



## The Jordanian Teachers' Syndicate and Human Rights Defenders





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Amman Center for Human Rights

Prepared by David Lane Martín

## ABSTRACT

Human Rights Defenders (HRDs) have received renewed attention in the past few decades. This report will be about the recent events in Jordan surrounding the Jordanian Teachers' Syndicate (JTS). The Jordanian Teachers' Syndicate is Jordan's main Teachers' trade union. It was established in 2011 and has around 140,000 members. The JTS became especially relevant after it called a strike in September 2019, the country's largest public sector strike, which disrupted learning for around 1.5 million students. The main demand behind these protests were the stagnating wages within the public sector. This report will attempt to answer the following question: can teachers in Jordan and the JTS be considered Human Rights Defenders (HRDs), attending to internationally recognised criteria for HRD status as gathered in the Universal Declaration on HRDs? Despite the fact that some may regard their demands as illegitimate in the context of the current economic stagnation in Jordan and the common accusation of being motivated by political Islam, this report argues that the members of the JTS are a notable example of HRDs.

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# INTRODUCTION

This report will be about the recent events in Jordan surrounding the Jordanian Teachers' Syndicate (JTS). It will attempt to answer the following question: can teachers in Jordan and the JTS be considered as Human Rights Defenders (HRDs), attending to internationally recognised criteria for HRD status as gathered in the Universal Declaration on HRDs? Despite the fact that some may regard their demands as illegitimate in the context of the current economic stagnation in Jordan and the common accusation of being motivated by political Islam, this report argues that the members of the JTS are a notable example of HRDs.

The question of whether Jordanian teachers who protest for wage raises qualify as human rights defenders is relevant in three respects. Firstly, the increasing relevance of HRDs as subjects in the promotion of international human rights agenda. Secondly, the theoretical difficulties in defining HRDs. Finally, the importance of a wider conception of HRDs that is more inclusive of various groups, including state employees, and that allows for these groups to feel identified with the term.

HRDs have received renewed attention in the past decades (Landman, 2006). A landmark decision in this regard was the adoption of the Declaration on Human Rights Defenders in 1998 by the General Assembly of the United Nations (United Nations, 1998). It established a definition of human rights defenders, their rights and responsibilities, and the rights and responsibilities of States towards HRDs, the responsibilities of society as a whole, and the need to enact these principles in national law. The European Union has also adopted this agenda into its foreign policy (European Union, 2004). Since the introduction of the Lisbon Treaty, a number of policies have been adopted to protect HRDs. For example, the most recent EU Action Plan on Human Rights and Democracy establishes the EU's commitment to upholding "respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights all aspects of the internal and external policies of the European

Union” (European Union, 2020). Within this framework it has adopted the EU Guidelines on Human Rights Defenders as practical suggestions to enhance EU action on this issue. To control the implementation of these guidelines, the EU has published some assessment reports on a selection of countries (European Union, 2013).

There are two reasons for the increased attention that HRDs have received in the past two decades. The first one is related to the normative developments to protect HRDs in the international community (Landman, 2006). HRDs on the one hand have an incentive to use the term as it brings status and international recognition to their causes. On the other hand, States have an incentive to claim adherence and compliance to international law standards with regards to human rights protection. However, this is not always the case.

HRDs have become increasingly at risk (Nah, 2020). Increased risk of persecution is also the second reason for the increased relevance of HRDs in the global human rights agenda. Some speak of a ‘shrinking civil space’ across the world, especially in third-world countries, where states have increasingly targeted its civil societies (Rutzen, 2015). New technologies have also played a role in empowering, and at the same time, making HRDs more vulnerable. Paradoxically, some claim that the increased sense of empowerment that new technologies and social media have given to HRDs has created new points of weaknesses by increasing visibility and giving states a pretext for repression (Hankey & Clunaigh, 2013; van der Vet & Lyttikainen, 2013).

An indication of how HRDs have received attention in the international community is the flourishing of organisations dedicated to monitor their activities and the human rights abuses committed against them. One example is ProtectDefenders ([protectdefenders.eu](http://protectdefenders.eu)), an EU initiative created to gather data on the abuses committed against HRDs in all countries. However, data seems to be unclear and inconsistent with the general human rights record of specific countries. For example, whereas Egypt has an elevated number of cases of rights abuses to HRDs (123), countries like Israel (34) or Jordan (0) have considerably lower

numbers. This may be for two legitimate reasons: for analytical purposes, a restricted definition of human rights or the setting of a high threshold for human rights abuses.

Firstly, the conception of a human rights defender poses a number of theoretical problems, as defining a human rights defender is a difficult task (Jones, 2013). The Universal Declaration on Human Rights Defenders presents a wide conception of Human Rights Defenders. This particular case raises some problems, yet addressing them is important to further spread the human rights agenda.

Another reason why this case is particularly relevant to the issue of human rights defenders is that the conception of human rights and its activists is usually opposed to the notion of the State. Human rights defenders may well be carrying out their professions within the State and in compliance with its desire to further promote human rights in their respective community. For example, a teacher educating its pupils in values such as non-discrimination for reasons of sex, gender, race, ethnicity or class is a very relevant case of a state employee furthering the human rights agenda.

Another issue that this case raises is the issue of self-perception and identity. The importance of self-identification of HRDs cannot be underestimated (Malkova, 2018). The promotion of the identity of people committed to human rights as HRDs is very important in further establishing the universality claim of human rights. If people voice their concerns without acknowledging or identifying with the human rights agenda, the cultural relativist argument of human rights not being applicable to all societies will remain more convincing.

## BACKGROUND – THE JORDANIAN TEACHERS' SYNDICATE

Before answering the main question of this report - whether members of the Jordanian Teachers' Syndicate can qualify as HRDs, some background will be given to this particular case. The Jordanian Teachers' Syndicate is Jordan's main teachers' trade union. It was established in 2011 and has around 140,000 members. The JTS became especially relevant after it called a strike in September 2019, the country's largest public sector strike, which disrupted learning for around 1.5 million students. The main demand behind these protests were the stagnating wages within the public sector. This was made more visible as a result of the context of the economic and debt crisis which led Jordanian governments to impose the austerity measures in exchange for International Monetary Fund relief packages.

In October 2019, the Jordanian government reached a deal with the teachers' union, agreeing to a pay rise from 35 to 60 percent as of the following year. However, by August 2020, and after the severe lockdown restrictions that were put in place in Jordan, around 1000 teachers were arrested as part of a general crackdown on the Jordanian Teachers' Syndicate. In addition, 13 members of the board were arrested, including the chair. A gag order was put in place, which prevents media from reporting about the issue, and the UN responded by denouncing it as a serious rights violation on the freedom of expression (OHCHR, 2020). Human Rights Watch described it as an attempt by the government to exploit the coronavirus pandemic as a pretext for a crackdown on civil society (Human Rights Watch, 2020). Furthermore, on December 2020 a Jordanian court issued a preliminary ruling to dissolve the JTS and to imprison the board for one year on charges of financial abuse, inflammatory measures, and corruption.

For some, these actions represent a manifestation of a shrinking civic space in Jordan. According to Rupert Colville, the UN human rights spokesman: "the actions against the Teachers' Syndicate, which has over 100,000 members, and its supporters are emblematic of a growing pattern of suppression of public freedoms and the restriction of civic and democratic space by the Jordanian government, including against labour rights activists,

human rights defenders, journalists and those who have peacefully criticised the government" (VOA News, 2020).

The adoption of new laws regarding civic liberties have been said to restrict freedom of association, assembly, and expression. For example, the 2008 Law of Societies that was introduced in Jordan on NGOs made it easier for groups to register but increased the authority of officials to interfere in their work (Front Line Defenders, 2009). Furthermore, now foreign funding of NGOs requires cabinet approval. Also, there are reports that authorities send representatives to seminars and hearings.

## ARE JORDANIAN TEACHERS HRDS?

Defining HRDs is not an easy task and it is open to debate. However, the UN Declaration on Human Rights Defenders (officially the UN Declaration on the Rights and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms) does provide a definition of the term by setting some minimum standards. These include the defending of a human right, accepting the universality and indivisibility of human rights, and peaceful action. It defines HRDs as individuals or groups who act to promote, protect or strive for the protection and realization of human rights and fundamental freedoms through peaceful means.

The first criterion is that an HRD, first and foremost, as an individual or as part of an association, strives for the promotion of a human right. This does not discriminate between rights, as HRDs seek to promote social, economic or cultural rights. Nor does it discriminate between individuals who promote human rights at a local, national or international level. Nor is it important whether defending human rights is done professionally or voluntarily. The Declaration explains this more clearly: This broad definition encompasses professional as well as non-professional human rights workers, volunteers, journalists, lawyers and anyone else carrying out, even on an occasional basis, a human rights activity. This may be problematic, as some professions may not be addressing human rights issues all the time. As an example, a commercial lawyer may be involved in part of his work in defending the rights of small-scale businesses, whereas in another instance the lawyer may be defending the business interests of large companies engaged in dubious treatment of their workforce.

Finally, and most importantly, human rights defenders are defined by what they do rather than by the legitimacy of their claims. Defending human rights is always a legitimate activity, however this does not necessarily mean that the demands behind this activity are fully legitimate. In other words, one does not have to be right in all their demands to be defending a human right. Being a human rights defender does not presuppose that the individual or

group is right in putting forward its demands. The main criterion is that a human right is being defended.

Being right is not essential when it comes to defending a human right. In this regard, the Jordanian Teachers' Syndicate, through its actions, was defending the right to participation and assembly and freedom of expression. As soon as the actions of the JTS were contested by the authorities, the crux of the question ceases to be salary wages and becomes about fundamental rights and freedoms. In fact, the legitimacy of its demands is contestable to some. Many people in Jordan do not enjoy the economic stability that being a public employee offers. This may have sparked some resentment with certain sectors of society working in the private sector struggling through the recent economic stagnation and recession as a result of the coronavirus pandemic (Middle East Institute, 2020).

The second criterion is that the human rights defender acknowledges the universality of human rights. This means that human rights are applicable in all countries and societies. This stems from the UN Declaration of Human Rights, which sets out the inherently universal and the indivisible nature of human rights. This means that one set of rights cannot be fully enjoyed without the other. For example, cultural rights may not infringe on the compliance with economic rights. The universality of human rights is also a fundamental principle of the European Union's external action. Article 21 of the Treaty of the European Union states that the European Union shall be guided by the principles of 'democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law'.

One problem with this criterion is that we cannot know whether, or to what extent, a person or group adheres to this principle. Adherence to this principle does not and cannot require a formal or explicit declaration. Again, adherence to this is a result of concrete action. Actively defending and striving for the protection of a human right that is universally recognised as a human right is sufficient as tacit approval of the universality of human rights.

In the case of the JTS, this could be problematic. The JTS is a large organization which encompasses a significant proportion of the education sector in Jordan. Of course, no explicit declaration of adherence to human rights can be demanded, but some have raised concerns about the political motivations of the Syndicate. The ties of the JTS with the Muslim Brotherhood in Jordan do raise the issue that political Islam is incompatible with a belief in the universality and indivisibility of human rights (The Guardian, 2020). However, we cannot know for sure how many within the JTS have political sympathies with political Islam. In any case, the political motivations of these groups are irrelevant to their actions in favour of freedom of expression, assembly, and participation. Furthermore, even if there was a clear link between the Islamists and the JTS, it would be even more necessary to stress the human rights component in their exercise of freedom of assembly and participation. It is only if actors are engaged and identify with the human rights agenda, especially those that refrain from doing so on ideological or religious grounds, that the human rights agenda can be promoted. In the defence of freedom of expression, assembly, and participation as members of the JTS, trade unionists do comply with the criteria of human rights defenders. Political Islam's ideological tenets, in clear minority within the JTS, these would be incompatible with many aims of a universal human rights agenda.

The third and final criterion of a human rights defender is peaceful action. Simply defending a human right is a necessary but not sufficient condition for qualifying as a human rights defender. Human rights defenders must be peaceful in their actions and do not include those who use violence. In the case of the JTS, and despite the harsh judicial measures that were taken, the Jordanian Teachers' Syndicate case elicited a number of protests that were all overwhelmingly peaceful.

## CONCLUSION

This report has argued that the action of the Jordanian Teachers' Syndicate can be defined as a human rights defensive action according to the criteria established by the UN Declaration on HRDs. This problem was relevant in three respects: the increasing relevance of HRDs within the human rights agenda and the increased risk of their action; the theoretical difficulties in defining HRDs; and finally, the need for a definition of HRDs that includes activists which are not aware of this label, which makes identification with the universality of human rights more difficult.

The problem of adherence to the universality and indivisibility of human rights and the influence of the Muslim Brotherhood within the JTS, although limited, poses some problems in identifying the JTS members as human rights defenders. However, the actions of the JTS constitute a clear defense of a human right in a peaceful manner. The subsequent repression by judicial authorities in Jordan further legitimizes the JTS as organization committed to defending human rights in Jordan.

The challenge remains that the figure of the HRD becomes one that more and more varied people, groups, and organisations identify with to a greater extent. However, a too wide of a conception does present some risks. For human rights defenders to be a useful category, human rights violators must also be clearly identified. In any case, the case of the JTS does not yet present these challenges and it can be confidently said they are a positive force in the furthering of the human rights agenda.

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