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مركز عمان
لدراسات حقوق الإنسان
حاصل على وضع استشاري خاص لدى
المجلس الاقتصادي والاجتماعي للأمم
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Centrality of Care and Support from a Human Rights Perspective

Introduction

Care and support aim to provide physical, psychological and emotional assistance to vulnerable groups within society in order to enable them to live the best life they can, those include children, the elderly and people with disabilities¹. Some care work is paid, whereas other care workers are unpaid. Implementing a human rights approach to care services would guarantee holding the sector accountable by obligating policymakers to report on the extent to which caretakers are compensated, and compliant with international standards. A human rights approach would break away from the naturalization of the role of women as caregivers and conceive it as a universal right.² This approach would also work to improve the availability and accessibility of care services. Moreover, a human rights approach to care would effectively address forms of discrimination within the care sector.

In Jordan, care is mostly informal and family oriented. As such, women bear most of the responsibility of caring for vulnerable members of a family.³ This aspect to care makes implementing a human rights approach to care difficult, as this form of care is unmonitored. Paid care often takes the form of hiring domestic workers, a sector that is infused with labour-rights violations and economic precarity. Moreover, paid care is inaccessible to low-income groups. There are also significant disparities in the accessibility of care and support between Jordanians and refugees.⁴ Overall, gender-based, national rights and income-based disparities make care in Jordan in need of implementing a systemic human rights approach to care to ensure that care is accessible, and that care work is fair.

Question 1

International and local organizations as well as policy makers have paid particular attention to enhancing the care economy to ensure that care recipients and care workers are treated fairly. This section will outline laws regarding aspects of the care economy.

In regard to ensuring the human rights of unpaid caregivers, Article 18 of the Convention on The Rights of the Child (CRC) at UNICEF explicitly mentions the equal responsibility of caregivers to respond to the

¹ International Labour Organization, “Care Work and Care Jobs: For the Future of Decent Work,” June 28, 2018.

² Laura Pautassi, “The Right to Care. From Recognition to Its Effective Exercise” (FRIEDRICH EBERT STIFTUNG, March 2023).

³ UN Women, “THE CARE ECONOMY in JORDAN: TOWARDS RECOGNIZING, REDUCING and REDISTRIBUTING UNPAID CARE WORK,” 2020.

⁴ Rana Mohamed, “Syrian Refugees in Jordan: Healthcare and Food Security,” Economic Research Forum (ERF), May 22, 2018, <https://theforum.erf.org/2018/05/22/syrian-refugees-jordan-healthcare-food-security/>.

necessity of care.⁵ This tackles the prevalent approach of delegating childcare responsibilities to women, which hinders women's rights to participation in the work force and public life. The CRC is the first universal legally binding UNICEF document that addresses the equal rights of caregivers.⁶ Apart from this legal framework, it has been reported that international law is lacking in providing applicable and holistic legal measures to protect unpaid caregivers.⁷ This poses a challenge for legal organizations to address the human rights of informal caregivers. In the Middle East and North Africa, men are legally entitled to take 3 days of paid parental leave, however, women may take 90 days of leave. This limits women's employability, and participation in the economy. As such, UN Women has advocated for setting legal mechanisms to ensure that men share the responsibility of childcare by devising equal paid parental leave for both men and women. This would delegate equal responsibility to both parents to participate in early childcare.⁸ However, this is not legally binding, and a regional legal standard on the rights of unpaid caregivers that responds to the challenges of the region's context is needed. More specifically, in Jordan, article 47 of the social security law grants women paid maternal leave for 70-90 days.⁹ In Jordan, men are only given 3 days of paid paternal leave, which disproportionately delegates care responsibilities to women. Regarding paid caregivers, they are protected with international laws that are implemented on all workers, such as the ILO's convention Number 190.¹⁰ There is nevertheless a lack in gender-responsive, and human rights-based laws on protecting paid caregivers.¹¹ Similarly in Jordan, such laws regarding paid care workers are lacking. This presents a problem in ensuring that the human rights of care workers are protected.

There are legal mechanisms on the rights of recipients of care. The Universal Declaration of Human Rights, Article 25 (1), dictates that everyone has the right to a standard of living adequate for the health and well-being of themselves and their family. This obligates authorities to ensure that everyone has equal access to care.¹² Moreover, article 24 of the Convention on the Right of the Child demands that states recognize the right of children to access healthcare and childcare.¹³ This article is a legally binding international agreement. The International Convention on the Rights of Persons with Disabilities, Article 25, holds states responsible to provide accessible health services to people with disabilities, furthermore, article 23 (5) also calls for states to provide care and assistance to people with disabilities when their immediate family is unable to attend to their needs.¹⁴ In Jordan, the ministry of Social Protection sets laws that ensures access to childcare, healthcare and care for the disabled. In the 2022 Child Rights Act Number 17 Article 5 (B),

⁵ UNICEF, "Convention on the Rights of the Child Text | UNICEF," www.unicef.org, 1989, <https://unicef.org/child-rights-convention/convention-text#:~:text=Article%2018&text=States%20Parties%20shall%20use%20their>.

⁶ UNICEF, "A Summary of the Rights under the Convention on the Rights of the Child | UNICEF," www.unicef.org, December 2, 2016, [https://www.unicef.org/montenegro/en/reports/summary-rights-under-convention-rights-child#:~:text=The%20Convention%20on%20the%20Rights%20of%20the%20Child%20\(CRC\)%20is](https://www.unicef.org/montenegro/en/reports/summary-rights-under-convention-rights-child#:~:text=The%20Convention%20on%20the%20Rights%20of%20the%20Child%20(CRC)%20is).

⁷ ENNHRI, "Are the Rights of Family Carers Adequately Protected? - ENNHRI," European Network of National Human Rights Institutions, November 13, 2017, <https://ennhri.org/news-and-blog/are-the-rights-of-family-carers-adequately-protected/#:~:text=International%20human%20rights%20law%20does>.

⁸ UN Women, "Promoting Men's Caregiving to Advance Gender Equality," 2018.

⁹ Ministry of Social Security, "Social Security Law, Law No. (1) for the Year 2014 and Its Amendments" (2014).

¹⁰ ILO, "Eliminating Violence and Harassment in the World of Work (Violence and Harassment in the World of Work)," www.ilo.org, June 2019, <https://www.ilo.org/global/topics/violence-harassment/lang--en/index.htm#:~:text=ILO%20Convention%20No>.

¹¹ International Labor Organization, "Care Work and Care Jobs for the Future of Decent Work," 2018.

¹² OHCHR, "Universal Declaration of Human Rights" (1948).

¹³ United Nations, "Convention on the Rights of the Child," OHCHR (United Nations, 1989), <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.

¹⁴ United Nations, "Convention on the Rights of Persons with Disabilities," United Nations, 2006, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities>.

the law states that children are entitled to sufficient care and live in an environment where they are sufficiently nurtured.¹⁵ Moreover, the Jordanian Social Security law article 4 recognizes the rights of people with disabilities to participate in public, receive support, prevent any barriers and discriminatory practices. Article 27 states that all nursery homes, clinics, care centres and schools need to be modified to allow people with disabilities to access them. Moreover, the human rights of people with disabilities to receive care at an acceptable standard, without discrimination, was highlighted in article 28 (c).¹⁶ Such laws demonstrate a recognition of the need to legally ensure fair access to care facilities.

Question 2

There are policies and measures implemented to protect care workers and guarantee the rights of recipients of care. Such policies are implemented by several governmental bodies, as well as humanitarian organizations responsible for the management of refugee camps in Jordan.

Firstly, the Ministry of Education implemented a law that makes attending kindergarten mandatory as of 2020, which enhances access to childcare.¹⁷ Moreover, the national economic stimulus plan includes building 2,800 new kindergarten classes, which also improves the availability of care for children in Jordan. In refugee camps, the UNRWA and the UNHRC manage childcare provisions. However, there are no legal mandates on attendance. Nonetheless, humanitarian provisions have been responsible for childcare in refugee camps, particularly in providing health services in camps such as vaccinations for children.¹⁸ Given the humanitarian dimension to such services, care in refugee camps are precarious, which would impact the accessibility of care.

Secondly, regarding care for the elderly, the national plan for the ministry of social development includes building care homes for the elderly, licensing private care homes, and providing subsidies for the elderly to enable them to fulfil their needs.¹⁹ Moreover, the Social Security Corporation is taking steps to make it easier for the elderly to participate in pension schemes.²⁰

Thirdly, there are measures to enhance provisions of care facilities, infrastructures and services for people with disabilities. As outlined in the 2007 Law No. 31, the Ministry of Social Development's national strategies included empowering people with disabilities to engage in the community, and integrate them in education, professional development, and public life.²¹

¹⁵ National Council for Family Affairs, "National Council for Family Affairs NCFA - Child Right Law," [ncfa.org.jo](https://ncfa.org.jo/en/wrsht-hshd), 2022, <https://ncfa.org.jo/en/wrsht-hshd>.

¹⁶ Ministry of Social Development, "The Hashemite Kingdom of Jordan Law No. (20) for the Year 2017 Law on the Rights of Persons with Disabilities Act" (2017).

¹⁷ Roya English, "Razzaz: Government to Make Kindergarten Obligatory in 2020," [en.royanews.tv](https://en.royanews.tv/news/18063/Razzaz--Government-to-make-kindergarten-obligatory-in-2020), 2019, <https://en.royanews.tv/news/18063/Razzaz--Government-to-make-kindergarten-obligatory-in-2020>.

¹⁸ UNRWA, "Services," UNRWA, n.d., <https://www.unrwa.org/fr/node/9571>.

¹⁹ Jordan News, "New Elderly Care System Announced for 2021 - Jordan News | Latest News from Jordan, MENA," Jordan News | Latest News from Jordan, MENA, October 2, 2021, <https://www.jordannews.jo/Section-109/News/New-elderly-care-system-announced-for-2021-7874>.

²⁰ ARDD, "Redistributing Care Work in Jordan: Enacting Policy Reforms," ARDD, December 2021, file:///C:/Users/user/Downloads/Policy-Brief.pdf.

²¹ ESCWA, "National Policy Documents | Arab Digital Inclusion Platform," [e-inclusion.unescwa.org](https://e-inclusion.unescwa.org/node/1460), 2022, <https://e-inclusion.unescwa.org/node/1460>.

Lastly, Jordan has been struggling with providing healthcare services;²² hospitals are overcrowded, services are not as accessible in remote areas, and the quality of healthcare is in decline. Nonetheless, Jordan has taken measures to address such challenges. For instance, Jordan has decentralized administering healthcare providers where local clinics are given the resources and the authority to manage cases without referring to larger hospitals.²³ This was viewed as a strategy to minimize the pressure on larger healthcare providers, localizing services to provide communities in remote settings with the needed assistance and enhance the quality of healthcare in rural areas. However, the quality of healthcare at local clinics remains to be an issue, as the health ministry is still attempting to create administrative structures to hold services accountable.²⁴

Question 3

In Jordan, there are numerous structural challenges faced at the national level in creating a robust, resilient and gender-responsive, disability-inclusive and age-sensitive care system. As a matter of fact, the following dysfunctions in multiple sectors underline the current issues faced and the progress that needs to be made in order to reach a well-functioning care system with full respect for human rights.

- The uneven distribution of unpaid care work

Although care should be a public good, the current responsibility for providing it falls predominantly on women and girls. As a matter of fact, it is estimated that women in Jordan spend on average 19 hours of unpaid care work per week, regardless of their employment status whereas men spend only one hour per week of unpaid care work.²⁵ This majorly uneven distribution of unpaid care work has direct dire consequences on the female labor participation rate, which is alarmingly low in Jordan: only 14% of women were economically active in 2023²⁶ placing Jordan 182nd out of 185 countries in terms of women's participation in the labor force according to the World Bank. On the other hand, it is estimated that 51,3% of Jordanian women aged 15 years or above consider domestic household work as their primary activity.²⁷ It seems that the high opportunity cost resulting from the time spent on unpaid care affects women's ability, especially those of married women, to balance their time between domestic work and labor market.²⁸ This comes as the consequence of constraining social norms and practices in Jordan which strongly contribute to the major imbalance imbalances in the division of unpaid care work. We therefore believe it is the government's role to undertake serious efforts to gradually change the adherence to gender-stereotyped roles by reviewing educational curricula and social development policies and programs, and by investing in care as a public good, supporting families with services and public policies giving them options in terms of how much care they provide and who provides it in times of need.²⁹

- The violation of human rights of domestic workers

²² USAID, "Improving Access to Quality Health Care | Fact Sheet | Jordan | Archive - U.S. Agency for International Development," 2017-2020.usaid.gov, July 6, 2020, <https://2017-2020.usaid.gov/jordan/fact-sheets/improving-access-quality-health-care>.

²³ USAID, "USAID Health Finance and Governance Activity DECENTRALIZATION in the PUBLIC HEALTHCARE of JORDAN – a SITUATIONAL ANALYSIS," June 6, 2017.

²⁴ Ibid

²⁵ *Care Matters: The Value of Women's Unpaid Care Work in Jordan – Arab Renaissance for Democracy and Development*. (2022, February 1). <https://ardd-jo.org/publication/care-matters-the-value-of-womens-unpaid-care-work-in-jordan/>

²⁶ *Jordan - World Bank Gender Data Portal*. (n.d.). World Bank Gender Data Portal.

<https://genderdata.worldbank.org/countries/jordan/#:~:text=In%20Jordan%2C%20the%20labor%20force,labor%20force%20participation%20has%20increased>.

²⁷ *Jordan - World Bank Gender Data Portal*. (n.d.). World Bank Gender Data Portal.

<https://genderdata.worldbank.org/countries/jordan/#:~:text=In%20Jordan%2C%20the%20labor%20force,labor%20force%20participation%20has%20increased>.

²⁸ OECD. "Unpaid Care Work: The Missing Link in the Analysis of Gender Gaps in Labour Outcomes." OECD Development Centre, Organisation for Economic Co-operation and Development, 2014, www.oecd.org/dev/development-gender/Unpaid_care_work.pdf.

²⁹ UN Women. "COVID-19 Response and Recovery in Jordan: Gender-Responsive Policy Brief." UN Women Arab States, December 2020, arabstates.unwomen.org/sites/default/files/Field%20Office%20Arab%20States/Attachments/Publications/2020/12/English_PolicyBrief_Jordan.pdf.

Despite providing essential care services, paid domestic workers are exposed to various forms of exploitation and human rights violations in Jordan, in particular those working without legal documents as mentioned in a report by the Jordanian NGO Tamkeen for Legal Aid and Human Rights published in 2022.³⁰ The report describes the “massive violations and systematic exploitation” faced by house workers such as: non-payment of wages, mistreatment (including physical or verbal abuse), confinement to the employer’s houses, overlong working hours with no day off, withholding of personal documents by the employers and deprivation of contacting their families.³¹ In addition, female migrant workers, 30 000 of whom are domestic workers,³² are excluded from social protection programs and have been facing arbitrary arrests and detention by authorities without any legal justification.³³ These arrests were intensified after the Ministry of Labor and the Ministry of Interior issued a joint statement in July 2023 stating that “intensive security and inspection campaign will be carried out on violating expatriate workers in the Jordanian labor market.”³⁴

Despite recent legislative reforms related to domestic worker’s rights and recruitment systems in recent years in Jordan, the law still fails to effectively protect foreign domestic workers and their chances of obtaining fundamental human rights remain weak.³⁵ While Jordanian officials have the tools to respond to and prevent abuses, they seem to have lacked sufficient coordination and political will to use them.

- Unequal access to healthcare

The enforcement of the right to health for all in Jordan is far from being achieved; we observe a strong disparity regarding the access to healthcare and health services in the country not only between rural and urban areas, but also within urban areas depending on the categories of people. As a matter of fact, coverage and accessibility of health services are limited and uneven in a context where the health sector faces a funding gap and struggles with keeping pace with the increases in the cost of healthcare globally.³⁶ This is partly explained by the neoliberal financial policy pursued by Jordan in the last two decades which created a dependency on loans from international financial institutions entailing radical policy changes, including abandoning government support programs for essential services and goods such as health.³⁷ As a result, the quality of the services provided by the public health sector is generally described as low while the most marginalized and lowest-income groups have widely limited access rates to healthcare services in the country and are therefore more vulnerable to health issues compared to those classified as high-income.³⁸ This particularly affects the following categories of people: the unemployed and their families, informal sector workers or day laborers, refugees not registered with the official authorities, especially those who live outside refugee camps, migrant workers with expired residence permits, non-citizens who are often not covered by social security or the state health insurance fund and people over six and under sixty who suffer from chronic diseases.³⁹ In addition, people in rural areas have a hard time accessing health services from a more practical perspective as advanced medical specializations are concentrated in major cities while

³⁰ Jordan Times. "Report Highlights Struggles of Undocumented Female Domestic Workers." The Jordan Times, 2022 <https://jordantimes.com/news/local/report-highlights-struggles-undocumented-female-domestic-workers>

³¹ Ibid

³² Ibid

³³ Tamkeen. "تمكين: حملات وزارتي العمل والداخلية-عش." Tamkeen, 2023, <https://tamkeen-jo.org/news/تمكين-حملات-وزارتي-العمل-والداخلية-عش>

³⁴ Business & Human Rights Resource Centre. "Jordan: Tamkeen NGO reports on arbitrary detention of female migrant workers, part of Labour and Interior Ministries arrest campaign." Business & Human Rights Resource Centre, 2023 <https://www.business-humanrights.org/en/latest-news/jordan-tamkeen-ngo-reports-on-arbitrary-detention-of-female-migrant-workers-part-of-labour-and-interior-ministries-arrest-campaign/>

³⁵ Human Rights Watch. "Migrant Domestic Workers in Jordan: Where There's Will, There's Way." Human Rights Watch, 12 Oct. 2011, www.hrw.org/news/2011/10/12/migrant-domestic-workers-jordan-where-theres-will-theres-way.

³⁶ Al-Duraidi, Hamza. "Facilitators and Barriers to Realizing the Right to Health in Jordan." Arab NGO Network for Development (ANND), 2023, annd.org/uploads/publications/Facilitators_and_barriers_to_realizing_the_right_to_health_in_Jordan_Hamza_Al_Duraidi_PhD_En.pdf.

³⁷ Ibid

³⁸ Hayajneh, Abeer. "Are there health disparities among Jordanian older adults proposed interventions (part II)." European Scientific Journal, June 2015, libres.uncg.edu/ir/uncg/f/A_Hayajneh_Are_2015_Part%20II.pdf.

³⁹ Al-Duraidi, Hamza. "Facilitators and Barriers to Realizing the Right to Health in Jordan." Arab NGO Network for Development (ANND), 2023, annd.org/uploads/publications/Facilitators_and_barriers_to_realizing_the_right_to_health_in_Jordan_Hamza_Al_Duraidi_PhD_En.pdf.

some are entirely absent in peripheral areas and smaller governorates, which also face shortages of medical supplies and medicine.⁴⁰

- The lack of adequate access to care for disabled people

According to Accessible Jordan, a website that aims to promote accessibility across the country, most health accommodations and services are not deemed accessible for disabled people in Jordan. Accessible Jordan notably deplores the fact that the majority of doctors and dentist clinics do not have access for wheelchairs nor ramps which makes it complicated for disabled people to reach the adequate health care services they need.⁴¹ Handicap International also notes in a briefing paper published in 2023, that transportation remains a significant challenge in accessing health facilities for people with disabilities.⁴² Even though the law on the rights of people with disabilities, which stipulated the need for all healthcare facilities across the country to become fully accessible, was adopted in May 2017, it has yet to be effectively enforced.⁴³ In addition, while according to Jordanian census data approximately one in nine individuals aged 5 years and older have some form of disability or difficulty, only 28,5% of them are legally covered by social protection according to Handicap International.⁴⁴ ILO also documented that only 20% of people with disabilities receive adequate coverage by at least one disability cash benefit.⁴⁵

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⁴⁰ Ibid

⁴¹ Jordan Times. " 'Access to healthcare is a right, not a privilege' for people with disabilities" The Jordan Times, 2018

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⁴² Handicap International. " Disability & Social Protection in Jordan" Middle East Briefing Paper, 2023

https://www.hi.org/sn_uploads/document/Briefing-Paper_Jordan-Disability-Social-Protection_September-2023_Final-Version.pdf

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