# Call for Input: Submission for the Decriminalization of homelessness and Poverty: Background Note and Questionnaire for UN Special Rapporteurs

Written by Adna Jama

# Introduction

This comprehensive overview examines various legal and social dimensions related to poverty and homelessness in Jordan. Focusing on specific areas of concern, including laws surrounding begging, debt-related imprisonment, street vending, and informal business activities, the report delves into the intricacies of Jordan's legal framework. Additionally, it scrutinizes governmental initiatives, social services, and measures aimed at alleviating the challenges faced by individuals living in poverty and experiencing homelessness. The analysis draws upon pertinent legislation, scholarly research, and empirical data to provide a thorough understanding of the complex socio-legal landscape in Jordan.

1. **Laws or regulations that prohibit begging, eating, sleeping, or performing personal hygienic activities in all or certain public places (please kindly include the wording of these laws and regulations and specify whether they are effectively enforced).**

Begging constitutes a criminal offence in Jordan as stipulated under Article 389 of the Penal Code. Nevertheless, the legal framework predominantly addresses this transgression within the context of safeguarding minors.[[1]](#footnote-1)

The Penal Code delineates the act of begging and the exploitation of children under the age of 16 for such purposes as punishable offenses, carrying a potential penalty of up to three months of incarceration.[[2]](#footnote-2)

Minors below the age of 12 are statutorily immune from criminal culpability, in accordance with Article 4 (b) of the Juveniles law No. 32 of 2014. Additionally, Article 33(b) of the same legislation expressly affirms that any individual below the age of 18 who engages in begging is deemed to be in a state of vulnerability, warranting protective and custodial measures.[[3]](#footnote-3)

Article 37 prescribes a range of corrective measures that may be invoked by the Juvenile Court when a child is determined to need protective and custodial intervention:

* Directing the parent or legal guardian of the juvenile to assume enhanced caregiving responsibilities.
* Enrolling the child in a juvenile welfare institution for a maximum period of two years.
* Placing the child under the guardianship of a competent individual or familial unit.
* Assigning the child to the oversight of a proficient social worker for a duration spanning one to five years.[[4]](#footnote-4)
1. **Laws or regulations that allow the detention or imprisonment of individuals who are unable to pay the fine imposed for petty offences.**

Jordan’s economic landscape has seen a surge in borrowing among its citizens, driven by a deteriorating economy and rising unemployment rates. Many individuals, particularly those with limited means, resort to various forms of borrowing to meet essential needs such as food, shelter, and education. This often includes accruing debt through high-interest credit cards, informal lenders, and unpaid bills, which can lead to significant financial strain.[[5]](#footnote-5)

One distinctive aspect of Jordan’s legal system is its allowance of debt-related imprisonment, when individuals lack the financial capacity to settle their outstanding debts. Even minor defaults can result in sentences of up to 90 days per debt, and up to a year for bounced checks, often without due process. This legal framework fails to account for factors impeding repayment, such as insufficient income, and perpetuates a cycle of indebtedness.[[6]](#footnote-6)

Moreover, unregulated loans facilitated by easily obtainable promissory notes have become a prevalent form of lending. These notes, acquired at low cost, can be used to enforce loan contracts in Jordan’s courts, often leading to arrests without proper adjudication. While the Central Bank imposes a cap of 25 percent on interest rates, informal lenders remain exempt, charging rates as high as 50%.[[7]](#footnote-7)

Microfinance institutions, heralded as tools for economic empowerment and poverty reduction, have proliferated in Jordan. While aiming to support marginalized groups, including women, these institutions often fall short due to flawed design and implementation. Borrowers face exorbitant interest rates hindering their ability to repay, and absence of an effective personal bankruptcy law further exacerbates the situation.[[8]](#footnote-8)

As a result, women are particularly vulnerable to debt-related imprisonment, undermining the intended goals of microfinance initiatives. Jordan currently holds an estimated 9,000 women under warrants for debts not exceeding 1,400$ each, as indicated by a January 2020 study.[[9]](#footnote-9)

The informal financial sector also plays a significant role in the debt landscape. Transactions conducted by unlicensed entities, including familial, business, and retail associations, moneylenders, and loan sharks, contribute to the challenge of assessing the scale of active loans and total debt in this sector.[[10]](#footnote-10)

Jordan’s approach to debt imprisonment stands in contrast to international standards. Most countries, outside of the Middle East have abolished debt-related imprisonment, recognizing its ineffectiveness and its adverse impact on individuals’ ability to repay. Instead, they have implemented measures such as individual bankruptcy procedures and debt restricting programs to differentiate between those unable and unwilling to pay.[[11]](#footnote-11)

Jordan faces a critical need for comprehensive reforms to address its systemic issue of debt-related imprisonment. This includes revising legal frameworks, phasing out debt imprisonment, and enacting legislation for personal insolvency declarations. Additionally, ACHRS encourages donors and international financial institutions to support technical enhancements in Jordan's insolvency procedures and promote responsible lending practices within the microfinance sector. This collaborative effort will further bolster the transition towards a more equitable and just financial system in Jordan.

1. **Information about attempts made or planned to decriminalize street vending, informal business activities, sex work, begging, eating, sleeping, or performing personal hygienic activities in public places.**

A study conducted by the scholar Dania Abdel-Aziz in 2021 highlights that street-hawking or street-vending in Jordan have historically been marginalized from decision-making processes in urban-planning, being predominantly perceived as disruptive elements in urban environments. This phenomenon can be attributed to the prevailing inability of the government to furnish adequate job opportunities for its citizens, compelling a substantial portion of Jordanians to seek employment in the informal sector as a means of circumventing escalating unemployment rates, particularly in cases where familial support is a pivotal factor.[[12]](#footnote-12)

Jordan has grappled with a disconcertingly high unemployment rate, witnessing an increasing from 11% in 2011 to 19% in 2019.[[13]](#footnote-13) Additionally, the participation rate within Jordan’s workforce remains markedly low, hovering at approximately 40% (Husseini 2016). The youth unemployment rate in 2018 was notably elevated, reaching 37.2%, positioning it among the highest globally. [[14]](#footnote-14)

According to the International Labor Office (ILO) definition, the informal sector encompasses units engaged in the production of goods and services primarily aimed at generating employment and income for those involved. This sector can be bifurcated into two distinct categories: the self-employment and the non-permanent labor.[[15]](#footnote-15)

A significant segment of self-employed individuals in this context comprises hawkers or street-vendors, a proliferation attributed to the dearth of opportunities in other sectors, directly correlating with the expansion of the informal sector.

This category also encompasses those who traverse from one location to another or visit residence to vend goods or merchandise related to their craft or industry. The Greater Amman Municipality (GAM) commenced a campaign against street vending in 1997, some of which were notably stringent and extended to local markets.[[16]](#footnote-16) GAM, functioning as the regulatory authority, endeavors to regulate this sector due to the typically substandard quality of the goods involved. It is imperative for the authority to propose suitable sites for hawkers, orchestrating their relocation within urban spaces, delineating their activities, and managing their growth and development in an organized manner. The study conducted by Abdel-Aziz postulates that the population of hawkers is poised to persistently increase in downtown Amman, necessitating additional urban space to facilitate their operations. In this context, GAM must spearhead efforts to stimulate economic growth, create employment opportunities to absorb the substantial unemployed demographic, especially the youth, and alleviate poverty levels.[[17]](#footnote-17)

Amman encompasses an expanse of 1680 km2, with 38% of the country’s population residing therein, rendering it the most densely populated region.[[18]](#footnote-18) The urbanization of Amman is beleaguered by a constellation of pervasive issues, including inadequate housing, unemployment, air quality, transportation, water scarcity, and the prevalent challenge of hawking or street vending in urban centers.[[19]](#footnote-19)

A questionnaire survey was administered to hawkers within the study area, with the majority exhibiting cooperation in responding to the inquiries, albeit some declining participation due to the apprehension. Table 2 encapsulates the spatial dimensions of streets alongside the percentage of hawkers in the study area.



[[20]](#footnote-20)

A substantial proportion of hawkers have maintained their trade in the same locale for over four decades, passing down their enterprises from one generation to the next. Certain pedestrians have expressed grievances regarding the narrowness of pavements and alleys, impeding fluid movement.[[21]](#footnote-21) Furthermore, the overarching predicament facing hawkers in their daily operations is the absence of an optimal urban space for conducting their activities, leaving them vulnerable to climatic conditions, security concerns, and interference with GAM. Through interviews, hawkers have identified key requisites for establishing a conductive trading environment, including the availability of ample space, ease of modifying goods displays, facilitative arrangements for preparing and presenting merchandise, and unrestricted movement to serve clients.

The GAM holds the mandate for overseeing hawking activities Amman. The primary legislative framework in this domain is the “system for monitoring and organizing hawkers, rugs, umbrellas, and kiosks within the boundaries of the municipal areas. No. 81 for the year of 2009”.[[22]](#footnote-22) It is important to note that this provision applies to all municipalities in Jordan except the Greater Amman Municipality.[[23]](#footnote-23)

It is imperative to acknowledge that the hawkers in downtown Amman constitute an integral facet of the locals’ cultural heritage, which plays a pivotal role in attracting tourists. Accordingly, GAM should contribute to economic recovery by extending support to hawkers, providing them with permanent trading spaces to mitigate the plight of poverty and high unemployment rates. These initiatives will not only enhance services but also render urban spaces more appealing for habitation and lawful business pursuits, devoid of apprehensions related to harassments.[[24]](#footnote-24)

In the process of urban planning, due consideration should be accorded to designating hawking zones in various streets and cites across Jordan, recognizing that organized street hawking in urban spaces can serve as a valuable precedent for the collective benefit of the city’s community.[[25]](#footnote-25)

1. **Information concerning initiatives to change the response of law enforcement officials and of the criminal justice system from penalization, punishment, or detention, towards facilitating social inclusion of persons living in poverty or experiencing homelessness.**

Human Rights Watch cautions that Jordan is in jeopardy of incarcerating thousands for non-criminal activities, such as the pursuit of vital loans. Prime Minister Bisher Khasawneh implemented a moratorium on non-repayment related to debt from March 28, 2021, until June.[[26]](#footnote-26)

Legal revisions have been enacted to mitigate the imprisonment resulting from bad checks, and a proposed amendment aims to restrict debt-related incarceration. Nevertheless, these measures do not eliminate the practice, thereby contravening established international human rights norms.[[27]](#footnote-27)

Debt imprisonment is controversial in Jordan. While some argue it's necessary for loan recovery, research suggests it's ineffective and perpetuates cycles of debt. Most countries have abandoned debt imprisonment in favor of alternatives like insolvency and structured repayment plans. Jordan should follow suit, and international institutions should support this shift.[[28]](#footnote-28)

1. **Measures and services available at national, regional, or municipal level to support people living in poverty and in situations of vulnerability from having to resort to begging, sleeping, washing, defecating, or performing other hygienic activities in public places, because they lack access to employment, social assistance, adequate housing, public showers, and toilets.**

The Government of Jordan has implemented various policies and strategies to address poverty within the country, including the establishment and expansion of the National Aid Fund, increased access to microfinance, and vocational training initiatives. These efforts have positively impacted the economic well-being of many Jordanians. Additionally, the government's emphasis on public spending for healthcare and education has led to nearly universal school enrollment and improved primary healthcare coverage.[[29]](#footnote-29)

Despite these measures, poverty remains a persistent challenge in Jordan. An analysis conducted by the Earth Institute to support the development of Jordan's 2012 National Poverty Reduction Strategy has revealed that household-level risk factors, such as educational attainment, family size, employment status (particularly for women), and geographic location, are strongly correlated with poverty. Consequently, effective poverty reduction strategies must encompass multifaceted interventions that address these constraints holistically.[[30]](#footnote-30)

The Integrated Outreach Worker Program represents an innovative approach to poverty reduction. Firstly, it relies on a rigorous typology of impoverished households, allowing for tailored solutions that align with specific household needs and enhance the adaptability of government programs. Secondly, it adopts the household as the primary unit of analysis, facilitating the provision of comprehensive solutions to lift families out of poverty. Thirdly, the program employs well-trained outreach workers who directly engage with households, addressing the "last mile" connectivity challenge commonly encountered by government policies and thereby enhancing the impact of existing programs.[[31]](#footnote-31)

The Earth Institute's analysis, which identified risk factors and closely correlated indicators with poverty rates, has provided valuable insights into the economic and social challenges perpetuating the cycle of poverty. These insights have informed the creation of a household typology to guide poverty reduction efforts.[[32]](#footnote-32)

While the Jordanian Hashemite Fund for Human Development (JOHUD) is well-positioned to implement this program due to its existing infrastructure, alternative implementation partners can be considered in different regions based on compatibility with the program's processes.[[33]](#footnote-33)

The Amman Center of Human Rights Studies (ACHRS) occupies a critical role in advocating for substantive reforms within Jordan's legal apparatus, particularly in relation to debt-related imprisonment. Central to this advocacy is the imperative to recalibrate extant legal frameworks. Specifically, the center advocates for a phased discontinuation of debt imprisonment and the introduction of legislation enabling individuals to declare personal insolvency. Such measures are deemed essential for aligning Jordan's legal landscape with international human rights standards, safeguarding individual rights, and fostering a more equitable financial system.

Moreover, the ACHRS underscores the necessity for concerted support from donors and international financial institutions. This support is crucial in effecting technical enhancements to Jordan's insolvency procedures and cultivating a climate of responsible lending practices within the microfinance sector. By virtue of these concerted efforts, the transition towards a financial system characterized by fairness, inclusivity, and adherence to international norms can be substantially advanced. This endeavor is not merely a matter of policy reform; it represents a concerted commitment to the protection of fundamental human rights within the sphere of economic relations.

# References

Abdel-Aziz, Dania. 2021. “Re-examine Conventional Concepts in Urban Designs: The Conflict Between Urban Space Utilization and the Elements of Power and Control – Case of Hawkers within Amman, Jordan”, *Scientific Research Communications* 1(1), 1-15.

Consortium for Street Children. 2020. “Is it illegal for children to beg?”. *Consortium for Street Children*. November 21st. Accessed September 14th, 2023.

<https://www.streetchildren.org/legal-atlas/map/jordan/status-offences/is-it-illegal-for-children-to-beg/>

DoS. 2020. “Unemployment rate during the first quarter of 2020”.

<http://dos.gov.jo/dos_home_a/main/archive/unemp/2020/Emp_Q1_2020.pdf>

Great Amman Municipality. 2009.” System for monitoring and organizing street vendors, rugs, umbrellas, and kiosks within the boundaries of the municipal areas.”

<https://portal.jordan.gov.jo/wps/portal?lang=ar#/>

Husseini, J. Al. 2016. “Challenges Facing Jordan’s Labour Market”. In *Atlas of Jordan*, 354-368.

Human Rights Watch. 2022.” Jordan: End Debt Imprisonment”. *Human Rights Watch*. May 8th. Accessed September 14th, 2023.

<https://www.hrw.org/news/2022/05/08/jordan-end-debt-imprisonment>

Human Rights Watch. 2021. “We lost everything”. *Human Rights Watch*. March 16th. Accessed September 14th, 2023.

<https://www.hrw.org/report/2021/03/16/we-lost-everything/debt-imprisonment-jordan>

Potter, Darmame, K., Barham, N., & Nortcliff, S. 2009. “Ever-growing Amman, Jordan: Urban expansion, social polarization, and contemporary urban planning issues”. *Habitat International*, 33(1), 81–92.

United Nations Development Programme. 2013. “Jordan Poverty Reduction Strategy”. *United Nations Development Programme*. January 1st. Accessed September 14th, 2023.

<https://www.undp.org/sites/g/files/zskgke326/files/migration/jo/Jordan-Poverty-Reduction-Strategy_JO.pdf>

1. Consortium for Street Children 2020. [↑](#footnote-ref-1)
2. Ibid. [↑](#footnote-ref-2)
3. Ibid. [↑](#footnote-ref-3)
4. Ibid. [↑](#footnote-ref-4)
5. Human Rights Watch 2021. [↑](#footnote-ref-5)
6. Ibid. [↑](#footnote-ref-6)
7. Ibid. [↑](#footnote-ref-7)
8. Ibid. [↑](#footnote-ref-8)
9. Ibid. [↑](#footnote-ref-9)
10. Ibid. [↑](#footnote-ref-10)
11. Ibid. [↑](#footnote-ref-11)
12. Abdel-Aziz 2021, 1-2. [↑](#footnote-ref-12)
13. DoS, 2020. [↑](#footnote-ref-13)
14. Abdel-Aziz 2021, 2. [↑](#footnote-ref-14)
15. Ibid, 2. [↑](#footnote-ref-15)
16. Ibid, 3. [↑](#footnote-ref-16)
17. Ibid, 4. [↑](#footnote-ref-17)
18. Potter et.al., 2009. [↑](#footnote-ref-18)
19. Abdel-Aziz 2021, 6. [↑](#footnote-ref-19)
20. Ibid, 8. [↑](#footnote-ref-20)
21. Ibid, 9. [↑](#footnote-ref-21)
22. GAM 2009. [↑](#footnote-ref-22)
23. Abel-Aziz 2021, 10. [↑](#footnote-ref-23)
24. Ibid, 11. [↑](#footnote-ref-24)
25. Ibid, 13. [↑](#footnote-ref-25)
26. Human Rights Watch 2022. [↑](#footnote-ref-26)
27. Ibid. [↑](#footnote-ref-27)
28. Ibid. [↑](#footnote-ref-28)
29. United Nations Development Programme 2013, 236. [↑](#footnote-ref-29)
30. Ibid. [↑](#footnote-ref-30)
31. Ibid. [↑](#footnote-ref-31)
32. Ibid. [↑](#footnote-ref-32)
33. Ibid. [↑](#footnote-ref-33)