

Legal Empowerment of the Poor: National Consultation Workshop

September 6, 2007

The Jordanian National Consultation Workshop on the Legal Empowerment of the Poor was held on September 6, 2007 under the patronage of HRH Princess Sumaya on behalf of HRH Prince Al-Hasan bin Talal. The workshop took place at the United Nations University in Amman with the participation of around 90 people, including 40 invitees for the opening panel and 50 participants in the whole day activities. The participants came from all over the Kingdom and represented governmental institutions, civil society organizations, academia, local communities and individuals such as foreign workers and farmers.

The panel meeting was addressed by HRH Princess Sumaya who delivered a speech on behalf of HRH Prince Hassan, Mrs. Suhair Ali Minister of Planning and International Cooperation, Mr. Luc Steven UNDP Resident Representative, Mr. Naresh Singh Executive Director of the Commission on Legal Empowerment of the Poor and Dr. Tayseer Al-Smadi CEO of the First Strategieh Consulting the local lead institution for the Project. Dr. Iyad Abumoghli from the UNDP was the Master of the Ceremony.

Princess Sumaya highly appreciated the consultation as a platform to raise the voice of the people who are denied basic legal rights and asserted the need to re-confirm the fundamental principles on human rights. She emphasized the need for clearer recognition of the sovereignty of the citizen, a redefinition of the role of the state, and expectations of the state to fulfill its commitments. Princess Sumaya also called upon establishing strategies for the prevention of violations; HRH said that our task at this conference and our role in the overall process that has been started by the Commission is to consider how to bridge the divide between the aspirations of world governments and existing legal texts and the realities of people's lives. HRH highlighted the role of both public and private institutions in promoting more public awareness programs at regional and international levels by the ratification of treaties and the commitment of resources.

Mrs. Suhair Ali Minister of Planning and International Cooperation assured that enabling the poor to ownership is very important in combating poverty; indicating in her speech that the issue is not only about financial cooperation between the rich and the poor but also cooperation for empowering the poor's right of ownership.

Mr. Luc Steven UNDP Resident Representative in Jordan referred to the MDGs and the roles of both developed and developing countries towards achieving these goals; indicating that the progress on the ground is slowing down. He also pointed out that poverty is a multidimensional concept which includes, in addition to deprivation of income and basic means of living, powerlessness and vulnerability arising from lack of knowledge and opportunities for participation. He also emphasized that the promotion of effective implementation and enforcement of legislations as well providing legal aid for the poor are of vital importance in the efforts of fighting poverty. Mr. Steven emphasized

also the importance of the poor participation in all activities aiming at poverty eradication.

Mr. Naresh Singh Executive Director of the Commission on Legal Empowerment of the Poor emphasized that within the concept of legal empowerment of the poor it is important to recognize that the focus is on changing power relations and that legal reforms are only a means towards this end. He also reminded the gathering that the four thematic areas of the project; i.e. access to justice and rule of law, labor rights, property rights and legal mechanisms to empower informal businesses are integrally linked to the livelihoods of the poor. Mr. Singh the Commission has initiated national consultations in countries across Africa, Asia, Latin America Middle East and North Africa as well the common wealth of independent states. He said that the initial aim for this is to understand the nature and dimensions of legal exclusions within the scope of the thematic areas and the consultations are designed to promote interaction between civil society organizations, academia/research institutions, and government officials on legal empowerment and foster national and regional platforms for action. Mr. Singh concluded by stating that the recent progress in Jordan on economics, human rights and political leadership suggest a readiness for implementing a legal empowerment of the poor agenda.

Mr. Tayseer Al-Smadi CEO of the First Strategieh Consulting indicated that the governmental efforts in fighting poverty succeeded in cutting poverty incidence in Jordan from about 21 percent in 1997 to 14.7 in 2005. However, he emphasized that the four thematic areas of the project were not taken into account in devising combating poverty programs. Had these areas been taken into consideration, the poverty incidence could have been lower, Mr. Smadi Said. He then gave an overview of the main issue that will be discussed and demonstrated the next actions to follow the conclusion of the workshop.

Following the panel meeting, the authors of the four papers gave overviews of their papers inform of the participants before they were divided into four groups. Each group discussed the context and the recommendations of papers and provided their feedback. In the final session, the authors were given the chance to the open panel about the results of the discussions in each group emphasizing the new recommendations that have been suggested. The authors were committed to take the feedback during the group meeting into account in revising their original papers.

The recommendations which were agreed upon at the end of the national consultation workshop can be demonstrated as follows:

Access to Justice and the Rule of Law:

- Raising awareness on the importance of an independent judicial system, its foundations, its legislative sources and procedures used to reach a fair decision.
- Developing existing mechanisms for raising awareness on the legal services provided by the state through partnership with the media and modern technology invoked in the reform process.

- Continuous training for providers of legal services, whether legal or not.
- Simplifying legal terminology so that the average person can comprehend.
- Ensuring access to all categories of legal information with no restrictions to certain categories, in order to ensure the interaction of the person requiring judicial service with the trial proceedings.
- Controlling the validity of legal information through the system of access to justice.
- Striking a balance between the right of society to access legal information and to preserve the privacy of parties involved.
- Ensuring the availability of legal awareness of conflict resolution opportunities to enable the individual to choose the appropriate method of conflict resolution
- Collecting best practices for settling disputes in various types of cases (companies, labor...etc).
- Creating a fund to support the poor in paying legal fees
- Supporting the issuance of a law establishing a special fund for family maintenance
- Specialization of judges and lawyers leads to more legal expertise, which will reflect positively on the effectiveness of the judicial system.
- Advocating for including a provision in the law obligating the state to appoint a lawyer to any defendant accused of a crime punishable with more than one year imprisonment (legal aid).
- Expanding the state's financial support to legal aid as well as its political support, and to encourage the development of reliable models to ensure effective legal representation; as well as improving the quality of the legal and penal services.
- Encouraging civil society to challenge the constitutionality of laws according to the legal means available.
- Developing a clear definition and criteria for the acts that constitute harassment especially in the workplace.
- The recognition of the importance of a fair trial is essential in making access to justice an achievable goal.

Labor Rights:

- There is an urgent need to introduce several amendments on the existing Labor Law No. 8 for 1996; namely:
 - Amending article no. 3 to cover the workers in the informal economy by the provisions of the Law.
 - Eliminating the discrimination between Jordanian and non-Jordanian laborers. This includes, amongst others, amending article no. 108/c which states that the founder of any of the employers' societies and the labor unions as well as the applicant for joining the same shall be of the Jordanian Nationality.
 - Revising the articles nos. 134, 135 and 136 which restrict the rights of workers for strikes.
 - Improving the procedures at the courts and the Wage Authority to quickly settle labor disputes.
 - Enforcing the article no. 73 which prevents the hiring of children.
 - Linking the minimum wage with the consumer price index or any other relevant indicator.

- Strengthening the supervision role of the Ministry of Labor to enforce the provisions of the Labor Law and protect the rights of labor, through the following:
 - Improving the efficiency of the Ministry's procedures in the areas of monitoring and inspection to stop the violations by the employers whether in the small enterprises or the QIZs.
 - Taking the necessary actions to protect the rights of laborers in the QIZs.
 - Enforcing the minimum wage at the QIZs

- Amending the Law of Social Security to include the workers in the informal economy.

- Enforcing the provisions of the Passports Law which prohibits the withholding passports.

- Offering training and rehabilitation programs for the workers in the informal sector to improve their productivity and help them in meeting the requirements of the labor markets.

- Strengthening the role of the NGOs in the area of labor rights, particularly for those who are working in the informal economy. This can be achieved through cooperation and coordination with the related international and regional institutions, such WLO and the Union of Arab Labor Associations.

- Establishing a data bank at the Department of Statistics on the activities in the informal sector to start issuing official data in this regards

Property Rights

- Utilize the opportunities available under the Law of Management of state Property for delegating lands to the Poor. Efficient utilization of said opportunities require that relevant government departments reach targeted segments of the society and educate them on the available opportunities to own a land and benefit from the initiatives that support land owners to utilize those lands.
- Expand initiatives to support farmers and land owners to benefit from grants available by governmental departments. In this regard, relevant government departments must enhance their efficiency in collection of accurate data and follow up on progress.
- Expedite and complete actions fro the Settlement of Lands in the entire Kingdom. This may also include simplifying the procedures for objections and appeals that would consume time and effort that are not available to the Poor.
- Increase awareness of the Poor of the Laws governing Property in order for the poor to make use of the rights extended under said Laws and on the other hand, protect their property against loss for non compliance with said Laws.
- Ensure Transparency on Government Plans that would typically affect the value of the Property in order to minimize Deception against the Poor by Influential Parties. In this Context the Map For Lands Use that was referred to in the Cabinet recent Decision in 2006 is a step towards the right direction and should be expedited.
- Put in Place mechanisms that ensure fairness to the poor and Women in the Settlement process of lands to ensure that the Poor, especially Women are not subjected to social pressure that would waive their rights as a result thereto. A possibility for this is to have as a precondition an Independent Assessment of the value of the Property before any Assignment of Right is affected (Takharouj).
- Encourage Public and Private initiatives that would enable the Poor to utilize their Property or the Property that they can acquire through the Management of State Property law, the Housing and Urban Development Corporation Law, the Jordan Valley Authority Law and the like.

Legal Mechanisms to Empower the Informal Business:

- Amending Income Tax and Sales Tax Law by giving preferential treatment to the poor.
- Amending Occupation Licensing Regulation through shortening the required procedures for issuing the license.
- Increasing the minimum wage.
- Redrafting some of commercial legislations to simplify its provisions, such as the Protection of National Production law, Competition law and Intellectual Property laws.
- Amending administrative legislations to create quasi-judicial bodies in government institutions to settle the disputes of citizens with these institutions through arbitration or mediation.
- Developing a clear policy for competition in the Jordanian market including practical plans for awareness and regional studies on the distribution of markets in the Kingdom whether in the capital or the governorates, and investigating the legislative or administrative reasons that hampers the ability of traders to attract consumers in the various regions.
- Reviewing the investment policies through equitable distribution of industrial zones in the various governorates of the Kingdom and increasing the minimum wage for workers at these zones.
- Expanding the geographical coverage of the institutions concerned in investment and industrial property rights and competition and the protection of national production to achieve the needed decentralization and ensure the provision of services to citizens in the governorates in a timely way thus shortening the financial burden and physical efforts of the poor citizen to access government business services.
- Developing and implementing programs of government support for agricultural, industrial and services sectors to enable these sectors in competing both in domestic and international markets, and encourage citizens to legalize their businesses and, as a result, benefit from these programs.
- Increasing public awareness on trade legislation in the Kingdom through the adoption of modern means of awareness and involvement of civil society

institutions and chambers of commerce and industry in the responsibility of public awareness of the citizens.

- Reducing licensing fees for roaming vegetable and fruit vendors by the Department of the Central Market for Vegetables and Fruits.
- Creating free legal counseling offices for the poor in the Ministry of Justice and the courts.
- Accelerating the disposition of cases in courts.
- Disseminating legal education in schools and universities.