals who, in practice, are not working as employees but instead work as

¹⁹ Ministry of Planning and International Cooperation Study 2012

producers and/or sellers (See Section III for further information). A proportion of the workers (2%) holding a work permit can therefore be determined on the basis of the number of work permits delivered to these nationals.

It is more challenging to determine the proportion of work permit holders under Category 3. From interviews conducted with Egyptian workers, the Embassy of Egypt in Jordan, employers, the Ministry of Labour, and the Ministry of Agriculture, it can be established that 40% to 70% of the agriculturework permit’s holders have been recruited under false contracts. In fact, a widespread underground market of false contracts, called “commercial or free contracts,” exists in the agricultural sector. Some employers, in exchange for high payments, provide contracts and obtain work permits for Egyptian workers with a common understanding that the worker will be free to work with any employer informally. Both stakeholders and workers mentioned that this fraudulent practice occurs in a large portion of the agricultural work permits granted, and that a limited number of workers are employed to effectively work with their legal employers. It is important to point out that a large proportion of the workers who obtained work permits through “free or commercial contracts” are not working in agriculture, but instead in the more lucrative construction sector. However, it is extremely difficult to precisely quantify the proportion of work permit holders leaving the agricultural sector within this context.

Migrant workers holding a work permit				
Legal Situation	Regular situation	Irregular situation (discrepancy between legal and actual employer)		Disparity between legal status and activity
Categories	1. Holders of a work permit working effectively with their legal employers	2. Holders of a work permit who left their legal employer during the year, and are informally working with other employers the rest of the year	3. Holders of a work permit who in advance agreed with and paid an employer to obtain a work permit under his or her name, but work in practice with other employers informally.	4. Holders of a work permit that agreed in advance with an employer to have a work permit, but to be self-employed and sustain their own economical activity (in particular, Pakistani workers)
Sector	Work in agricultural sector	May stay in or leave the agricultural sector, especially to work in construction		Work in agricultural sector

Tamkeen Research Team, 2013

The proportion of workers falling into Categories 1 and 2 constitutes the remaining group of workers holding a work permit, namely 30% to 60% of them are in agriculture. Within this portion, a distinction must be drawn between the workers who work effectively with their legal employer (Category No. 1), and those who have been recruited to work effectively with their legal employers, but left the farm in the course of the year while being covered by their work permit (Category No. 2). The first category remains within the formal labour market, while the second category enters the informal labour market. Egyptian workers and Jordanian employers explained that a number of workers in regular situations are “escaping” their employer to improve their situation by changing the employer or sector, or increasing their wage. According to the various interviews conducted, the proportion of workers in regular situations that originally fell under Category No. 1 but eventually left the farm, ranges from 20% to 50% and varies depending on the working and living conditions in the farms concerned. Therefore, Category No. 2 represents approximately 6% as a minimum²⁰ and 30% as a maximum of the total number of workers holding a work permit. In contrast, the proportion of workers effectively working with their legal employer over the year, and are therefore in regular situations (Category No 1), ranges approximately between 25%²¹ to 48%²² of the workers holding a work permit. It is worth noting that this category of workers often stays with their legal employer as result of pressure, constraints, or threats of penalties, especially in terms of confiscation of personal documents.

Work Permits Granted vs. Undocumented Workers

Throughout the course of field visits, the Tamkeen Research Team encountered a number of workers who work in an irregular situation and do not hold any work permits, hereafter referred to as undocumented workers. Their number is extremely difficult to ascertain, as they are undocumented. Some trends can be drawn as a result of the study.

Tamkeen Research Team detected three main categories of undocumented migrants:

1. The first category corresponds to workers who arrived in Jordan before the establishment of work permits, or who entered as tourists or pilgrims in the country but stayed in the Kingdom to work in agriculture. This category of undocumented workers is likely to decrease in number over the years, excluding the flow of Syrian refugees into the country (See below). It mostly

²⁰ Result obtained if we consider that only 20% are leaving the farm while categories No 1 and 2 combined represent 30% of the workers holding work permit.

²¹ Result obtained if we consider that 50% are leaving the farm while categories No 1 and 2 combined represent 60% of the workers holding a work permit.

²² Result obtained if we consider that 50% are leaving the farm while categories No 1 and 2 combined represent 30% of the workers holding work permit.

- includes Egyptian workers who have been in Jordan for 20 years or more, or those who entered the country more recently as pilgrims. In addition, it incorporates the many Syrian families who entered the country before the Syrian crisis to work in the Jordan Valley over the past 10 years. The overall percentage of the population included under this first category seems limited.
2. The second category concerns workers who entered Jordan with a valid work permit but were unable to renew expired work permits. This category is largely comprised of Egyptian workers who stayed in Jordan after their permit expired, or those who left their legal employer without their passport. Regarding the latter whose passport was confiscated by their legal employer, they are denied the chance to obtain a new permit as long as their passport remains in the legal employer's possession. More workers fall into this category than the first category.
 3. The third category encompasses the Syrian refugees that have recently arrived in the rural areas as a result of the Syrian crisis that began in 2011. Their number in agriculture is difficult to assess, but it is certainly growing with the increasing number of Syrian refugees entering the Kingdom.²³

Impact of the Influx of Syrian Refugees on the Shape of the Labour Market in Agriculture

The massive influx of Syrian refugees in the Kingdom during the past two years has created a new foreign work force in agriculture, composed of families looking for any source of income in extremely precarious situations. Families are often recruited through acquaintances or relatives previously working in agriculture. Employers recruiting Syrian refugees are interested in paying low salaries for long hours of work, and in filling the void of Egyptian workers who left their legal employers (Category No. 3 of workers holding a work permit, p.6). However, employers expressed in their interviews that they prefer Egyptian workers because they are more resistant to the heat and the working conditions, especially when carrying crops and materials. Employers instead favour Syrian workers for more delicate tasks or activities that require special skills.

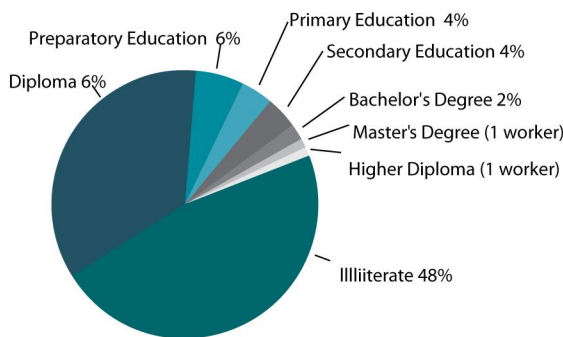
The recruitment of Syrian refugee families has raised several new issues in relation to the protection of children's rights, human rights, and labour rights. (See Chap. 3, p. 139) A main concern is the development of child labour, and a significant lack of access to education. Regarding individuals who have reached the age to work (16 or 18 years old depending on the work), they were generally paid a lower wage than any of the other workers in the field and did not hold any work permits.

²³ See UNHCR, Syria Regional Refugee Response: <http://data.unhcr.org/syrianrefugees/country.php?id=107>

While the vast majority of agricultural migrant workers are men, the involvement of Syrian refugee families in agricultural activities has also increased the number of women working in the field. This situation requires critical attention to prevent and respond to potential gender-based violence, especially against young women. In addition, the Tamkeen Research Team assessed that young men of the Syrian refugees' community prefer to work in other sectors to earn better wages, such as in services or restaurants.

The impact of this influx on the labour market of migrant workers is significant. In contrast to Egyptian immigration, the continual influx of Syrian refugees is a result of forced migration, which cannot be predicted or mastered by labour authorities as easily as the influx of Egyptian workers. As a result of the open door policy of the Government towards Syrian refugees and the principle of *non-refoulement* (see p.75), labour authorities must cope with the presence of Syrian refugees in the informal labour market in agriculture, a presence that is increasingly competing with the Egyptian workforce. In the past years, farmers have easily turned to Syrian refugees as a way to respond to their need for new workers. However, according to our study, Syrian refugees do not hold work permits. This raises serious concerns in relation to the protection of their labour rights.

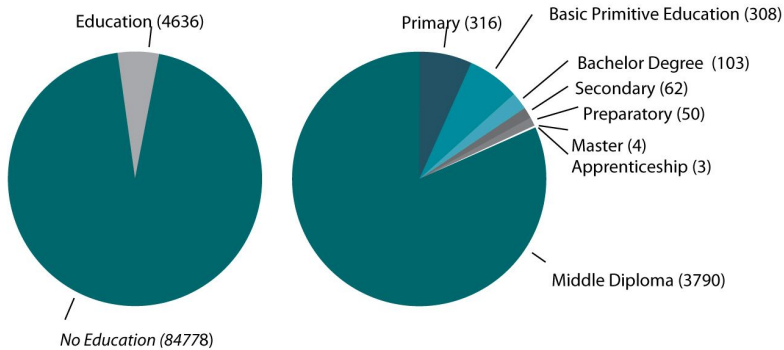
Educational Background of Migrant Workers in Agriculture



Education level (Tamkeen Study)

In relation to the level of education of the workers, a strong discrepancy was found between official numbers of the Ministry of Labour and our assessment in the field. According to the Ministry, 95% of the workers declared themselves as having no education when looking for a job opportunity in Jordan.

However, among the workers interviewed, 52% responded that they had at least some education, while 36% declared having their middle diploma. The Tamkeen Research Team analyses this discrepancy as workers' depreciation of their educational level during the recruitment process. Such self-depreciation is based on the reality of the labour market for Egyptian workers in this sector, which offers only low-skilled jobs. Egyptian workers desperately looking for employment have better chances to obtain opportunities in a low-skilled job market if they pretend they did not receive any education.

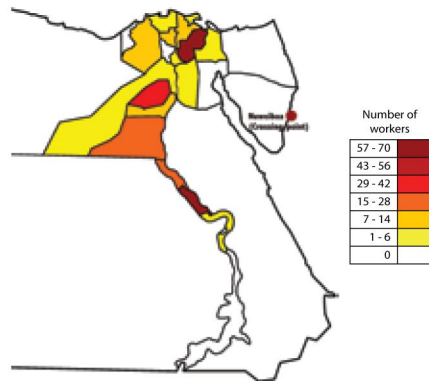


Left: Educational level of workers - Right: Number of Workers with Education
 Source: Ministry of Labour, Annual Report 2011, p. 74

However, it remains that 48% of the workers interviewed are illiterate. In this context, half of the workers face serious difficulties in accessing information about their rights, which further limits their capacity to advocate for their rights. Tamkeen must carefully take into account this aspect while developing awareness campaigns and messages, with the radio and television as key mediums to efficiently reach migrant workers in agriculture.

Areas of Origin of the Workers Interviewed

Limited information is available about the areas of origin of migrant workers in agriculture. Among the Egyptian workers interviewed, a vast majority were from Lower Egypt (North), while only 28% were from Upper Egypt (South). The Governorates of El Sharqia in the North and of Sohag in Mid-Egypt were highly represented. Coming from mid-Egypt signifies a longer and more expensive journey to reach Jordan since the only point of entry to the Kingdom for work is the Nuweiba port on the Gulf of Aqaba.

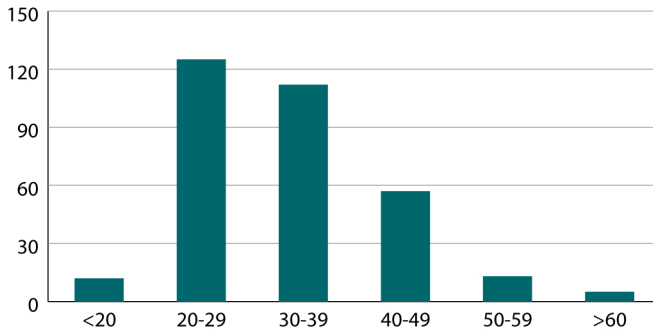


Areas of origin of workers interviewed
 (Tamkeen study)

Workers from mid-Egypt must travel up North in crowded buses for dozens of hours to reach Suez and bypass the Gulf of Suez, then travel down to the Nuweiba crossing-point. Regarding the Syrian workers interviewed with the questionnaires, three were from Daraa, three from Homs, three from Hamah, and one from Idlib in the Northwest of Syria. In order to respond to the limited number of Syrian nationals represented through the questionnaires, and the absence of Pakistani

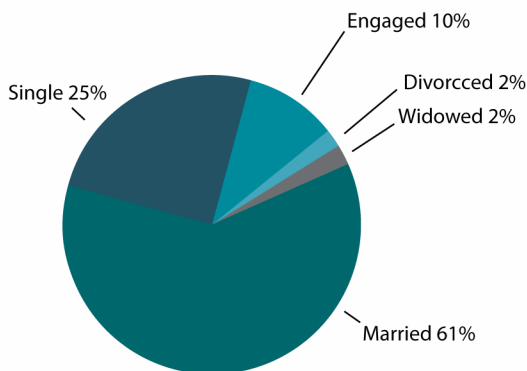
nationals, the Tamkeen Research Team conducted four additional field visits and collected qualitative information that is reflected in this report.

Age and Family Status



Number of workers per age group (Tamkeen study)

A repartition by the age groups of the workers interviewed by the Tamkeen Research Team shows a strong presence of young and middle aged adults between 20 and 39 years old. This group represented almost $\frac{3}{4}$ of the workers interviewed. The proportion drops significantly to 17% for workers between 40 and 49 years old. In contrast, the presence of workers below 20 or above 50 remains rare. This repartition corroborates the fact that a number of Egyptian workers are coming back and forth to Jordan according to their family situation in Egypt. The youngest workers, who are single or engaged, come to Jordan to earn a sufficient amount of money for marriage. Once they are married and have children, they may return to Jordan for several years in order to support their families in Egypt.



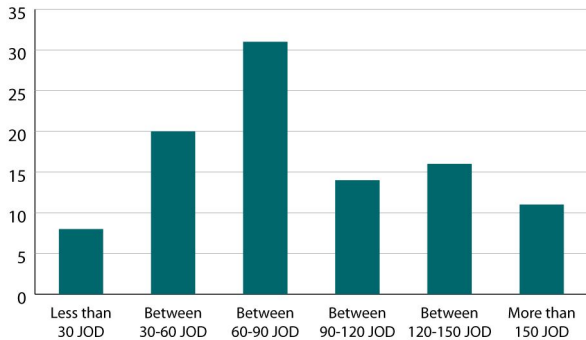
Family status (Tamkeen study)

There is a tendency for workers aged 40 years old or older to return to Egypt in order to live with their families. For example, 35% of the workers interviewed were single or engaged, while 61% were married. If we only consider Egyptian workers, such high proportions of married men also connotes the high frequency of separation between families given the

strict ban placed on family reunion in the agricultural sector. In this regard, the workers interviewed have commonly used the term “alienation” to describe the way their work affects their relationship with their families. (See p 140)

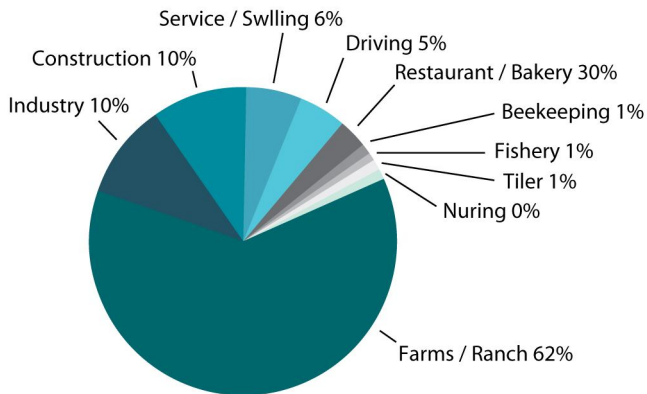
Professional Occupations and Salaries in their Home Country

By delving deeper into the professional occupations and salaries in the home country, we are provided with a number of indicators about the reasons and objectives of expatriation in Jordan. For example, 50% of the workers interviewed were earning less than 90JD per month in their country, which means that a majority may expect their



Range of salaries prior to Jordan
(Tamkeen Study)

salary to increase approximately 50% due to their expatriation in Jordan (See p.121). Results also show a high proportion (62%) of workers who were farmers in their home country. This reveals that a number of them are qualified for the job, while 38% are most likely not. When cross-referencing this data with their desire to change sectors or occupation, the results show that 70.5% of the workers who were working in farms in their home country do not want to change activity or sector. This proportion appears to be significantly lower among the workers who were not



Profession prior to Jordan
(Tamkeen Study)

previously working in agriculture in their home country. These results are of particular importance because many of the employers interviewed complained about a high number of workers leaving the farms to work in other sectors.

As the results demonstrate, matching the professional activity conducted prior to departure with the one conducted in Jordan is prominent in determining workers' inclinations to stay in their current occupation, and therefore to maintain workers' participation in this sector or job. Accordingly, the Tamkeen Research Team holds the view that further consideration must be given to the agricultural background of the workers during the time of their selection to work in agriculture as an attempt to respond to the departure of workers recruited in agriculture in Jordan.

Part I: Human Rights and Labour Law Standards

Introduction

Most of the human rights and Labour Law standards introduced below are either unrecognised for migrant workers in the agricultural sector or violated on a larger scale. Moreover, most of these standards are unknown to or overlooked by the migrant workers themselves.

In order to support the restoration of the rights of migrant workers in the agricultural sector, the Tamkeen Research Team has provided a brief introduction about the main human rights and Labour Law standards relevant and necessary to the study.

The first two sections focus on human and children's rights, and on the Labour Law. They provide a brief assessment of domestic law in comparison with the relevant international law requirements. The third part highlights the status of refugees, especially in relation to work, both under the Convention relating to the Status of Refugees of 28 July 1951, including its Protocol,¹ and under Jordanian Law.





Part I: Human Rights and Labour Law Standards

Human and Children's Rights Standards

Non-discrimination and Equality as Fundamental Components for the Protection of Human Rights

The Human Rights Committee of the United Nations highlighted that “Non-discrimination, together with equality before the law and equal protection of the law without any discrimination, constitute a basic and general principle relating to the protection of human rights.” (General Comment on non-discrimination)¹

“Non-discrimination” and “equality before the law and equal protection of the law without any discrimination” are two different but complementary obligations, and extremely relevant to the protection of the rights of migrant workers.

Non-discrimination Principle

The non-discrimination principle is recognised and protected by fundamental human rights instruments, which includes at least one provision on non-

¹ UN Human Right Committee, CCPR General Comment No 18, Non-Discrimination, 1989, par. 1.

discrimination,² while some other instruments are dedicated to combating discrimination on specific grounds or against specific populations.³

“Non-discrimination is an immediate and cross-cutting obligation”⁴ in the various human rights treaties that Jordan has ratified. This obligation aims to ensure that the rights recognised in the treaty in question are respected and guaranteed to all individuals, without distinction of any kind based on race, colour, sex, gender, language, religion, political or other opinion, national or social origin, property, birth or other status.

In particular, the *International Covenant on Civil and Political Rights*⁵ (hereinafter the CCPR), which Jordan ratified in 1975, without reservation, provides in Article 2(1) that Jordan:

“undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

In its General Comment on the position of aliens under the *International Covenant on Civil and Political Rights*, the Human Rights Committee recalled, “the general rule is that each one of the rights of the Covenant must be guaranteed without discrimination between citizens and aliens.”⁶ In exceptional cases, some rights recognized by the Covenant are expressly applicable to only citizens or foreigners.

Moreover, international treaties on racial discrimination, and discrimination against women; the rights of refugees; stateless persons; children; migrant workers and members of their families; and persons with disabilities, include the exercise of civil,

² Universal Declaration of Human Rights (Arts. 1, 2 and 7), International Covenant on Civil and Political Rights (Arts. 2(1) and 26), International Covenant on Economic, Social and Cultural Rights (Art. 2(2));

³ In particular: Declarations the United Nation General Assembly on the Right of the Child (20 Nov. 1959), on the Elimination of Discrimination against Women (7 Nov. 1967); Conventions on the Elimination of All Forms of Racial Discrimination (4 Jan. 1965), on the Status of Refugees (28 Jul. 1951), on the Elimination of All Forms of Discrimination against Women (18 Dec. 1979), on the rights of the Child (20 Nov. 1989), on the Protection of the Rights of All Migrant Workers and Members of Their Families (18 Dec. 1990), on the Rights of Persons with Disabilities (13 Dec. 2006).

⁴ UN Committee on Economic Social and Cultural Rights, CESCR General Comment No 20, Non-discrimination in economic, social and cultural rights, 2009, Par. 7.

⁵ Adopted by the General Assembly of the United-Nations on 16 December 1966, entry into force 23 March 1976.

⁶ UN Human Rights Committee, CCPR General Comment No 15, The position of aliens under the Covenant, 1986, par. 2.

political, economical, social and cultural rights.⁷ Further, some treaties require the elimination of discrimination in specific fields, such as employment and education.⁸

Equality Before the Law and Equal Protection of the Law Without Discrimination

While the provisions described above limit the scope of the rights to be protected against discrimination to those provided for the treaty in question, human rights law also protects equality before the law and in general, equal protection of the law. In other words, it provides for protection against discrimination as an autonomous right.

Jordan recognised this autonomous right against discrimination by ratifying the *International Covenant on Civil and Political Rights*, of which Article 26 stipulates

“All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

A Comprehensive Definition of the Term “Discrimination”

The Human Rights Committee provided a comprehensive definition of the term “discrimination,” as used in the *International Covenant on Civil and Political Rights*, to be understood as:

“Any distinction, exclusion, restriction or preference:

- which is based on any ground, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and;
- which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms”.⁹

⁷ See footnote No 13.

⁸ Convention concerning Discrimination in Respect of Employment and Occupation (No 111 of 25 Jun. 1958); Convention against Discrimination in Education (14 Dec. 1960).

⁹ International Covenant on Civil and Political Rights

Formal and Substantive Discrimination

In order for Jordan to “guarantee” that all rights and freedoms will be exercised without discrimination of any kind, discrimination must be eliminated both formally and substantively:

Type of Discrimination	Formal	Substantive
Description ¹⁰	Eliminating formal discrimination requires ensuring that a State’s constitution, laws, and policy documents do not discriminate on prohibited grounds.	<p>“Merely addressing formal discrimination will not ensure substantive equality. The effective enjoyment of human rights is often influenced by whether a person is a member of a group characterized by the prohibited grounds of discrimination.”</p> <p>“Eliminating discrimination in practice requires paying sufficient attention to groups of individuals which suffer historical or persistent prejudice instead of merely comparing the formal treatment of individuals in similar situations. States’ parties must therefore immediately adopt the necessary measures to prevent, diminish, and eliminate the conditions and attitudes which cause or perpetuate substantive or de factodiscrimination.”¹¹</p>
Example in Jordan	The instruction of the Ministry of Labour on the <i>Exit and Return System (under legal</i>	Agricultural workers from Pakistan currently face serious difficulties in obtaining driver licenses and in purchasing cars or trucks under their

¹⁰ Based on UN Committee on Economic Social and Cultural Rights, CESCR General Comment No 20, Non-discrimination in economic, social and cultural rights, 2009

¹¹ *Ibid*, par. 8

	<p><i>clearance) or for Holidays of April 2012</i></p> <p>currently denies Egyptian workers the right to leave Jordan without the consent of their employer.</p> <p>While the rule is a denial of freedom of movement, it applies only to workers of Egyptian nationality. This instruction thus establishes a formal discrimination on the basis of nationality in relation to the right of Egyptian workers to leave Jordan freely.</p>	<p>name. It seems that, only on the basis of their national origin, agricultural workers of Pakistani nationality are sent from one administration to another without the possibility of having their document issued. While this is not a formal discrimination against them, it can be described as substantive discrimination, in other words, a <i>de facto</i> discrimination that prevents them from enjoying equality before Jordanian law in obtaining these documents.</p>
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Direct and Indirect Discrimination

Both direct and indirect forms of differential treatment can also amount to discrimination under international human rights standards:

Type of Discrimination	Direct	Indirect
Description ¹²	<p>“Direct discrimination occurs when an individual is treated less favourably than another person in a similar situation for a reason related to a prohibited ground;</p> <p>Direct discrimination also includes detrimental acts or omissions on the basis of prohibited grounds where there is no comparable similar situation.”</p>	<p>“Indirect discrimination refers to laws, policies or practices that appear neutral at first glance, but have a disproportionate impact on the exercise of any rights as distinguished by prohibited grounds of discrimination.”</p>
Examples in Jordan	<p>Egyptian workers entering Jordan for the first time must deposit \$250 with the Jordanian Authorities as a guarantee that the worker will join his or her legal employer. Other migrant workers do not have to deposit this amount. Egyptian nationals are thus treated less favourably than any other migrant workers for a reason based solely on nationality.</p>	<p>Before 2008, the Jordanian labour law excluded farm workers from its provisions. However, it did not exclude workers in more ‘advanced’ agricultural spheres such as veterinarians and agronomists. In 2008, farm workers were included in the provisions of the labour law but were made subject to the condition of a regulation. This regulation has still not been passed and so the situation continues to be the same, whereby there is indirect discrimination against migrant and national farm workers.</p>

¹² See footnote No. 20

Permissible Scope of Differential Treatment

Differential treatment based on prohibited grounds will be viewed as discriminatory. As a principle, this differential treatment will be considered forbidden. However, in exceptional circumstances,¹³ differential treatment can be tolerated as long as the justification for differentiation is reasonable and objective.

To determine whether the justification for differentiation is reasonable and objective, an assessment must be conducted as to whether the aim and effects of the measures or omissions are:

- Legitimate;
- Compatible with the nature of the right and protected by the treaty in question; and
- Solely for the purpose of promoting the general welfare in a democratic society.

In addition, there must be a clear and reasonable relationship of proportionality between:

- The aim sought to be realized.
- The measures or omissions and their effects.

Enhancing the Rights of Migrant Workers

Combating discrimination against migrant workers requires an effective implementation of human rights instruments, including the non-discrimination and equality principles, as well as concerned states' signing and/or ratification of the various treaties dedicated to the protection of the rights of migrant workers.

In order to enhance the protection and promotion of the rights of migrant workers, the General Assembly of the United Nations and the International Labour Organisation (ILO) adopted various instruments, including the *International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families* of 18 December 1990, and the *Convention concerning Migration for Employment (Revised 1949)* of 1 July 1949.

Jordan has not yet ratified any of these conventions. In addition, the Jordanian Constitution provides in its second chapter the "rights and duties of Jordanians" only. The individual rights and freedoms protected under the Jordanian Constitution have yet to formally apply to foreigners. Furthermore, a number of provisions of

¹³ For instance, Article 2(3) of the Covenant on Economic, Social and Cultural Rights provides that: "Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals."

Jordanian law, including regulations, instructions and decisions, have established a discriminatory legal framework for migrant workers, especially in relation to Egyptian workers who represented 97% of the migrant workers holding a work permit in the agricultural sector in 2011.

There is an urgent need to enhance the protection of migrant workers in the Jordanian legal system. Tamkeen Research Team urges the Jordanian Government to ratify the United Nations Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families, and accordingly, to conduct a careful, detailed review of the current legal framework applicable to migrant workers for their effective protection under Jordanian law in cooperation with stakeholders and civil society.

Abolishing Child Labour and Ensuring Access to Education

In the course of its study, Tamkeen Research Team encountered cases of child labour among the Syrian communities, both refugees and non-refugees, despite the fact that the recruitment of children is forbidden by Jordanian law. When children work, they are neglected of activities that support their physical, mental, spiritual, moral and social development. Their needs as children, such as engaging in recreational activities, going to school, socializing with friends, and growing in a safe and healthy environment, should be recognized and encouraged, whereas child labour hinders such opportunities.

Abolition of Employment of Children under the age of 16 years

In 1998, Jordan adopted the *Convention concerning Minimum Age for Admission to Employment* of 26 June 1973 (ILO Minimum Age Convention of 1973, No 138), and agreed to undertake “a national policy designed to ensure the effective abolition of child labour” (Art. 1). To do so, a first and necessary step was established “to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons” (Art. 1). Today, according to Article 73 of the Jordanian Labour Law, children under sixteen years old shall not be employed under any circumstances.

All Children have the Right to be protected against Economic Exploitation

Until the age of 18, all children have the right to be protected from economic exploitation and performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral, or social development. This right is specifically protected by Article 32 of the Convention on the Right of Child (UNCRC)¹⁴, ratified by Jordan in May 1991.

¹⁴ Adopted by the General Assembly of the United Nations on 20 Nov. 1989.

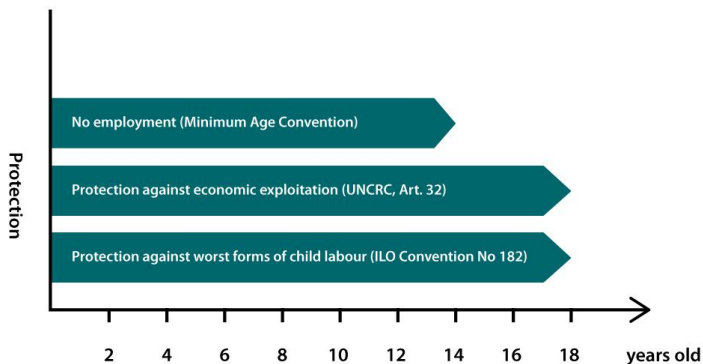
All Children have the Right to be protected against the Worst Forms of Child Labour

Children also have the right to be protected from the worst forms of child labour, in which immediate and effective measures must be urgently taken to secure their prohibition and elimination.¹⁵ Accordingly, Jordan has ratified in 2000 the *Convention concerning the Prohibition and Immediate Action for the Elimination of the worst forms of Child Labour* of 17 June 1999 (ILO Worst Form of Child Labour Convention, C182).

Among the worst forms of child labour, we determined work practices that through its nature, or the circumstances in which it is carried out, is likely to harm the health, safety, or morals of a child.¹⁶ In the agricultural sector, we identified, in particular, the worst form of child labour as work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads.¹⁷ This also includes work performed in an unhealthy environment, which may, for example, expose children to hazardous substances, agents or processes, or to temperatures or noise levels damaging to their health.¹⁸

According to Article 74 of the Labour Law, no child under the age of 18 years old may be employed in dangerous or exhausting occupations or those harmful to health. In this regard, agricultural work particularly involves bodily, physical, chemical, biological, and ergonomic hazards.

Schematic Overview of the Protection of Children against Labour



¹⁵ Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (ILO Worst Forms of Child Labour Convention, 1999 (No. 182)), art.1

¹⁶ *Ibid*, Art. 3.

¹⁷ ILO Recommendation No 190 - Worst Forms of Child Labour Recommendation, 1999 (No. 190), Art. 3, c)

¹⁸ *Ibid*, Art. 3, d).

Protection against Child Labour includes Protection for Children Working in Family Enterprises and Agriculture

In its latest concluding observations on Jordan, the Human Rights Committee of the United Nations expressed their concerns “at reports that child labour is increasing in the State party [Jordan], and that the Labour Code does not provide protection for children working in family enterprises or agriculture”.¹⁹ The Committee consequently recommended in 2010 that, “The State party [Jordan] should take all necessary measures to combat child labour, particularly by reviewing its legislation to ensure protection for all children, including those who work in family enterprises and agriculture.”²⁰

The Labour and Development Committee of the House of Parliament of Jordan is currently discussing possible amendments to the present Labour Law No. 8 of 1996 to eliminate child labour in the country.²¹ In this process, it would be necessary to adopt or reinforce legal provisions to ensure the effective eradication of child labour in agriculture.

Weak Penalties against the Recruitment of Children in Jordan

The Global Child Labour Conference 2010, supported by the International Labour Organisation, UNICEF and the World Bank, highlighted the necessity of enforcing appropriate sanctions against perpetrators of the worst forms of child labour, strengthening the inspection process, and documenting court cases in order to make efficient progress against child labour.²²

While Jordanian law is rather advanced in terms of formal prohibition of child labour, it is very weak in relation to punishing employers who recruit children under 16 years old. While the general responsibility of punishing the recruitment of children should be ascribed to the Penal Code, the Labor Law is the only legal instrument utilised to reprimand child labor, which raises serious concerns for the effective protection of children who work as agricultural and domestic workers since the Labor Law does not clearly apply to them (see the analysis of Article 3 of the Labor Law p.84) The Penal Code exclusively penalises the recruitment of children for the purpose of prostitution or sexual exploitation.

¹⁹ Concluding Observations of the Human Rights Committee on Jordan, CCPR/C/JOR/CO/4, 18 Nov. 2010, par. 17.

²⁰ Ibid

²¹ See the website of the International Labour Organisation:
http://www.ilo.org/beirut/events/WCMS_216908/lang--en/index.htm (17 July 2013)

²² Roadmap for Achieving the Elimination of the Worst Forms of Child Labour by 2016, The Hague Global Child Labour Conference, 10-11 May 2010, The Hague, par. 8.

In addition, according to Article 77, Paragraph A of the Labor Law, the fine applicable to employers for the recruitment of children, in violation of the Labour Law, is limited to 500JD. This amount is a mere 100JD above the average monthly salary paid to Jordanian employees,²³ and represents only three to four times the minimum salary applicable to migrant workers (150JD). Such weak penalties and legal gaps fail to have a serious deterrent effect on employers' decision to recruit children, including in the agricultural sector.

In contrast, Jordanian law adopted stronger penalties regarding child trafficking for the purpose of forced labour. It criminalized the act of inviting, transporting, sheltering, or receiving someone below 18 years of age for the purpose of forced labour. Any person committing these acts shall be penalized with temporary hard labour for a maximum period of 10 years, and a minimum fine of 5,000 JD and a maximum of 20,000 JD.²⁴

From Child Labour to Education

By ratifying the *Convention on the Rights of the Child* (UNCRC), Jordan recognized children's right to education, as protected by Article 28 of the Convention.

In an effort to progressively protect and establish this right, and on the basis of equal opportunity, Jordan shall therefore:

- “(a) Make primary education compulsory and available free to all;*
- (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures, such as the introduction of free education and offering financial assistance in case of need;*
- (c) Make higher education accessible to all on the basis of capacity by every appropriate means;*
- (d) Make educational and vocational information and guidance available and accessible to all children;*
- (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.” (Article 28 of the UNCRC)*

According to Article 20 of the Jordanian Constitution, “Elementary education shall be compulsory for Jordanians and free of charge in Government schools.”

In addition, the 1994 Education Act provides that elementary education is compulsory for all children, not only Jordanians, between the ages of 6 and 16 years old, and that public schools are free (Art.10), including books (Art.27).

²³ 403 JD for men, Department of Statistics, 2011

²⁴ Article 9 of the Human Trafficking Act of 2009

However, in practice, foreign children do not have free access to school and their families must pay approx. 60JD for a semester's registration, in addition to books. Foreign children are still treated differently in relation to access to education, as they are still obligated to pay fees for attending governmental schools, whereas Jordanian children do not. This unfavourable treatment is not applicable to child refugees to whom the Government provides free education.

The activities to support access to education for Syrian refugee children in the agricultural sector are currently being developed in cooperation with international relief organizations, but there is still a need to extend these services. In contrast, there are no programs targeting access to education for migrant worker communities in rural areas, such as Pakistani children or Syrian children who came to Jordan before the Syrian crisis.

Freedom of Movement

As described by the United Nations Committee on Human Rights, "Liberty of movement is an indispensable condition for the free development of a person."²⁵ Freedom of movement is therefore recognized and protected by a number of human rights instruments, in particular by the *International Covenant on Civil and Political Rights* of 1966 (CCPR), to which Jordan is a party.

For example, Article 12 of the CCPR states in Paragraphs 1 and 2:

- “1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.*
- 2. Everyone shall be free to leave any country, including his own.”*

In practice, this article signifies, for example, that a migrant worker who is in a regular situation in Jordan should have the right to move, travel, and choose when to move and where to live within the territory. In addition, any migrant worker, even those who are in irregular situations, should have the right to leave Jordan freely.

These rights cannot be subjected to any restrictions, except under very specific circumstances and limited reasons. Any restriction should therefore comply with the following and cumulative requirements provided by Paragraph 3 of Article 12 of the CCPR:

1. Restrictions to freedom of movement must be provided by law
1. Restrictions to freedom must be limited to what is necessary to protect

²⁵ General Comment No. 27: Freedom of movement (Art.12), 02/11/1999. CCPR/C/21/Rev.1/Add.9, par. 1.

- national security, public order (*ordre public*), public health or morals or the rights and freedoms of others
2. Restrictions to freedom should be consistent with all the other rights recognized by the Covenant

In the course of our study, the Tamkeen Research Team has discovered a number of restrictions applicable to migrant workers, especially due to the *Kafala* system, which significantly contributes to the current violations of their freedom of movement. In addition, workers of Egyptian nationality are specifically targeted in regard to restrictions on their right to freely leave Jordan by instructions of the Ministry of Labour on the *Exit and Return System (under legal clearance) or for Holidays* of April 2012, which currently denies Egyptian workers' right to leave Jordan without the consent of their employer.

Combating Forced Labour

The term "forced labour" often depicts the image of enchained prisoners in a labour camp, which paints a very limited view of the reality of forced labour in the present time. In 2012, the International Labour Organisation estimated that there are 21 million people under forced labour worldwide, 68% of them as victims of forced labour exploitation in economic activities, such as agriculture, construction, domestic work and manufacturing.²⁶ The Tamkeen Research Team confirms that thousands of workers are presently subject to forced labour in the agricultural sector in Jordan.

Jordan is a party to the most fundamental treaty in the field, which is the Convention concerning Forced or Compulsory Labour of 1930 (ILO Forced Labour Convention, No 29). Article 2(1) of this Convention defines the term "forced or compulsory labour" as

"all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily."

Therefore, three components must be established to define a situation as "forced labour," each having specific meanings as described below, in accordance with the work of the ILO supervisory bodies over the past 75 years.²⁷

²⁶ ILO 2012 Global estimate of forced labour, Executive Summary, ILO, 2012, p.1

²⁷ See A Global Alliance Against Forced Labor Report, Global Report to the ILO Secretary General on under the Follow-up to the ILO Declaration on Fundamental Principles and rights at Work 2005, pp.5-9.

<p>“All work or service which is exacted from any person...”</p>	<p>The term “any person” may include a foreigner, a migrant in an illegal situation, or a worker in an irregular situation.</p>
<p>“...under the menace of any penalty...”</p>	<p>“Penalty” does not necessarily equate penal sanctions. It may also take the form of:</p> <ul style="list-style-type: none"> - A loss of rights, such as the loss of freedom of movement through confiscation of personal documents, particularly passports. - A financial loss, including economic penalties linked to debts, the non-payment of wages, or the loss of wages accompanied by threats of dismissal, if for instance, workers refuse to work overtime. <p>“The menace of any penalty” can take different forms:</p> <ul style="list-style-type: none"> - Physical violence or restraint. - Menace of a psychological nature, such as death threats or threats to denounce victims to the police, or immigration authorities when their employment status is illegal.
<p>“...and for which the said person has not offered himself voluntarily.”</p>	<p>Initial consent to work does not necessarily mean that the worker offered himself or herself voluntarily. Initial consent may in fact be irrelevant when deception or fraud has been used to obtain the consent.</p> <p>Many victims enter forced labour situations initially of their own accord, albeit through fraud and deception, only to discover later that they are not free to withdraw their consent. They are subsequently unable to leave their work due to legal, physical, or psychological coercion.</p>

By ratifying the Forced Labour Convention in June 1966, Jordan committed to suppressing the use of forced or compulsory labour in all its forms.²⁸ Jordan confirmed this commitment by ratifying the *International Covenant on Civil and Political Rights* in May 1975. Article 8 (3) a) of this Convention, which provides that

“No one shall be required to perform forced or compulsory labour.”

It is worth reminding that the ILO Forced Labour Convention and the CCPR exclude specific work practices and services from the definition of “forced or compulsory labour,” including service of a military character; any work or service which forms part of normal civil obligations; and any work or service exacted in cases of emergency, for instance in the event of war.²⁹ Currently, none of the work and services excluded from the definition of “forced labour” by the two instruments is relevant to work in the agricultural sector in Jordan. As a result, all work or services that are exacted from agricultural workers under the menace of any penalty, and for which the worker has not offered himself voluntarily, should be considered as forced labour, and must be abolished and punished by Jordanian authorities.

However, Criminal and Labour Laws are currently serving as weak instruments in defining and punishing forced labour. The notion of forced labour is not defined at all under Jordanian law nor is it criminalized. It is therefore extremely difficult for a court to penalize such actions. Only a compilation of violations can be condemned, which makes prosecution more complex, and often lessens the sentence than if it were clearly defined under international instruments. Accordingly, the Tamkeen Research Team calls for a law to define the concept of forced labour and to establish it as a crime under the Penal Code.

Combating Human Trafficking

In June 2009, Jordan ratified the *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime* (2000), hereinafter termed as the “Human Trafficking Protocol.”

By ratifying the Human Trafficking Protocol, Jordan committed itself to:³⁰

1. Prevent and combat trafficking in persons, paying particular attention to women and children;

²⁸ Art. 1 of the 1930 Forced Labour Convention

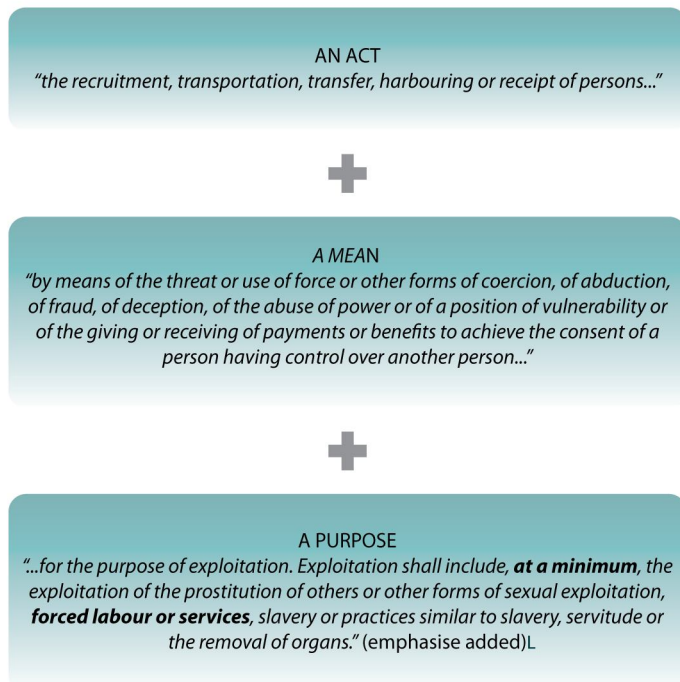
²⁹ See further art. 8(3) b) of the ICCPR and article 2(2) of the 1930 Forced Labour Convention.

³⁰ Art. 2 of the Human Trafficking Protocol

2. Protect and assist the victims of such trafficking, with full respect for their human rights; and
3. Promote cooperation among States Parties in order to meet those objectives.

In 2009, the Jordanian Parliament adopted the Human Trafficking Act (Law No 9 of 2009),³¹ and established an Anti-Human Trafficking National Committee and more recently, an Anti-Human Trafficking Unit that acts as a joint entity between the Ministry of Interior and the Ministry of Labour.

According to Article 3 of the Human Trafficking Protocol and, in substance, to Article 3 of the Human Trafficking Act, human trafficking is defined as:



³¹ Official Gazette No 4952 of 01.03.2009, p. 920

In practice, human trafficking will therefore be established if, *inter alia*, a worker has been:

- (1) recruited abroad
- (2) by means of fraud
- (3) for the purpose of forced labour in Jordan

Beware the many indicators that determine the circumstances under which a worker in the agricultural sector in Jordan is likely to be a victim of human trafficking.³²

Human trafficking should accordingly be detected on a case-by-case basis. In the course of our study, the Tamkeen Research Team encountered a number of cases falling clearly under the definition of human trafficking.

- Living at the work place
- Poor Living conditions
- Multiple people in cramped Space
- Submissive and fearful
- Inability to Speak to individual alone
- Answers appear to be scripted and rehearsed
- Employer holding identity documents
- Unpaid or paid very little
- Signs of physical or psychological abuse
- Signature of promissory note by the worker

Right to Adequate Housing and Decent Living Conditions

On 28 May 1975, Jordan ratified the *International Covenant on Economic, Social and Cultural Rights* (CESCR) that protects, among other rights, the right to adequate housing. By doing so, Jordan recognized:

“the right of everyone to an adequate standard of living for himself and his family, including adequate [...] housing, and to the continuous improvement of living conditions.” (Art. 11(1) of the CESCR)

According to Article 2 of the CESCR, the right of adequate housing recognised in Article 11(1) should be exercised without discrimination of any kind based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Migrant workers in the agricultural sector should be able to exercise their right to adequate housing as any Jordanian national. In this regard, Article 2 of the CESCR is reinforcing Article 5 of the *International Convention on the Elimination of All Forms of Racial Discrimination*, to which Jordan has been a party since 1974, and establishes everyone’s right to equality in the enjoyment of

³² For an extended list of indicators, see Human Trafficking Indicators, UNODC, http://www.unodc.org/pdf/HT_indicators_E_LOWRES.pdf

the right to housing, without distinction as to race, colour, or national or ethnic origin.

Similarly, the International Labour Organisation, to which Jordan is a Member, adopted the Workers' Housing Recommendations of 1961 (No 115), which calls upon competent authorities to pay particular attention to the problem of housing for migrant workers and their families, and to ensure as rapidly as possible, equality of treatment between migrant workers and national workers in that respect.³³

For example, the Tamkeen Research Team interviewed over 300 agricultural workers, the vast majority of which are living either in plastic green houses, tents or 20 square concrete rooms without direct access to water, and sharing spaces with 3 or more other workers. Few workers had individual toilets or cooking places.

Right to Effective Remedy

Article 8 of the *Universal Declaration of Human Rights*³⁴ provides that

“Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.”

In addition, article 14(1) of the *International Covenant on Civil and Political Rights* provides that

“All persons shall be equal before the courts and tribunals.”

The main hindrance to agricultural workers' right to effective remedy is that the Labour Law specifically states that agricultural workers shall be protected under special regulations. These regulations have yet to be drafted or adopted. Thus, agricultural workers still resort to civil courts to resolve their employment issues. However, these courts are not qualified and do not have adequate legal procedures to adjudicate on cases between workers and employers.

³³ Part II, recommendation I.5.

³⁴ Adopted by the UN General Assembly on 10 December 1948.

Labour Law Standards

Right to Work

By ratifying the *International Covenant on Economic, Social and Cultural Rights*(ICESCR), Jordan has recognised:

*“the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.”
(Art. 6(1) of the Covenant)*

By contrast, the Jordanian Constitution protects the right to work only for the benefit of citizens by stating in Article 23(i) that:

“Work is the right of every citizen, and the State shall provide opportunities for work to all citizens by directing the national economy and raising its standards.”

So far, Jordanian Law excludes foreigners from any protection when it relates to the right to work. This legal situation reflects the current policy of the Ministry of Labour, which denies foreigners access to thirteen major sectors of the Jordanian economy since 1995³⁵, in addition to restricting agricultural workers from changing employers during the first two years of their presence in Jordan.³⁶

Right of Workers to Not Pay for their Work Contract

There is no mention in the law that requires workers to pay for their work contract. However, a vast underground market for work contracts is currently in place, with the Jordanian agricultural sector operating as the major international hub of this market. The only beneficiaries of the illegal sale of contracts are employers and intermediaries who act illegally and take undue advantage of migrant workers, primarily Egyptian workers who are recruited from Egypt or are currently in Jordan.

All of the Egyptian workers interviewed by the Tamkeen Research Team paid for their work contracts, which costs between 170JD and 1235JD. The prices mainly depend

³⁵ According to the website of the Ministry of Labour: Medical professions; Engineering professions; Administrative and accounting professions; Clerical work including typing and secretarial work; Switchboards, telephones and connections works; warehouses works; sales works, including all groups; haircutting works; decoration works; teaching professions, including all specialities except for that ones when there is no Jordanians available, fuel selling in main cities; electricity professions; mechanical and car repair professions; drivers, guards and servants; buildings servants.

³⁶ Instructions for the Conditions and Procedures of Bringing and Employing Non-Jordanian Workers, Article 10(14).

on whether the employers are selling real work contracts or false contracts. False contracts sold by employers creates a point of entry in the Jordanian territory for migrant workers or facilitates their stay in the country, in case they change employers and begin working for an employer with whom they are not legally registered. In the subsequent chapters of this report, the Tamkeen Research Team provides a description and analysis of this underground market, which significantly contributes to the exploitation of migrant workers in the agricultural sector and negatively impacts the Jordanian labour market.

Obligation of the Employer to Issue Work Permits

Article 12 C.1 of the Labour Law states:

“The Ministry shall receive a fee from the employer in return for the employment permit that it issues or renews for each non-Jordanian worker [...]” (emphasis added)

The Regulation of Employment Permits Fees for non-Jordanian Workers (Regulation No. (36) Of the Year 1997) provides in Article 2 that the permit fee in the agricultural sector is 60JD for Arab workers and 120JD for non-Arab workers.³⁷ A further 40JD has recently been added to these fees in order to support training, vocational, and technical education.³⁸

Currently, employers force migrant workers in the agricultural sector to bear the cost of this fee. However, this practice violates Article 12 C.1. As described earlier, the permit fees included in the amount the workers pay for their contract, or are even deducted from the workers' salaries by their employers. While it appears that the employer is paying for the fee at the labour office, they do not bear this cost and ultimately make the worker pay for the work permit.

Right to Be Paid on Time

According to Art. 46(A) of Labour Law:

“The wage shall be paid during a period not exceeding seven days from the date of its maturity; the employer shall not deduct any part of it except in the cases allowed by law.”

Article 47 of the Labour Law also provides that “No amount shall be deducted from the employee's wage,” except for exceptional and limited reasons stated by the law, such as paying for social security subscriptions and employees' subscriptions to the

³⁷ For an analysis of the differential treatment between Arabs and non-Arabs, see p. 38-39

³⁸ Regulation No 48/2012, Art. 2

savings fund, and reimbursing prepayment. There is no basis provided by the law that allows employers to deduct any amount from employees' wages for commodity, to pay the work permit fees, or to compensate the lack of benefits from the farm.

In practice, workers' main complaint is the delay in payments. While this delay may legally be extended to seven days or more, workers in agriculture are also commonly paid their full wage at the end of the season. This contradicts Article 4(A) of Labour Law.

Right to Keep Personal Documents

Article 21 of the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* states:

“It shall be unlawful for anyone, other than a public official duly authorized by law, to confiscate, destroy or attempt to destroy identity documents, documents authorizing entry to or stay, residence or establishment in the national territory or work permits.”

Jordan has not yet ratified the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*. However, Jordanian law forbids, to some extent, the confiscation of personal documents of migrant workers. In particular, Article 77(B) and (C) of the Labour Law stipulates that:

“B. In addition to any penalty stipulated in current legislation, the employer shall be penalized for any violation he commits by employing a worker illegally or under duress, including confiscating his passport, with a minimum fine of 500JD and a maximum of 1000JD.

C. This penalty will be doubled in case of repetition”³⁹

The Tamkeen Research Team holds the view that Art. 77 (B) of the Labour Law and its implementation remains extremely weak in protecting migrant workers from the confiscation of their personal documents. Contrary to the international standard cited above, Jordanian law only forbids the confiscation of passports, not all personal documents, and only by the employer, not by another party. In addition, penalties remain feeble, especially when bearing in mind that the confiscation of personal documents drastically restricts freedom of movement, and largely contributes to forced labour and human trafficking cases in the Kingdom. Currently, both a number of Egyptian workers and Jordanian employers consider it

³⁹ Translation from the Ministry of Labour.

a normal practice to confiscate the personal documents of migrant workers, especially the passport, even if it is unlawful. Some employers in the agricultural sector also pretend that migrant workers must, by law, handover their passport to the employer, which is unquestionably deceptive and false.

Right to be Paid Overtime

In relation to working hours, Article 56 of the Labour Law provides that:

“A. The working hours shall not exceed eight per day and forty eight hour per week except in the cases stipulated by this law, the time allocated for meals and rest shall not be calculated.

B. The maximum of the weekly working hours and rest times might be distributed so that its total may not exceed eleven hours per day.”

In relation to working overtime, Article 59 of the Labour Law states:

“A. The employer may increase the daily or weekly working hours of the employee by the employee's approval provided that the employee shall receive for the overtime a wage not less than 125% of the normal wage.

B. If the employee has worked on his weekly holiday, religious feasts, or public holidays, then he shall receive in return for his work on that day overtime pay not less than 150% of his normal wage.”

While workers must be paid 125% of their salary when they work overtime, the Labour Law provides for a limit of 10 hours of actual work per day when extra hours are required for inventory, preparing the balance sheet, and the final accounts, in addition to preparing for sales.⁴⁰ However, the Labour Law does not provide a limit on extra-hours per day when extra-hours are required for “avoiding the loss in goods or any other material that might be exposed to damage, avoiding the risks of any technical work or receiving, delivering or transferring certain materials,”⁴¹ which is very common in agriculture. However, since 2010, employers can no longer require overtime work for more than 20 extra-days per year for these tasks, such as avoiding the loss in goods.⁴² The Tamkeen Research Team confirms that migrant agricultural workers in regular situations usually work seven days a week throughout the year, including Fridays, religious feasts, or public holidays, without receiving additional salaries (150%) or the possibility of taking leave without accruing financial penalties.

⁴⁰ Art. 57(1) of Labour Law

⁴¹ Art. 57(2) of Labour Law

⁴² Ibid

Right to Safe and Healthy Working Conditions

By ratifying the *International Covenant on Economical, Social and Cultural Rights*, Jordan has recognised:

“the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular [...] Safe and healthy working conditions.” (Art. 7 b of the Covenant)

The International Labour Organisation adopted various conventions that deal with safety and health at work, including in the field of agriculture, such as the *Convention concerning Safety and Health in Agriculture* of 21 June 2001 (ILO Safety and Health in Agricultural Sector Convention, No. 184), and the *Convention concerning Labour Inspection in Agriculture* of 25 June 1969 (ILO Labour Inspection (Agriculture) Convention, No. 129). However, Jordan has not yet ratified these two conventions.

Nevertheless, the Labour Law provides a set of rules dealing with safety and health at work. In particular, article 78 states:

“A. The employer shall do the following:

- 1. Provide the required precautions to protect the employees from the dangers and diseases that may result from the work and the used equipment.*
- 2. Provide personal protection equipment for the employees to protect them against the work dangers and occupational diseases such as clothes, glasses, gloves, shoes and others, in addition to guiding them how to use, keep them and keep their cleanliness.*
- 3. Acquainting the employee before his/her employment with the dangers of his/her occupation and the protective means that shall be taken in accordance with the regulations and decisions issued in this regard.*
- 4. Providing medical aid means and equipment for the employees in the establishment, in accordance with the levels specified by the Minister after consulting the competent official authorities.*

B. Employees shall not bear any expenses arising from executing or providing what has been mentioned in paragraph (A) of this article.”

In addition, employers are obligated to protect workers from flammable materials, the dangers of fire, explosions, storing, transferring, or dealing with flammable materials, and to provide sufficient and/or proper equipment, or means, in accordance with instructions from competent official authorities. (Article 80 Labour Law)

Moreover, Article 82 provides that:

“The employees working in any establishment shall abide by the provisions, instructions and decisions related to the precautions of protection, vocational health and safety, using and maintaining the equipment of vocational health and safety, and refraining from any act that may hinder the execution of such provisions, decisions and instructions and refraining from misusing the equipment of protection and vocational health and safety or destroying them at the risk of being subject to the disciplinary penalties stipulated in the bylaw of establishment.”

The Tamkeen Research Team is highly concerned with the general lack of proper application of safety rules on agricultural sites, including workers’ accommodation of which they live on site. A minority of workers are equipped with the most elementary safety equipment, and in such cases, the workers have often paid for it themselves. The Ministry of Labour confirmed to the Tamkeen Research Team that there are currently no labour inspections being conducted in agriculture.

Alongside safety obligations arising from the Labour Law, Regulation No. 43 of the year 1999, which Jordan has adopted, obligations on the management of the circulation of harmful and hazardous materials are also included.⁴³ The Regulation aims at establishing a committee that undertakes, in particular, the classification of harmful, hazardous, banned, and restricted materials, as well as waste developing thereof (Art.5 a). While this regulation includes a list of banned and restricted products, the Ministry of Agriculture, which is a member of the committee, verified to the Tamkeen Research Team that neither inspections nor training courses are in place in the agricultural sector to ensure a proper implementation of the regulation, and an appropriate use of chemical products on site by the workers themselves.

Right to Access Social Security

By ratifying the *International Covenant on Economical, Social and Cultural Rights*, Jordan has recognised:

“the right of everyone to social security, including social insurance.” (Article 9 of the ICESCR)

In 2010, Jordan undertook an important step towards the full implementation of Article 9 of the ICESCR by adopting a new temporary social security law (2010 Social

⁴³ Issued pursuant paragraph (g) of Article 5 and Article 34 of the Environment Protection Law No 12 of the year 1995.

Security Law) that extends social security coverage for workers in the agricultural sector.⁴⁴ Therefore, employers in this sector are obliged to enrol their workers in the social security system (Arts. 4 and 7) since 2010. However, the new law is not implemented in practice. In fact, among the 324 workers that Tamkeen Research Team interviewed, 98.7 % of the workers are not covered by social security.

Right to Form and Join Trade Unions

By ratifying the ICESCR, Jordan undertakes the responsibility to ensure:

“the right of everyone to form trade unions and join the trade unions of his choice [...]” (Article 8(1) b of the Covenant)

Jordan has not ratified any of the ILO Conventions focusing on the recognition of the right to form and join trade unions, in particular the *Freedom of Association and Protection of the Right to Organise Convention*, 1948 (No. 87); *Right of Association (Agriculture) Convention*, 1921 (No. 11) nor the *Rural Workers' Organisations Convention*, 1975 (No. 141).⁴⁵

Article 97(A) of the Jordanian Law provides that:

“The employees in any occupation may establish a trade union for them in accordance with the provisions of this law, the employee in that occupation shall have the right to join it if he/she has met the membership conditions.”

While this provision appears, at first glance, to be in conformity with the right of everyone to form trade unions and join the trade union of his choice, Article 98(E) of the same law provides that:

To be a founding member of a workers' trade union or an employer's association, the following requirements shall be met:

- 1. to be Jordanian;*
- 2. to be at least 21 years of age;*
- 3. not to have been convicted of a misdemeanour involving moral turpitude or dishonest conduct, or of a criminal offence.*

⁴⁴ Temporary Social Security Law No 7 for the Year 2010 (2010 Social Security Law).

⁴⁵ Please note that Jordan has ratified the Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively, No C098 of 1949, which focuses, as said in its title, on the application of the principles of the related rights, not on the recognition to all workers of the rights to organise and to bargain collectively.

Regarding the right to join trade unions, Jordan implemented a significant step in 2010 by allowing migrant workers to join trade unions, due to Law No. 26/ 2010 amending Labour Law.⁴⁶

However, one problem still remains regarding the agricultural workers' right of association. There are no trade unions in place for workers in the agricultural sector. In addition, the current legal status applicable to agricultural workers does not protect their right of association.⁴⁷ The Tamkeen Research Team urges the government to allow agricultural workers to benefit from these provisions and to ratify the *Freedom of Association and Protection of the Right to Organise Convention, 1948* (No. 87), and the *Rural Workers' Organisations Convention, 1975* (No. 141).

Right to Rest, and Take Leave and Vacations

By ratifying the *International Covenant on Economic, Social and Cultural Rights* (ICESCR), Jordan has recognised:

*“the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular □...□ Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays”
(Article 7 of the ICESCR)*

As mentioned earlier, Article 56 of the Labour Law provides that working hours should not exceed 8 hours per day, excluding time for meals and rest, while the maximum number of working hours, including rest time and meals, must not exceed 11 hours per day. According to Article 60 of the Labour Law, working hours should not exceed 40 hours per week and Fridays are considered a weekly holiday.

Regarding annual leave, Article 61 of Labour Law states:

“Each employee shall be entitled to an annual leave with full pay for fourteen days per each year of service [...]”

Presently, agricultural migrant workers in regular situations often work seven days a week throughout the year and receive financial penalties from the employer if they take any leave. As the current situation clearly contradicts the *International Covenant on Economic, Social and Cultural Rights*, urgent measures must be taken to implement the Labour Law in this sector, and to ratify the *Convention concerning*

⁴⁶ Art. 98 E f) revised states now “To apply for membership in a trade union, the applicant shall be at least 18 years of age”, without further requirements.

⁴⁷ See p. 30-81

Holidays with Pays in Agriculture of 26 June 1952 (ILO Holidays with Pay (Agriculture) Convention, No. 101) that specifically protects agricultural workers.

Right to Resign and Leave Work with or without Notice

By ratifying the *International Covenant on Economic, Social and Cultural Rights* (ICESCR), Jordan recognises the right of the workers to “freely choose and accept”⁴⁸ such activities, and therefore their right to resign and leave work.

Right to leave work without notice

Article 29 of the Labour Law provides that:

“A. The employee shall have the right to leave work with no notification while keeping his or her legal rights, in relation to the end of service and the arising compensations of damages in any of the following cases:

1. Employing him or her in a work that is significantly different from what was agreed upon in accordance with the work contract provided, in which the provisions of Article (17) shall be taken into consideration.

2. Employing him or her in a way that entails changing his or her permanent place of residence, unless the contract has stipulated the permissibility of this.

3. Transferring him or her to another work of a lower degree than that which has been agreed upon.

4. Reducing his or her wage, provided that the provisions of Article (14) shall be taken into consideration.

5. If a medical report issued by a medical authority has proven that continuing his or her work will threaten his or her health.

6. If the employer or his representative assaulted him during work by beating, degrading, or conducting a form of sexual harassment, punishable by the legislative provisions in force.

7. If the employer has defaulted in executing any of the provisions of this law or any regulation issued by its virtue, provided that the employer had received a notification from a

⁴⁸ Article 6(1) of the CESCR

competent authority at the Ministry entailing his abidance by such provisions.”

B. If an incident of assault has been revealed to the Minister committed by the employer or any of his representatives to his employees, whether physical or sexual in any form, the Minister shall have the option of closing down the entity for the period he finds fit, with regard to any other legislative provisions in force.

In addition, Article 26 of the Labour Law provides that:

“[...]if the employee has terminated [the limited period work contract before the expiry of its term] for any of the reasons mentioned in article (29) of this law, the employee shall be entitled to all these rights and benefits stipulated in the contract, and shall be entitled to the due wages till the expiry of the remaining period of the contract [...]”

Therefore, in any of the situations mentioned in Article 29, all employees have the right to leave their work without notice and are entitled to all rights and wages until the remaining period of the contract.

Right to Resign under a Limited Period Work Contract

Article 26 of the Labour law postulates that:

“If the employee has terminated the limited period work contract in cases other than those stipulated in article (29) of this law, the employer shall have the right to claim the damages arising from that termination which shall be specified by the competent court provided that the amount that the employee shall pay shall not exceed the wage of a half month for each month of the remaining period of contract.”

Migrant workers in Jordan cannot legally benefit from a work contract for an unlimited period of time, and are only able to sign a limited period contract. By having a limited period contract, migrant workers are free to resign under Jordanian law, but cannot cause any damages to the employer by terminating their contract.

A number of agricultural workers in regular situations are confined to forced labour as a result of various illegal practices aiming to prevent workers from leaving the farm, including signing promissory notes, confiscating passports, and delaying the payment of salaries.

Right to Sick Leave

Article 65 of the Labour Law provides that:

“Each employee shall be entitled to a fourteen– day – sick leave with full pay per year based on a report from the physician approved by the establishment, it might be renewed for another fourteen days with full pay if he/she was an in-hospital patient or on the basis of a report of a medical committee approved by the enterprise and he/she was not an in-hospital patient.”⁴⁹

Migrant workers in the agricultural sector are currently excluded from the Labour Law. The opportunity for a migrant worker in a regular situation to take sick leave is virtually non-existent, and only occurs at the goodwill of the employer.

Refugee and Asylum Law

Due to their extremely precarious and vulnerable situation, refugees are in need of special and urgent assistance. According to Article 1 of the Convention relating to the status of refugees of 1951, the term “refugee” particularly applies:

“to any person who : [...] As a result of [...] owing to well- founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country;[...]”⁵⁰

In Jordan, the vast majority of the men, women, and children falling under this definition are of Iraqi nationality (450,000 individuals according to 2013 governmental estimations),⁵¹ and more recently of Syrian nationality (512,000 individuals according to UNHCR in August 2013).⁵² In the course of our research, the Tamkeen Research Team witnessed a number of Syrian refugees working in the agricultural sector, mainly women and children.

⁴⁹ Translation from Ministry of Labour and ILO

⁵⁰ It is worth noting here that nor the Convention of 1957, neither its Protocol apply to “Palestine Refugees” (not Palestinian refugees) who are defined by and subject to a specific treaty and protection by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). “Palestine Refugees” are defined as anyone whose normal place of residence was in Mandate Palestine during the period from 1 June 1946 to 15 May 1948 and who lost both home and means of livelihood as a result of the 1948 Arab-Israeli war qualifies as a Palestine refugee, as defined by UNRWA, and is eligible for UNRWA registration. (See “The United Nations and Palestinian refugees”, UNRWA, UNHCR)

⁵¹ See 2013 UNHCR country operations profile – Jordan: <http://www.unhcr.org/pages/49e486566.html> (accessed on 4 August 2013)

⁵² Syrian Regional Refugee Response- Jordan: <http://data.unhcr.org/syrianrefugees/country.php?id=107> (accessed on 4 August 2013)

To ensure the protection of refugees, international law provides them with special status through two major international instruments: the *Convention relating to the status of refugees* of 28 July 1951, and its Protocol of 31 January 1967. The parties involved in both instruments include 145 States, such as Algeria, Egypt, Morocco, Sudan, Tunisia, and Yemen. However, Jordan is not yet a party to either, and therefore remains an exception in the international community by not ratifying these fundamental instruments for the protection of Human Rights.

The 1951 Convention and its Protocol ensure specific rights to be provided to refugees, such as the right of *non-refoulement*, and the right to not be discriminated among refugees. Additionally, the two instruments ensure that refugees do not face unequal treatment less favourable than how foreigners, residents or nationals are received, depending on the right concerned.

Specific Rights and Principles Established by the 1951 Convention

Prohibition of Expulsion or Return (“Non-Refoulement Principle”)

According to Article 33.1 of the 1951 Convention,

“No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.”

The principle stated in article 33 of the 1951 Convention, also known as *Non-Refoulement* Principle, is the primary rule to be implemented in order to ensure the protection of individuals recognised as refugees.

Right Not to Be Sanctioned in Case of Illegal Entry or Presence in the Territory of a State Party

Article 31 of the 1951 Convention provides that

“The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of article 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.”

Namely, while migrant workers and foreigners may be sanctioned for illegal entry or presence in the country, refugees can avoid being sanctioned as long as they

present themselves without delay to the authorities, and demonstrate good cause for their illegal entry or presence.

Non-discrimination Principle

According to Article 3 of the 1951 Convention,

“The Contracting States shall apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin.”

As stated in Article 3 of the 1951 Convention, the non-discrimination principle requires, for instance, equal treatment for refugees from Iraq and Syria, without discrimination based on their country of origin.

Equal Treatment in Respect to Some Rights, According to the 1951 Convention

While the *Non-Refoulement* principle or the non-discrimination principle are rights specifically related to refugees, the 1951 Convention also requires that refugees benefit from some basic and general rights the same way as any foreigner or national would. Generally, the Convention requires equal treatment between refugees and foreigners or nationals, in respect to particular rights.

In relation to elementary education, Article 22 of the 1951 Convention provides that “The Contracting States shall accord to refugees the *same treatment* as is accorded to *nationals* with respect to elementary education.”

In relation to freedom of movement, Article 26 of the 1951 Convention states “Each Contracting State shall accord to refugees lawfully in its territory the right to choose their place of residence to move freely within its territory, subject to any regulations applicable to *aliens* generally *in the same circumstances*.”

In addition, refugees should receive the same treatment received by nationals, foreigners or by the mostfavoured foreigners, depending on the connection the refugee has with the State party (e.g. simple presence, regular presence, regular residence, or habitual residence).

The following chart provides an overview of the rights recognized for refugees in accordance with the 1951 Convention, depending on the connection the refugee has with the State party:⁵³

⁵³ Based on Droit d’asile et des réfugiés, de la protection aux droits, Jean-Yves Carlier, Collected Courses of the Hague Academy of International Law, Volume 332 (2007), p. 290.

Equality... Connection	Any refugees	Refugee Present		Refugee Resident	
		Simple presence	Lawful presence	Lawful residence	Habitual residence
...With foreigners in general	-Property (Art.13) -Education other than elementary (Art. 22.2)		- Self-employment (art.18) - Freedom of Movement (Art. 26)	- Liberal Professions (art. 19) - Housing (art. 21)	
...With the most favoured foreigner			Right of Association (Art. 15)	- Wage-earning Employment (art.17)	
...With nationals	- Personal Status (art. 12) - Access to courts (art. 16.1) - Rationing (Art. 20) - Elementary education (Art. 22.1) - Administrative Assistance - Fiscal Charges (art. 29)	- Identity papers (Art.27)		- Public Relief (Art. 23) - Social Security (Art. 24.1) - Labour legislation (art. 24.1)	- Artistic Rights and Industrial Property (Art. 14) - Exemption from <i>caution judicatum solvi</i> (Art. 16.2)
Specific rights	- Non-discrimination (art. 3) - Transfer of assets (Art. 30) - Prohibition of expulsion or return ("refoulement") (Art. 33) - Naturalization (Art. 34)	- Religion (Art. 4) - Refugees unlawfully in the country of refuge (Art. 31)	- Expulsion (Art. 32)	- Travel Documents (Art. 28)	

Status of Refugees in Relation to Work According to International Standards

Several of the rights protected by the 1951 Convention are particularly relevant for refugees working in the agricultural sector. In this regard, the 1951 Convention covers the Labour Law, wage-earning employment, self-employment, and freedom of association, social security, and housing. For these matters, any refugee lawfully staying in the territory of the State Party must be accorded with the same treatment as nationals or foreigners, depending on the rights in question.

The same treatment as accorded to nationals

Labour Legislation: Article 24 (1) a) of the 1951 Convention requires that:

“Contracting States accord to refugees lawfully staying in their territory the same treatment as is accorded to nationals in respect of:

- *remuneration, including family allowances where these form part of remuneration;*
- *hours of work;*
- *overtime arrangements;*
- *holidays with pay;*
- *restrictions on home work;*
- *minimum age of employment;*
- *apprenticeship and training;*
- *women’s work;*
- *the work of young persons, and*
- *the enjoyment of the benefits of collective bargaining”*

Social Security: Article 24(1)(b) of the 1951 Convention requires that:

“Contracting States accord to refugees lawfully staying in their territory the same treatment as is accorded to nationals in respect of: `

- *legal provisions in respect of employment injury;*
- *occupational diseases;*
- *maternity;*
- *sickness;*
- *disability;*
- *old age;*
- *death;*
- *unemployment;*
- *family responsibilities, and*
- *any other contingency, which, according to national laws or regulations, is covered by a social security scheme.”*

The most favourable treatment accorded to nationals of a foreign country in the same circumstances

Employment and Trade Unions: Regarding the right to engage in wage-earning employment (Art. 17) and non-political and non-profit-making associations, and trade unions (Art. 15), Contracting States shall accord to refugees lawfully staying in their territory the most favourable treatment accorded to nationals of a foreign country, in the same circumstances.

Treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances

Self-employment and Housing: Regarding the right of a refugee to engage, of his own account, in agriculture (Art. 18), and in housing (Art. 21), Contracting States shall accord to a refugee lawfully in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances.

Status of Refugees According to Jordanian Law

Jordan has not yet ratified the Convention relating to the status of refugees of 1951. However, the Jordanian Government and the Office of the United Nations High Commissioner for Refugees (UNHCR) negotiated a Memorandum of Understanding in 1998 (hereinafter 1998 Memorandum)⁵⁴ in order to provide at least some legal protections to refugees. The definition of the term “refugee” adopted by the Jordanian Government in the Memorandum is the same as the one given in the 1951 Convention.⁵⁵ In addition, according to the Memorandum of 1998, the *non-refoulement* principle must be respected with regard to refugees seeking asylum in Jordan.⁵⁶

Article 5 of the 1998 Memorandum provides that “refugees should receive a treatment as per the international accepted standards.” This formulation is particularly vague. However, “international accepted standards” can reasonably be considered as the standards provided by the 1951 Convention, as described earlier, even if a treatment is not specified in the 1998 Memorandum. For instance, even if it is not agreed as such in the 1998 Memorandum, the Ministry of Education currently offers free enrolment in public schools to Syrian refugees, as it does for nationals, which corresponds to the standard required by the 1951 Convention.

⁵⁴ Memorandum of Understanding between the Government of Jordan and UNHCR, 5 April 1998.

⁵⁵ Art. 1 of the 1998 Memorandum

⁵⁶ Art. 2 of the 1998 Memorandum

However, Jordan's decision to agree to limited and specific rights through the 1998 Memorandum, has had a stunting impact on the effective and comprehensive protection of refugees' rights, especially in relation to their labour rights. The following table describes the rights and treatment specifically provided in the 1998 Memorandum (in black), compared to those of the 1951 Convention (in grey):

Proximity Equality...	To any refugees	Refugee Present		Refugee Resident	
		Simple presence	Lawful presence	Lawful residence	Habitual residence
...With foreigners in general	<ul style="list-style-type: none"> - Liberal Professions (art. 9) - Property - Education other than elementary 		<ul style="list-style-type: none"> - Freedom of Movement - Self-employment 	<ul style="list-style-type: none"> - Self-employment (art. 8) - Housing 	
...With the most favoured foreigner			Right of Association	- Wage-earning Employment	
...With nationals	<ul style="list-style-type: none"> - Access to courts (art. 7) - Personal Status - Rationing - Elementary education - Administrative Assistance - Fiscal Charges 	<ul style="list-style-type: none"> - Identity papers 		<ul style="list-style-type: none"> - Public Relief - Social Security - Labour legislation 	<ul style="list-style-type: none"> - Artistic Rights and Industrial Property - Exemption from <i>caution judicatum solvi</i>
Specific rights	<ul style="list-style-type: none"> - Prohibition of expulsion or return ("<i>refoulement</i>") (Art. 2) - Religion (Art. 6) - Non-discrimination in relation to non-<i>refoulement</i> and religion (Arts. 2 and 6) - Transfer of assets - Naturalization 	<ul style="list-style-type: none"> - Refugees unlawfully in the country of refuge (Art. 3) - Exemption from overstay fees and departure fees (Art. 10) 	- The Sojourn of recognised refugees should not exceed 6 months (Art. 5)	- Travel Documents	

As we can observe from this table, the rights and treatment related to work and employment are hardly protected under the 1998 Memorandum. In particular, the treatment of refugees is unprotected regarding labour legislation, wage-earning treatment, right of association, or social security. This means that Jordanian Law treats refugees as any foreigner in relation to labour legislation, employment, right of association, and social security. By contrast, the 1951 Convention requires a treatment as favourable as nationals or as the most favoured. In this regard, the safeguards offered by Jordanian law are not yet on par with the standards stipulated in the 1951 Convention.

Seeing as the sojourn of recognised refugees should not exceed six months, in accordance with Article 5 of the Memorandum, refugees are therefore considered foreigners if their stay exceeds this time frame. However, in practice, the Government tolerates longer periods of sojourn if refugees renew their registration every six months, which ensures legal protection beyond the first six months of their arrival in the Kingdom. In any case, even if after six months without renewal of their status, refugees are exempted from overstay fees, and departure fees, as opposed to foreigners (Art. 10 of the 1998 Memorandum).

Part II: Global Perspective on the Working and Living Conditions of Migrant Workers in the Agricultural Sector

The second part of this study provides a global overview on the working and living conditions of agricultural migrant workers in Jordan. Firstly, it describes in detail the legal framework applicable to the migrant workers in this sector, and specifically focuses on the discriminatory rules pertinent to Egyptian workers, as they represent the majority of migrant workers in agriculture. Secondly, this section presents a comprehensive description and analysis of migrant workers' working and living conditions in this sector, based on 324 interviews conducted over the course of the quantitative study, and supplemented by key elements from the qualitative study.





Part II: Global Perspective on the Working and Living Conditions of Migrant Workers in the Agricultural Sector

An Exceptional Legal Status and Recruitment Process

Agricultural Migrant Workers: A Population Subject to Special Regulations

Prior to 2008, Article 3 of the Labour Law expressly excluded agricultural workers from its scope. In 2003, agricultural workers experienced subtle but serious discrimination as a result of the 2003 Regulation No.4. This regulation provides that the Labour Law only cover engineers, veterinarians, employees of public institutions, and technicians.¹

In 2008, Jordan adopted Act No. 48/2008 in which the language of Article 3 was revised in regards to the application of the Labour Law for agricultural workers. Currently, it reads as follows:

¹ More precisely Regulation No.4 of the Year 2003 provides that the following professions of the agricultural sector are (mainly) covered by Labour Law: A- Agricultural engineer.; B- Veterinarian.; C- The agricultural worker of daily wages in the governmental and public official institutions.; D- The technician of the agricultural machines. ; E- The technician who works in the following places: 1. Nurseries of fruitful trees, ornamental plants, vegetables, and farms of harvest blooming, production of saplings with tissues and the production of seeds.; 2. Poultry incubators, caws and sheep breeding and artificial fertilization. ; 3. Fish breeding farms. ; 4. Bee breeding farms.

“a) Subject to the provisions of paragraph (b) of this section, the provisions of this law shall apply to all workers and employers, except for public servants and municipal employees.

b) Agricultural and domestic workers, cooks and gardeners, as well as assimilated persons are covered under by laws to be issued for this purpose. Such text shall regulate their contracts, rest hours, inspection and any other issues concerning their employment.”²

In other words, Act No. 48 of the 2008 Labour Law covers “all the workers,” with the exception of some categories of workers, including agricultural workers, who are subject to special rules adopted by regulations for any matters related to their employment. No general regulations on the status of agricultural workers have been issued since the 2008 Reform, contrary to regulation adopted in 2009 on the status of domestic workers, cooks, and gardeners.³ As a result, the current situation can be considered as a legal loophole with regards to the status of agricultural workers in Jordan. The Tamkeen Research Team accordingly regards any announcements claiming that the Labour Law currently covers agricultural workers, due to the 2008 reform, as an overstatement. According to the various interviews conducted by the Tamkeen Research Team, the current situation is a point of great confusion among stakeholders and legal professionals. As an example, can be found in Annex of this report the decisions of the Court of cassation and of the Court of appeal refusing to an agricultural worker the benefits provided by the labor law in relation to access to justice (exemption of judicial fees).

The Tamkeen Research Team urges the Government to review Article 3 of the Labour Law in order to ensure the equal protection of agricultural workers, alongside other workers under the Labour Law, or to adopt a comprehensive regulation on the status of agricultural workers to guarantee legal protection equivalent to the safeguards they should receive under the Labour Law.

Legal Procedure for the Recruitment of Migrant Workers in the Agricultural Sector

Any employer who wants to recruit a non-Jordanian worker must follow the “Instructions for the Conditions and Procedures of Bringing and Employing Non-Jordanian Workers,”⁴ adopted in 2012 in its latest version (The 2012 Employment Instructions). The 2012 Employment Instructions establish direct discrimination against foreigners by prioritizing the recruitment of Jordanian nationals and closing 13 sectors of the economy to foreigners.

According to Article 10, Paragraph (1) of the Employment Instructions:

² Unofficial Translation, International Labor Organisation

³ Regulation 89 of the 2009, Official Gazette 25/08/2009, p. 5342

⁴ Published in the official gazette, 01/02/2012, No 5139, p. 367

“Bringing, employing or renewing the employment permits of the non-Jordanian workers is carried out according to the needs of the work market sectors, taking into consideration the list of closed professions, providing that the Ministry will define the percentage of the non-Jordanian labour in any of the economical sectors in order to serve the policy of the gradual replacement of the non-Jordanian labour with the Jordanian.”¹⁰

To monitor the “Jordanians first” policy, the 2012 Employment Instructions established an Employment Committee at the Ministry of Labour in order to review applications and issue authorisations for the recruitment of each foreign worker to be employed in the Kingdom.⁵

Accordingly, employers willing to recruit foreigners must submit an application for each future worker. The application must include a number of documents, including a copy of the contract, the passport of the worker, and a valid medical check-up certificate.⁶ In addition, employers must submit a recommendation from the relevant directorate of agriculture for the recruitment of agricultural workers.⁷ This recommendation aims at supporting the Employment Committee in establishing the actual need of the employer for the new recruitment of the migrant worker.

Each employer must also submit a bank guarantee to be used “if the employer violates any of the obligation arising from the law, [regulations and instructions] and to ensure the workers’ rights and the value of the tickets needed to repatriate the worker to his/her country.” (Art.5, Paragraph1). The Tamkeen Centre confirmed to the Tamkeen Research Team that their legal team has not yet had the opportunity to see this guarantee used in practice.

While the Employment Committee decides on whether employers can employ foreign workers, the 2012 Employment Instructions fails to provide specific guidelines on how the Employment Committee should make decisions on allowing or refusing applications for recruitment, with the exception of article 10, paragraph 1 cited above. In addition, the instructions do not require the Employment Committee to provide applicants with reasons for the basis of their decision. This issue has been highlighted by employers to whom applications have been refused without information regarding the grounds for refusal, while other employers may obtain a large number of authorisations without actual need for new workers.

⁵ Art. 3 of the 2012 Employment Instructions

⁶ Art. 4(B) of the 2012 Employment Instructions

⁷ Art. 4(B) 2) of the 2012 Employment Instructions

Once the employer obtains the approval for the recruitment of the foreign worker in question from the Ministry of Labour, a work permit must be issued accordingly.⁸ The worker is then affiliated with the employer or farm listed on their work permit.⁹ According to Article 12 Paragraph A, point 1 and 2, agricultural workers are not allowed to change sectors even if after the agricultural work permit expires. If agricultural workers want to renew their work permit, they may change employers but must remain in the agricultural sector.

In addition, Paragraph 10 of Article 11, Paragraph B, provides that

*“The employer shall inform the directorate which issued the employment permit about the abandonment of the non-Jordanian worker of his/her work during the period in which the work permit is valid”.*¹⁰

The Employment Instructions organise a framework in which foreign workers are entirely dependent on their legal employer. This status is also called the “Sponsorship system” or “Kafala System,” and is described by the International Labour Organisation as having an “inherently exploitative nature”¹¹ for establishing a situation of quasi forced labour, in which the legal employer has full authority over the worker in relation to his or her legal status in the country concerned. In other words, workers cannot be absent from work without being reported to the Jordanian authority (Art. 11(B) cited above). Further, they are unable to change employers during the period covered by their one-year work permit, except with the approval of both the former and the new employer (Art. 12(B)(1)(a)), which may confine them to a situation of forced labour. If they do so without the consent of their legal employer, they enter into an irregular situation, and are subject to deportation.

As a result of the employer’s legal control over migrant workers, the general public and the police commonly use the term “Kafil” to describe the employer of a migrant worker. The term “Kafil” derives from “Kafala”, which today, is a term only used for Muslim Family Law in Jordan. The “Kafil” is the person legally responsible for a minor or someone who is considered incapable of being responsible for him or

⁸ Article 9 of the 2012 Employment Instructions

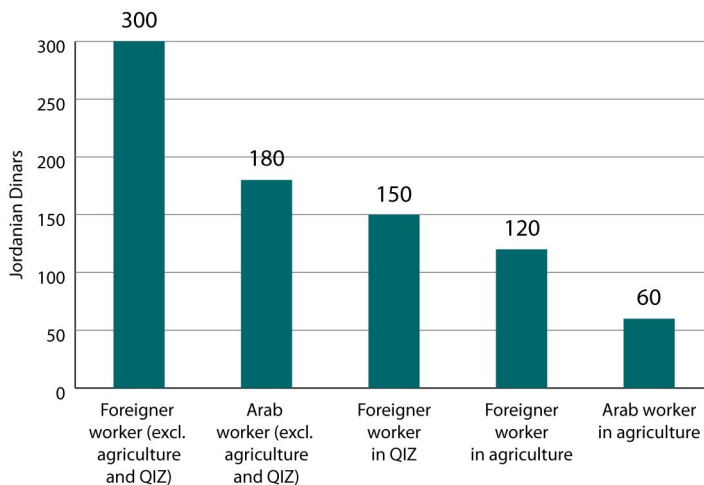
⁹ Art. 9(A) 2) of the 2012 Employment Instructions

¹⁰ International Labour Organisation Report on Human Trafficking in the Middle-East, 12 April 2013: “The ILO estimates that 600,000 migrant

¹¹ International Labour Organisation Report on Human Trafficking in the Middle-East, 12 April 2013: “The ILO estimates that 600,000 migrant workers – 3.4 in every 1,000 of the regions inhabitants – are compelled to work against their free choice. Though other regions including Central and South-eastern Europe experience much greater rates of forced labour, the Arab region’s vast scale of migration in conjunction with the inherently exploitative nature of the sponsorship uniquely and systematically fosters forced labour situations.”; See also, US Department of States, 2011 Trafficking in Persons Report – Jordan, 27 June 2011.

herself. By calling the employer “Kafil,” it shows that the migrant worker is generally not considered as an equal or as capable as other adults, but instead considered as a minor. Using the term “Kafil” reveals a highly negative social perception of migrant workers.

In addition, Jordanian law does not explicitly require the consent or the presence of workers in order to issue or renew their work permit. As a result, it is often the employers who request and receive work permits from the directorate, instead of the agricultural workers. This practice prevents the administration from verifying the actual consent of the workers concerned in the decision to renew the work permit and to stay in Jordan. This situation raises serious concerns as it may force the workers to stay in the Kingdom for another year against their will. In addition, some employers do not even provide the worker with the actual work permit but only a photocopy. This practice contradicts the right of the worker to keep his personal documents with him or her, and restricts, to a large extent, their freedom of movement.



Source: Ministry of Labor

Fees for the issuance of work permits in the agriculture are lower than that of any other sector. Work permit fees are defined by Regulations No. 36/ 1997¹²

The amount of the permit fee depends on the sector concerned and on whether the worker is an Arab. The establishment of distinct work permit fees on the basis of

¹² These fees do not include the additional fees established for vocational trainings by Regulation No 48/2012 and the 10 JD mandatory fee for any request for recruitment according to Art.9.B. of the 2012 Employment Instructions.

ethnic origin is shocking, and constitutes formal and direct discrimination on the account of race or ethnic origin. This contradicts the International Covenant on Civil and Political Rights, and with the International Convention on the Elimination of Racial Discrimination, both ratified by Jordan without reservation.

By contrast, applying lower fees to the agricultural sectors does not raise any legal issues. However, in practice, the differential of fees encourages the trafficking of work permits in the agricultural sector. A work permit for an Egyptian national in the agricultural sector costs 60 JD, instead of 180 JD, in any other sector (excluding QIZ). Consequently, all the actors involved in selling fake contracts prefer organizing their business with Arab workers in agriculture, namely Egyptians, to reduce the “administrative costs” and increase their margins.

The Tamkeen Research Team urges the Ministry of Labour to conduct a pursuit of an in-depth study to determine how to align the various permit fees through an approach that doesn't discriminate on the basis of race, and discourages the trafficking of work permits in a specific sector.

Holidays

The Labour Law provides for 14 days of paid holiday per year to all employees (See p.72). However, according to interviews conducted with agricultural workers, they apparently benefit from 90 to 120 days of holiday per year. While the Tamkeen Centre could not obtain any legal documents confirming this information, it seems in the field that these numbers of days are not paid holidays, but rather correspond to a period of time covering the absence of seasonal work, in which workers can conduct other activities without changing their work permits. Such activities appear to fall under Article 12(A)(1)(b) of the 2012 Employment Instructions, which provides the possibility of conducting, to some extent, activities with employers unlisted on their work permits if approved by the registered employer. The current legal framework related to vacations in agriculture seems unclear and is closely linked to the issue of seasonal work. In this regard, further studies must be conducted to better understand and determine the need for establishing seasonal contracts in the agricultural sector (See p. 134-135).

Generally, the Tamkeen Research Team faced difficulties in evaluating the extent to which agricultural workers are effectively benefiting from this provision. However, according to interviews conducted, a number of workers in regular situations are unable to enjoy any holiday during the year. In addition, results show that restrictions on holiday are the second most commonly expressed problem experienced by the workers, after delayed payments (see p.130).

Exceptional Rules Applicable to Egyptian Nationals

As of 2011, 97% of the workers holding a work permit for the agricultural sector were of Egyptian nationality. As such, any rules specifically applicable to Egyptian nationals impact almost all the migrant workers in the sector. A comprehensive set of rules applies specifically to Egyptian workers when it relates to recruitment, contract, family visits, and entry in and exit from the Kingdom.

Special Recruitment Procedure for Egyptian Nationals

As is the case for the recruitment of any migrant worker in Jordan, each company willing to recruit Egyptian workers in agriculture must receive, for each worker, an individual authorization from the Employment Committee of the Ministry of Labour (See p.87). The 2012 Employment Instructions mentioned earlier establish additional requirements for the recruitment of Egyptian workers in the agricultural sector.

Article 14(1) (b) of the 2012 Employment Instructions requires that, while submitting an application for the recruitment of an Egyptian national, the employer must present

“a recommendation from the competent directorate of agriculture if the worker intended to be brought will be working in the agricultural sector.”¹³

In addition, section (c) of the same Article requires

“a recommendation from the farmers’ association or union or from the institution that represents the economic activity sector which is practiced by the employer. The recommendation should indicate the actual need of the applicant for the workers.”¹⁴

These two recommendations are required for the recruitment of Egyptian workers in agriculture as an attempt to increase control over the black market of false contracts organized by certain employers in this sector. (See detailed description p.11)

The first recommendation mentioned above is delivered by an official of the Ministry of Agriculture as an attempt to monitor the veracity of the need for new recruitment. This official is required to determine the surface area and equipment of each farm of employers applying for the recruitment of Egyptian workers. As stated by the Ministry of Agriculture in an interview conducted by the Tamkeen Research Team, the Employment Committee is subsequently required to determine the actual need for new recruitment of migrant workers on the basis of this recommendation.

¹³ Translation from the Ministry of Labour

¹⁴ Translation from the Ministry of Labour

The second recommendation follows the same objectives and aims at confirming the need for new recruitment. These requirements appear to be insufficient in responding to the black market of false contracts in the agricultural sector. The Tamkeen Research Team witnessed a number of cases in which workers held fraudulent permits and did not express any concerns regarding the renewal of their counterfeit permit in the future.

Moreover, this authorization is valid for two months once the Employment Committee has approved the recruitment of the Egyptian workers concerned.¹⁵ The employer must quickly comply with the recruitment procedure established by the *Memorandum of Understanding regarding the Organization of the Migration of Egyptian Labourers to Work in the Hashemite Kingdom of Jordan* between the Governments of Jordan and Egypt of 29 May 2007 (the 2007 Memorandum). If the employer neglects this deadline, he or she must restart the entire application process from the beginning.

According to this procedure, the Jordanian Ministry of Labour regulates the number of Egyptian workers needed in the various sectors of the Jordanian economy, and informs the Egyptian Ministry of the numbers and qualifications required (Art. 1 of the 2007 Memorandum).

Next, the Egyptian Ministry is responsible for selecting potential workers that fit these requirements and recording them into an electronic database accessible by the Jordanian Ministry (Art. 2 of the 2007 Memorandum). According to the workers interviewed, applicants must pay 60 Egyptian pounds to be registered with the Ministry of Manpower in Egypt.

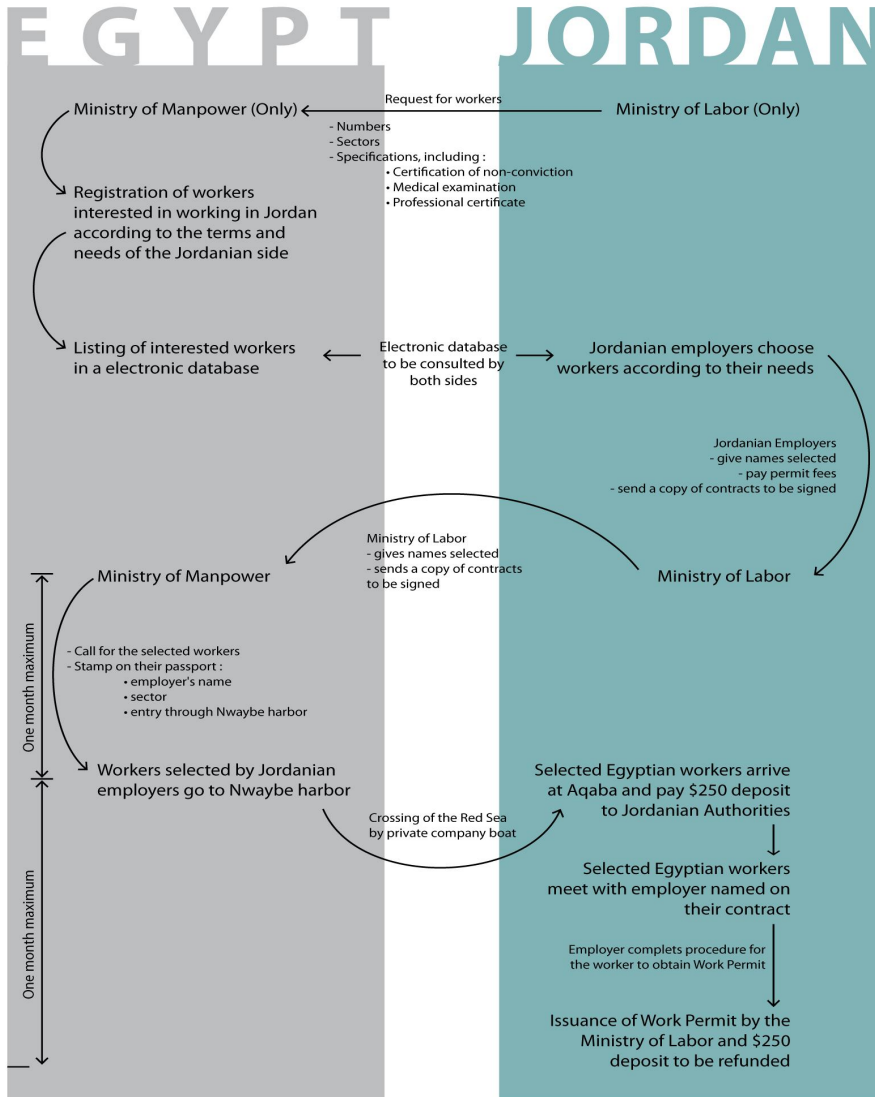
The Jordanian Ministry of Labour will then pick and choose, in cooperation with employers, the workers that are suitable to work in Jordan by providing them with a work contract. The Egyptian Ministry must stamp the passport of each selected worker and state the employer's name, the sector in which the labourer will work, and that the labourer's entry shall be through the Nuweiba crossing point (Art. 4 of the 2007 Memorandum).

After the contract is sent, the workers have one month to enter Jordan. During this one-month period, the workers must travel to the Egyptian harbour of Nuweiba to take a boat and enter Jordan through Aqaba. The immigration authorities of both states must inform their counter part of the movement of each worker during the crossing (Art. 5 of the 2007 Memorandum).

According to the 2007 Memorandum, Egyptian workers have a month to contact their employers and obtain their work permits from the date of their entrance. If

¹⁵ Art. 14.2 of the 2012 Employment Instructions.

they fail to do so, they become irregular workers and are subject to deportation. They are also subject to deportation if they enter Jordan to work by any other route (Art. 7 of the 2007 Memorandum).



Tamkeen Research Team, 2013

Official Work Contracts Applicable to Egyptian Workers

The contract establishing the legal relationship between Jordanian employers and Egyptian workers is official and delivered by Egyptian and Jordanian authorities. Workers are required to sign this contract in Egypt once the Jordanian employer has selected them, and before they receive authorization to enter the Kingdom. The official work contract is cited below, regardless of the sector of work.¹⁶

Arab Republic of Egypt
Ministry of Manpower and Emigration

Hashemite Jordanian Kingdom
Ministry of Labour

Labour Contract

First party / employer: Number; Name

Address: City

Second party / the worker/employee: Number; Name

Address: Arab Egyptian Republic

Permit number: XXX

Date of birth: XX/XX/XXXX

Directorate: Number Address: City

As the first party wishes to employ the second party to work for him, and given that the second party agrees on this, the two parties agree on signing this contract, according to the following terms:

1) The second party commits to work for the first party, under his supervision and according to his instructions, according to the following:

Profession: Number; Name of the profession

Place of work: City

Salary: XXX Jordanian Dinars

Duration of the contract: One year starting from the date of entrance in the Hashemite Jordanian Kingdom

2) The second party commits to compliance with the instructions of the first party related to work, and must undertake his work and implementation of his duties honestly, faithfully and to the best of his ability. He is also committed to maintaining his working place, equipment, tools, materials and their upkeep, and is legally culpable for all damages caused (to the first party) intentionally, through neglect or incompetence.

3) Taking into account the set aforementioned terms of the contract, the following additional terms are considered binding for both parties and an integral part of the contract, which do not violate any of the items of this contract, or Jordanian Labour Law.

4) The provisions of the Labour Law (currently) in force are applied/in effect, and both parties will be subject to any amendment occurring to these provisions.

First Party

Personal Identification Documents

Date of signature: DD-MM-YYYY

Second Party

Personal Identification Documents

Date of signature: -----

¹⁶ Translation from Tamkeen Research Team

This contract is the only legal protection afforded to workers throughout their employment, as long as the Labour Law does not clearly cover Egyptian workers in the agricultural sector (see p.9). However, a number of serious issues exist in regard to its provisions and the signing procedure which make workers susceptible to deceit, seizure of their passports, compelled financial bail, blackmailing, and ultimately, forced labour at the hands of their employers.

1. Provisions focused on the duty of the workers

This official contract is extremely weak when protecting or informing workers of their rights. The contract only requires the name of the employer, city of work, salary to be received by the worker, profession, and the contracting period, which is only one year. It is solely composed of four articles focusing on the commitment of the worker to the employer. According to Article 2, the worker should commit himself to honestly and faithfully undertake the performance of his duties to the best of his ability. According to the contract, the worker is personally culpable for all damages caused intentionally, either through neglect or incompetence.

Moreover, there is no information stipulated about the employer's duties except in relation to salary. There is also an absence of content provided in relation to working hours, tasks to perform, and precise place of work, accommodation, benefits, holidays, social security, or resignation. In particular, there is no mention made of the worker's right to possess all of his or her personal documents, including the passport, or the fact that the worker is not obligated to pay further money and sign a financial bail upon arrival. Many workers are shocked when they reach Jordan upon accruing further expenses required by the employer, experiencing passport confiscation, or conducting unexpected tasks that were required to perform. (See further, Page.135)

2. No information regarding the workers' rights and employers' duties under Jordanian Law

Until 2007, Jordanian authorities offered an informative paper to the workers to define the rights and duties of the workers and of employers under Jordanian Law thanks to the efforts of human rights activists and the Jordanian Ministry of Labour. However, the Jordanian Ministry of Labour confirmed that the Jordanian authorities have not delivered this informative paper since 2007. The legal information that workers receive is only what is mentioned in their contract, which remains highly unbalanced. The Tamkeen Research Team asserts the urgent necessity of restoring the distribution of this informative paper upon arrival to workers.

“When I arrived in 2007, my contract was stapled with a page on the rights of the worker to be paid overtime; this is how I know about my right for overtime pay. But my cousin, who arrived few months ago, did not receive this page; it had been taken out from the contract.” Ahmed, an Egyptian worker

3. Delayed signature by the employer

The current recruitment procedure maintains serious inequalities between workers and employers when signing the official contract. While the worker is required to sign his contract in Egypt prior to his travel to Jordan, the employer is not requested to sign the contract before the arrival of the worker. On this account, many employers force the worker to pay a fee in order to sign the contract, print the necessary documents, and finalize the procedure by sending it to the Ministry of Labour.

The delay in signing official documents results from the vagueness of paragraph 2 of Article 14 of the Non- Jordanian Recruitment and Employment Instructions of 2012, which states:

“The approval of the bringing application is considered valid for two months after the date of being obtained and the employer should select the worker who is intended to be brought through the workers data which is available in the website or through private means. Also, the employer has to pay the employment permit fee and sign the computerized employment contract which is available in the concerned directorate of labour.”¹⁷ (Emphasis added)

Article 14, paragraph 2 does not explicitly mention the timeframe for when the employer should sign the contract. This raises questions as to whether the employer must sign before the worker enters the Kingdom or after, *i.e.* at the time of the issuance of the work permit. The Tamkeen Research Team recommends that the instruction be amended to provide that the employer’s signature occur before the worker’s passport is stamped, specifically before the worker departs from Egypt. (See p.103)

\$250 Mandatory Deposit to Cross the Border at Aqaba

According to Article 6 of the 2007 Memorandum between Jordan and Egypt, Egyptian workers are required to deposit \$250 to the Jordanian authorities upon arrival in Aqaba. In particular, Article 14, Paragraph 6 of the 2012 Employment Instructions states:

¹⁷ Translation from the Tamkeen Research Team

“The brought worker should pay (250) USD or its equivalent of the Jordanian Dinar when he/she enters the Kingdom through Aqaba borderline passage as an insurance for commitment to join the employer who has brought him/her. The worker will get back the value of the insurance when he/she abided by joining the employer and when he/she obtains an employment permit during (45) days after he/she enters the Kingdom. Otherwise, the amount of insurance will be considered an income for the treasury and may not be refunded.”¹⁸

Such a deposit aims to ensure that the worker will join his or her legal employer, and more precisely, that the worker will obtain a work permit with the legal employer. This provision is a response to the employers' concern that the recruited Egyptian workers will not present themselves at work after crossing the border.

Our research results demonstrate that the \$250 deposit requirement places a heavy burden on the workers, and specifically discriminates against Egyptian workers. The Tamkeen Research Team analyses the requirement for the \$250 deposit as highly disproportionate, and inefficient at combating the development of the black market of fraudulent contracts. (See p.11)

Ban on Family Visits for Egyptian Workers in the Agricultural Sector

On 10 August 2009, the Egyptian and Jordanian governments adopted a *Joint Regulation on workers families' visits to Jordan* (2009 Joint Regulation). The 2009 Joint Regulation prohibits the wives and children of Egyptian workers in Jordan from settling or entering the Kingdom freely. (Art. 2(4))

According to Article 1(2) of the agreement, Egyptian agricultural workers, cleaners, and carriers are prohibited from receiving visits from their wives or children at any time, whereas Egyptian workers from other sectors may receive visits after a year of presence in the Kingdom, and with special permission from the Ministry of Labour.

It is worth mentioning that in restricting these families' access to entry in Jordan, the 2009 Joint Regulation establishes an exception to the current exemption of visas for Egyptian nationals entering Jordan.¹⁹ Therefore, if the wife and children of an Egyptian agricultural worker based in Jordan attempts to enter the Kingdom, their entrance would be refused in all circumstances.

¹⁸ Translation from the Ministry of Labour

¹⁹ Oral agreement between the late King Hussein and the former Egyptian president Mubarak, 1985, see p. 40

According to the Ministry of Labour,²⁰ the ban on family visits aims at combating child labour involving Egyptian children. Our results also show that the living conditions of Egyptian workers in the agricultural sector are so hazardous and unbearable that children would be at risk if they were living on working sites. However, while these reasons may be seen as sound, it is worth bearing in mind that child labour and the lack of safety result from the precarious situation of the migrant workers in agriculture who deserve better living conditions, and the opportunity to join their families.

Clearance Procedure Specific to Egyptian Workers

The Instruction of the Ministry of Labour on the *Exit and Return System (under legal clearance) or for Holidays* of April 2012 established a legal clearance for any Egyptian worker who wants to leave Jordan, and end his or her contract in the Kingdom.

The legal clearance requires the departure of any Egyptian workers from the country to be approved by their legal employer and the relevant labour directorate. Additionally, it requires the Egyptian worker to agree that he or she yield all rights to complain about their employer. Tamkeen Research Team obtained a copy of the document to be signed, which reads as follows:

<p>Clearance for the End of Employment (Leave without re-entry)</p> <p>I, the undersigned, declare that the company has respected all my labour rights throughout my employment starting on ending on.....</p> <p>Therefore I give the company..... a general, complete, absolute and non-retractable absolution in any right and/or current and/or future complaint concerning all previous actions and I forfeit my right to start any legal proceedings against the aforementioned company (corporation) or to demand any labour and/or legal rights whereby all my rights have been complied with until this date</p> <p>Employer's authentication</p> <p>Labour Directorate authentication</p> <p>Name and signature of employee</p>

²⁰ Interview of the Secretary General of the Ministry of Labour.

Egyptian workers are incapable of returning to Egypt without having this document signed by themselves and by their legal employer. The mode in which the clearance document is drafted clarifies its main purpose to release the employer from any potential lawsuits that the worker may bring before the courts, as seen from the following quote: "I give the company..... a general, complete, absolute and non-retractable absolution in any right and/or current and/or future complaint concerning all previous actions and I forfeit my right to start any legal proceedings against the aforementioned company." In addition, as long as the clearance document requires the signature of the legal employer, the employer's refusal to sign this document prevents the worker from leaving Jordan, and is often used by many employers to blackmail workers.

As such, the instruction *Exit and Return System (under legal clearance) or for Holidays* relinquishes the workers' right to leave Jordan freely to the good will of the employer. In this regard, employers or authorities commonly require a clearance even in cases of leave during the period of the contract, not only in the end. As a result, none of the Egyptian workers legal in the country are recurrently free to leave Jordan. The instruction on *Exit and Return System (under legal clearance) or for Holidays* clearly contradicts Article 12 of the International Covenant on Civil and Political Rights, as it establishes a restriction of freedom to leave any country. This right cannot be subject to any restrictions except under very specific circumstances, which must be provided by law; limited to what is necessary to protect national security; public order (ordre public), public health or morals, or the rights and freedoms of others; and consistent with all other rights recognized by the Covenant (See p.10). None of these requirements are fulfilled in the present case.

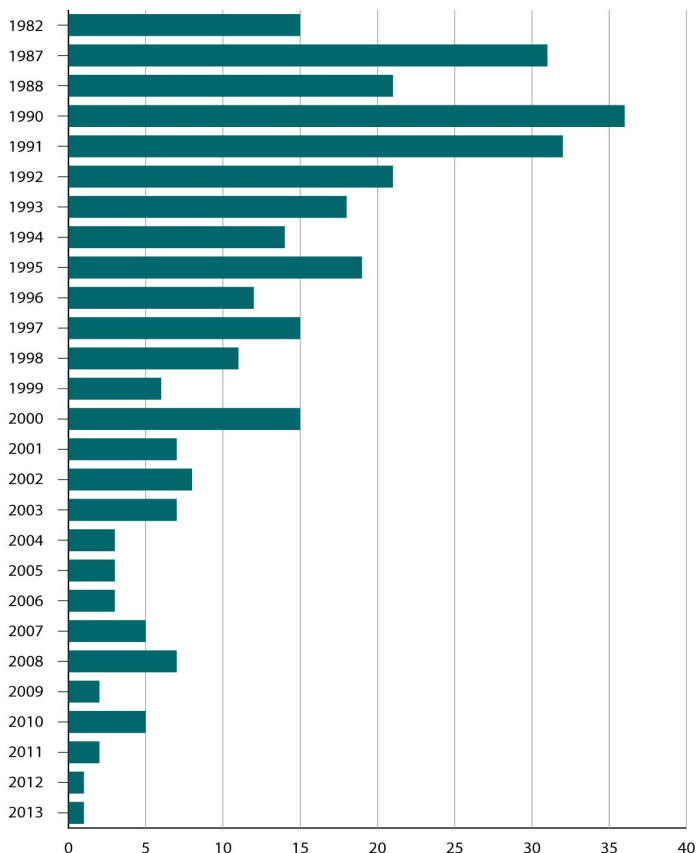
In addition, the instruction *Exit and Return System (under legal clearance) or for Holidays* applies only to workers of Egyptian nationality, which again constitutes a direct and formal discrimination on the basis of national origin, and specifically limits their enjoyment of the freedom to leave any country. This explicitly contradicts Articles 2 and 12 of the CCPR, and Jordan's commitment to Article 2 of the International Convention on the Elimination of Racial Discrimination. (See p.51)

The Tamkeen Research Team analyses this clearance system as the institutionalisation of the confiscation of passports. Certainly, the clearance system allocates the employer with full authority to restrict – without reason or time limits – the right of Egyptian workers to leave Jordan.

Working and Living Conditions

Presence in Jordan

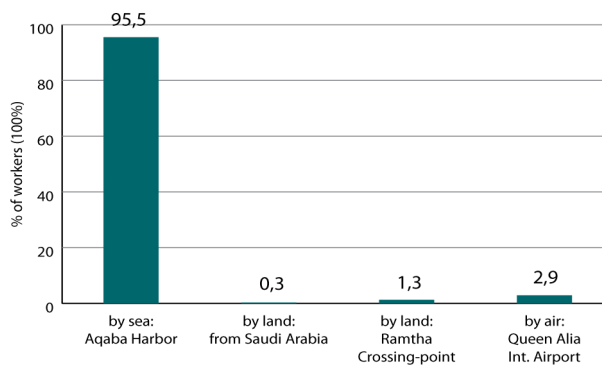
Our results show that 95.5% of the workers interviewed reached Jordan by Sea through Aqaba. This percentage reveals that the vast majority most likely entered the country in a legal manner for work. Aqaba is the only crossing point that Egyptian nationals may use to legally enter Jordan for work. The 4.5% of workers who did not enter Jordan through Aqaba are Syrian Refugees (1.3%), and Egyptian nationals who entered Jordan for work without following legal procedures, or before the establishment of work permits in 1995 (3.2%). The very low percentage of Egyptian workers entering Jordan through a different route highlights that the vast majority of the workers interviewed have received an authorisation or a work permit from the Ministry of Labour to enter Jordan for work. However, this does not imply that they are currently in a regular situation, since the work permit they have might have expired or they might be working with a different employer than the one stated on their work permit.



When did you enter Jordan for the first time? (Tamkeen study)

Moreover, results indicate that half of the workers interviewed entered Jordan for the first time in the past five years, while 34.3% entered the country for the first time earlier, between 2000 and 2007. A significant amount of workers (16.7%) entered Jordan before 2000. If we cross-reference these numbers with the qualitative information collected, it shows that a number of Egyptian workers are traveling back and forth between Jordan and Egypt according to their need and family situation. Often, the youngest family member arrives to Jordan to save money in preparation for his or her wedding, with 35% of the workers interviewed single or engaged. Once married in Egypt, the worker may return to Jordan to sustain their families who remain in Egypt. In this regard, more than half of the workers interviewed are planning on returning to Egypt within the coming year. Furthermore, 57% of the workers also expressed a wish to come back to Jordan if they manage to return to Egypt. The study reveals that expatriation to Jordan is often an integral part of the life plan of Egyptian workers living in Jordan.

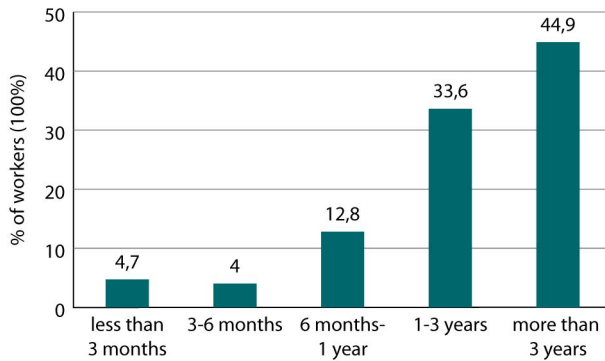
A result reinforcing this analysis is the total amount of time spent in Jordan. A majority of the workers interviewed have actually been living in Jordan for three years or less in total, paying regard to the fact that half of the workers entered Jordan for the first time in the past five years. Therefore, these results emphasize that the remaining percentage of workers (45%) have spent more than three years



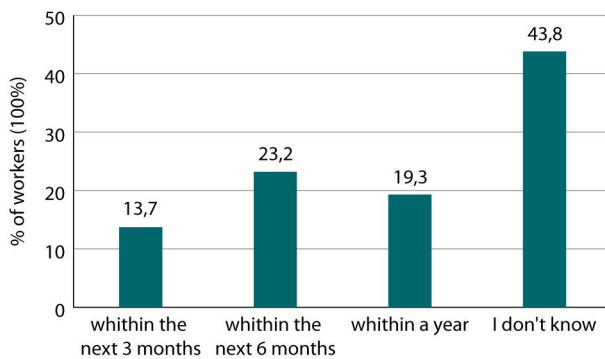
From where did you entry Jordan? (Tamkeen study)

in the Kingdom, signifying their close familiarities with the context, work, labour market, and relations with Jordanian society.

It is worth noting that as long as the law regarding family reunion, particularly the 2009 Joint Regulation, restricts families from coming to Jordan, married workers must go back to Egypt on a regular basis to spend a couple of months with their families.



Total amount of time spent in Jordan (Tamkeen study)



When are you planning on going back to home country? (Syrian nationals excl.)

Recruitment

There are currently five forms of recruitment that occur in the agricultural labour market: formal recruitment without intermediaries, formal recruitment with occasional intermediaries, formal recruitment by a private agency, fraudulent recruitment, and informal recruitment.

Types of Recruitment

Formal recruitment without intermediaries encompasses recruitment in which the employer directly selects a worker in a regular situation, without any private intermediaries involved in the recruitment. In practice, this means that an Egyptian worker registered himself as a candidate at the Ministry of Manpower in Egypt, and that this candidate was selected by a Jordanian employer and with only the ministries involved in the recruitment process. As described earlier, this is the proper legal procedure that should be followed when recruiting Egyptian workers (p.10).

However, the number of workers recruited in such circumstances remains extremely limited. They earn the salary mentioned on their contract on a monthly basis, often between 150 and 190JD. Their working and living conditions are extremely poor, and they typically work 7 days a week for extended hours throughout the year. In addition, the employer often confiscates their personal documents.

Formal recruitment with occasional intermediaries can be defined as recruitment where the employer asks an employee if he or she knows of anyone interested in working on a farm. The employee consequently searches for family members and acquaintances, in which they often demand commission. This practice is deemed illegal but is considered “the price of the contract.” The cost greatly varies because the amount is settled on a case-by-case basis from the employee to the future employee. For example, the future employee generally pays a brother, a cousin, or a friend between 150 and 400JD.

Formal recruitment with occasional intermediaries is the most common type of formal recruitment. With the exception of the payment made to intermediaries, their living and working conditions are similar to workers recruited formally without intermediaries.

Formal recruitment by a private agency in Egypt is a third type of formal recruitment and raises the most serious concerns. In this category of recruitment, the employer cooperates with a recruitment agency in Egypt to recruit workers for their farms. However, the Memorandum of Understanding of 2007 forbids such a practice, as the recruitment procedure must be organised by the respective ministries only.²¹ The recruitment agencies accordingly act illegally and offer job opportunities worldwide without officially mentioning Jordan as a country of destination. The worker is then offered the opportunity to work in Jordan. If he accepts, he is required to sign a promissory note through which he agrees that if he leaves the job, he will be held responsible and pay an

“I went to the agency to find a job anywhere, and I knew that this one was recruiting many people. Once I was there they offered a nice opportunity to work 8 hours a day in a farm in Jordan for 190JD a month. I accepted and they asked me to sign a paper saying that I will have to pay them if I leave the work. There was no amount on the paper. I signed the paper like everyone here. I travelled to Jordan. They said that someone will pick us up at Aqaba; there was no one there. We managed to reach the farm and the following day, the employer asked for our passports and said, “It is required by law”. So we gave it to him. Now, we work more than 8 hours a day, we earn 170JD per month and we must pay 150 JD to have our passport back. Many workers left the job without their passports, simply to be free and because to conditions are too difficult.”

²¹ Article 1 of the 2007 Memorandum

amount of money specified by the agency. Then, the agency follows all the legal procedures in cooperation with the employer for the worker to receive a work permit. Upon arrival to Jordan, the employer confiscates their passports, and occasionally their work permits. In addition, they receive a salary lower than the one agreed on in the contract.

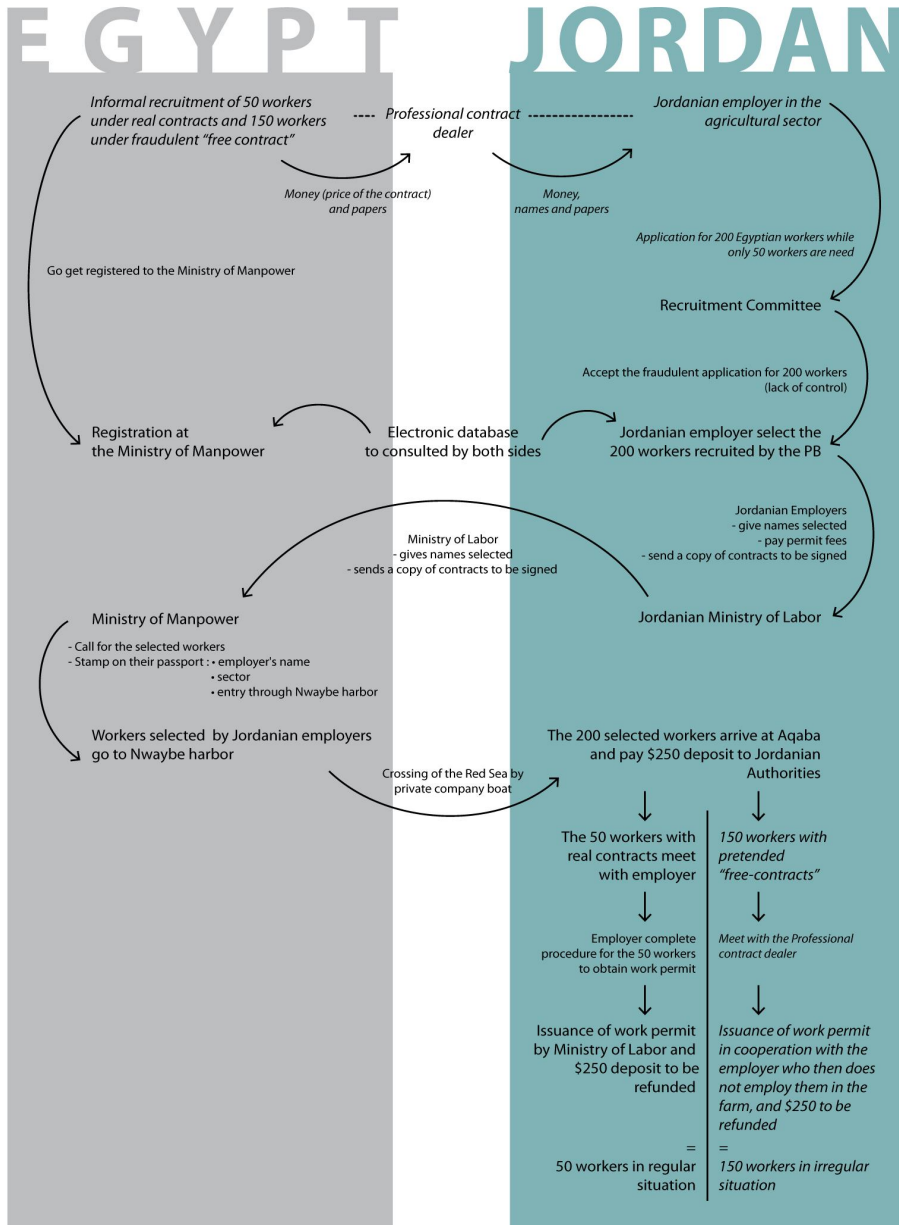
Formal recruitment by private agencies based in Egypt appears to be the most sophisticated and systematic human trafficking process we have encountered in the agricultural sector. Urgent action must be taken by the Egyptian and Jordanian authorities to prevent and punish such practices. (See further on human trafficking, p.10 & 16)

Fraudulent recruitment of Egyptian workers consists of the recruitment of Egyptian workers under “free contracts” or “commercial contracts,” which do not exist in Jordanian law. Fraudulent recruitment can be defined as a formal recruitment in which the legal employer and intermediaries agree with the worker in advance to allow the said worker to work informally with any other employer all year long in exchange for a high amount of money. As an outcome, the workers concerned have work permits with a legal employer but work effectively and informally with other employers of their choice. “Free contracts” or “commercial contracts” do not have any legal value in Jordan. However, it is through professional contract dealers (also called “brokers”) in which these illegal contracts are obtained. When the worker is already in Jordan, the worker pays approximately 400JD for his “free contract.” The price of a “free contract” usually ranges from 700JD to 1200JD if the worker is recruited in this way from Egypt. In legal terms, fraud ensues when the employer applies to the Employment Committee of the Ministry of Labour for recruitment, in exchange for payment from the workers, although the employer does not need the workers.

In practice, an employer must provide the identity of each of the workers to be employed when applying to the Employment Committee. Therefore, the employer contacts a contract dealer who will informally recruit the workers. For example, an employer may recruit 200 workers and require them to pay from 700JD to 1200 JD per “free contract” (app. 6,900 to 11,800 Egyptian pounds). The contract dealer will then provide the employer with the necessary documents for the applications before the Employment Committee, in which the application is accepted without further inquiries. Subsequently, the employer has 45 days to bring the workers to Jordan. Each of the workers are registered in the governmental electronic database by the Egyptian authorities, and selected by the Jordanian employer in order to work in Jordan. As with any formal recruitment, the passport of the worker is stamped for the worker to go to Nuweiba harbour and enter Jordan via Aqaba. Upon arrival to Jordan, the workers communicate with the contract dealer who will then introduce them to the employer. The employer finalizes the procedure to obtain work permits in order to cover any discrepancies that may appear between the number of authorizations delivered, and the number of work permits issued.

Once the work permits are issued, workers are “free” to leave their employer, and work with other employers in irregular situations. However, workers with “free contracts” or “commercial contracts” are at risk of deportation at any time.

Workers with “free contracts” often term themselves “freelancers,” implying that they are ready to work with any employer and in any sector for a daily wage. A high number of “freelancers” with an agricultural work permit do not effectively work in this sector, and would prefer working in construction or service because salaries are higher. According to the various interviews conducted with workers and stakeholders in the course of the research, the Tamkeen Research Team estimates that at least 40% of recruitment in the agricultural sector is fraudulent, and that approximately 40,000 workers with agricultural permits are not effectively working in agriculture but instead, in other sectors. (See above, p.41).



Typical example of illegal activities of professional contract dealers and of fraud by the employer in the recruitment process (in italic) / Tamkeen Research Team, 2013

The Ministry of Labour is currently responding to the black market of fraudulent contracts. In January 2013, the government suspended the recruitment of Egyptian workers, and is attempting to establish further control and to determine the actual need of the farmers. At the beginning of the year, the Ministry of Labour and the Ministry of Agriculture set-up a committee composed of representatives from the two ministries and farmers to study the reality of migrant labour in agriculture, and to respond to the current black market.

Informal recruitment - Informal recruitment can be described as recruitment of migrant workers without written contracts, or valid work permits. Informal recruitment incorporates a large population of migrant workers, but their number is difficult to estimate. Among them are:

1. Egyptian workers who have been recruited through fraudulent contracts (“freelancers”), and Egyptian workers who left their legal employer without obtaining a new work permit;
2. Egyptian workers with expired work permits or without any work permits;
3. Syrian refugees; and
4. To a limited extent, Pakistani workers.

The working and living conditions of workers vary greatly depending on the communities concerned. However, in comparison with the workers in regular situations, these workers do not regularly fall victim to restrictions of freedom. A vast majority possess their personal documents, with many stating their ability to change employers on a daily basis if they are unsatisfied with the salary, the working conditions, or the treatment received.

Lack of Information On the Kind of Work to Be Performed

It was mentioned by 25% of the workers interviewed by the Tamkeen Research Team that they were uninformed, prior to recruitment, of the type of work to be performed. Among them, 40% stated they were prepared to perform any type of task, highlighting their vital need for any remunerated activity regardless of context. Moreover, the remaining workers believed that they would be working as a plumber, accountant, and manufacturer or in construction, trade, or business. While these results are complex to analyse without further enquiries into the individual recruitment process of each worker concerned, it reveals a lack of details, or misleading information about the nature of their work, possibly provided to the workers by intermediaries.

Why I choose the agricultural sector (Tamkeen Study)



Reasons for Working and Staying in Agriculture

When asked whether they chose to work in the agricultural sector, 57% of the workers interviewed responded affirmatively. A vast majority (73%) expressed that they chose agriculture as a default choice, explaining that they “do not have skills for other tasks,” or that they “did not find anything else”. Others attributed financial constraints and acquaintances or relatives in the sector as alternative reasons.²²

By contrast, 35% of the workers interviewed expressed their desire to switch sectors.²³

Why do you want to move to another job? (Tamkeen Study)



The Role of Networking in the Recruitment of Workers in Egypt

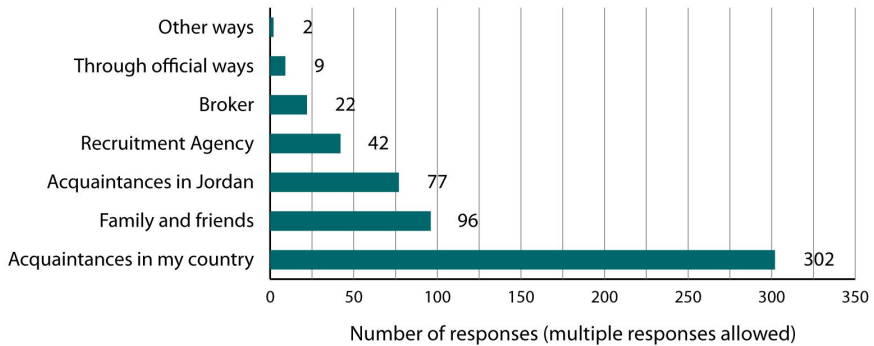
An extremely high proportion of workers who have successfully travelled to Jordan did so with the help of acquaintances in their home country. By contrast, very few have been recruited only by being registered at the Ministry of Manpower in Egypt (i.e. “through official ways”). Moreover, the role of families and friends appears to be rather limited (30%) in conducting successful expatriation to Jordan.

Bearing in mind that recruitment agencies do not have the right to be involved in the recruitment of Egyptian workers, and that their engagement in the recruitment process strongly indicates the potential for human trafficking, it is problematic that 13% of the workers interviewed confirmed the involvement of a recruitment agency in assisting their move to work in Jordan.

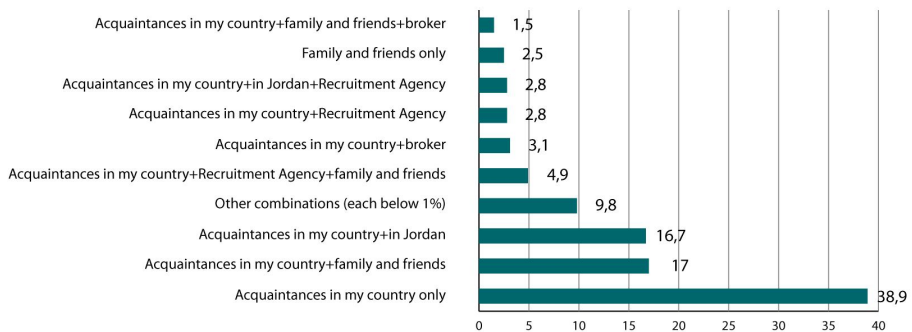
²² Size the font equivalent to the number of responses (Total : 102 responses)

²³ Size the font equivalent to the number of responses (Total : 71 responses)

In relation to the migration dynamics between Egypt and Jordan, acquaintances *in Jordan* have been involved in nearly 24% of the cases. According to information collected through individual interviews, acquaintances in Jordan are primarily Egyptian workers or professional contract dealers based in Jordan.



Who helped you to come to Jordan? (1/2) (Tamkeen Study)



Who helped you to come to Jordan? (2/2) (Tamkeen Study)

Regarding fraudulent recruitment methods, only 6.7% of workers responded that a “broker” (professional contract dealer) helped darranged their work in Jordan. However, these results do not necessarily reflect the extent of the presence of professional contract dealers in the recruitment process of Egyptian workers. A high proportion of workers recruited by fraud are not effectively working in the agricultural sector, but have switched to other sectors, especially in construction, to acquire better income. In addition, the workers may not identify brokers as fraudulent, but rather as an intermediary among acquaintances. If we cross-reference the multiple responses collected, 39% of the workers said they have only been helped by acquaintances, without the involvement of friends or family members. This proportion appears to be unreasonably high if we disregard that professional contract dealers or “brokers” are active in the recruitment process of Egyptian workers.

Overall Recruitment Costs Covered by Migrant Workers in Jordan

Pakistani and Egyptian workers that have been recruited formally without intermediaries or agencies involved are rarely forced to pay recruitment fees. By contrast, the vast majority of Egyptian workers recruited through intermediaries were forced to accrue these fees to obtain a work permit. Egyptian workers that have been recruited formally through occasional intermediaries or by an agency are usually required to spend between 150JD and 400JD, including the price of their work permit which is 60JD and an additional 40JD for vocational trainings, as well as for the “price of the contract” that is directly issued to the intermediary or the agency. Furthermore, workers recruited through fraudulent recruitment often pay for “free contracts,” varying between 700JD and 1,200JD when recruited in Egypt, and approximately 400JD when recruited in Jordan. This total amount also comprises the cost of the work permit, and “the price of a free contract,” which is divided between professional contract dealers and fraudulent employers. However, applicable laws and regulations exclude the involvement of private intermediaries in the recruitment process, as it requires the employer to finance the work permit and disoblige the worker to pay for the contract. Accordingly, intermediaries and fraudulent employers are the only beneficiaries of this black market.

In supplement to this amount, travel costs must also be considered as part of the recruitment process in Egypt. The travel costs fluctuate depending on the worker's place of residence in Egypt, and the place of work in Jordan. For instance, travel costs can easily accumulate from 90 to 100JD to travel from Beni Suef (Lower Egypt) to the Mid-Jordan Valley, which is equivalent to approximately a month's salary in Egypt for many of the workers interviewed (See p.). This amount is divided between: EGP 500 (app. JD50) for the bus from Beni Suef to Nuweiba'; EGP275 (app. JD28.5) for the ferry, and approximately 10 to 20 JD from Aqaba to Mid Jordan Valley (bus and taxi), which may differ depending on the time of arrival and transportation.

Workers arriving for the first time from Egypt to Jordan must also deposit \$250 at the border, which is equivalent to approximately 175JD. As a deposit, it is expected that the amount be returned to the workers as long as their work permit is issued within 45 days of the date of entry in the Kingdom. In practice, the workers receive a voucher from the labour directorate that allows them to request the related amount to the directorate of finance. Among the 115 workers who responded to the question about whether their \$250 deposit was refunded, more than 90% confirmed. These results differ significantly from the numbers given by many stakeholders who considered only 30% of the workers as having their deposit refunded.

“We arrived in Aqaba at night and there were no buses. We found a taxi who said he could drive us to the place for 200 JD, which was way too much for us. Then the police helped us to find later a bus who took the six of us for 100JD.”

In relation to the 10% of workers who stated that their \$250 has not been refunded, four workers expressed that their \$250 had not been refunded because of a delay in issuing the permit, which was beyond 45 days after the entry in the Kingdom. However, one worker noted that his employer seized the deposit. These outcomes reveal the issue of assigning the employer with a significant role in the refunding process. If an employer is late in obtaining the work permit, the right of the worker to have the \$250 deposit refunded is directly impacted by the employer's negligence. Consequently, special attention should be positioned on protecting the worker when a delay in issuing the permit is caused by a third party.

Furthermore, workers met with in the course of field visits expressed difficulties in having their deposit returned. In particular, they highlighted that financial department officials often informed them about their name missing on the list, despite the fact that Aqaba's border authorities record the names of each worker crossing the border. There is a need to further investigate as to whether this discrepancy was due to a worker's error, such as going to the wrong directorate, or to a lack of efficient and satisfactory cooperation and exchange of information between border authorities and financial departments.

For example, one of the workers recounted his brother's experience in facing difficulties with the Ministry of Labour in having his money returned because his name was absent on the official list, despite having a work permit. Once workers receive the work permit at the Labour Directorate, they receive a receipt in which they can visit the financial department to have their \$250 returned. However, officials often refuse to return the deposit, and workers are forced to return to the department. It may take up to 3 months to receive the deposited \$250.

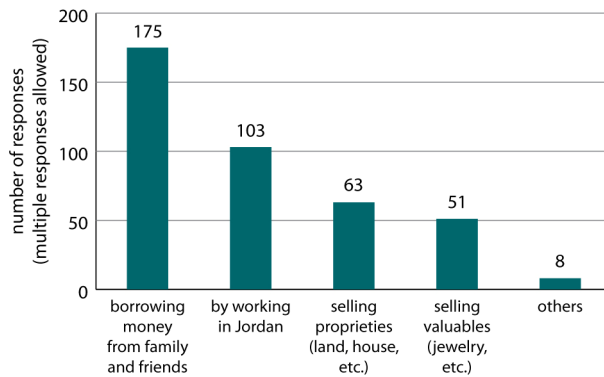
“Sometimes, even if we have the work permit with us, the official refuses to refund the \$25 and we have to lose another day of work to come back”

Saleh, an Egyptian worker

“My brother did not get his \$250 back because the directorate said that he was not on the list while he has a work permit”

Mohammed, an Egyptian worker

The overall recruitment costs from Egypt is a massive financial burden that workers cannot afford themselves. Their financial constraints are especially highlighted in the fact that more than half of the workers are borrowing money from family members and friends. Their debt must be taken into account when analysing the duration of their stay in Jordan. After grasping the difficult working and living conditions in Jordan, some workers desire to return to Egypt, but are obliged to stay in order to reimburse their debts and fulfil their families' financial expectations. Additionally, they are deterred due to the moral and social pressures that would induce shame if they returned to Egypt after only a few months of expatriation.



How did you pay the overall cost (travel, contract, deposit)?

Further, a third of the workers interviewed had agreed with intermediaries or employers to pay a certain amount in advance, usually 50% of it, while the other half would be paid during their time in Jordan. As confirmed by individual interviews, workers usually spend a substantial part of the year only paying for their actual contract.

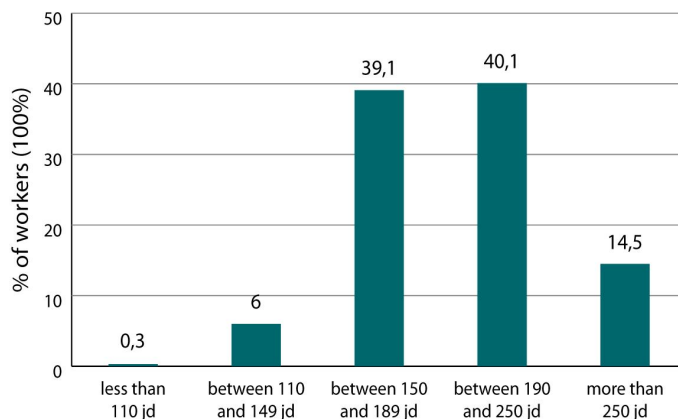
Lastly, the financial impact of such recruitment on the household is especially manifested in the fact that 5% of the workers affirmed that they sold properties, such as land, houses or jewellery, to afford the costs. From these results, it is clear that workers perceive this cost of recruitment as an investment for a better future.

Official Salaries vs. Unofficial Salaries

Almost 80% of the workers interviewed earn between 150 and 250JD per month. 6.3% were earning less than the minimum salary for foreigners (150JD). By contrast, 14.5% of the workers interviewed were earning above 250JD. As a matter of comparison, it is worth mentioning that the average salary in 2010 was 403 JD per month for Jordanian men, and 359 JD for Jordanian women.²⁴

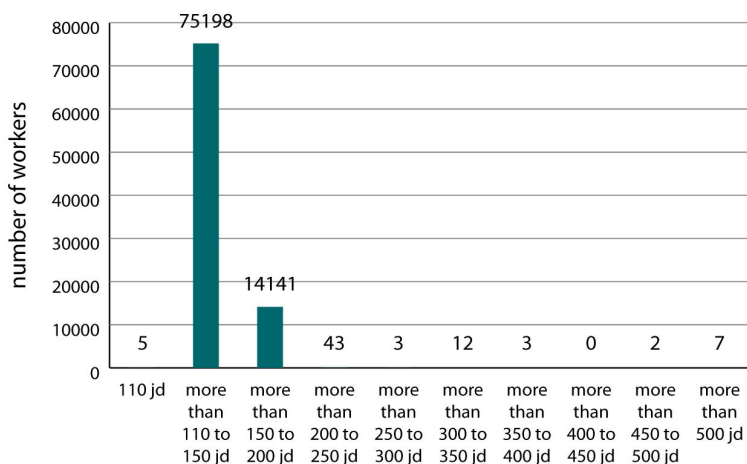
It is particularly worth comparing these results with the 2011 statistics of the Ministry of Labour. Official statistics of the Ministry of Labour are based on the salary mentioned in the contract registered to obtain a work permit.

²⁴ Department of Statistics



Salary per month

For example, 14.5% of the workers interviewed earn more than 250JD, while official governmental records state that such salaries are only awarded to 0.001% of workers or 70 workers in the whole country. The most likely explanation for this incongruity is that they either undertake additional jobs (irregular situation), or that they work many hours and are paid for overtime. A similar situation can be seen with regards to the workers interviewed who are earning between 190 and 250 JD. They represented 40.1% of the panel, while official statistics highlight that only 15.8% of the migrant workers in agriculture conclude contracts with a salary

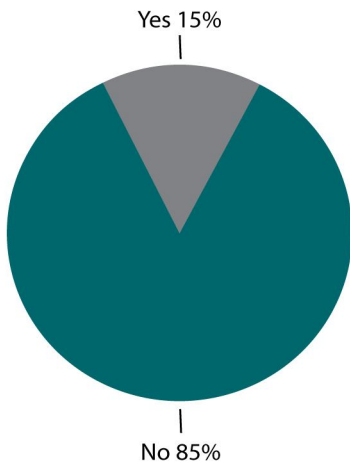


Salary per month in agriculture (Ministry of Labour, 2011)

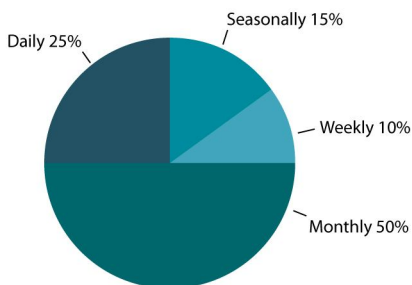
between 151 and 250 JD. Of the 40.1%, a number are freelancers, working in irregular situations on daily or hourly wages. This trend is confirmed by many employers who explained to the Tamkeen Research Team that a number of Egyptian workers have an official salary of 150 or 190 JD, but earn more by having additional remunerated activities or by working as freelancers. It is important to note that all

the workers interviewed that were earning less than the minimum wage (150JD) were of Egyptian nationality.

These results illustrate the great diversity in experience among Egyptian workers. To further analyse the situation, the Tamkeen Research Team conducted additional field visits to Egyptian workers and Syrian refugees working in agriculture. The most poorly paid groups appear to be Syrian refugees that are paid monthly, and Egyptian workers in regular situations. Syrian refugees paid per hour or per day generally earn a bit more. The workers earning the most are generally Egyptian workers in an irregular situation or the freelancers, paid per-day or per-hour. Workers who hold multiple paid-per-hour jobs, and who are working extremely long hours are also included in this last category. Results show, in fact, that 15% of the workers interviewed had an additional remunerated activity. Most of these workers (83%) were earning more than 190JD per month.



Workers carrying additional jobs (Tamkeen Study)



Method of wage payment

In the same vein, The Tamkeen Research Team conducted an interview with Mr. Saeed Al-Masri, head of the new interministerial committee established in January 2013 to study the reality of expatriate labour in the agricultural sector. In this interview, Mr. Al-Masri highlighted the challenges faced by farmers in relation to the rise of migrant workers' salaries, and described the rise as "unjustified." In further interviews, employers expressed their concerns regarding the rise of their salary costs, which is, according to them, due mainly to the large presence of migrant workers in irregular situations in the sector. The current dynamic of the labour market of migrants in agriculture affects the wage of the workers in various ways. "Freelancers" (Category No 3, p. 6) who work in irregular situations are free to change employers from one day to the next if unsatisfied with the wage and working conditions. As a result, workers grasp a certain amount of influence to increase their wages as compared to wages earned by workers in regular situations (Category No 1 p. 6).

Such a discrepancy between the wages, in addition to the extremely poor working and living conditions of workers in regular situations and delayed payments, encourages workers in regular situations to leave the farms at which they are employed to join the informal market (Category No 2, see p. 6). In addition, prospective workers aware of the situation are also inclined to buy “free-contracts” or “commercial contracts” to benefit from higher wages, and therefore enter the category of “freelancers” (Category No 3). As a result, the loss of workers in regular situations forces employers to recruit workers in irregular situations at a higher wage.

In response to the departure of workers in regular situations and the resulting economic loss, a number of employers increase pressure on their workers in regular situations to work longer hours, seize their passports, and limit or even reduce their wage. The Tamkeen Research Team witnessed the deterrent effect of such practices on the time length during which the workers would stay in regular situations. It seems that the higher the pressure and restrictions on workers in regular situations, the greater the departure rate from the farm, with many even leaving without their passports. As an endless loop, the increasing pressure positioned onto workers in regular situations from employers to remain on the farm indirectly increases their own salary costs, and in turn, influences them to continually increase the pressure on workers in regular situations.

Both workers and employers are losing benefits in the current dynamic, including workers in irregular situations who are forced to leave the formal sector in search for a more decent life and improved working conditions. In order to break the current dynamic, one employer suggested that the wage and working conditions of migrant workers in regular situations be improved. He gave the example of his own farm and stated that as long as we deal with the workers in an appropriate manner and respect their rights, they are less likely to leave. Consequently, some of the workers have been working on his farm for 17 to 20 years for a wage no higher than 220JDs. The Tamkeen Research Team urges the current inter-ministerial committee to significantly improve the situation of migrant workers in agriculture as a response to the dead-end dynamics of the current labour market in agriculture.

The method of wage payments is also of particular importance when analysing the actual financial situation of the workers concerned. Official contracts of Egyptian workers fail to mention any specific method of payment and only establish the monthly salary.

Throughout our field visits, we have observed that methods of payment are very diverse. Daily payment is a sign of informal recruitment, as it remains virtually non-existent in cases of formal recruitment. However, payment based on seasonal, monthly, or weekly periods do not insinuate formal or informal recruitment. The method of payment most specific to agriculture is seasonal payment, which was the case for 15% of the workers interviewed. This method strains workers who must

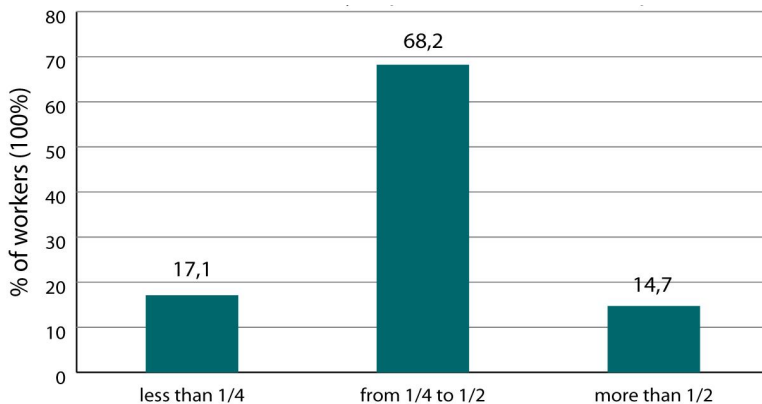
wait for months to receive their salary. Workers prefer weekly or daily payment in order to meet their daily expenses and send money on a more regular basis to their families, instead of monthly payments that delay these financial needs. Another method not found in the graph involves the retention of part of the worker's salary by the employer until the end of the season or the year depending on the method of payment. Accordingly, workers are therefore left with an amount decided by the employer on an arbitrary basis and that is considered as sufficient for the daily expenses of the workers. Regardless of the method of payment, individual interviews highlighted that all workers may be subject to salary variations depending on the price of crops in the market. However, this is prohibited by regulation, and further exacerbates their already precarious situation.

Use of Salary

Daily Expenses

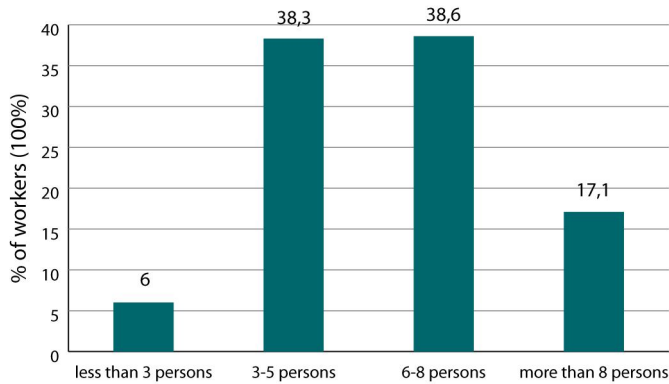
Generally, the main objective driving migrant workers' decision to work is to provide an income for their families, either in their country of origin or in the country of presence. Migrant workers with families abroad must first cover their own daily expenses, as approximately 70 % of workers spend between a 1/4 and a 1/2 of their salary on daily expenses.

If we cross-reference this data and the statistics of salaries in Jordan, we can establish an average daily expense of 50 to 70 JD per month. However, it appears extremely difficult for workers to reduce their daily expenses to below 45 JD per month.



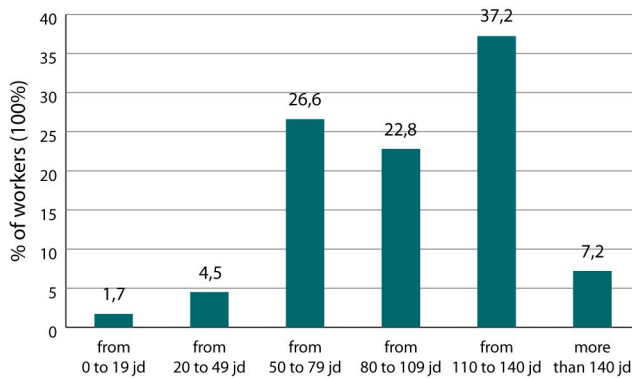
What portion of your salary do you spend on daily expenses (food, accommodation, communication, transportation...)?

Remittances



How many people are you supporting?

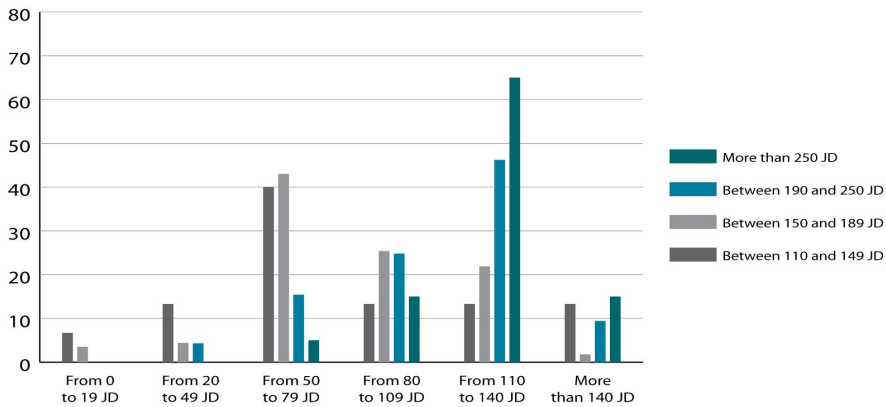
Regarding remittances, almost 94% of the workers interviewed are supporting three or more persons on their salary, while more than half are sustaining six persons or more. These dependant family members usually receive at least half of the salary of their fathers or husbands working in Jordan.



How much money do you send to your family every month?

While the amount of money sent rarely exceeds 140JD per month, more than 60% of workers manage to send more that 80 JD every month. Bearing in mind that 58% of the workers earned 90 JD or less in their own country (see p.8), results show a positive, albeit limited impact of expatriation on the financial capacities of the families remaining in the country of original.

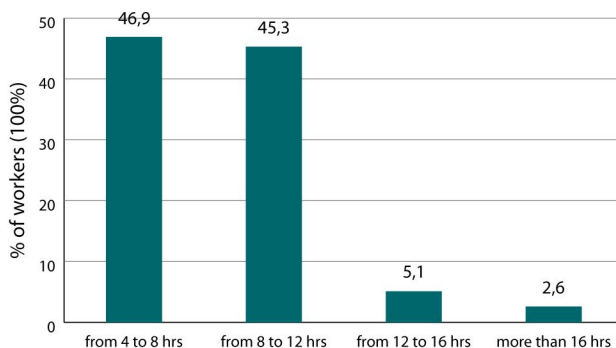
By cross-referencing data regarding the amount sent alongside the salary data, results show that the amount of remittances does not systematically increase with the rise of salaries. Two thresholds are emerging with regard to the amount sent. A large number (40%) of the workers earning between 110 and 190 will send between 50 and 80 JD, while those earning more than 190 JD are sending between 110 and 140 JD at most. These results show that a salary of 190 JD per month allows the workers to send a more substantial portion of the salary. It is worth remembering here that 190 JD per month corresponds to the minimum salary applicable to nationals, not to foreigners, for whom it remains 150 JD. Therefore, increasing the minimum salary of foreign migrants to 190 JD allows for a significant change in their capacity to support their family back home. However it is worth noting that, regardless of income, it appears that workers rarely send more than 140 JD.



Amount of remittances sent vs. salaries (Tamkeen Study)

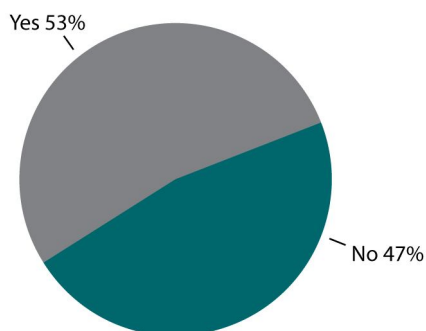
After covering daily expenses and sending an amount of money to their family, 54% of the workers stated they face difficulties in saving money. By crossing results on saving money with the salary data, results show a threshold at 190 JD per month. In fact, only 32% of the workers earning less than 190 JD per month were able to save up money, while 55% of the workers earning more than 190 JD per month managed to save up money. The threshold of 190 JD, which corresponds to the minimum salary for Jordanians, is again present and shows that increasing the minimum salary of foreign migrants up to 190 JD would allow for a significant change in their saving capabilities.

Working Hours and Payment of Extra-hours



How many hours do you work per day?

The Jordanian Labour Law provides that the working day may not exceed 8 hours of actual work, excluding breaks and meals. Accordingly, interviewers made sure that, in responding to questions on working hours, workers were referring to actual working hours, as working hours may vary greatly from day-to-day in agriculture, depending on the need of the employer. The results must be analysed as a trend.



If you work more than 8 hours per day, do you receive any extra payment?

More than 47% of workers usually work 4 to 8 hours while another 45% work from 8 hours to 12 hours, i.e. making extra-hours. A serious concern emerges from the 6.7% of workers who responded that they usually work from 12 to 16 hours, if not more. Among them, four workers were working more than 16 hours. Only two of them were performing more than one remunerated activity, and therefore accumulating hours above 16 hours per day. This connotes that almost all the workers working from 12 to 16 hours or more held only one

job. This raises serious concerns, as it strongly indicates the potential for forced labour.

It is also highly relevant to combine these results with the payment of extra-hours. The less the worker makes in extra-hours, the more likely he is to receive extra-payment for these hours. In fact, 70% of workers working between 4 and 8 hours per day confirmed that they receive extra-payment if they work more than 8 hours per day. In contrast, 52% of the workers working 8 to 12 hours said they do not

receive such extra-payments, while this proportion increases to 75% for those working 12 to 16 hours, and to 87% for those working more than 16 hours per day.

Delayed Payments

Among the problems confronted by the workers interviewed, delayed payments were expressed as one of the more prioritized complaints, and raised by almost 60% of the workers (See p. 131). The Labour Law tolerates a delay of 7 days after the payment is due. After 7 days, the delayed payment becomes illegal. While results do not show the length of delay in payment, it shows that not being paid on time is a serious concern for the workers interviewed. According to the former Labour Attaché of the Embassy of Egypt in Amman, Mr. Salah Al Atian, the delay in or absence of payments is among the main reasons why workers leave the agricultural sector. This is especially true because most of them have incurred debts as a result of being forced to pay large amounts of money to obtain their work contract.²⁵

Delayed payments manifest in different forms and lengths. Some workers are simply unpaid, while others are paid on time but half of the amount due, and the remaining half at the end of the season. Workers paid on a daily basis may often face delay for a week or two to receive the payment for one or two days of work.

The main reason employers attribute such delays in payment is mainly the lack of cash and the low benefits of the farmer, which prevents them from paying the workers on time. In this regard, 68 workers interviewed said that they would consent to delays in payment if any, which shows that some workers may be very tolerant regarding this issue.

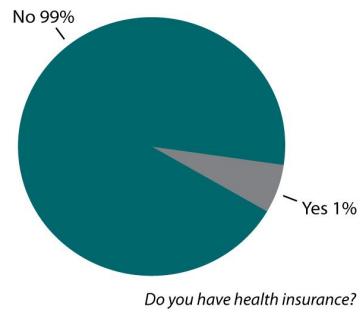
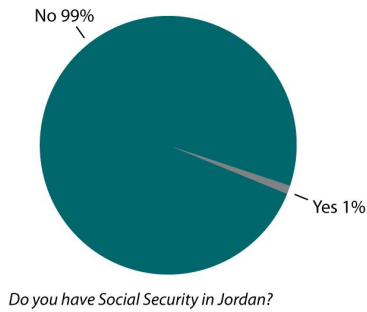
Social Security, Health and Safety at Work

Despite the reform of the Social Security Law to cover agricultural workers and to oblige employers of this sector to register their employees with the Social Security Cooperation,²⁶ results show that 99% of workers interviewed did not have access to Social Security that insures diseases and injuries occurring in the course of the professional activities of the worker.²⁷ In addition, only 6% of the workers interviewed had health insurance, which is paid by the workers themselves and covers disease and injuries, including the ones occurring outside of work. Accidents occurring during working hours mostly result in hand and foot injuries.

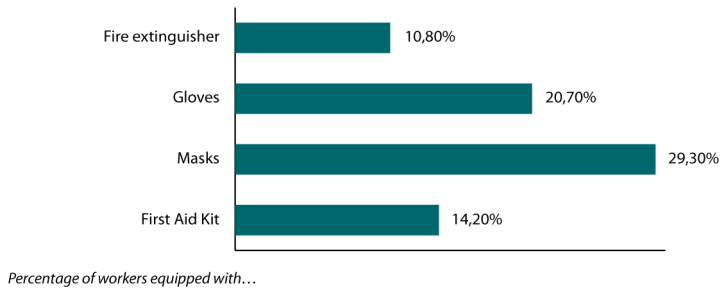
²⁵ Interview conducted by Tamkeen Research Team

²⁶ 2010 Social Security Law

²⁷ Article 2 of the Social Security Law



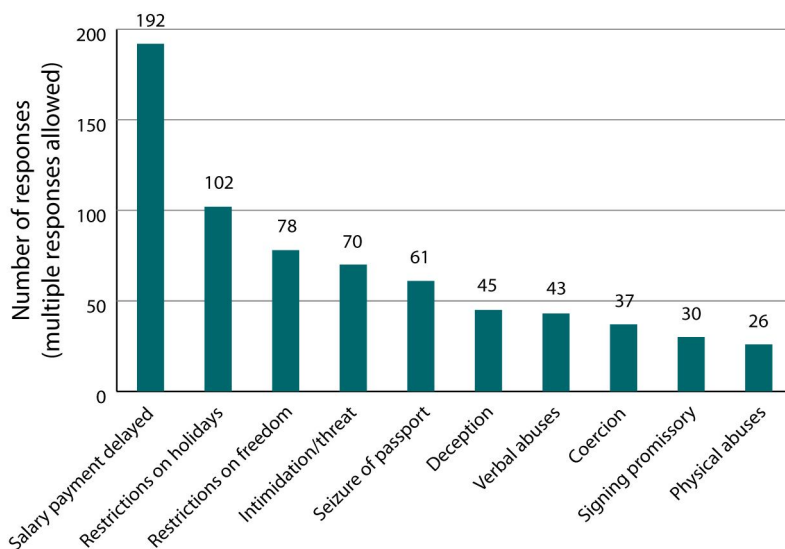
Qualitative data collected in the course of the field visits shows that a number of workers injured pay medical costs from their own pocket and lose their salary in cases of taking sick leave. Due to the costs involved, workers are reluctant to seek medical help and treatment, which is often the case for the workers suffering from back problems. In cases of serious injuries, workers are brought to the hospital, often by the employer, but are forced to go back to work the following day of their accident to avoid losing any of their salary. In fact, many workers in regular situations have a certain amount deducted from their salary, approximately 7JD, for each day off of work.



These worrisome results must be analysed in light of the lack of safety and equipment witnessed on agricultural sites during our field visits. Employers rarely provide the necessary equipment and tools to conduct the required tasks in a safe and healthy environment. As a result, a vast majority of the workers interviewed, at least 70%, are unequipped with masks, gloves, fire extinguishers or first aid kits. 30% of the workers stated they were equipped with basic dust masks, 20% with gloves, 15% with first aid kits, and 10% with fire extinguishers. However, even if workers are equipped with such items, it does not necessarily imply that the employer provided them. Some workers decide to buy the equipment and tools themselves to protect their safety.

Main Problems and Difficulties Faced by Workers in Their Relationships with Employers

Among the ten types of problems or difficulties caused by the employer mentioned in the Tamkeen Research Team's questionnaire, 59% expressed difficulties in receiving their salary on time. Workers expressed reoccurring issues focused on restrictions on their holidays. This is especially the case since the establishment of the clearance system for Egyptian workers, which requires workers to obtain their employer's approval if they wish to leave the country (See p.10). In practice, the situation greatly varies depending on the employer concerned. In this regard, workers include under the item "restriction on holidays" as the leave they may need to take to visit their ill parents and children. Labour Law or contracts do not provide for any leave for family reasons. However, workers have expressed their discontent towards being distant from their family and not being able to support or say goodbye to a dying parent or child. In this regard, it is worth considering the adoption of a "family leave" in the agricultural sector, and absolutely necessary to abolish the clearance system that restricts the worker's right to leave Jordan freely.

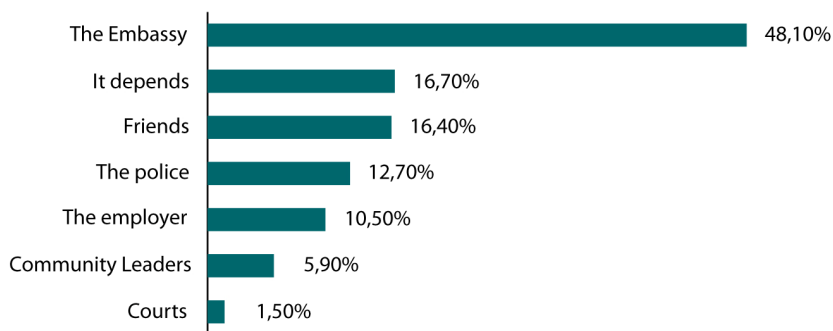


Which problems or difficulties are you facing with your employer?

Furthermore, 19% to 24% of the workers interviewed expressed that they are victims to restriction of freedom, intimidation or threat, and seizure of their passport, all of which constitute strong indicators of potential human trafficking or forced labour. The "restriction of freedom" and "intimidation or threat" are concepts that encompass a large range of situations. According to field visits, restriction of freedom often relates to movement, such as leaving the premises of the farm and workplace, changing living location and to some extent, restricting

holidays. Intimidation or threat is often of a financial nature or related to the restriction of holidays. As these concepts are rather subjective, results should be considered as a reflection of workers' feelings and impressions of the treatment they are subjected to. Concerning the seizure of passports, a number of workers agreed to leave their passport with their employer, in order not to lose or damage the document. However, in practice, employers refuse to return the passport unless he is paid a sum for it. This means that 19 % of workers interviewed who complained about the seizure of their passport are only those who identified the problem as such, while many others trustfully left their passport with the employer.

The proportion of workers who are victims to restrictions of freedom, intimidation or threat, and seizure of passport (24% or less), is similar to the minimal proportion of workers in regular situations, as established by the Tamkeen Research Team from interviews with various stakeholders (25% min. to 48% max. out of workers with work permits, see p. 18). In this regard, field visits and qualitative data collected clearly showed that workers in legal situations are the category of workers most exposed to human trafficking or forced labour. The signing of promissory notes seems less common (9%) but certainly occurs in a similar context.



Where do you seek help when facing a problem with your employer?

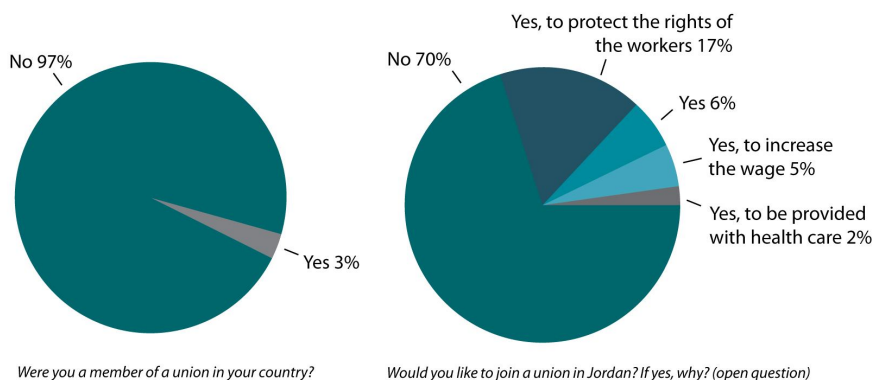
Regarding the persons or institutions from which workers seek help when facing an issue with their employer, half of the workers stated they would refer the issue to their Embassy, far and above friends, police, or community leaders. Such results show workers' high expectations regarding their Embassy's role in protecting their rights. However, it does not necessarily indicate a lack of trust in the Jordanian authorities and society, but rather the presence of feeling isolated. Workers mainly refer issues to the institution with which they are the most familiar. While we may have expected a larger role given to the police or friends due to common language and culture, we observed that Embassy authorities remained as the primary resource for in the mind of the workers interviewed. Such a situation raises a number of serious concerns; firstly in relation to the capacity of the Egyptian Embassy to deal with thousands of cases every year, and secondly in relation to the

referral system itself. As the Embassy is based in Amman, the workers may face difficulties in reaching it to report cases of abuse, forced labour, or labour rights violations. These difficulties pertain to the confiscation of their official documents, and thus would prevent them from lodging a complaint, or to the sanctions they will face if they miss a day of work.

These results demonstrate the need for raising awareness of the existing methods of complaints, such as the government hotline and the services provided by Tamkeen. In addition, due to the remote areas in which they may live to their seclusion, especially in the Jordan Valley, it is worth considering the establishment of information points dedicated to the protection of workers, including migrant workers, throughout the rural areas.

Participation in Trade Unions

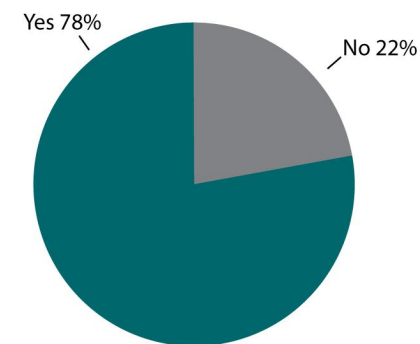
There are no trade unions for workers in the agricultural sector. Results show that migrant workers are not familiar with these kinds of organisations. In fact, only 3% of the workers interviewed were members of a union in their own country, while 70% expressed indifference in joining a union in Jordan. A number of workers are unfamiliar with the concept, which shows the lack of information they have in relation to the protection of labour rights.



Among the 30% who expressed a wish for joining a trade union in Jordan, the majority wanted to participate in the union as a way to generally protect the rights of the workers. Few of the workers mentioned specific needs, such as increasing wages and providing workers with health care.

Housing and Living Conditions

Housing Conditions



Do you live in the same place where you work?

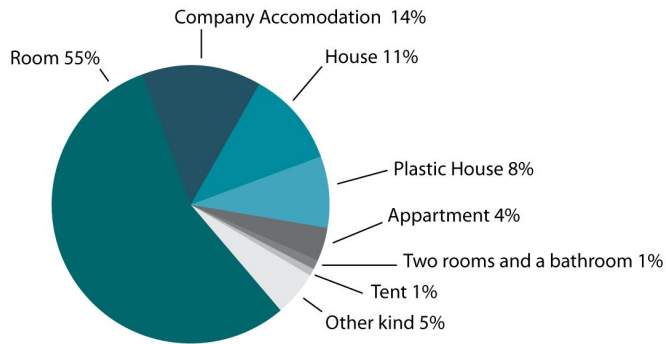
In terms of housing **conditions**, 78% of the panel affirmed that they were living and working in the same place. While this result does not precisely reflect the percentage of workers effectively living in the farm they work in, it does highlight that they live at the workplace or are very close to it, as corroborated by our field visits. Living at the workplace for over a year is particularly painful for the workers, as a number of them work 7 days a week. It also seriously reduces the movement of workers in the area, and limits their contact to social circles outside of work.

In this regard, the Tamkeen Research Team visited a farm in which workers in regular situations were living and working. On the farm, there was a supermarket owned by the employer. Due to the remoteness of the farm, workers had no alternative but to frequent the supermarket on the farm for their daily needs. However, prices are almost twice as high as prices outside the farm. This example sheds light on the exploitive practices used against workers in regular situations, and the negative impact of living on the farm on a daily basis.

“We buy food and drinks at the supermarket of the farm nearby. The employer owns it and the prices are almost two times higher than outside. We rarely go to the supermarket on the road because it takes one hour by walk”.

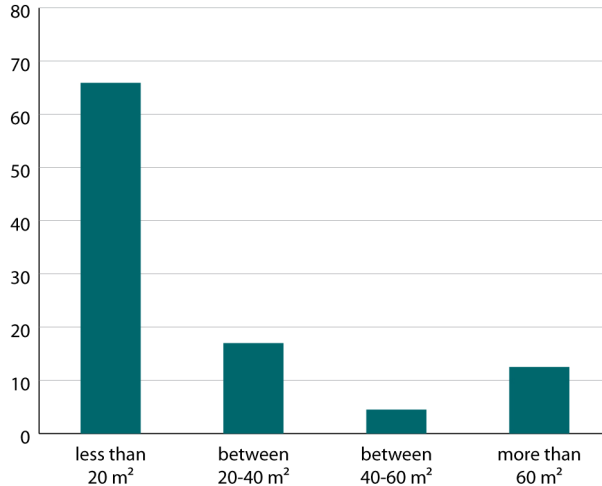
Housing conditions of migrant workers in agriculture are generally very poor. Four categories of living can be drawn as a result of the field visits conducted:

Plastic houses - Plastic houses are built out of a mixture of materials, mainly plastic, by the workers themselves, on the work site. They are composed of one or two rooms where workers sleep and cook. Toilets are built beside them with the same material, and consist merely of a hole surrounded by four walls of plastic. There are no water or draining systems for the flow of waste water, only a small channel that is two or three meters long.



Which kind of place do you live in? (Tamkeen Study)

Usually, 4 to 8 workers live in the same plastic house, though sometimes there are more. Due to the plastic material used for the walls, the air inside can easily reach 40°C or above in the spring and summer. This air passage is suffocating and forces workers to sleep outside on a bed made of wood pieces. Workers rarely have direct access to water but may have access to electricity. Safety is a real concern with the use of a gas-cooking stove in the middle of one of the rooms, and the presence of an extremely unsafe electricity system, if any. In case of fire, plastic can burn rapidly and spread to the workers inside.



What is the surface area of your living place?

Workers who live in such plastic houses are often workers in regular situations, and are required to live on the farm. However, the employers concerned are not providing them with any housing facilities. The workers expressed to the Tamkeen Research Team their wish to build concrete houses or rooms. However, employers refuse, arguing that the law or the landlord does not allow houses to be built on

these lands. The Ministry of Agriculture confirmed that Land Use Law does not allow any construction of houses for accommodation purposes on agricultural land. Such a situation raises great concerns since a vast majority of the workers in regular situations are required to live on the farms where they are employed.

Tents - Workers living in tents are either Syrian Refugees or workers of Pakistani nationality. In contrast to the Egyptian community, they live on the farms with their families. According to interviews and field visits, these two populations are untraditionally of a nomadic culture. However, they move from the Jordan Valley to the Highlands in accordance with seasonal work. Both have stated that they would settle in one place if afforded the opportunity, but have no choice except to move for work. In addition, Pakistani communities, who have been in Jordan for three generations, (See p.144) also expressed the wish to build concrete houses on the land where they work, but face the same legal issues as Egyptian workers living in plastic houses, as the Land Use Law prohibits the construction of houses for purposes of accommodation on agricultural land. Regarding Syrian refugees, they live in tents as a result of their extremely precarious situations in the Kingdom. Syrian refugees working in agriculture are often farmers and own lands and houses in Syria. They have not expressed the intention of settling or building concrete houses.

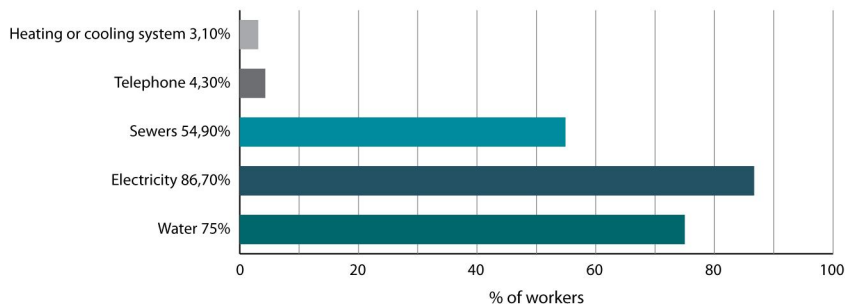
The tents that Syrian refugees reside in are either tents provided by UNHCR or tents that they have built themselves out of gunny bags. Access to water is very difficult, while access to electricity depends on the place in which they stay. In this regard, living conditions in the Jordan Valley seem more difficult than in the Highlands, considering that the temperature is cooler in the Highlands, and access to water or electricity is more accessible as they are closer to urban areas. By contrast, the tents of Pakistani workers are often more elaborate and better equipped with electricity with easier access to water. It is worth noting here that the community of Pakistani farmers have been living in Jordan for three generations and are accordingly acquainted with many Jordanians and are aware of the best areas to settle. (See further p.144).

Tamkeen Research Team witnessed very poor sanitary situations, which has raised serious concerns regarding the presence of children, pregnant women, and elders in these communities. Toilet equipment is similar to those found in plastic houses, and may be the cause of diseases because there is no water or drainage systems used for the flow of waste water, only a small channel.

Pakistani farmers and Syrian Refugees all dismount their tents at the end of the season and put them together in a new settlement.

Rooms in the farms - Despite the prohibition of construction on agricultural lands for accommodation purposes; it is common to see rooms built on site for workers. These rooms are basic 20 m² rooms built of concrete material and aligned side-by-

side in numbers of 10 or more in various sites in the farms. Four workers usually sleep and cook in one room. One or two toilets for all the workers are generally constructed apart from the rooms, in a distinct place.



Is your living place equipped with the following services? (Tamkeen Study)

Further, workers have a green water tank available for water. The Ministry of Agriculture confirmed that the colour green indicates normal water, while the colour blue indicates irrigation water. Some mentioned that they had additional water tanks for each block. However, most of the workers buy drinkable water in large bottles and limit the use of the water available in the farm for the purpose of showering or washing their clothes.

As workers live all year long in these very small rooms, we noticed the trend of expanding these buildings through constructing a plastic house, normally located in front of the concrete building. This “second room” is used together and rest, especially in the evening and afternoon.

Workers have access to electricity but the employer may cut it when he believes consumption is too high. Some workers complained that the employer requires them to not use their televisions to limit consumption, even if the workers pay for it themselves. In relation to the electric system, the Tamkeen Research Team again witnessed a serious lack of safety.

While workers living in concrete rooms in the farms are in better living conditions than those living in plastic houses, it does not necessarily signify the presence of quality working conditions. Indeed, workers that we could identify as victims of forced labour and human trafficking were living in concrete rooms.

Rooms in compounds – Workers’ compounds can be described as an aggregation of 50 or more rooms that can be viewed on the side of the main roads in the Jordan Valley. They may be adjacent to a bigger building or standing alone. Housing conditions vary greatly. Some compounds are rooms comprised of various materials and can be described as slums. Others are concrete rooms with a toilet for each room. Those that are better equipped may have a kitchen space within the room.

Rooms in workers' compounds are very small, usually 20m² for two to four workers. Due to the high temperature, workers sleep outside in the courtyard on beds made of wood.

As a result of the field visits and interviews, we noted that workers living in compounds are workers in irregular situations. They might be described as "freelancers," and often hold permits arranged from fraudulent recruitment. They receive higher wages than the workers in regular situations, which allows them to rent better rooms. (See p.126)

Accommodation Prices

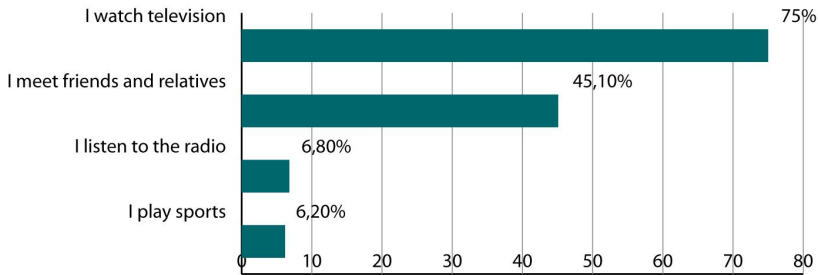
Prices vary greatly depending on the circumstances of accommodation. Employers and landlords may be paid in kind, not only financially. For instance, workers in tents are often allowed to settle for free in exchange for working on the farm. Pakistani farmers rent the land and conduct their agricultural activity in an independent manner, at least for a season. Serious concerns have been raised in relation to Syrian refugees who are highly vulnerable when finding a place to settle. The Tamkeen Research Team encountered a worrying case in which a community settled in an area proclaimed as unsafe due to the presence of mafias and gangs or "asabeh." When asked whether they faced any difficulties with the mafia, the leader of the community explained that they are safe in this farm because he married his daughter to one of the members of this mafia. While it cannot be clearly established that the wedding occurred in exchange for safety, it shows at least that if the leader had not married his daughter to a member of the mafia, the community would not have been protected.

"We do not have problems with the mafia in the area because I married my daughter to one of the members".

For workers living in concrete houses, those in regular situations living on the farm do not seem to be required to pay for their accommodation, while "freelancers" pay 30 to 50 JDs per month for a room, sometimes with the electricity included. Such an amount is quite high considering the limited size of a room (20 m²), and the number of workers living in the room (4 workers). The cost is shared among the workers living in the same room. The landlords of compounds may therefore receive up to 5,000 JD per month, which translates into 100 rooms at 50JD/month.

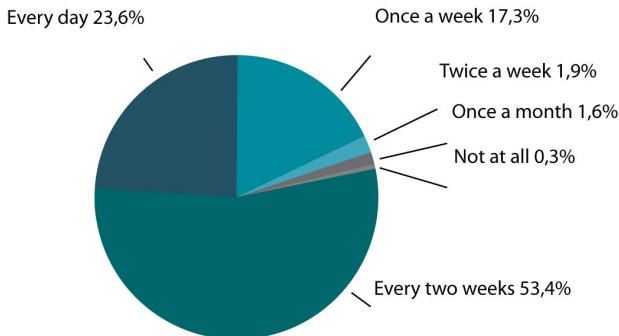
Activities of the Workers During Free Time

Results show that the main occupation of workers during their free time is watching television, represented by 75% of the workers interviewed. These results demonstrate that Tamkeen Observatory, in preparation for any awareness campaigns, must consider television as the most efficient medium to reach migrant workers on a large scale.



What do you do in your free time? (Tamkeen Study)

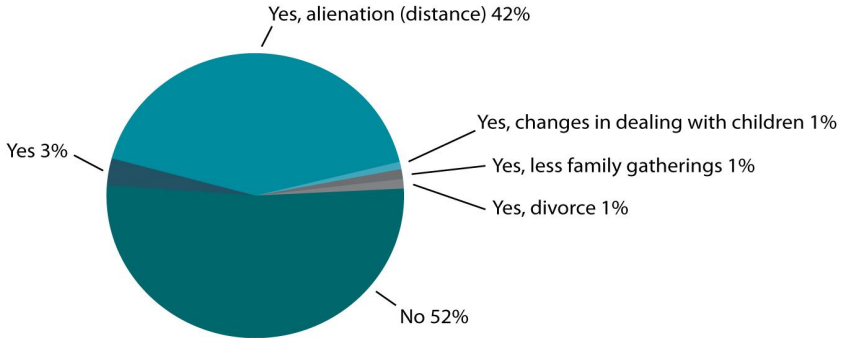
Moreover, 45% of workers also meet friends and relatives, while few listen to the radio or participate in a sport. This signifies that 55% of the workers interviewed do not meet friends and relatives during their free time, which suggests loneliness and limited social relations outside of work. In this regard, the Tamkeen Research Team witnessed the importance of socialisation among the workers living together. Strong ties are built by working, living, and eating together, as well as sleeping in the same room or plastic house.



How often do you talk to family in your home country? (Tamkeen Study)

Family and Social Life

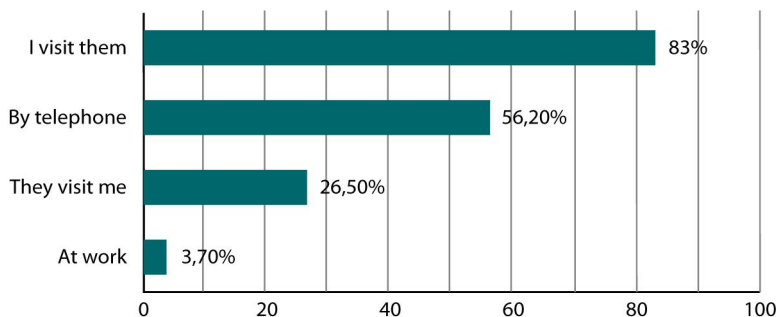
Regarding family and social life, our results show the imperative impact of expatriation on Egyptian workers towards family life, and that they are proactive in maintaining contact with their relatives and friends while in Jordan.



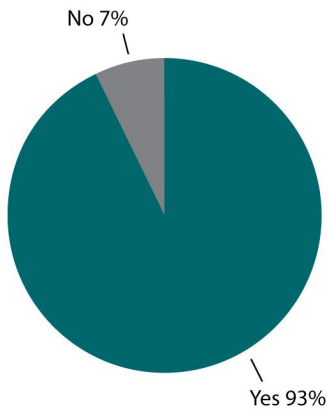
Does working in Jordan affect your relationship with your family? If yes, how? (open question)

For example, 48% of the workers interviewed believed their work in Jordan affects the relationship they have with their family. Among them, 90% noted that alienation resulting from the distance was the main factor affecting their relationship. Specifically, others stated that it affected the way they deal with their children, with one worker mentioning that his expatriation resulted in a divorce.

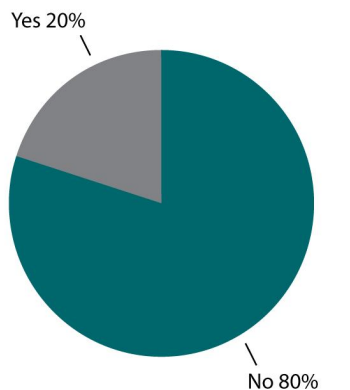
As work strains the structure of familial relationships during expatriation, socialisation and integration of the workers in the country of destination is of great importance. In this regard, 93% of the workers interviewed said they had friends and relatives in Jordan. This result raises concerns as it shows that 7% of the workers interviewed did not have relatives and friends, and have probably experienced hardship and loneliness during expatriation.



How do you keep in touch with your friends and relatives living in Jordan?



Do you have friends or relatives in Jordan?



Do you face difficulties in dealing with Jordanians?

In addition, results show that a vast majority, 83% of the workers, visit their friends and relatives, while only 26% said that they also receive visits. The reasons behind this discrepancy are difficult to determine. However, it may show that, among their social network, few people are coming to the farms where the workers live. Another reason might be the need to socialise, and if possible, to leave their workplace for some hours. As such, our results indicate that if workers are not proactive in visiting their friends and family members, family members are unlikely to come to them.

According to our field visits, friends of workers are rarely of Jordanian nationality, as a certain distance is maintained in the employer-worker relationship. Regular social contact with other Jordanians is usually limited to the manager and employees of the closest supermarket. 80% of the workers interviewed said they did not face difficulties in dealing with Jordanians. Among the 20% of workers who expressed difficulties in dealing with Jordanians, specifications show that they sometimes referred it to their relationships with employers, as they might be the only Jordanian person with whom they have regular contact over the year.²⁸

What kind of difficulties do you face with Jordanians, if any? (Open question, Tamkeen Study)



²⁸ Size of the font equivalent to the number of responses (Total: 53 responses)

Challenges Faced by the Workers Since Arrival in Jordan and Life Improvements

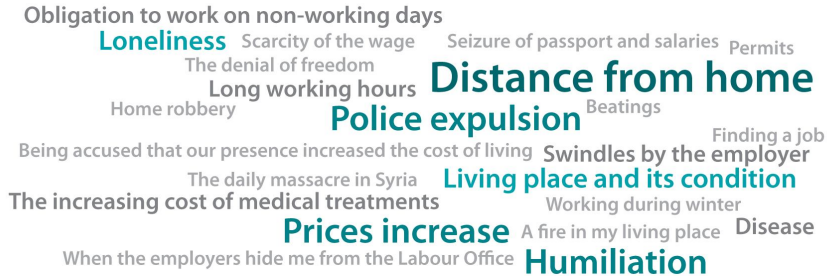
Finally, the Tamkeen Research Team asked the workers individually and openly about the most difficult issue they experienced since arriving to Jordan, and about what steps should be taken to improve their life in Jordan.

The obstacle workers are commonly confronted with is the distance from home. To the same extent, workers highlighted the psychological dimension of their conditions in Jordan, as a number of interviewed workers considered loneliness and humiliation as the hardest aspect of their experience. This reminds us of the importance of responding to psychological violence, as well as physical violence. Referring to physical violence, two workers stated that the harshest experience they faced was to be beaten, while a few others mentioned the denial of freedom, seizure of passport, and delayed salaries. In the latter regard, relationships with local authorities and the employer were among the greatest concerns expressed by the workers, such as police expulsions, swindles by the employer, and being hidden by the employer from the labour authorities. In relation to working conditions, results show that the obligation to work on non-working days or long hours is among the hardest issues experienced by the workers interviewed. Many workers have also considered health, safety, and housing as the toughest aspect of their life in Jordan. In particular, workers cited bad living conditions, fires in their living place, home robbery, and disease as the main issues. Three workers have mentioned scarcity of wages, while a number of workers responded that their difficulties included the general increase in prices, the increasing cost of medical treatments, and the challenge of finding a job. All of these difficulties are also issues for Jordanians as well.

Regarding responses on how to improve the working and living conditions of the workers interviewed, Tamkeen Research Team considers their circumstances so dire that they speak for themselves, and that careful consideration must be given in relation to any future programs and activities related to agriculture, and the working and living conditions of the workers in this sector.



What is the most difficult thing you had to face since you arrived in Jordan? (Open question, Tamkeen Study) ²⁹



Size of the font equivalent to the number of responses (total: 238 responses)



What do you think should be done to improve your life in Jordan? (open question, Tamkeen Study) ³⁰



Size of the font equivalent to the number of responses (total: 258 responses)

²⁹ Size of the font equivalent to the number of responses (total: 238 responses)

³⁰ Size of the font equivalent to the number of responses (total: 258 responses)

Part III: Categorical Perspective on the Working and Living Conditions of Migrant Workers in Agriculture

The third part of this report elaborates on the results of the 324 questionnaires completed by agricultural migrant workers, interviews with stakeholders, as well as additional field visits especially conducted with the Syrian and Pakistani communities. The Tamkeen Research Team witnessed distinct working and living conditions depending on the nationality, and the legal situation of the workers in the Kingdom. In this regard, four main categories of workers emerge from the results in relation to issues faced and needs of the communities:

- 1. Migrant workers in regular situations, i.e. workers holding a work permit who work effectively with their legal employer. Almost all workers in regular situations are Egyptian nationals. However, this category includes a few hundred workers of Pakistani, Syrian, or Bangladeshi nationalities.*
- 2. Egyptian workers in irregular situations, i.e. mainly Egyptian workers who left their legal employer without their passport or without a new work permit, and Egyptian workers holding a fraudulent work permit.*
- 3. Syrian refugee families living in rural areas and working in agriculture.*

Pakistani families who are mainly self-employed and hold a work permit.





Part III: Categorical Perspective on the Working and Living Conditions of Migrant Workers in Agriculture

Migrant Workers in Regular Situations: High Vulnerability to Forced Labour and Human Trafficking

According to the various field visits conducted on the farms, the Tamkeen Research Team established that migrant workers holding work permits who work effectively with their legal employer rarely earn more than 190 JD per month, and are working more than 8 hours a day, sometimes more than 12 hours a day, 7 days a week. In addition, they are often victims of passport confiscation, restriction of freedom, as well as extremely poor living conditions, especially when living in plastic houses. A number of workers in regular situations reside on the farm that they work on or are very close to it in remote areas, usually far from the main roads.

In particular, migrant workers in regular situations are highly vulnerable to passport confiscation. If they are victims of such practices, migrant workers in regular situations are required to pay from 100 to 150 JD to their employer in order to reclaim their passports. Passport confiscation is so widespread that many workers and employers consider this practice as normal or even necessary. Some employers deceive workers by saying that the law requires them to hand over their passports, which is absolutely false as Jordanian Law forbids such a practice. Other employers convince workers to hand over their passports by informing them it will be safer by avoiding having the passport lost, stolen, or damaged. In this case, workers voluntarily give up their passport, and later realise it has been confiscated when they ask for it to be returned.

As such, passport confiscation forces the worker to remain and work with his legal employer. Some employer stake advantage of their situation by deducting 20 JD or more from their wage or require them to work longer hours, without paying for extra-hours. The Tamkeen Research Team clearly identifies these cases as forced labour cases. (See part I, p. 14)

“I have the passport of an Egyptian worker since 1976 and I do not know anything about (what happened to) its owner.”
An employer

As described in the first part of this report, forced labour may indicate potential human trafficking, as it is one of the three elements of this crime, specifically the purpose. As a result, the Tamkeen Research Team further inquired into the conditions of their recruitment. Some workers indicated that at the time of the recruitment or upon their arrival in Jordan, they had been asked to sign promissory notes stating that a certain amount of money be required if they left their employer before the end of the period covered by their work permit. Some signed promissory notes of 500 JD, while others more troublingly signed notes that left the amount open to the employer to determine in the event of early discharge from the worker's job.

In addition, some workers have been recruited by private recruitment agencies acting illegally and in contradiction to the 2007 Memorandum of Understanding, which provides that the recruitment of Egyptian workers from Egypt to Jordan be organised by official authorities only. (See p.101) The aforementioned workers had been promised 190 JD per month to work 8 hours a day, with holidays and weekly days off. Upon arrival, their salary had been reduced to 170 JD to work at least 10 hours a day, without holidays or weekly days off. In addition, some workers may not receive their work permit, except for a photocopy. This does not allow them to leave the farm without the risk of being deemed a worker in an irregular situation by the competent authorities.

All these elements have convinced the Tamkeen Research Team of the presence of thousands of cases of forced labour and human trafficking throughout the agricultural sector, especially among Egyptian migrants in regular situations. According to the Director of the Anti-Human Trafficking Unit, eight cases of human trafficking involving workers in agriculture were opened in April 2012, including five referred to by the Tamkeen Centre. The disparity in the number of cases opened at the Anti-Human Trafficking Unit, and number of victims in the field, demonstrates an urgent need for awareness raising campaigns and trainings to detect and refer human trafficking cases in agriculture to the anti-human trafficking unit. In addition, the Ministry of Labour confirmed to the Tamkeen Research Team that no labour inspections are currently being conducted in the agricultural sector. In this context, it is highly necessary to emphasize that all the workers trafficked were recruited for the first time in Jordan, without true knowledge of the working conditions that agricultural workers may face in Jordan.

A visit to one farm demonstrated a high level of organised forced labour and systematic recruitment through human trafficking. All the recruitments were arranged in Egypt, and included the seizure of passports and the signing of a promissory note. The vast majority were recruited by a private agency in Egypt. In regards to the organisation of forced labour, the farm was structured as such that 1 out of 10 workers are given a supervisory role in exchange for having his rights respected, less working hours, and full salary, in addition to commission when relevant. This type of organisation, which frightfully is reminiscent of labour camps, can be described as follows:



Employer

15 Egyptian workers with Labour rights respected
Role: controlling and spying on the rest of the workers on behalf of the employer

150 Egyptian workers victims of passport confiscation, restriction of freedom, partial seizure of salaries, and poor living conditions

The current legal context and dynamics of the labour market are extremely favourable to the development of forced labour and human trafficking in agriculture. Firstly, the legal framework, namely the Kafala System in which these workers exist, is the main instrument of their exploitation, as it allows the employer to deny the worker permission to change employers, and to threaten him or her with absconding reports and expulsion.

Secondly, the structure of the current labour market in agriculture must be taken into account as it supports forced labour and human trafficking. As described in Part II, employers are concerned about workers leaving the farm, as it obliges employers to recruit in the informal market and increase the cost of labour. Employers therefore pressure and force workers in regular situations to stay on the farm. However, the poorer the working conditions, the more likely workers will leave the farm. This situation is leading the growth of the informal market, and supporting the vicious cycle into which the sector is falling.

While employers are severely sanctioned when they organise forced labour or human trafficking, preventative measures must also be considered to end the phenomenon. Combating forced labour or human trafficking will be most efficient through raising the awareness of the workers employed for the first time in Jordan by closing the private agencies conducting illegal activities in Egypt, and ultimately, by strengthening cooperation between Egypt and Jordan on the issue. Importantly, a global perspective on the labour market must also be considered to reverse the current dynamic. It should commence by improving the living and working conditions of workers in regular situations to encourage, rather than force them, to stay on the farm. This would reduce the rate of workers leaving the farms, and respond to the main concerns of employers. An increase in workers' salaries in regular situations seems inevitable in order to limit or reduce the workers' departure, the development of the informal market, and ultimately, the increase in the costs borne by employers.

Egyptian Workers in Irregular Situations: Escaping Harsh Working Conditions

Firstly, cases of forced labour may also be found among the population of workers in irregular situations. However, it does not appear to be as systematic as it is among the populations in a regular situation. In fact, workers in an irregular situation who are victims of forced labour are generally those groups who had been in a regular situation for a year, and did not have their permit renewed while continuing to work for the same employer. In these cases, the employer organised forced labour during the first year and intentionally refused to renew the work permit for the second, while possessing the workers' passport and personal documents. As a result, some workers are forced to stay with the same employer, without permit and with the threat of being deported.

However, the vast majority of workers in an irregular situation do not appear to be victims of forced labour or human trafficking. In fact, those who have been victims of passport confiscation have either paid their legal employer to return their passport or left their legal employer without their passport. In addition, a number of workers in irregular situations purchased "free contracts" or "commercial contracts," and obtained fraudulent workers' permits from duplicitous employers

and brokers (professional contract dealers). The development of irregular situations among Egyptian workers in agriculture mainly results from the harsh working conditions that originate on the farm, including a low salary.

The proportion of workers in an irregular situation who left the agricultural sector is difficult to establish. However, the Tamkeen Research Team confirms the strong presence of workers who stayed in the agricultural sector.

Workers in an irregular situation also face poor living and sanitary conditions, safety and health issues, the non-affiliation to Social Security, and the absence of health insurance. In addition, they may also encounter delayed payments and abuse by some employers. All agricultural workers in irregular situations are living in fear of being caught by the police and expelled from the Kingdom.

“The ones being paid monthly [i.e. in regular situation] are stuck in the farm. They are paid less and their life is really bad. We prefer being free lancer because I can choose my employer and earn more”

Mohamed, a “free-lancer”.

In particular, workers holding fraudulent permits are exploited by the fact that they have to pay a huge amount of money and eventually fall into irregular situations, though some of them believe that they are in a regular situation (p.107). Workers holding fraudulent permits remain at the mercy of their legal employers as they hide their irregular situation from the Jordanian authorities. In this regard, the workers concerned are notable to leave the country unless they pay their legal employer to obtain authorization or clearance from him. In addition, some workers who lost all contact with their legal employer cannot even leave the country and have their permit renewed with him or her. (p. 59).

By contrast, the workers who decide to leave the farm are trapped in the Kingdom, since they cannot leave the country without paying a 1.5JD fee for each day spent in an irregular situation, or without their passport if the employer has confiscated it. The only chance they have to regularise their situation would be during the grace periods and campaigns of regularisation organised by the Ministry of Labour on a regular basis, at least once a year. However, such grace periods do not allow workers to leave the country, but only to obtain work permits without fines. Once they have a valid work permit, they cannot leave the country without clearance from their employer. It is worth mentioning that some workers expressed that they are not interested in being regularised because workers in regular situations face the most difficult working and living situations. (See p. 144). This perspective highlights the fact that the informal market presently remains on a large scale, and may expand if the working and living conditions of workers in regular situations are not improved.

For future assessment or activities by any organisations or authorities, it is worth highlighting that freelancers are the most accessible population of migrant workers

in agriculture, as they live close to the main road in order to be recruited by the day. The main road, being equivalent to a “circle” in urban areas, is a location in which employers can often find freelancers. Conversely, the workers in regular situations, especially victims of forced labour and human trafficking, are less accessible and the most isolated because they live on farms in remote areas.

Another reason for the high number of workers in irregular situations is the discrepancy between the legal timeframe of the current work permit that is one year, and the timeframe of seasonal activities. While Syrian refugees and Pakistani families are changing regions according to the season, Egyptian workers tend to change sectors after the end of the season. The Head of the Farmers’ Union, Eng. Mahmoud Al Urwan, and the landlords that the Tamkeen Research Team met with, stated that the workers could leave and work whenever they wish after the end of the agricultural season, if they submit to their employer an official document proving their new condition. In other words, workers are not allowed to leave during the season. However, at the end of the season, they may leave their current job, but only with the approval of their first employer. In the best circumstances, the employer agrees to the departure according to Article 12(B)(1)(a) or (b) of the 2012 Employment Instructions. However, employers may sometimes force the workers to pay a fee in order to leave their current occupation. In the worst case, workers simply leave the farm, without a new work permit, or without their passport if it has been confiscated.

The Tamkeen Research Team did not have the opportunity to collect a large amount of data regarding the need for the establishment of seasonal contracts. However, some employers expressed the need for more flexibility in the law in terms of issuing work permits for the season. The Tamkeen Research Team is of the view that further studies and discussion among stakeholders are required on this specific issue that may help to limit the number of workers in an irregular situation.

Syrian Refugee families: Exploitation of Distress

In relation to the protection of the Syrian nationals who arrived to Jordan to escape the war in Syria in the past three years, and who started working in the agricultural sector, the first challenge that should be taken into account relates to the fact that this population is moving between the Jordan Valley and the Highlands in accordance with the season. The Tamkeen Research Team is mainly concerned with two combined factors: their categorization as refugees, and their characterization as families, including young or newborn children, pregnant women, and elders.

Movement between the Jordan Valley and the Highlands in Order to Find Work

As is the case for Egyptian workers, the seasons are a crucial element to understanding the situation of Syrian refugee families currently working in agriculture in Jordan. The main agricultural activities in the Jordan Valley are conducted between April and October. For the rest of the year, favourable meteorological conditions for typical agricultural activities can only be found in the Highlands. As a result, Syrian Refugee families working in agriculture migrate according to the demand in labour. Specifically, they will settle in the Jordan Valley for approximately seven months between October and April, and then move to the Highlands for the rest of the year. All refugees met with were living in tents and would move and settle according to work opportunities, and the benefits resulting from the environment in question, such as safety, access to water or electricity, and protection from the heat.

It is important to highlight here that this population is *not* of a nomadic culture and they move only to find work. All the families met with possess lands and concrete houses in their home country. The Tamkeen Research Team assessed a significant degradation of their living conditions compared to the ones they had in Syria. If these populations could conduct their economic activities in one place in a sustainable manner, they would do so, as is the case for farmers of Pakistani nationality.

The impact of these movements on the capacity of stakeholders to protect and support refugees in agriculture is massive. In fact, access to humanitarian assistance often depends on their place of registration as refugees. As a result, administrative issues can arise from the fact that they are registered in one area of the country, but have moved to another without being formally registered by the local authorities. In this regard, the UNHCR's general recommendation to refugee families is to contact the nearest police station every time they settle somewhere new, in order to be registered. Registration helps individuals avoid any administrative issues in accessing basic services provided by national and international stakeholders.

The impact of the movement is also significant in relation to access to education for children between 6 and 16 years old. None of the families met with were sending their children to school. While this situation may result from fear of mistreatment at school or a lack of awareness, the fact that the seasons do not align with the school year makes these families miss enrolment campaigns held in the Jordan Valley, if any.

Vulnerability of Syrian Refugees in Relation to Work

For the Syrian Refugee families interviewed, finding remunerated activities was expressed as an urgent necessity once they arrived in Jordan. It appears that a vast majority of the families met with were farmers in their own country. They are therefore experienced and skilled in this sector, which has been acknowledged by employers. However, employers prefer Egyptian workers, as they are more resistant to the heat and are perceived as better at carrying crops and materials. Nevertheless, employers appreciate and employ Syrian labour for delicate and skilled activities.

All of the families interviewed discovered their remunerated activities through the network of Syrian families already working in the agricultural sector in Jordan. In addition to the fact that they may have acquaintances and relatives in rural areas, there is also a special need among employers to fill in the gaps left by Egyptian workers, who left the farms to work informally, with cheap labour. The employment of Syrians enables employers to avoid recruiting freelancers who are paid more than workers in regular situations.

In this regard, Syrian refugee workers in agriculture are generally paid extremely low wages: 1JD per hour, or 100 to 120 JD per month. If we compare the wages of Syrian refugees with those of Egyptian workers, (see p.110) we see that employers recruiting Syrian refugees on a daily basis are reducing their salary cost by 25% in comparison to the recruitment of Egyptian freelancers. The recruitment of Syrian refugees on a monthly basis reduces salary costs by nearly 50%, as compared to recruiting Egyptian workers in regular situations.

The reasons Syrian Refugees are paid such a low salary relates to various factors. Their presence in Jordan results from forced and unexpected migration. As a result, their salary is used to respond to urgent and basic daily needs such as food, water, housing and health, which are particularly high due to the presence of entire families, particularly children and elders. As a result, their presence in the Jordanian labour market is not part of an economic strategy or a decision made to increase the wellbeing of their families, as is the case for Egyptian workers. In this regard, when looking for remunerated opportunities, Syrian refugee families also carefully consider safety and retribution in kind, such as free or easier access to water and electricity. They may accordingly accept work because it would allow them to stay in a safer and more convenient environment, even if the wage is extremely low.

The Tamkeen Research Team is highly concerned by that fact that wages received by refugees are way below the minimum wage, which stands at 150JD per month for foreigners. This results from several employers exploiting the refugees' vulnerability, and the employers' lack of interest in providing Syrian refugees with work permits. None of the workers Tamkeen met with had work permits, despite the fact that employers are obligated to submit applications for the recruitment of Syrian

refugees, as they must do for any foreigner (see p.6). A work permit for Syrian nationals in agriculture costs an employer 60 JD per worker, plus additional fees for vocational trainings. A work permit also requires a yearlong commitment to employment, as the law does not allow the issuance of work permits for less than a year. As highlighted earlier in relation to the Egyptian workers, it is worth further considering the development of seasonal contracts and work permits to facilitate the regularisation of seasonal workers.

Vulnerability of Syrian Refugees as Families

Families Who Cannot Fulfil Basic and Vital Needs

Contrary to the vast majority of migrant workers in agriculture, Syrian refugees have the specificity of being present in Jordan as family groups, including a high proportion of women and children. The families interviewed were settled with other families. However, interviewees also noted the presence of nuclear families settled by themselves or in very small communities on other farms. This highlights the need to also reach these small family households spread throughout rural areas to offer assistance, as they are probably less aware of humanitarian services and more vulnerable to exploitation or violence due to greater isolation.

All the families met with were living in poor conditions in tents with difficult access to water and electricity. As described in the section concerning housing (See p.134), sanitary conditions are seriously below par and are putting children, pregnant women, and elders at high risk. In this regard, Syrian families expressed great concerns in relation to access to medical and health centres or even medical doctors. They noted that in case of injury or disease, they would ask for someone with a car to take them to the nearest hospital, which may be distant from where they live, especially when they settle in the Jordan Valley. The heat was also a main concern, especially when families stay in the Jordan Valley. In this regard, risks of dehydration and heatstroke are very high for children, pregnant women, and elders. None of the families met with in the rural areas had direct access to water, drinkable or otherwise. If there is access to electricity, they may use a fan to circulate air in the tent. Finally, families met with expressed difficulties in reaching food providers with whom they can use food coupons distributed by the UNHCR, which highlights their issues with fulfilling basic needs in relation to nutrition.

In relation to humanitarian assistance, it is worth noting that UNHCR has recently started to assess the current activities and needs of the refugees living in rural areas, especially in the Jordan Valley, where humanitarian programs and activities remain very limited.

Child Labour and Lack of Access to Education

Tamkeen Research Team witnessed child labour in some farms, which involved children from 8 to 18 years old working in the field. The youngest children were given the task of picking vegetables in plastic houses, while those above 13 years old involved in carrying crops.

In conducting interviews, the Tamkeen Research Team noticed that some adult members of the family are ashamed to admit that their children are working on the farm. For the purposes of further assessment, special consideration must be given to the methodology that follows the assessment of child labour, and to the largest extent possible, giving opportunities to the children concerned to speak freely and directly to the persons conducting the assessment.

In fact, child labour among Syrian refugee families seems to be widespread in agriculture and involves mostly young girls. This situation is sustained by families' urgent need for income and by the absence of access to education for the vast majority of the children living on the farms. None of the children in the families interviewed were enrolled in school. In our interviews with parents, they mainly attributed it to the lack of awareness, and negative impact of their movement between the Jordan Valley and the Highlands on the enrolment of their children into schools. One mother also expressed a fear of leaving the children at school as she said, "they are beaten there." More generally, the financial support children provide their families by working must also be taken into account, as it has a deterrent effect on the potential enrolment of these children in school.

Since the beginning of 2013, UNICEF and the International Labour Organisation have been conducting further assessments focused on the issue of child labour throughout the country, including the agricultural sector. In this context, careful consideration should be assigned to child labour in agriculture, as it occurs in remote places and involves mainly young girls in predominantly male environments.

In addition, further assessment must be conducted on the legal framework applicable to child labour in agriculture. The current legal framework applicable to agricultural workers (see pp. 17 and 50) has had a hindering effect on ensuring the identification and protection of children against child labour. Bearing in mind that the Labour Law does not clearly cover agricultural workers (See p.19), the Human Rights Committee of the United Nations recommended in its last report on Jordan (2010) that "the State party [Jordan] should take all necessary measures to combat child labour, particularly by reviewing its legislation to ensure protection for all children, including those who work in family enterprises and agriculture." (See p.50) In addition, the Ministry of Labour confirmed to the Tamkeen Research Team that there are no labour inspections in agricultural fields, which significantly reduces the capacity of local authorities to: detect child labour in this sector; punish the employers recruiting children; and support these children in enrolling in school.

Finally, The Queen Zein Al-Sharaf Institute for Development (ZENID), in cooperation with UNWomen, conducted an inter-agency assessment on gender-based violence and child protection among Syrian Refugees in Jordan in the first half of 2013, focusing on urban areas.¹ The results of this assessment showed that 47% of the households interviewed reported that at least one child was involved in a remunerated activity, including work in the agricultural sector. The related report highlights key protection issues, and particularly recommends “the Government of Jordan should ensure that children who have been exploited in the labor force have access to legal services by providing them and their families with adequate information and resources so that they do not feel discouraged to report and/or take legal action against abusive employers. At the same time, strategies for increased access to education and psycho-social activities should be developed.”²

High Risk of Gender Based Violence

The Tamkeen Research Team noted the high presence of Syrian women and girls in the field and on farms. In this regard, the Syrian community appears to follow the same trend as Jordanian families towards the feminisation of the agricultural labour market.

However, the population of agricultural workers remains largely composed of men as a result of the current recruitment policy with regard to Egyptian nationals. For example, 99.5% of worker permits delivered in agriculture in 2011 were for men. Taking into account the type of housing, namely tents, and the presence of women and girls in the field, the Tamkeen Research Team is strongly concerned with the potential risk of abuse or gender-based violence against this specific population. While the Tamkeen Research Team did not focus this study on gender-based violence, it recommends further assessment and support regarding this issue to prevent any potential violence, and to assist victims among the Syrian and Jordanian populations when relevant.

It is worth noting that the young women carrying bags of crops always stay in groups and are covered in winter clothing even when the temperature in the Jordan Valley reaches 35°C. In addition, the workers informed the Team that employers recruiting workers among both Syrian and Egyptian populations tend to separate the two communities. In fact, Egyptian and Syrian workers work on different fields, and do not live within the same area of the farm. Syrians live in tents on open

¹ UNWomen, 2013, *Inter-Agency assessment of gender-based violence and child protection among Syrian refugees in Jordan, with a focus on early marriage*. Available on <http://reliefweb.int/sites/reliefweb.int/files/resources/Report-web.pdf>.

² Ibid. p. 8.

fields, while Egyptians reside in rooms. This segregation should not necessarily be analysed as aiming at the protection of women and girls working in the field, but rather at avoiding tension or information sharing between the two communities in regards to the discrepancies in their salaries and working conditions.

The results of the inter-agency assessment on gender-based violence and child protection among Syrian refugees in Jordan, as mentioned above, confirm the high proportion of girls below 18 years old working in agriculture and the lack of awareness of Syrian refugees regarding the services available in Jordan to respond to gender-based violence. The report recommends in particular that services responding to such violence be expanded and improved, to include access to sexual and reproductive health information and programmes.³

Pakistani Families: Inadequacy between the Law and their Actual Situation

Unique History and Characteristics

The Pakistani community of agricultural workers in Jordan share a unique history and characteristics. A majority of workers were farmers originating from the Baluchistan and the Sindh provinces in South Pakistan. As a result of the 1968 wedding between Prince Hassan Bin Talal and Princess Sarvath al-Hassan, who is of Pakistani nationality, Pakistani farmers started to settle in Jordan on their way back from pilgrimage to Mecca in the 1970s. This period was highly favourable to foreign agricultural workers as the Jordanian Government was developing the agricultural sector. (See p.36)

The families concerned have therefore been in Jordan for three generations working in the agricultural sector. Many of their members have never seen Pakistan, and are culturally closer to Jordan than their country of origin. The second and third generations were born in Jordan, and having lived in Jordan their entire lives, speak perfect Arabic, especially those who had the opportunity to attend school. However, none of the members of the Pakistani community hold Jordanian citizenship or long-term residence permits due to the restrictions stipulated in Jordanian Law.

The Embassy of Pakistan evaluates their number to range from 6,000 to 8,000 people, including wives and children. They represent the majority of the Pakistani population in the Kingdom. They do not earn much from their agricultural activity and are not well off, but have large families.

³ *Ibid*

Like Syrian refugees, this community lives in tents and tends to move from the Jordan Valley, where they settle from October to April, and to the Highlands from May to September. Like Syrian refugees, Pakistani farmers are not of nomadic culture. They move from one region to the other only to find work. As with all agricultural workers, they too do not have the right to build concrete houses on agricultural land, and when the Team asked whether they would like to be able to build on the land they work on, many responded positively, especially the 2nd and 3rd generations. While their living conditions are much better than Syrian refugees (see p.123), sanitary conditions remain poor and raise concerns, especially due to the presence of children, pregnant women, and elders. In addition, they do not seem to be registered with the Social Security Corporation or have health insurance.

Farmers Sustaining Their Own Economic Activities

Few Pakistani nationals are typical migrant workers, i.e. have been recruited by a Jordanian employer. The vast majority of Pakistani families sustain their own economic activities by growing and selling fruits and vegetables. However, as foreigners, they do not have the right to own agricultural lands. Therefore, they have formed oral agreements with Jordanian landlords to rent the land and to take care of it. Sometimes, they may also orally agree on sharing the benefits of their activity with the landlord (metayage). Oral agreements raise concerns because once disputes arise, no party can accurately state the terms agreed upon by the landlord and the Pakistani family. Pakistani families sometimes recruit Egyptian and Syrian workers informally during the season. However, they face the difficulties of lacking the financial capacity to formally register themselves as farmers or employers.

Since the establishment of work permits in 1996 until 2010, Pakistani farmers were considered workers in an irregular situation and were subjected to the fine of 1.5JD per day without valid documents, as any migrant worker in an irregular situation. However, in 2010, the Ministry of Labour declared an amnesty to Pakistani workers and a number of them eventually regularised their situation without paying fines.

Pakistani farmers are therefore classed among the rest of the migrant workforce, despite the fact they have been living in Jordan and running their own farms for around 40 years. The discrepancy between their legal status and their actual activity in agriculture raises a number of issues. Despite the length of their presence in Jordan, Pakistani farmers must renew their work permit every year to obtain residency. In addition, due to the absence of any applicable rules regarding family reunion for the Pakistani community, their wives and children, especially daughters above 15 years old, face difficulties in obtaining residency permits. According to interviews and field visits, when they have asked to obtain such a permit for their wives and daughters, they are required to obtain work permits even though the wives and daughters do not actually work for an employer. As a result, whenever possible, the families concerned try to obtain work permits for wives and

children above 18 years old. It is worth noting here that 99% of the work permits delivered to women in 2011 were for Pakistani nationals (See p. 39).

Difficulties in Purchasing Vehicles and Obtaining Driving Licences

In addition, families interviewed complained about the difficulties they have faced since 2010 in obtaining driving licences and registering vehicles, including trucks, under their names. They are apparently sent from one administration to the next without the possibility of obtaining the necessary documents or authorisations. The Tamkeen Research Team could not clearly establish the reasons behind these difficulties, which apparently only concerns Pakistani workers and constitutes a substantive discrimination against this community (See p.53). The Tamkeen Research Team recommends further discussion and cooperation with competent authorities in order to determine the exact cause behind this issue and to put an end to it.

Lack of Access to Education among the Children of Pakistani Families

Finally, the children of this community face a serious lack of access to education. The Embassy of Pakistan in Amman evaluates that only 50% of these children are enrolled in Jordanian schools. The high number of children not enrolled in school would also indicate a high vulnerability to child labour within family enterprises.⁴ The Tamkeen Research Team did not have the opportunity to assess this issue and would recommend that any relevant organisation conduct further studies on child labour in agriculture to carefully consider the situation of the Pakistani community. In this regard, careful consideration must be given to the establishment of programs for education in which the rest of the family can immediately benefit from their children's enrolment in schools, or at least through which the family would see that their income would not be so significantly reduced that they definitively refuse to send their children to school.

⁴ See the Recommendation of the UN Human Rights Committee regarding the need for the further legal protection of children against child labour in family enterprises, p. 63.

Forgotten Rights

**General
Conclusion**

General Conclusion

Thanks to this study, the Tamkeen Research Team conducted unprecedented research on the working and living conditions of migrant workers in agriculture in Jordan. In a sector where no associations or trade unions represent agricultural workers, it was of great importance to document and raise the voices of migrant workers who constitute the vast majority of the agricultural work force.

Migrant workers have expressed the need to have their fundamental rights respected, to receive their full salary on time, to see their family on a regular basis, and to simply have the possibility to offer a decent life to their relatives living abroad or in Jordan. They have generally not expressed anger against employers or disaffection to the Jordanian people, but only the need to be respected as human beings and workers, and to live in Jordan with dignity.

In this study, the Tamkeen Research Team witnessed serious violations of human rights and the Labour Law. Human trafficking and forced labour cases were detected and concerned potentially thousands of workers, especially those working in regular situations. In this regard, the current legal framework applicable to migrant workers, especially to Egyptian workers, has been analysed as highly conducive to the restriction of freedom and forced labour. The workers expressed the most worrisome and problematic violations as verbal and physical abuse.

The working and living conditions of migrant workers in agriculture can be described as extremely difficult. A majority of workers most likely work between 10

and 12 hours, while thousands of workers are certainly working more than 12 hours per day, if not more than 16 hours. The more extra-hours workers undertake, the less likely they are paid for them. Additionally, the average salary of migrant workers in agriculture is generally two times less than that of Jordanians. The workers interviewed mainly demanded an increase in their salaries. As to their living conditions, workers live in plastic houses, tents, or rooms made of concrete material that rarely extend above 20m², and that they must share with three other workers or more. Access to water and electricity has been presented as a persistent issue, especially among workers living in plastic houses and tents. Generally, safety and health conditions in workers' accommodations are particularly below par, and make workers susceptible to high risk of injuries and diseases. Overall, the working and living conditions vary greatly depending on the population concerned.

In particular, the highly negative dynamics of the current labour market in this sector is supported by the interaction between a limited formal market and a large informal market. It appears that migrant workers in regular situations are highly vulnerable to human trafficking and forced labour. They often live in very poor conditions on the work site in remote areas. Their passport may be confiscated, usually through deceptive means, and their salary partially retained. A number of workers in a regular situation flee or avoid such harsh working and living conditions by leaving the farm without their personal documents, or renewing their work permit accordingly, which positions them into an irregular situation, and at risk of deportation.

Alongside the workers who flee farms in which they were legally employed, workers holding fraudulent permits also join the informal market. An exploitive black market of fraudulent work contracts exists in agriculture, a sector that can be described as the black market's international hub. In this black market, some Jordanian employers obtain fraudulent authorisations to massively recruit workers they do not need in practice. The fraudulent employers request intermediaries, who act illegally to find workers, who would be interested in obtaining a work permit. However, without the obligation of working effectively with their legal employer, usually in exchange for amounts varying between 400 and to 1200JD depending on the place of recruitment (Egypt or Jordan), and the intermediary involved. Workers buying such fraudulent permits are thus in an irregular situation, and are under high pressure to reimburse loans from their family and relatives. In practice, a majority work illegally in other sectors, especially construction, while a minority stay in agriculture to work informally with various employers.

By taking into account a global perspective on this situation, we see that the extremely poor working and living conditions of workers in regular situations, in addition to the restriction of freedom and seizure of passports, lead these workers to join the informal market either by fleeing the farms, or by buying fraudulent work permits and working irregularly in Jordan. Employers therefore often experience legally recruited workers leaving their employment. To compensate the

loss of workforce on their farm, employers recruit workers from the informal market, namely “freelancers,” on a daily or monthly basis. The freelancers are often Egyptian workers with fraudulent work permits, and more recently Syrian families (see below). Workers in irregular situations (“freelancers”) are paid more than workers in regular situations, and therefore increase the salary costs for farmers. As a response to the departure of the workers in a regular situation, some employers increase, by any means, the pressure on these workers to stay on the farm. However, the higher the severity of the working and living conditions on the farm, the greater the departure rate. This feeds the informal sector and increases the salary costs of employers in the long run. As a vicious circle, employers forcing workers in regular situations to stay on the farm are indirectly increasing their own salary cost, which in turn further causes employers to pressure workers in regular situations. The current situation drags the whole sector into failure, and primarily originates from the extremely poor working and living conditions of workers in a regular situation, such as working effectively with their legal employer.

According to our study, the primary action to be conducted in response to the current situation is the significant improvement of salaries and working and living conditions of migrant workers in regular situations. Such actions must be combined with a structural reform of the recruitment system to diminish the black market of fraudulent work permits in the agricultural sector.

In this context, the recent influx of Syrian Refugee families in rural areas is creating a new and very inexpensive workforce. Syrian refugee families are extremely vulnerable to exploitation and are generally employed informally and paid less than any other worker in the sector. With regard to salaries, employers recruiting Syrian refugees reduce their usual salary cost up to 50%. This population is also highly susceptible to malnutrition and dehydration; very poor living conditions; gender-based violence; child labour; and lack of access to education. Particular concerns are raised due to the presence of children, especially newborn children, pregnant women, and elders. In this regard, the families interviewed generally expressed difficulties in accessing medical services that stay limited in rural areas. Their general condition is even more precarious due to the fact that they tend to move between the Jordan Valley and the Highlands according to the seasons, which impedes enrolment in schools, access to humanitarian services, and access to the provision for continuous support throughout the year.

Finally, the specificities of the community of Pakistani farmers who have been living in Jordan in tents with their families for three generations now is also highly significant. A great concern from this community relates to the lack of children’s access to education. It seems that approximately 50% of the children are not enrolled in school, and might be working within the family enterprise, which will require specific programs targeting this population.

In addition, Pakistani families have the particularity of sustaining their own economic activity, as Jordanian families do. However, their status as migrants and their low income prevents them from owning land or being registered as employers. As a result, they must rent the land they work on. The only way for them to reside legally in the Kingdom is to obtain a work permit, which must be renewed every year. Despite the length of their presence in Jordan, there are no family reunion rules applicable to them, which implies that they must also obtain work permits for their families, especially wives and daughters, in order to remain in a regular situation, despite the fact that they do not actually work with an employer. The discrepancy between their actual activity and their legal status reveals an inadequacy in the law, as it does not address their actual situation. This makes them dependant on the administrative support of a Jordanian friend or acquaintance that would kindly accept to be their employer on paper. They have also expressed specific difficulties in obtaining driving licenses and registering vehicles under their name since 2010, which makes them highly dependent on Jordanian acquaintances.

To conclude, the Tamkeen Research Team establishes that migrant workers in agriculture are generally working and living in very poor conditions, in terms of salaries, working hours, safety and health conditions, or access to social security. In particular, migrant workers in regular situations are highly vulnerable to human trafficking and forced labour. Syrian refugee families are sustained in a very precarious situation and are at risk to exploitation, including child labour and very low salaries – below the minimum salary applicable to migrant workers in general. The Tamkeen Research Team therefore assesses an urgent need for assisting the population of agricultural migrant workers in their plight and for conducting structural reforms of the recruitment and referral system, in cooperation with all stakeholders, to prevent and punish violations of human rights and Labour Law in this sector.

Recommendations

Human Trafficking and Forced Labour

- As a matter of urgency, intensifying cooperation between Egyptian and Jordanian authorities to prevent and punish trafficking in persons between the two countries for the purpose of forced labour in agriculture, in particular:
 - Taking legal action to close and punish private recruitment agencies currently recruiting workers illegally in Egypt;
 - Establishing labour inspections in the agricultural sector and providing training to labour inspectors on human trafficking in this sector;
 - In cooperation with relevant local NGOs and the Anti-Human Trafficking Unit, conducting missions to reach migrant workers, especially workers in regular situations, who are victims of human trafficking and forced labour;
 - In cooperation with relevant local NGOs, the Anti-Human Trafficking Unit, the Ministry of Labour and the Ministry of Agriculture, conducting awareness campaigns targeting workers and employers on human trafficking and forced labour. Such campaigns should be conducted in rural areas, with a focus on the Jordan Valley, and through mass media, especially television, and would provide the contact details of the hotline established by

- the Ministry of Labour, of the Anti-Human Trafficking Unit, and of relevant local NGOs:
- Opening legal procedures before criminal courts on every human trafficking and forced labour case detected. Such criminal proceedings should be pursued until a competent tribunal makes a final decision on the case, and should not be aborted as a result of the return of the victims to their country of origin;
 - In cooperation with the International Organisation for Migration, the Egyptian and Jordanian Governments, supporting financially and in kind the victims willing to return to their country of origin;
 - In cooperation with the International Labour Organisation, adopting within the Labour Law and Penal Codes a legal definition of the term “forced labour,” based on the highest standards of international law and that covers in particular all work or service exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily;
 - Providing special assistance to the victims, especially through the establishment, in rural areas, particularly in the Jordan Valley of at least one refuge dedicated to men.
- As a matter of urgency, abolishing the current clearance system applicable to Egyptian workers, as it restricts their freedom to leave Jordan contrary to Article 2 and 12 of the International Covenant on Political and Civil Rights of 1966, and increases the risk of blackmailing and forced labour.
 - In an effort to reduce the number of workers in irregular situations and to respond to forced labour, considering changes in the current legislation to allow migrant workers in agriculture to change employers during the period covered by their work permit, without requiring an authorisation from the original employer.

Child Labour

- As a matter of urgency, further assessing the presence of child labour in the agricultural sector; developing programs to prevent child labour; and supporting access to education, in addition to punishing employers recruiting children contrary to the Labour Law. In particular:
 - Establishing labour inspection in the agricultural sector.
 - Considering an increase in the penalties currently provided for by the labour law, and adopting criminal sanctions against employers recruiting children.
 - Conducting school enrolment campaigns organized during periods where the migrant workers, especially Syrian and Pakistani families, are present in the concerned area (i.e. the period between April to October in the Highlands and the period between October to April in the Jordan Valley).
 - Developing programs aiming at supporting the families who send

their children, who had previously been working to support their family financially, to school in order to reduce the financial hardship caused by the enrollment and to placate the parents' fear of sending their children to public schools

Gender-Based Violence

- Conducting further assessments to better understand the situation of women and girls working and living in the agricultural fields, and the risks of exploitation and violence they may face. This would enable relevant stakeholders to design appropriate awareness raising activities and services for prevention of and response to gender-based violence in this sector.

Legal Status and Legal Protection of Workers in Agriculture

- As a matter of urgency, restoring the distribution of the informative page regarding the rights and duties of workers, circulated until 2007 to all Egyptian workers at the time of their recruitment in Egypt.
- In the view of ensuring the protection of the fundamental rights of migrant workers in Jordan, ratifying and implementing, as early as possible, the United Nations *International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families* of 18 December 1990;
- In an effort to protect effectively the rights of all agricultural workers, ratifying and implementing the International Labor Organisation *Convention concerning Safety and Health in Agriculture* of 21 June 2001 (ILO Safety and Health in Agricultural Sector Convention, No. 184), and the *Convention concerning Labour Inspection in Agriculture* of 25 June 1969 (ILO Labour Inspection (Agriculture) Convention, No. 129)
- Reviewing Article 3 of the Labour Law to provide agricultural workers with the same legal protection as any other workers in the Kingdom, or adopting a comprehensive regulation under the same article to ensure that agricultural workers receive legal protection equivalent to that currently provided for by Labour Law, in particular by:
 - o Adopting the same safeguards and limits in relation to working hours, including the payment of extra hours beyond 8 hours of work and during official holidays.
 - o Adopting the same rules applicable to safety and health at work.
 - o Adopting the same rules applicable to the right of the worker to resign from his or her work contract.
 - o Making unlawful the confiscation of any personal documents of the worker by anyone other than a public official duly authorized to do so by law.
 - o Adopting the same safeguards and limits in relation to the

- minimum age to employ workers, including special rules applicable to the worst forms of child labour.
 - Adopting the same rules applicable to trade unions and the right to bargain.
- In an effort to reduce the number of workers in irregular situations in the Kingdom and conducting further studies on the desirability and feasibility of the establishment of seasonal contracts in the agricultural sector, in cooperation with farmers and farmers' associations, workers, the Ministry of Labour and the Ministry of Agriculture.
- With the objective of ensuring that the \$250 deposit paid by workers of Egyptian nationality at the Aqaba Border is fully returned on time, improving cooperation between the financial directorate and the labour directorates to speed the payment process and strengthen exchange of accurate and updated information.
- Considering further cooperation among stakeholders to determine how the legal situation of Pakistani families could better fit their actual situation as farmers sustaining their own economic activities.

Fraudulent work contracts (“Free and Commercial Contracts”)

- With the aim of reducing the number of workers in irregular situations in the Kingdom and the exploitation of workers buying fraudulent contracts, considering a review of the procedure before the Employment Committee at the Ministry of Labour, of the role of the Ministry of Agriculture and farmers' associations, in order to develop their accountability and transparency in the recruitment procedure of migrant workers in agriculture. Such review should be combined with an active policy to increase control over the veracity of employers' needs for the recruitment of migrant workers, in addition to firmly and effectively punishing fraudulent employers and brokers.

Departure of Workers from the Farms

- In order to respond to the departure of workers from the farms where they are legally employed, conducting further scientific studies and establishing working groups to determine the feasibility of an increase in the minimum salary applicable to migrant workers in agriculture to 190JD per month, as well as a significant improvement of their working and living conditions on site. Such work must carefully take into account the current overall costs borne by employers in recruiting workers in irregular situation.

Housing and living conditions

- Facilitating access to food and water, including considering the establishment of UNHCR food providers in the Jordan Valley for the benefit of Syrian refugees.

- In order to respond to the extremely poor sanitary conditions of migrant workers living in plastic houses (Egyptian workers) and tents (Syrians and Pakistani families), supporting and establishing trainings on site of key family households on how to ensure the proper management of toilets and waste water to avoid the exposure of workers and families, especially children, pregnant women, and elders, to disease and infections.
- In order to respond to the extremely poor safety conditions of migrant workers living in plastic houses and rooms, supporting and establishing onsitetraining for workers and employers on how to improve safety in workers' accommodations.
- Developing medical services in the Jordan Valley, especially in relation to sexual and reproductive health and childcare, in the Jordan Valley.
- Conducting further studies and roundtable discussions with relevant stakeholders, including the Ministry of Labour, Ministry of Agriculture and the Ministry of Municipal Affairs, to determine to what extent employers and workers are allowed to build rooms and houses in concrete materials when they work on site. Considering the possibility of requiring employersto provide decent housing conditions to workers obligatedto live at their place of work.
- Conducting further enquiries and research to determine the reasons behind the difficulties Pakistani farmers have facedsince 2010 in obtaining driving licenses and registering vehicles under their names.

ANNEX I: QUESTIONNAIRE

Personal Information / معلومات شخصية

1. What is your nationality?
إسم الدولة التي تحمل جنسيتها؟

2. How old are you?
كم عمرك؟

3. In which area did you live in your home country?
في اي منطقة تعيش في بلدك؟؟

4. What is your level of education?
ما هو المستوى التعليمي الذي حصلت عليه؟؟

استقدام و توظيف / Recruitment

5. When did you enter Jordan for the first time?

متى دخلت الأردن لأول مرة؟

6. What is the total amount of time you spent in Jordan?

كم المدة او مجموع المدد التي امضيتها في الاردن؟

- Less than 3 months / منذ أقل من 3 أشهر
- Between 3 and 6 months / من 3-6 أشهر
- Between 6 months and 1 year / من 6 أشهر - سنة
- Between 1 year and 3 years / من سنة - 3 سنوات
- More than 3 years / منذ أكثر من 3 سنوات

7. From which border or port did you enter Jordan

من اي مركز حدودي او ميناء دخلت الى الأردن؟

8. Did you know what kind of work you would be doing when you are in Jordan?

هل كنت تعلم ما هي طبيعة العمل الذي ستقوم به في الأردن؟

- Yes / نعم

- No / لا

If you answered No, please tell us what work you thought you would be doing

إن كانت الإجابة لا- ما نوع العمل الذي اعتقدت أنك ستقوم به؟

9. What is the occupation mentioned in your work contract?

ما هي المهنة المذكورة في عقد عملك؟

10. What is your current occupation?

ما هو عملك الآن؟

11. Did you choose to work in your current occupation

If yes, please explain why.

هل اخترت بنفسك العمل في هذا المجال؟ في حال نعم، لماذا؟

12. Do you plan to switch to another job?

هل تنوي الانتقال إلى مهنة أخرى؟

- Yes / نعم

- No / لا

If yes, please explain why

إن كانت الإجابة نعم يرجى ذكر السبب

13. Who helped you get to Jordan?

من ساعدك في الوصول إلى الأردن؟

- Acquaintances in my country / معارف في بلدي الأم
- Acquaintances in Jordan / معارف في الأردن
- Recruitment agency / مكتب استقدام
- Friends & Family / الأصدقاء او العائلة
- Broker / وسيط
- Through Official Channels / خلال قنوات رسمية
- Other / طريق آخر

If you chose "Other," Please mention the other way how you

got to Jordan في حال اختيارك "طريق آخر" يرجى ذكره

14. What expenses did you have for working in Jordan?
ما التكاليف المترتبة على عملك في الأردن؟

Value قيمتها	To whom was it paid لمن تم دفعها	Refunded مستردة	Type نوعها
			Travel Ticket تذكرة سفر
			Buying a Work Permit شراء عقد عمل
			Entry Insurance Voucher سند تامين الدخول
			Buying a Visa شراء وثيقة دخول
			Other شيء آخر

In the case you did not refund your payment for the Insurance Voucher, please explain the reason?

في حال عدم استردادك للمبلغ الذي دفعته لسند التامين (٢٥٠ دولار)، يرجى ذكر السبب؟

15. How did you pay for these expenses?
كيف دفعت هذه التكاليف؟

- Selling your property (Land, house, etc.) / بيع ممتلكات خاصة (أرض، منزل، الخ)
- Selling other valuables (jewelry, etc.) / بيع ممتلكات ثمينة (مجوهرات، الخ)
- Borrowing money from friends/family / اقتراض مبلغ من المال من الأصدقاء/الأسرة
- Working / عن طريق العمل
- Others, please specify / بطرق أخرى، اذكرها

16. Did you know your employer before you came to Jordan?
هل كنت تعرف من هو صاحب العمل قبل أن تأتي إلى الأردن؟

- Yes / نعم

- No / لا

Working Conditions / ظروف العمل

17. What were you working in your home country?
ماذا كنت تعمل في بلدك الام؟

18. How much were you being paid in your home country?
كم المبلغ الذي كنت تتقاضاه شهريا في بلدك؟

- 0-30JD per month / أقل من ٣٠ دينار
- 30-60JD per month / من ٣٠-٦٠ دينار
- 60-90JD per month / من ٦٠-٩٠ دينار
- 90-120JD per month / من ٩٠-١٢٠ دينار
- 120-150JD per month / من ١٢٠-١٥٠ دينار
- More than 150JD per month / أكثر من ١٥٠ دينار
- other / أخرى

19. Which of these problems or violations were you subjected to?

أي من المشاكل أو الاساءات التالية واجهتها من قبل صاحب العمل؟

No / لا	Yes / نعم	Type of ill-treatment نوع الإساءة	No. رقم
		Paying the salary on time / دفع الاجور في موعدها	1
		Physical abuse / انتهاكات بدنية	2
		Verbal abuse / انتهاكات لفظية	3
		Restricting freedom / حجز الحرية	4
		Withholding passport / حجز جواز السفر	5
		Signing promissory notes without any account balance توقيع سندات مالي بلا رصيد	6
		Deception / الخداع	7
		Coercion / الاكراه	8
		Threat / تهديد	9
		Restricting vacations and holidays عدم اعطاء اجازات او عطل	10

20. How many hours a day do you work?

كم عدد الساعات التي تعمل فيها باليوم الواحد؟

- Between 4-8 / من ٤-٨ ساعات
- Between 8-12 / من ٨-١٢ ساعة
- Between 12-16 / من ١٢-١٦ ساعة
- More than 16 / أكثر من ١٦ ساعة

21. If you work more than 8 hours a day, do you get paid for overtime?

إذا كنت تعمل أكثر من ٨ ساعات يومياً، هل يدفع لك اجرا اضافياً؟

- Yes / نعم

- No / لا

22. Do you receive your wage

هل تتقاضى أجرك

- On daily bases / يومياً

- On weekly bases / أسبوعيا
- On monthly bases / شهريا
- Seasonally / موسميا
- Others, mention it / أخرى، أذكرها.....

23. Do you receive your salary on time?

هل تتقاضى أجرك في موعده المحدد؟

- Yes / نعم

- No / لا

في حال لا، هل يتم التأخير بموافقتك؟

- Yes / نعم

- No / لا

24. Do you carry out another paid job?

هل تعمل عمل آخر الى جانب عملك مقابل أجر؟

- Yes / نعم

- No / لا

25. How much do you earn in Jordan? / كم تتقاضى شهريا في الأردن؟

- Less than 110 JD per month / أقل من ١١٠ دنانير شهريا
- Between 110 JD to 150 JD per month / ما بين ١١٠ - ١٥٠ دينار شهريا
- Between 150 JD and 190 JD per month / ما بين ١٥٠-١٩٠ دينار شهريا
- Between 190 JD and 250 JD per month / ما بين ١٩٠-٢٥٠ دينار شهريا
- Over 250 JD per month / أكثر من ٢٥٠ دينار شهريا

26. Is this the same salary you were guaranteed in your home country?

هل هذا هو نفس الراتب الذي وعدت بتقاضيه في الاردن عندما كنت في بلدك الام؟

- Yes / نعم

- No / لا

If you answered No, what salary were you promised when you were in your country?

إن كانت الإجابة لا- ما الراتب الذي كنت قد وعدت به عندما كنت في بلدك؟

27. Do you have any of the following equipments or tools to guarantee security and safety in your work place?

هل تتوفر أي من تجهيزات الامن والسلامة التالية في مكان عملك؟

- First aid box / صندوق إسعافات أولية
- Respirators / كامامات
- Gloves / قفازات
- Fire extinguisher / طفاية حريق
- Others, mention it / أخرى أذكرها.....

28. Were you a member of a union in your home country??

هل كنت عضوا في نقابة في بلدك ألام؟؟

- Yes / نعم

- No / لا

في حال نعم ، أذكرها / If yes, mention it

29. Would you like to join a union in Jordan?

هل ترغب بالانضمام الى نقابة في الاردن؟؟

- Yes / نعم

- No / لا

في حال نعم ، أذكرها / If yes, mention it

لماذا?? / Why??

Social Conditions / الظروف الاجتماعية

30. Are you: هل أنت؟

- Single / أعزب
- Engaged / خاطب
- Married / متزوج
- Divorced / مطلق
- Widowed / أرمل

31. Do you have any friends or relatives in Jordan?

هل لديك أصدقاء أو أقارب في الأردن؟

- Yes / نعم

- No / لا

If yes, in which city? في حال نعم، في أي مدينة؟

32. If you answered yes, please tell us how you get in touch with them?

في حال نعم- كيف تتواصل مع أصدقائك أو أقاربك الموجودين في الأردن؟

- I visit them / أقوم بزيارتهم
- They visit me / يقومون بزيارتي
- Over the phone / عبر الهاتف
- Colleagues at work / أصدقاء عمل
- Others..... / غير ذلك

33. What do you do in your free time? (circle all that apply)

ماذا تفعل في وقت فراغك؟ (ضع دائرة حول كل ما تمضي وقت فراغك به)

- Socialize with others / مقابلة الأصدقاء والأقارب
- Extra work outside of your jobs (minor jobs)
- العمل الإضافي خارج نطاق العمل الخاص بك (وظائف ثانوية)

- Play sports / ممارسة الرياضة
- Work out in a gym / لعب الرياضة في نادي رياضي
- Watch TV / مشاهدة التلفزيون
- Listen to the radio / الاستماع إلى الراديو

34. Are you accompanied with your family?
هل عائلتك ترافقك؟

- Yes / نعم

- No / لا

35. How many people do you support financially?
كم عدد الأشخاص الذين تعيلهم؟

- 1-2
- 3-5
- 6-8
- More than 8 / أكثر من ٨

36. How often do you talk with your family in your home country?
كم مرة تتحدث عادة إلى عائلتك في بلدك الأم؟

- Every day / كل يوم
- Once a week / مرة كل أسبوع
- Every other week / مرة كل أسبوعين
- Not at all / لا أتحدث معهم على الإطلاق

37. How do you contact your family in your home country?
كيف تتواصل مع عائلتك في بلدك الأم؟

- Through the internet / من خلال الانترنت
- By phone / عبر الهاتف
- By letters / عبر الرسائل
- Other, mention it / طرق أخرى اذكرها

38. Has your working in Jordan affected your relationship with your family?

هل أثر عملك في الأردن على علاقتك بعائلتك؟

- Yes / نعم

- No / لا

▪ كيف ذلك؟ / How?

39. Do you face a problem in dealing with Jordanian people?

هل تواجه مشكلة في التعامل مع المواطنين الأردنيين؟

- Yes / نعم

- No / لا

في حال نعم حددها / If yes, define it

40. Where do you work?

اين يقع مكان عملك؟

- Amman / عمان
- Irbid / اربد
- Zarqa / الزرقاء
- Dair Allah / دير علا
- North Valley / الغور الشمالي
- South Valley / الغور الجنوبي
- Al safi Valley / غور الصافي
- Other / في مكان اخر.....

41. Do you live in your working place?

هل تسكن في مكان عملك؟

- Yes / نعم

- No / لا

42. If no, where do you live?

في حال لا، أين تسكن في الأردن؟

- Amman / عمان
- Irbid / اربيد
- Zarqa / الزرقاء
- Dair Allah / دير علا
- North Valley / الغور الشمالي
- South Valley / الغور الجنوبي
- Al safi Valley / غور الصافي
- Other, mention it /..... اذكره

43. Do you live far from your working place?

هل تعيش بعيدا عن مكان عملك؟

- Yes / نعم

- No / لا

44. In case yes, how is the transportation?

في حال نعم، كيف المواصلات؟

- Hard / صعبة
- Easy / سهلة
- Average / متوسطة

45. What type of place do you live in?

ما هو نوع المكان الذي تعيش فيه؟

- Apartment / شقة
- House / منزل
- Company provided dormitory / سكن من الشركة
- Other / مكان آخر

46. Are the following services available in the place you live in?
هل تتوفر في مكان سكنك الخدمات التالية؟

- Water / مياه
- Electricity / كهرباء
- Sewerage system / مجاري
- Telephone / هاتف
- Heating and cooling system / نظام تدفئة وتبريد

47. What is the space of the place you live in?
ما هي مساحة السكن الذي تعيش به؟

- Less than 20 sq meters / أقل من ٢٠ م^٢
- From 20-40 sq meters / من ٢٠-٤٠ م^٢
- From 40-60 sq meters / من ٤٠-٦٠ م^٢
- More than 60 sq meters / أكثر من ٦٠ م^٢

48. Do you live with anyone else?
هل تعيش مع شخص آخر في المنزل؟

- Yes / نعم

- No / لا

If you answered Yes, how many people do you live with?
إن كانت الإجابة نعم- كم عدد الأشخاص الذين تسكن معهم؟

49. How much do you transfer to your home country?
كم المبلغ الذي تحوله الى عائلتك في بلدك الأم؟

- From 0-20 JD / من ٠-٢٠ دينار
- From 20- 50 JD / من ٢٠- ٥٠ دينار
- From 50- 80 JD / من ٥٠- ٨٠ دينار
- From 80- 110 JD / من ٨٠- ١١٠ دينار
- From 110- 140 JD / من ١١٠- ١٤٠ دينار
- More than 140 JD / أكثر من ١٤٠ دينار

50. Could you save any money from your salary?

هل تستطيع ادخار بعض المال من راتبك؟

- Yes / نعم

- No / لا

51. كم تبليغ نفقاتك الشهرية في الاردن (طعام ، سكن ، إتصالات ، مواصلات ، مراجعات طبية ...؟)

- أقل من ربع الأجر
- من ربع الى نصف الأجر
- أكثر من نصف الأجر

52. When you have a problem with your employer, who do you turn to for help?

عند وجود مشكلة لديك مع صاحب العمل ، إلى من تلجأ للمساعدة؟

- The Embassy / السفارة
- Your employer / صاحب العمل
- Your friends / أصدقاءك
- The Police / الشرطة
- The Courts / المحاكم
- The community leaders / القيادات المجتمعية
- According to the type of problem / حسب نوع المشكلة

53. Do you have any medical coverage in Jordan? هل لديك أي غطاء صحي في الأردن؟

- Yes / نعم

- No / لا

If yes, is it هل هي

- Hospitals / مستشفيات
- Clinics / عيادات
- Medical center / مراكز صحية
- Medical provision / تزويد بدواء

54. Do you have social security in your home country or in Jordan?
هل لديك تأمين اجتماعي(تقاعد ، إصابات العمل ، أمراض المهنة ، تعطل عن العمل) في بلدك الام او في الاردن؟

- Yes / نعم

- No / لا

55. What is the hardest thing you have had to face since coming to Jordan?
ما هو أصعب شيء واجهته منذ وصولك إلى الأردن؟

56. When are you planning to return to your country?
متى تنوي العودة إلى بلادك؟

- Within the next three months / في غضون الأشهر الثلاثة المقبلة
- Within the next six months / في غضون الأشهر الستة المقبلة
- Within the next year / في غضون العام المقبل
- Do not know / لا أعرف

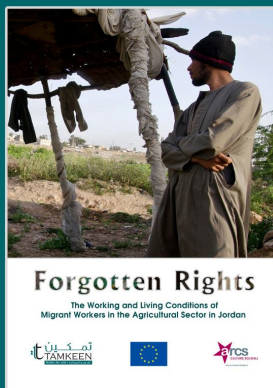
57. After you return to your country, do you plan on coming back to Jordan to work?
بعد العودة إلى بلادك، هل تنوي الرجوع إلى الأردن للعمل مرة أخرى؟

- Yes / نعم

- No / لا

58. What do you think needs to be done to improve your lives in Jordan?
حسب اعتقادك ما الذي يتعين القيام به لتحسين حياتك في الأردن؟

59. How could you bring your family to Jordan?
كيف استقدمت عائلتك؟



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