



Submission to the Human Rights Council of the United Nations Universal Periodic Review of Jordan (Fourth Cycle Jan. – Feb. 2024) – 45th Session

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King Hussein Foundation (IRCKHF)- (Joint Submission)

Organization website: <https://tamkeen-jo.org/en> , and <https://irckhf.org/>

Tamkeen for Legal Aid and Human Rights

Tamkeen for Legal Aid and Human Rights is a non-governmental, independent and neutral organization established on October 10th, 2007. The organization aims to promote the exercise of fundamental human rights and freedoms for all segments of society, particularly marginalized persons such as children, women, refugees, workers, people with disabilities and others in accordance with national and international conventions and treaties.

Information and Research Center King Hussein Foundation

The Information and Research Center – King Hussein Foundation (IRCKHF) was initially launched in 1996 as part of the National Task Force for Children. Today, the IRCKHF mobilizes knowledge for positive social change. IRCKHF promotes the welfare of children, youth, women, families, communities, and vulnerable groups by providing objective, multidisciplinary research and analysis to practitioners and policymakers in Jordan and the region, enabling effective socio-economic planning and decision-making. IRCKHF is a member of [MIDEQ](#) Hub (Migration for Development and Equality) and the work on Egyptian Workers has been funded by the UKRI Global Challenges Research Fund (GCRF) [Grant Reference: ES/S007415/1]. The GCRF is a five-year £1.5 billion fund aimed at addressing the problems faced by developing countries.



Rights of Egyptian Workers in Jordan

1. Introduction

1.1 Jordan has ratified the core international human rights conventions, except for the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and Convention for the Protection of All Persons from Enforced Disappearance.

1.2 Despite the absence of a provision defining the legal value of international treaties in the constitution, the Jordanian judiciary has established that treaties transcend national laws whether they were approved by Parliament or those deemed not needing this approval¹. The Constitutional Court also affirmed that it is not permissible to issue a law that contradicts the obligations established by a treaty ratified by law².

1.3 The last time Jordan interacted with the Committee on Economic, Social, and Cultural Rights was in 1997, when the government submitted its second periodic report. Failure to submit periodic reports on time had a negative impact on the ability of NGOs and activists to report on violations of this category of rights, including the rights of migrant workers, via alternative (shadow) reports.

1.4 Egyptians have a 40-year history of working in Jordan, mainly in the service, agriculture, and construction industries. According to an interview with an official of the Ministry of Interior, the number of Egyptians in Jordan is estimated at 420,000 workers, making up the largest proportion of expatriate workers. However, the Ministry of Labour reports that the total number of Egyptian workers who are not officially documented or counted in Jordan is much higher. Thus, some estimates put the number of Egyptians in Jordan at 520,000, with around 320,000 without work permits in the service, agriculture, and construction industries³.

1.5 In the third UPR Cycle, Jordan approved eight recommendations to strengthen its legal and institutional frameworks to ensure the promotion and protection of migrant workers' rights, to combat human trafficking, to improve their working conditions in accordance with international standards, and to bolster Labor inspection⁴.

2. The Legal Framework for Egyptian Workers in Jordan

2.1 Article 12 of the Labour Law No. 8/1996 stipulates that non-Jordanian workers may only be employed with the permission of the Minister of Labour if the work they perform needs expertise and abilities that are unavailable or insufficient in the Jordanian workforce. According to the Minister's Directives, Egyptians are only permitted to work in specific sectors such as the agricultural, construction, and services sector. This is further defined and structured by the bilateral agreement between Egypt and Jordan in the field of labour, workforce, and migration.



2.2 As noted above in paragraph (1.4), Egyptian migrant workers usually work in specific sectors. However, they cannot alternate between the sectors freely. There are also restrictions on the Egyptian employee's ability to work for a different employer. If his work permit was revoked, his previous employer's consent is required for him to work for a new employer⁵. In addition, if an Egyptian worker's work permit has expired, he is required to obtain clearance from his previous employer before working for a new employer.⁶ This, in effect, creates an unwritten sponsorship system. Egyptian workers can become illegal workers if they work for someone other than the specific employer, if they do not have a work permit, or if they work in a governorate that is not stated in their work permits. Moreover, the employer's consent is required for workers to take a leave for visiting Egypt. Although solutions such as a non-employer-specific permit exist, they are too expensive to obtain. The fees for a non-employer-specific permit are approximately 1,700 USD, but the fees for other work permits range from 500 USD to 700 USD. In other words, restrictive work permits are far easier to access and more affordable⁷.

2.3 Only male Egyptian workers are permitted to enter Jordan. Egyptian women are not permitted to enter Jordan without their husbands and can only enter after satisfying stringent requirements. Primarily, the Egyptian husband should be registered with the Social Security Corporation to prove that he has a stable job, has a monthly income of more than 714 USD, or enjoy investor status. Even these conditions the Jordanian authorities have discretionary power to deny the entry of the worker's family. This also implies that an Egyptian worker cannot bring his wife and children to Jordan for short or extended trips.

2.4 Special provisions in Jordanian law distinguish Egyptian workers from those of other nationalities seeking employment in Jordan. These provisions are based on bi-lateral agreements and memorandums of understanding signed between the Jordanian and Egyptian governments, which stipulate that the entry of Egyptian workers is governed by mechanisms and procedures that do not apply to workers of other nationalities. Consequently, the Egyptian government prohibits the departure of any Egyptian for employment in Jordan, except in accordance with the procedures outlined in these bilateral agreements⁸.

2.5 When an Egyptian worker enters Jordan through a border crossing, he must present his work contract, valid passport, medical examination, non-conviction certificate, skill measurement certificate, and license to practice his profession in the required specialization (currently not activated). Additionally, the Jordanian government collects a security deposit of \$250 from the worker, which will be returned to him after he completes the procedures for obtaining a work permit within 45 days. The validity of the work permit begins on the date of entry into the United Kingdom, as indicated on the worker's passport⁹.

2.6 Article (4/14) of the Instructions for the Conditions and Procedures for the Employment and Recruitment of Non-Jordanian Workers for the year 2012 and its amendments requires the



worker to enter the Kingdom before the expiration of (45) days from signing the work contract with the Egyptian Ministry of Manpower, and to join the employer who recruited him and take a procedure Medical examination at the Directorate of Expatriate Health affiliated with the Ministry of Health, and to obtain a work permit from the Ministry of Labor.

2.7 Due to the Egyptian worker's work permit being tied to the employer for a period of one year, his transfer to a new employer differs in the two instances¹⁰:

a) To rescind a work permit for the purpose of transferring to a new employer, the approval of both the employer and the worker is required.

b) In the event that the work permit expires, the employee is required to obtain permission from the previous employer to transition to a new employer.

2.8 The Egyptian worker has the right to use paid vacations or obtain unpaid leave for any reason and in agreement with the employer and spend it outside the Kingdom, as outlined in Minister of Labor Decision No. (15). /2022 dated 21 Feb2022. The worker may obtain permission to leave Jordan and return within the period specified by the employer, and there is no maximum limit for the period that the worker will spend outside the Kingdom, except that this must be within the validity period of the work permit and not exceed the expiry date of the work permit. The fee specified in Article (5/b/1) of the Work Permit Fees for Non-Jordanians Regulation No. 142 of 2019 and its amendments, equal to ten dinars (14 USD), is required to obtain an exit and return permit.

2.9 The Social Security Corporation shall disburse a one-time compensation to the Egyptian worker at the end of his service, provided that a no-objection letter is obtained from the Ministry of Labor and the application is made within a period not exceeding three months from the date of expiry of the work permit. He must also pay the work permit fees retroactively if he does not have a work permit¹¹.

2.10 The two memorandums of understanding (MoUs) signed between Jordan and Egypt in 2007 and 2009 restrict Egyptian laborers' migration and entry into Jordan to Red Sea ports (Nuweiba-Aqaba). These MOUs are reflected in Jordanian regulations and have been followed by official circulars, the most recent of which was issued in 2023 and excludes Egyptian professionals such as physicians, engineers, attorneys, etc., allowing them to enter Jordan through airports or other official entry points. Clearly, these regulations discriminate against the category of semiskilled laborers. In addition, many Egyptian employees reside in distant cities from Nuweiba, causing them to spend a great deal of time traveling within Egyptian cities until they reach their destination. When workers arrive in Aqaba, Jordan, they encounter the same difficulty, which increases their financial burdens.



3. Practice:

3.1 The majority of the Egyptian workers in Jordan paid a substantial amount of money ranging up to 4,300 USD to come to Jordan. This is called the “contract price” and although this process is nowhere to be found in the law, it is in fact a part of a widespread and illegal phenomenon of work permit trade that leaves the migrant workers in a precarious position. The process involves two key individuals: the Jordanian, who can issue work contract through the Ministry of Labour, and the Egyptian, who provides the Jordanian employer with the names of Egyptians who seek to work in Jordan. The Egyptian migrant worker may enter Jordan once the work contract is issued. Other parties may be involved between the two primary parties; some may receive a portion of the commission while others do not because they are merely performing a favour for a friend or relative¹².

3.2 When they arrive in Jordan, many Egyptian workers are taken aback by the nature and variety of work they are required to perform. Due to their prior signature on the contract, these employees are unable to retract from the agreement and are instead compelled to accept the unavoidable situation. These employees are forced to work in occupations that are not suited to them, and in many instances, the work they are required to perform exceeds their abilities and endurance¹³.

3.3 As described in paragraph (2.5), Egyptian workers entering the kingdom are required to pay \$250 or the equivalent in Jordanian Dinar as a guarantee that they will join their employer and acquire a work permit within 45 days. This amount of money should be covered by the employer, not the Egyptian worker. According to Labor Law No. 8/ 1996, the employer is responsible for the issuance of work permits; because this fee is associated with the fulfillment of the work contract, the law mandates the employer to pay it, not the worker. These legal articles must be revised so that they not only clearly define the responsibilities of the employer and the worker, but also so that the worker is not at the discretion of the employer to execute his obligation of issuing the work permit within the timeframe specified by regulation¹⁴.

3.4 The conditions outlined in the relevant legislation that would allow Egyptian employees to receive funds from the social security cooperation, as described in paragraph (2.9), are impractical and unjust to the worker. The laborer without a prior work contract must pay the cost of the work permit retroactively for the duration of his social security subscription. For a significant proportion of Egyptian workers, this has resulted in a loss of wages to the Social Security Corporation. Many employers are slow to return passports to workers after the end of their contracts, citing reasons such as waiting for new workers, not having sufficient funds to cover the



dues of the previous workers, and alleging the workers of multiple offenses before the public authority and Ministry of Labor. Occasionally, an accident or other circumstances prevent a laborer from leaving the country within 90 days. These conditions in this legislation led to the loss of millions of dollars in unpaid wages owed by Egyptian workers. Additionally, migrant workers cannot withdraw their contributions from the Social Security Corporation upon leaving work without the written consent of the employer¹⁵. This contradicts Article (4) of the Social Security Law, which stipulates that the nationality of the worker should not be a basis for discrimination.

3.5 Some Employers are abusive of their authority by not granting Egyptian workers the needed approvals to change their employer (waiver) or even going back home during their annual leave. Also, there are no laws that prohibit the employer from manipulating the worker through acquittal or exoneration, and there is no explicit provision that punishes or prohibits the employer from extorting the worker to get the needed approvals.

3.6 The wording of the waiver form provided by the employer to the Egyptian worker to work for another employer indicates that the worker releases the responsibility of the employer and that he will not claim any right he has now or in the future. Considering that this formulation is in the interest of the employer, as the worker waives according to it all his rights and entitlements, from leave allowance and end-of-service gratuity, it is considered a violation of international conventions ratified by Jordan. Furthermore, migrant workers in Jordan, including Egyptian workers, are unable to resign or terminate their employment without the employer's written consent. Administrative sanctions, including fines, administrative detention, and deportation, will be imposed on the worker if he abandons his job. This makes the employee subject to these penalties even if the reason for leaving the workplace was exposure to multiple violations by the employer, the very individual who reported the employee's departure¹⁶.

3.7 Clearly, the authority exercised by the Egyptian employer over the migrant laborer paves the way for various forms of forced labor. It also violates his right to gain his living by work which he freely chooses or accepts¹⁷ and deprive him from the right to return to his country¹⁸

3.8 One of the biggest issues that Egyptian migrant workers face is the lack of health insurance and social security coverage. Most construction workers are not covered by social security. Even when companies do provide health insurance, their workers are often unaware of their rights and entitlements. In the same vein, employers also seem to be unaware of their duties to cover the costs of work-related injuries. Additionally, there is a significant lack of transparent law regulations, with frequently changing directives, which renders the legality of working conditions even more convoluted¹⁹.

4. Agriculture Workers Regulation No. 19/2021



4.1 According to official statistics, 12% of Egyptian workers, or approximately 51,000 people, are employed in agriculture²⁰. Although the actual number is significantly higher when informal workers are considered.

4.2 For years, agriculture workers in Jordan suffered from lack of wage protection, lack of written contracts, absence of social security coverage, and poor occupational safety and health measures as they were excluded from the Labor law. With the aim to mitigate the harsh working conditions, the Council of Ministers issued the Agriculture Workers Regulations No. 19/2021²¹.

4.3 the Agriculture Workers Regulations No. 19/2021 does not address the protection needs of agricultural workers and does not reflect how these workers recruited. The regulation presumes that agriculture workers have a defined employer, while in realities these workers work on daily basis in different farms through intermediaries known as “Shawish”. This will cause implications for the enjoyment of workers’ rights including paid leaves, appropriate housing, and medical care in case of injury during work.

4.3 The Regulation makes drafting a written contract an option²². As a result, the practice of not having written contracts among agriculture workers continues which will lead to difficulties in claiming their rights, and treat these workers as subcontractors, who do not have the same protection guaranteed the labour law and other related legislation²³.

4.4 The regulation has numerous flaws; it largely restates the provisions of the Labor Law and adds no significant protections based on the nature of this form of labor. Moreover, based on article 15 the employer is exempt from articles (4), (5), (7), and (12), which comprise fundamental rights, if he or she employs three workers or less. These rights include limits on working hours per day and per week, break times, the right to 150% of his/her normal wage for working during his/her weekly rest days, official holidays or religious holidays, annual and sick leaves, maternity leave, and exclusion of agricultural workers from the provisions of the Social Security Law, leaving the worker without social protection.

4.4 The Regulation did not include any articles that regulate the termination of defined or open contracts. Due to the characteristics of the agriculture sector, employers could unilaterally terminate contracts if the crops were damaged, or due to the inability of either party to fulfill their roles. Thus, it is important that the Regulation regulates these instances and ensures that workers have access to their rights if their contract was terminated unilaterally by the employer with no violation from the worker’s side²⁴.

4.5 The Regulation stipulates that employers are obligated to register their workers Social Security Corporation if more than three workers are hired²⁵. This leaves a large portion of Egyptian workers with no social protection. Furthermore, the government delayed the inclusion of agriculture workers in the national social scheme till the beginning of 2023 via Notice No. 41



that was issued based on Defense Order No. 24/2020. Later, the Social Security Corporation announced that the suspension was further extended until the end of 2023²⁶.

5. Recommendations

5.1 Ratification of International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

5.2 Submission of all delayed periodic reports to Committee on Economic, Social and Cultural Rights considering the last periodic report submitted was in 1997;

5.3 Provide effective protection against employer's various forms of power abuse, such as delays in salaries, refusal to grant leave to visit home, and refusal to grant the necessary permission to work for another employer if the migrant worker's services are no longer required;

5.4 Ensure that the legislation and procedures for the recruitment and employment of migrant workers, including Egyptians, are in accordance with international standards and protect them from abuse and exploitation. Legislation and procedures should include the right to earn a living through work that one freely chooses or accepts and the right to return to one's home country during annual leave.

5.5 Increase the capacity of labour inspectors to regularly monitor the working conditions of migrant workers and to ensure that sanctions for violations of workers' rights are effectively implemented and that all migrant workers have access to courts, tribunals, and other dispute resolution mechanisms;

5.6 Develop effective measures to end the exploitation of intermediaries and the illegal trade in employment contracts for Egyptian migrant workers;

5.7 Take measures, including amending the Agriculture Regulation of 2021, to ensure that agriculture workers enjoy their full rights, benefit from social protection, and to impose penalties on employers who violate their rights.

5.8 Ensure that the best interests of the child take precedence in all administrative proceedings involving migrant children;

5.9 The end-of-service benefits allocated by the Social Security Corporation to Egyptian workers are their inalienable right and should not be jeopardized by administrative and bureaucratic procedures;



5.10 Employers must comply with national legislation dictating that all fees and costs associated with the hiring of migrant workers must be borne by the employer, not the migrant;

5.11 Develop an equitable and inclusive framework that promotes equal treatment and non-discrimination among migrants and protects the rights of all migrant workers, irrespective of their job/work category.

5.12 Cancellation of discriminatory regulations, such as restricting the movement of Egyptian semi-skilled migrant workers through the Nuweiba-Aqaba Ports, and permitting them to arrive in Jordan via the most suitable route.

5.13 Facilitate the movement of migrant workers and accord them preferential travel and transportation treatment.

¹ See, for example, Court of Cassation Decision No. 599/1999 “International conventions take precedence over the provisions of domestic laws” as well as Court of Cassation decision No. 3965/ 2003 “The jurisprudence and the judiciary of all countries of the world, including Jordan, agree on the transcendence of international conventions and treaties over internal laws, and that the provisions of any internal law that conflict with these international conventions and treaties may not be applied.

² The Constitutional Court, Explanatory Decision No. 1/2020.

³ Information provided by MIDEQ (2023), IRCKHF, Egyptian migrant workers in Jordan, p 8. Available online [<https://www.mideq.org/en/resources-index-page/egyptian-migrant-workers-in-jordan/>] last visited 30 April 2023. This work has been funded by the UKRI Global Challenges Research Fund (GCRF) [Grant Reference: ES/S007415/1]. The GCRF is a five-year £1.5 billion fund aimed at addressing the problems faced by developing countries.”

⁴ Human Rights Council, Fortieth session 25 February–22 March 2019, Report of the Working Group on the Universal Periodic Review -Jordan, A/HRC/40/10, 7 January 2019, paragraphs 135.17, 135.45, 135.73, 135.75, 135.85, 135.129, 135.130, and 135.131

⁵ Article 3/d, Minister of Labor Decision No. 40/2022, issued on 22 June 2022

⁶ Article 1/a, Minister of Labor Decision No 40/2022, issued on 22 June 2022

⁷ MIDEQ (2023), IRCKHF, Egyptian migrant workers in Jordan, p 12.

⁸ Memorandum of Understanding regarding organizing the transfer of Egyptian workers to work in the Hashemite Kingdom of Jordan in 2007, and its supplement in 2008.

⁹ IBID

¹⁰ Decision of the Minister of Labor No. (40/2022) dated 22 June 2022.

¹¹ Article (11) of the instructions for conditions and procedures for the employment and recruitment of non-Jordanian workers for the year 2012, and Article (25 / d) of the insurance benefits system for the Social Security Corporation No. (15) for the year 2015.

¹² Tamkeen for Legal Aid and Human Rights (2012), between a Rock and a Hard Place: Migrant Workers Caught Between Employers’ Abuse and Poor Implementation of the Law – The Status of Domestic Workers and Egyptian Workers in Jordan, p 50. Available online [<https://dashboard.tamkeen-jo.org/wp-content/uploads/2022/02/Between-a-Rock-and-A-Hard-Place.pdf>] last visited 30 April 2023. MIDEQ (2023), IRCKHF, Egyptian migrant workers in Jordan, p 14. Available online [<https://www.mideq.org/en/resources-index-page/egyptian-migrant-workers-in-jordan/>] last visited 30 April 2023.

¹³ Tamkeen (2012), p 52

¹⁴ IBID., p 52.

¹⁵ Tamkeen (2012), p 53.

¹⁶ Tamkeen for Legal Aid and Human Rights (2021), The Right to Resign for Migrant Workers, p 11.



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- ¹⁷ Article 6 of the International Covenant on Economic, Social and Cultural Rights
- ¹⁸ Article 12 of International Covenant on Civil and Political Rights
- ¹⁹ MIDEQ (2023), IRCKHF, Egyptian migrant workers in Jordan, p 23
- ²⁰ Technical and Vocational Skills Development Commission, The Gap between Supply and Demand in the Agricultural Sector, Amman, 2022, p 28.
- ²¹ The regulation was supposed to be issued in 2008.
- ²² Article 3/b
- ²³ Tamkeen for Legal Aid and Human Rights (2021), First Analytical report, p 6
- ²⁴ IBID., p 7
- ²⁵ Article 12
- ²⁶ Tamkeen for Legal Aid and Human Rights (2021), First Analytical report, p 7.