

# Invisible Women

The Working and Living  
Conditions of Irregular Migrant  
Domestic Workers in Jordan

# Invisible Women

**The Working and Living Conditions of Irregular  
Migrant Domestic Workers in Jordan**



This study is made possible by the support of Open Society Foundation, the contents do not necessarily reflect their views

# Contents

About Tamkeen Fields for Aid	5
Acknowledgements	6
Executive Summary	7
Introduction	16
Research Question	17
Methodology	20
Limitations	25
Chapter 1: Background	27
- Feminization of Female Labor Migration	29
- Recruitment Procedures and Arrival in Jordan	34
- Migration & Development	41
Chapter 2: Without Access to Justice: Jordan's Feeble Legal Framework	47
- International Human Rights Conventions	48
- International Labour Conventions	49
- The Kafala System	50
- Jordanian Legislation on Migration Issues	52
- Legislation Protecting Victims of Human Trafficking	57
- Irregular Migration	58
Chapter 3: The Situation of Irregular Migrant Domestic Workers	61
- Demographic Profile of Migrant Domestic Workers in Jordan	62
- Working Conditions: Documenting Labor Violations	69
Chapter 4: The Perspectives of Key Stakeholders	121
- Recruitment Agencies	122
- Employers	123
- Labor Sending-Country Embassies	128

Chapter 5: Alternative Approaches	133
- Reforming the Kafala System	134
- Good Practices: The Canadian Recruitment System as a Model	136
Chapter 6: Conclusion	139
Chapter 7: Recommendations	143
Annex 1: Questionnaire	149
Annex 2: Interviews with Employers	173

## About Tamkeen Fields for Aid

Tamkeen Fields for Aid is a non-governmental Jordanian organization working towards the promotion of human rights principles, combating human trafficking and protecting the rights of workers and migrants; particularly migrant workers through: prevention, protection, and prosecution of offenders.

Tamkeen's main objectives concentrate on promoting legal awareness to Jordanian society, particularly the rights of workers, enforcing the rule of law by ensuring the effective participation of human rights activists, lawyers, judges, and officials in implementing and proposing legal amendments, and empowering victims of human rights' violations.

Tamkeen Fields for Aid promote and protect the rights of victims of violations by offering legal aid and support, organizing and implementing customized training programs, workshops and seminars, reviewing and analyzing national legislations, and developing lobbying and advocacy strategies to fulfill our objectives on local, regional, and international levels through a solid network of stakeholders, advocators, activists, and governmental and non-governmental actors. Particularly, our legal unit provides consultancy and legal aid, court representation by contracting with qualified and activists lawyers, as well as referring victims to welfare service providers of sheltering, medical, social and psychological services, and also working on documenting the situation of workers and their working and living conditions.

Moreover, Tamkeen promote and support the rights and labour movements, migrants' rights, and combat forced labour through a network of activists and players who devote their efforts to advocating and defending the rights of marginalized and disadvantaged groups. By providing legal services and consultations, human rights education, advocacy and training programs, research and analytical studies, media campaigns and raising awareness activities, and the development of specialized programs that support human rights efforts and improve legal services, Tamkeen aims to identify effective solutions and achieve actual change for the rights of migrant workers and victims of human trafficking and forced labour.

## Acknowledgements

The commitment of Tamkeen Fields for Aid’s researchers, Sadaf Hasan and Cristina Pianca, whose contributions to developing the relevant tools and methodology, provided substantive support for the implementation of the study, and played a key role in conducting interviews and editing this report. The following interns also played a key role in conducting interviews with the migrant domestic worker community and relevant stakeholders: Sara Beccaletto, Elina Bloomberg, Janina Bößert, Daphnè Caillol, Ruba Ghandour, Farah Masbur, Andrea Portenlanger and Matthias Schachtler. And Daphnè Caillol in preparing the geographical maps, the documentary photographer Nadia Bseiso for the photography production, and Diala Al Amiri for the translation of the study.

Tamkeen Fields for Aid especially extends its gratitude to the following migrant domestic worker and community leaders for their generous participation and active role in connecting us to their community: Shandra, Candy, Venji, Daian and Ahmed, Sara, Ayed and Carol. Tamkeen extends its gratitude as well to Sisters Ursula, Concy, and Teresa from Caritas Migrant Center Jordan. Without the support of all those people, the report wouldn’t be completed.

Finally, we appreciate and extend our gratitude to each of the interviewees, representatives of the Filipino, Indonesian, Sri Lankan, and Bangladeshi embassies, Ministry of Labour, recruitment agencies, and employers, for their contribution in the study.

## Executive Summary

The conditions of poverty, unemployment, and the absence of decent standard of living in the countries of the workers resulted in the travelling of hundreds of thousands of them to work as domestic workers in Jordan, where a lot of them face great, comprehensive, and systematic violations and this is due to several reasons, and the most important one is the recruitment regulation which entrenches violations against domestic workers. As well as the workplaces where workers suffer from semi-fully isolation with the presence of tens of violations they are exposed to, in light of laws criminalizing "running away" from the workplace, where Jordanian legislations include provisions may lead to the strengthening of ill-treatment.

Despite the important legislative reforms carried out in the recent years in Jordan to workers' recruitment regulation, but the migrant domestic workers' access to basic human rights and protection are still weak, that is in case they did exist in the first place.

Within this context; "Invisible Women: The Working and Living Conditions of Irregular Migrant Domestic Workers in Jordan" study conducted by Tamkeen Fields for Aid, shed the light on the working and living conditions of migrant domestic workers in general, and more specifically those who hold irregular status in Jordan, and knowing the demographics and characteristics of women migrant workers such as: age, education level, and marital status. In addition, to accessing the awareness of migrant domestic workers in terms of access to mediation services in cases of forced labour and human trafficking, including issues related to passport confiscation.

Migrant domestic workers – mainly women – from Sri Lanka, Bangladesh, Indonesia, and the Philippines, are considered as one of the largest groups of workers excluded from labor laws and social protection in Jordan. According to official data, there are approximately 50,000 domestic workers in Jordan, in addition to around 30,000 irregular workers.



Domestic work entails a variety of roles, from housekeeping and cooking to caring for children and the elderly, the work often being physically and emotionally draining to workers. Despite their important presence in the household, this group works unprecedented hours below minimum wage, in addition to the denial of annual, weekly and sick leaves, though they are limited if available. Many workers are deprived of basic needs such as food and leisurely time, contacting their families and many of whom are exposed to physical, verbal, and sexual abuse. Many employers and recruitment agencies take advantage of migrant domestic workers by confiscating passports and other legal documents, including work and residency permits, which dictate their legal status and mobility in the country.

The migrant workers' lack of information about their rights and contractual agreements that outline work conditions and salaries, as well as the absence of appropriate legal redress mechanisms, further perpetuate helpless situations that may leave them trapped in the country against their will. Where domestic workers are left with very few avenues through which they can demand their rights and secure compensation, and we need to point out here that there a lot of cases which have been exposed to series of violations have lost their rights due to prolonged judicial proceedings, and a rise in unjust and arbitrary deportations and arrests.

In addition, there is a large population of irregular domestic workers that are unregistered in the formal labor economy which amplifies their risk of exploitation and blocks access to justice mechanisms, particularly in regard to labor law violations. Given the recent climate of government pressure to crackdown on the growing phenomenon of irregular migration in Jordan, and the fear of deportation has left a group that already works in private households further isolated from the public eye. Many women workers are afraid they will encounter police officials demanding legal documents, such as residency and work permits, and choose to stay in the workplace or in their homes to prevent contact with the security and legal bodies.

This report focuses on (irregular domestic workers), documenting their realities in Jordan through extensive fieldwork. The research study pays specific attention to the issues of irregular migrants, through their working and living conditions, and access to basic labor rights and services, such as healthcare, awareness about their legal rights, and matters relating to family relationships both in their home countries and in Jordan.

Overall, the report raises the challenges domestic workers face in terms of accessing their rights and correcting their statuses. While focusing on the

experiences of irregular domestic workers, it provides a comprehensive overview of the conditions of all migrant domestic workers in Jordan.

The field work for this assessment was conducted over 10 consecutive months (April 2013 to February 2014), in order to obtain a more comprehensive understanding of the risks faced by irregular domestic workers in Jordan, which provides a deeper understanding about the nature of the work and living conditions of migrant domestic workers in Jordan, taking into consideration their relationships with employers, families, social contact with the Jordanian society.

Migrant domestic workers lives during their work through the framework of either: live-in, live-out, or freelance. Usually, domestic workers which come to Jordan for the first time are live-in workers whether she is regular before leaving her country or was present in Jordan, and often move to become live-out workers after being able to save their earnings, accustomed to Arabic language, and other cultural and societal norms. The employment opportunities settled to workers through family and friends who are already present in Jordan.

The study found out that the "freelance" domestic workers population, without residency and work permits is increasing, which led to the emerging of "paper sponsors" or fake employers market who charge the migrant domestic workers for arranging or renewing their residency and work permits.

The study indicates that the majority of workers knew that they are going to work as domestic workers, but they did not know the extent of hard work required from them, where some workers said that they expected the nature of work to be cleaning the house only, and not many other additional tasks such as child care, and taking care of gardens, or to be asked to work for more than one house without their consent.

The average ages of the 303 women who were interviewed is 35.6 years, and the average number of working years in Jordan is 3.3 years. And the research team met some workers whom their working years in Jordan extended to 10 years, and usually they are considered as the only provider for their families, and earn higher wages than their husbands in their countries of origin, therefore they tend to work abroad for a longer period and for several years.

The educational level for domestic workers in Jordan ranges between basic and higher education, and the educational average of the sample ranged between medium and high, and few workers with no education. It is important to note that the level of education is uneven from nationality to another, and here we need to

point out that there is a great relation between violations and the level of education, the lower the education level of the worker is, then the violations she is subjected to at the workplace are increased, on the contrary to their educated counterparts, and this is due to their ignorance to their legal rights, and their fear of going out and spending time with their friends outside the house.

With regard to the marital status of women who were interviewed , most of them were married and came from Sri Lanka, Bangladesh and Indonesia, which are communities of conservative cultures that usually puts pressure on women to marriage and childbearing at an early age and usually these cultures overcome the communities in remote villages. Quite a few workers who were interviewed confirmed facing problems with their husbands, and they asserted that their work abroad gave them independence from their husbands which were limited in their countries, but they asserted as well that the distance have affected their relationships with their husbands.

As for the number of workers' children, the rate was 1.5 child, and in regard to the place where the children are residing, the majority of the domestic workers children reside in the country of origin. While workers care for employers' children, the workers are forced to leave their own children in search for money to help improve the children's livelihood and education.

Among the sample interviewed, there were few workers who mentioned that they have their sons and daughters living with them in Jordan, and usually they are elderly people who have been working in Jordan for years and encouraged their children to come to work in Jordan.

Among the sample there was as well workers who had their children living with them, and usually their husbands are Jordanian, and these children face no problems as they hold Jordanian citizenship.

The third category was of irregular migrant women, who have stateless children, and therefore deprived of the most basic rights. Those were born in Jordan for irregular parents or out of ordinary wedlock relationship. The research team met 5 families of irregular workers who face difficulties related to their irregular situation. Where 4 out of 5 families mentioned that they have difficulty in obtaining adequate health care, and 3 families also face problem with accessing to educational services. 2 families faces problems related to freedom of movement due to their irregular situations and fear from police, number of workers were interviewed as well who established relation out of wedlock with Jordanians or migrant workers from other nationalities, such as Egyptians and Syrians. The

stories of the category of workers who have given birth to stateless children from illegal relations during their stay in Jordan will be discussed later in this report.

The study shows that the proportion of workers who confirmed obtaining a work and residency permits were (54.1%) noting that most of them obtained their documents through irregular procedures, (29.7%) did not obtain a work and residency permits, (5%) mentioned that they did not know if they have work permits or not, while (11.2%) preferred not to answer this question. The high percentage of regular workers is correlated to the majority of the women the Tamkeen Research Team was able to access and interview, which were live-in domestic workers.

About the wages, the study came out with the following results, in 38.7% of the cases, they frequently didn't receive the salary on a regular monthly basis. Non-payment of wages is also common, as employers cheat the domestic worker by promising to pay all the salaries after the end of the contract. However, once the contract is expired, they refuse to pay her the due amount. In the worst case, employers refuse to pay several years of her salary. For example, one domestic worker commented that she was promised 200 USD/month in her contract but upon arrival, received only 100USD. Number of workers explained that the main reason for them to leave the workplace, was the non-payment of wages.

In 23% of the interviewed domestic workers encountered physical and/or sexual abuse in the workplace. Regarding physical abuse, the abusers tend to be the female employers but employers' children can also play a part. A woman reported that her employer's son constantly physically abused her and caused serious physical injuries and permanent health damages. Others reported accounts of employer's children pinching and slapping them as other common patterns of physical abuse. In a more severe case, an employer threw steaming milk over a worker's face and placed a hot spoon over her hand because her son didn't want to drink the milk.

Verbal abuse is also very common, 39% of domestic workers stated that they had been subjected to verbal abuse by some employers, in addition to not being treated with respect. It is quite common to hear stories of workers verbally abused by the employers' children but not by the employers themselves.

In terms of serious accidents occurring in the workplace, 11.3% of domestic workers testified to injuries that have caused serious physical and health consequences. One woman stated that her exhausting work hours, coupled with inadequate food and insufficient rest, caused her health to severely deteriorate.

Another domestic worker, whose hands were badly damaged, stated that the chemical products she had to use to clean the house were toxic and that the employers did not provide her with gloves to protect her hands despite continuous requests. In another case, a domestic worker recounted her friend's experience of falling from the roof while performing tasks requested by the employer and has been hospitalized due to serious hip injuries. Similarly, a domestic worker fell down while cleaning the windows but her employer refused to provide her with medical treatment and sent her back to the embassy until her health improved. Some domestic workers also affirmed that their current health problems are a direct consequence of the strenuous and exhausting work conditions that are often combined with a general lack of proper medical care.

Freedom of movement is considered as a common issue live-in domestic workers encounter in the workplace, in which 52.6% of women interviewed affirmed this practice. The restriction of workers' freedom is a common routine that employers undergo in Jordan where a majority of domestic workers are prohibited from leaving the house alone. In certain cases, domestic workers are able to leave the house but only to go shopping for their employers, to take out the garbage, or to carry out other general work tasks. However, they are rarely granted permission to spend their free time outside the house with friends or family.

an overwhelming 71% of the workers interviewed stated to have faced passport confiscation at least once during their stay in Jordan. In general, employers and recruitment agencies withhold the workers' passport in the pretext of keeping it in a safe place and returning it to the worker upon the end of her contract, although passport confiscation is considered illegal under the terms of the Unified Standard Contract, nevertheless this practice is very common.

Moreover, employers firmly refuse to return the passport to the workers when they claim for it and some might blackmail them by asking to pay a large amount of money, reaching sometimes to 2,000 or 3,000 JDs in order to obtain their passports back. Agencies usually refuse to return the passport to its clients, a domestic worker commented on how her friend wanted to obtain a work and residency permits but faced problems in retrieving her passport from the recruitment agency as they requested from her to pay 500 JDs for it be returned.

According to the conclusions of the study, overtime without receiving any adequate compensation is an intrinsic characteristic of the live-in workers' conditions. Of the live-in worker category, 64.5% stated working overtime without compensation. We note here that live-in domestic workers have to be available 24

hours per day and it is therefore very difficult to set specific time boundaries in the workplace.

Regarding days off, in 62.5% of workers interviewed, women declared the impossibility of having a day off. although the Unified Standard Contract and the domestic workers regulation, states that workers should have at least one day-off per week. Concerning vacations, none of them had the right to receive any vacation period before the official end of the work contract. However, 38% of the workers stated that for certain particular circumstances, their employers would allow them to take some days off.

Domestic workers do not enjoy privacy, and they are not allocated special places for them to sleep and live in, as it is quite common for a worker to sleep in the living room, kitchen, and saloon or any other space in the house which usually assigned for other purposes.

In terms of appropriate work equipment, 25% of women reported that they work without the required equipment to perform their work tasks, as many of the workers were not provided with even gloves to protect their hands from the necessary chemical products to clean the house. This caused, in some cases, some certain chronic health problems.

According to the study, domestic workers were regularly blocked with their families in their home countries and they have formed 28% of the workers interviewed, and we note here that some of the women were allowed to talk to their families only on a monthly base and for a few minutes while this possibility was completely denied to some other workers.

In 34.5% of the cases, workers didn't receive any adequate medical treatment. Despite some of the workers showing clear symptoms of sickness, but their employers never took them to the hospital or consulted a doctor. The workers stated that the only medicine that was given to them was just a general painkiller. A recruitment agency's owner affirmed that a new law would soon be promulgated, with the necessity of providing the workers with health insurance.

Migrant domestic workers were also asked about their plans of returning to their home countries, inclusive of women who have decided to visit for vacation. 31% stated that they are trying to go back as soon as possible, 12% planned on leaving after a few months, 18% wanted to stay in Jordan for several years, 23% were not thinking about leaving, and 5% would leave as soon as their employment contract expired. The study confirmed that the majority of women who desired to return to

their home countries as soon as possible are living in the shelters, in which these groups are in shaky situations with the law and have experienced the worst violations in the workplace.

The sample of women who participated in the long survey commented on their current living conditions. 25% of the women lived in their own apartment with friends or colleagues, 20% lived in their employer's house while 20% lived alone in their own apartment. The remaining percentage of women interviewed lived in a shelter, such as the Filipino women in the POLO shelter and the Indonesians in their embassy's shelter. They are usually clustered in areas of reasonable rent prices. Of the apartments that the Tamkeen Research Team were welcomed to enter, were limited in space with many people either sharing or visiting the apartment.

Workers usually live in places close to the places they practice their religious rituals, such as Jabal Al- Weibdeh and Jabal Amman, due to the presence of Churches there. Usually are also often the same Churches that Christian Sri Lankan women congregate on Fridays. There are specific times allocated in each Church for each national group to attend their mass as in a Catholic church located in Jabal Al-Weibdeh.

Given the lack of formal support systems, informal networks of migrant communities have become the alternative foundational support and protection for vulnerable domestic workers to obtain legal advice, information, and assistance with their individual cases. They are integral to sustaining the livelihoods of migrant domestic workers through offering necessary emotional support, mediation, and temporary assistance such as sheltering "runaway" workers from their employers' houses.

The study shows that The majority of the workers interviewed 72.2% entered the country with a regular work visa, while 20% entered the country on a tourist visa, and often it leads them to stay in Jordan illegally, where agencies do not ultimate all the obligatory procedures required for hiring them. and (8%) of them reported that they did not know what kind of visa enabled them to enter the country. For example, a Filipino domestic worker affirmed that she entered on a tourist visa because she came to Jordan with an employer she was working for in Cyprus. And she affirmed as well that she originally left her country to Singapore on a tourist visa, and then from there her papers were arranged to work in Cyprus. After she entered Jordan, she worked for the same employer for 4 years, her employer referred her to another employer, who allowed her to work for other employers and served as her "paper sponsor." Currently, this worker is working for her own



account after she paid an agency to be her “paper sponsor”. However, entering the country on a tourist visa made her un-registered at her country's Embassy, which makes her lose some of the protection in case her right is violated.

The study recommends to establish a private foundation to employ domestic workers part-time without requiring them to stay at the employer’s home, the abolition of the sponsorship system practices and allow the worker to change employers without the consent of the first employer, and ensure that all domestic workers are properly trained before arrival to Jordan in order to provide them with adequate professional skills and cultural understanding of Jordan, in addition to their rights and duties according to the Jordanian legislations.

In addition, the study also recommended to review the Human Trafficking Prevention Act to ensure compliance with international standards and the clarity of terms contained therein, as well as the relevance of the stipulated penalties aligned with the gravity of the offense committed. This should include provisions that give the victim the right to obtain direct compensation from the offender after the issuance of a decision, also activate the role and competency of the inspection system and raise the effectiveness of inspectors in regards to following up on issues and labour complaints, in terms of size of staff, qualifications and methods, digitalization of their work; and finding appropriate mechanisms for regular follow-ups for domestic workers.

In addition, embassies’ shelters should re-evaluate and improve their services, in terms of the quality of accommodation, food, recreational activities, as well as legal consultation, in collaboration with the Ministry of Labor and other relevant stakeholders.



## Introduction

Migrant domestic workers group – mainly women – from Sri Lanka, Bangladesh, Indonesia, and the Philippines, are considered as one of the largest groups of workers excluded from labor laws and social protection in Jordan. According to official data, there are approximately 50,000 domestic workers in Jordan, in addition to around 30,000 irregular workers.

Domestic work entails a variety of roles, from housekeeping and cooking to caring for children and the elderly. Despite the important role of these workers in the household, but some of the families are still treating them as a lower class and exploit them in working unprecedented hours below minimum wage, in addition to the denial of annual, weekly and sick leaves, and deprive them of the basic needs such as food and leisurely time, as well as they are exposed to physical, verbal, and sexual abuse. Many employers and recruitment agencies take advantage of them by confiscating passports and other legal documents, including work and residency permits, which dictate their legal status in the country.

Migrant workers' lack of information about their rights and contractual agreements, as well as the absence of appropriate legal redress mechanisms, further perpetuate helpless situations of domestic workers, and the loss of their right to adequate and collectable compensation.

This is in addition to the presence of a large population of irregular domestic workers that are unregistered which amplifies their risk of exploitation and blocks their access to justice. Given the recent climate of government pressure to crackdown on the growing phenomenon of irregular migration in Jordan, and the fear of deportation made this group hide from the public eye. They are afraid they will encounter police officials demanding legal papers, such as residency and work permits.

This report focuses on (irregular domestic workers), documenting their realities in Jordan through extensive fieldwork. The research study pays specific attention to the issues of irregular migrants, in terms of their working and living conditions. Overall, the report raises the challenges domestic workers face in terms of accessing their rights and correcting their statuses.

While focusing on the experiences of irregular domestic workers, it provides a comprehensive overview of the conditions of all migrant domestic workers in Jordan within the three major framework: live-in, live-out, and freelance workers.

## Research Question

The fieldwork for this assessment was conducted over a period of 10 months (April 2013 to February 2014) to obtain a more comprehensive understanding of the risks that irregular migrant domestic workers face in Jordan.

The report provides a deeper understanding on the work and living conditions of migrant domestic workers in Jordan, taking into consideration their relationships with employers, families, and social contact with Jordanian society.

The study identifies three categories of migrant domestic workers based on their living and working conditions, and presents the diversity of their experiences:

1. **Live-in** domestic workers
2. **Live-out** domestic workers employed full time by one employer
3. **Freelancers** or live-out domestic workers employed by several employers

Migrant domestic workers in irregular situations have worked in either **live-in**, **live-out** or **freelance** employment structures. Where the employers' house become the place of residence and workplace at the same time, and domestic workers often move to live-out workers after they are exposed to violations in the workplace.

Of the population of domestic workers holding a work permit obtained in the domestic realm, there are three main categories of situations in which these workers fall under, two of which are irregular.

1. **Work-permit holders** who work with the same legal employer mentioned on their work permit and residency. (**Regular**)
2. **Work-permit holders** who left their legal employer to work for multiple employers or for an employer different from what is stated on their legal work permit. Often, they are unaware of their illegal status. This group tends to live outside the workplace without valid work and residency permits, and can be classified as “**freelance**” workers. (**Irregular**)

**Work-permit holders** who have paid a “**paper-sponsor**” or an employer that has arranged a work permit under his or her name, and work for multiple employers. While this category may seem to hold legal status in the country, but according to the labour law they are considered in irregular situation, and therefore position them in difficult legal situations. In comparison to the second category, this group is often more protected and less likely to be arrested and held accountable as the inspection campaigns and the police only check the authenticity of the legal documents. (**Irregular**) Furthermore, the study has determined 3 main recruitment methods based on individual interviews conducted with migrant domestic workers throughout the course of the study. The working and living conditions are contingent on the recruitment method in which the migrant domestic worker has been employed through:

1. **Formal recruitment** by agency in both home country and Jordan, and working for the same employer who hired the worker.
2. **Direct-hire** is a process in which migrant domestic workers are recruited without going through agencies or intermediaries in their home country. In certain cases, this practice can be considered fraudulent, as it doesn't involve the formal process of recruitment procedures, despite having legal and valid residency and work permits.
3. **Fraudulent recruitment** consists of the recruitment of migrant domestic workers without valid work permits and/or residency in Jordan. Informal recruitment involves a large majority of the population of domestic workers in the country, but their number is difficult to estimate due to the informal procedure of recruitment and nature of employment.

**This process includes:**

- a. Migrant domestic workers recruited through fraudulent contracts or “freelancers,” and workers who left their legal employer without obtaining a new work permit.
- b. Migrant domestic workers who have expired work permits or do not have work permits.

**The purpose of this research assessment is to:**

- Examine the working and living conditions of migrant domestic workers, in general, and more specifically, of those holding irregular status in Jordan.
- Ascertain patterns in the demographics and characteristics of migrant workers, such as age, level of education, and marital status.
- Examine the major labour and human rights violations, including threats of physical, psychological, and sexual violence facing the community of the migrant domestic workers.
- Assess migrant domestic workers' awareness of and access to justice and redress in situations of forced labor and human trafficking, inclusive of issues related to labour rights and others.

Provide recommendations to assist in protecting the rights of both regular and irregular domestic workers based on the perspectives of key stakeholders, including, domestic worker themselves.

## Methodology

This study is based on several research approaches to collect and analyze information about the living and working conditions of migrant domestic workers in Jordan, focused specifically on those holding irregular status in the country.

The research was conducted through three main methods, in addition to conducting an analytical theoretical study:

- 1) A questionnaire distributed to 303 migrant domestic workers;
- 2) In-depth interviews with key stakeholders, such as employers, recruitment agencies, government officials, representatives from the embassies of sending countries, and the migrant domestic workers themselves; and
- 3) photo and video documentaries.

This multifaceted approach allowed the Tamkeen Research Team to carry out a quantitative and qualitative study to ensure that a comprehensive understanding of the issues at hand were instituted.

The interviews covered the 4 main nationalities from which migrant domestic workers originate: Sri Lanka, the Philippines, Indonesia, and Bangladesh. While the research did not cover Ethiopian and Kenyan migrant domestic workers, due to the difficulty of meeting them. The interviews were conducted with female workers and one male domestic worker who also held irregular status. Throughout the course of all the interviews conducted, a total of two men were interviewed, in which both were Sri Lankan. The other worker was a janitor and was interviewed because the nature of his work conditions mirrored those of migrant domestic workers.

The questionnaire and interviews questions were devised to capture an in-depth understanding of the migrant women's experiences and not only their numbers, as large numbers of them have different experiences, and then the questionnaire were tested and distributed. The interviews were conducted after first establishing strong relationships with active community leaders by attending social gatherings, religious church services, and national festivities. Through the support of community leaders, the Tamkeen Research Team was able to develop

trust with each individual migrant domestic worker and document their experiences.

The 303 questionnaires conducted with the migrant domestic worker community were divided into both short and long surveys. The Tamkeen Research Team conducted 132 short interviews and 171 long interviews, the long interviews equally apportioned to the 4 main national groups. The sample chosen in all data collection embodied to a large extent the diversity of the community in order to obtain highly objective and accurate outcomes. The approach used was therefore aimed at a targeted sample and not one of random selection.

Within the process of conducting questionnaires with the migrant domestic worker community, the Tamkeen Research Team documented the oral narratives of the women interviewed in order to achieve a comprehensive understanding of the situation from their perspectives. Throughout the report, their oral narratives will be interwoven into the analysis of their experiences.

It should be noted that the questionnaires were conducted by the researchers through face-to-face interactions and therefore constituted a lengthy process, especially with the language difficulties and the use of interpreters. Accordingly, an abridged version of the long survey was created. Both surveys obtained the same information in relation to demographic information, the different stages of the migration cycle, work conditions, and opinions on whether participants preferred to work as live-in or part-time.

The long survey included additional information about community safety and security issues. These additional questions were important to understand the differences between the four main nationalities and to analyze more in depth the issues of their social integration into Jordan.

In regard to the working conditions, the interviews were divided into live-in, live-out, and freelancer, and documented many work experiences for the same worker in order to gather as much information as possible about their shift in work conditions and preferences towards different work environments. In addition to other migrant groups the research team encountered throughout the course of the fieldwork, such as nurses and garment workers.

The experiences registered for the live-in domestic workers are 336, 49 for live-out, and 99 for freelancers. As mentioned earlier, these numbers do not represent individual cases because they include different work conditions of the same

woman. The percentages reported in the respective section of the report will therefore refer to these specific numbers.

The Tamkeen Research Team was unable to reach a significant number of irregular workers in the live-out and freelancer groups, as they are in constant fear of entering the public sphere due to their legal status. Irregular domestic workers avoid walking on the street freely in fear that police will ask them for their legal documents and are consequently isolated from the Jordanian society.

It's important to highlight the impossibility of interviewing workers facing very difficult working and living conditions, such as those with restricted mobility and freedom of movement. Accordingly, the survey has been designed to inquire about previous work conditions to indirectly gauge at the type of violations that occur in work environments, usually those leading to many workers "running away" and turning to live-out or other part-time employment structures.

Lastly, it is also significant to note that the research team did not force any participant in the study to answer all the questions given the sensitivity of their situation and respects their anonymity.

### **a. Quantitative Data**

The quantitative data is comprised of a long survey that explores a variety of issues impacting the migrant domestic worker community, namely, the social and employment conditions of this group. More importantly, the survey ensures the anonymity of the migrant domestic workers interviewed. The questionnaire, available in **Annex 1** includes 61 questions and is divided into 9 sections, and alternates between open-ended questions, multiple choice, and yes/no questions, including questions requiring further information or explanations depending on the answer. The short survey is an abridged version of the long survey and excludes information related to social circumstances and movements in the city.

#### **The sections are:**

**Basic demographic information**–This section focuses on their age, gender, nationality, level of education and knowledge of languages.

**Before coming to Jordan**– This section focuses on the pre-departure stage of the migration cycle, looking at their decision to migrate, whether or not they

completed an orientation program prior to coming to Jordan, conditions of their contract, and the evaluation of recruitment agencies in their home countries.

**Arriving in Jordan**– This section mostly gauged the legal status of the participants and the number of employers they have been employed with, in which they were asked about the type of visa they entered with in Jordan, possession of valid work and residency permits, whether the employer mentioned in their official documents was their actual employer, and if they have received permission to change their job. Additionally, participants were asked to express any difficulties they have faced after leaving their employer and the ways in which they found new employment opportunities.

**Working conditions**–This section mainly determines the participant's work environment to understand the different employment structures they carried out during their stay in Jordan, and inquired about their legal status, salary, and the amount of remittances they sent abroad to family members. Workers were asked to comment on whether or not they experienced the following labor abuses and other violations of their human rights: long working hours, physical, sexual, or verbal abuse, physical injury, restricted freedom of movement, passport confiscation, no overtime payment, no vacation days, refusal of day off, and their living conditions from inappropriate sleeping conditions, insufficient food, deprivation of contacting family and friends, and no medical care.

**Personal circumstances**– Participants were asked about their marital status, whether or not their partner was living in Jordan with them or abroad in their home country, the number of children, their location and level of education. If the worker was living in Jordan with children, the survey especially inquired about the difficulties the child faces in terms of accessing health care, education, and freedom of movement.

**Social circumstances** – This section focuses on the worker's social life, such as their activities during free time, where they meet their friends, access to communication devices, where they spend their free time, and when they plan to return to their home country.

**Movements in the city**– This section was designed to map out where domestic workers live and work, how they go to work, practice their religion rituals, and buy their food based on location.

**Opinion on Employment Structures**– This section was later added to understand why domestic workers "run away" from their employer's houses, and their



preference for working with one employer as a live-in, or as a part-time worker outside the house.

**Final suggestions**—Participants were asked about their recommendations to improve their situation.

## **b. Qualitative Data**

The qualitative study is comprised of desk reviews, interviews with key stakeholders, and multimedia outlets, such as photographs, and videos. The first component consisted of in-depth, structured interviews with the main stakeholders involved around the issue of migrant domestic labor in Jordan, such as recruitment agencies and unions, representatives and labor attaché from the respective embassies of domestic workers, employers, the Ministry of Labor, NGOs working in the field of migrant’s right protection, and active migrant domestic worker community leaders. The final component entailed video documentaries and photographs of the migrant domestic worker community, compile oral testimonies with a view to a more comprehensive understanding, and highlight aspects of their daily lives.

## Limitations

The results of this report are based primarily on individual survey interviews with the migrant domestic worker community. The researchers have faced some challenges, including:

- Access to the Indonesian and Bangladeshi domestic workers was difficult to some extent, due to the rather closed nature of their communities, and workers tend to be isolated. They have been accessed to through the few people closest to them. Unlike domestic workers from both Philippine and Sri Lankan nationalities, who were represented in the study in a boarder and better way, as they were more open and receptive.
- Access to workers currently employed as live-in workers and face very harsh working and living conditions given the privatized nature of the workplace, and the restrictions imposed on them by employers of denied freedom of movement, weekly day-offs, in addition to the fear of workers themselves to open up about their conditions in fear of facing retribution from their employer.
- The lengthy process of conducting interviews. Since the long-survey was conducted via face-to-face interactions, the process of completing one long- survey interview ranged from half an hour to 45 minutes depending on the worker's language proficiency. The survey was translated into the languages of workers who did not understand Arabic or English.



# Chapter [1]

## Background

Jordan and Lebanon may be of similar nature of states with respect to migration movements in the region, where the balance between local and foreign workforce participation in the economic sphere is highly disproportionate. Accordingly, the difficulties faced by the Jordanian government are evident if we take into consideration the state's paradoxical economic structure. While the number of foreign workers living in the Kingdom is steadily increasing in the construction, agricultural, and service sectors, the percentage of local workforce unemployment rates are increasing as well. It is necessary to return to the Jordanian economic structure and of its labor market organization in order to explain the imbalance, and further understand how this situation affects both the Jordanian economy and the working conditions of migrant workers.

Jordan's short welfare state period was characterized by a state-dependent economy, and with the failure of the governmental-led economy and the welfare system, the state resource redistribution amongst the population came to an end. The employers of the private sector, who were estimated to comprise 42% of the total labor force in 1995, and this percentage rose to constitute 71% of the total in 2006,<sup>1</sup> which means that the labor market and created employment opportunities, it was now under the influence of an investment-oriented and liberal economy, after it was government-oriented.

During this time, the "culture of shame" was originated, which means the rejection of Jordanian workers to work in low paid and humble jobs, which are carried out by the migrant workers. This "culture of shame" attitude is still prevalent and widespread despite the currently high unemployment rate, and the urgent and pressing need to find new income sources. The reluctant of Jordanians to work in humble professions, has led to increasing the numbers of migrant workers who work in occupations that Jordanians refuse to work at, interchangeable with the employers' desire to recruit migrant workers for being more productive, and more submissive to the difficult working conditions.

Jordan is like other countries of origin and destination to migrant workers, where Jordanian workforce tend to migrate to work in professions that require high skills, and the estimated number of Jordanian working abroad about 600 thousand

---

<sup>1</sup>Saif, I. - El-Rayyes, T. "Labor market performance and migration flows in Jordan". Carim Studies. 2009. (5)

people, most of whom work in the Arab Gulf states, especially Saudi Arabia (260 thousand people), United Arab of Emirates (250 thousand people), Kuwait (42 thousand people), and those people contribute in transferring the value of (2.370 billion JDs) annually to the Kingdom<sup>2</sup>. And Jordan receives migrant workers to work in modest , low-wage jobs.

The number of foreign workers in Jordan increased from 376 in 1973 to 79,566 in 1980 and reached 303,325 in 2008, and declined in 2011 to 280,275 and reached almost 324,000 in 2014. The majority of the workers originate from Egypt (68%), followed by Sri Lanka (9%), Indonesia (8%), and other Asian Countries (15%). Foreign workers are usually employed in the social service (25%), agricultural (24%) and manufacturing (23%) sectors.

Migrant women in the Kingdom amount to more than 17% of the foreign workforce and they mainly migrate from Sri Lanka, the Philippines, Indonesia, and Bangladesh<sup>3</sup>. In light of these considerations, it's clear that the Hashemite Kingdom opened its borders to international migration flows in order to fill the gaps left by the workforce shortage in certain specific fields of work, such as the construction, agricultural and the service sectors.

## I. Feminization of Female Labor Migration

Globally, women constitute about half of all international migrant workers, taking into account the different percentage from one area to another, and can even be higher depending on the country.<sup>4</sup> Women tend to migrate in order to work in pursuit of economic security for themselves and their families has increased. Understanding the intricacies of the links between feminization of international migration, and the work and social conditions for migrant domestic workers in Jordan could be through the prism of gender equality.

Despite migrant women are breaking traditional gendered roles by becoming the main breadwinners of their households, but the traditional images and stereotypes of gender equality are nonetheless reproduced in the occupations they perform abroad. Many of the occupations readily available for migrant

---

<sup>2</sup> Tamkeen Center, "Needs for Migrant Workers and the views of its Employers" study, 2012

<sup>3</sup> V.A.A. International Organization for Migration Report. *Intra Regional Labour Mobility in the Arab World*. (21)

<sup>4</sup> Population Fact Sheet, No. 2013/2: "The number of international migrants worldwide reaches 232 million," Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat (2013) <http://esa.un.org/unmigration/wallchart2013.htm>

women are deeply concentrated in positions that they are hired in to either “replace” or complement other women’s gender-based roles such as domestic work, and replicating prevailing gender roles and the traditional family model.<sup>5</sup>

The nexus between domestic work and female international labor migration is well recognized, as the increasing demand of households for domestic help is considered to be one of the main catalysts of the feminization of labor migration viewed in past decades.<sup>6</sup>For example, domestic service is distinctly one of the most prominent categories of employment among female migrants from South Asia and Southeast Asia to the Middle East. The migrant domestic workers from Sri Lanka constitute 81%, and 39% from the Philippines of the total workers migrating to the Middle East countries large “domestic work” market.<sup>7</sup>

### **a. Reasons for Migration**

Poverty and unemployment in the countries of origin are the most important factors driving labour migration of women, in addition to the attractions at the host countries such as the rising demand for domestic work.<sup>8</sup>The spiraling number of women participating in migration flows stems from the feminization of poverty and feminization of employment in the world labor market.<sup>9</sup>Several factors contribute to a woman’s resolution to migrate for work, such as financial distress, family dissolution, and lack of direction and choice in the origin country, which generated the desire for financial gain and the search for autonomy, in addition to the desire of achieving a social status that might be realized through their work abroad.<sup>10</sup>In particular, the domestic labor market draws many female migrants because it doesn’t necessitate high skills or education, income is higher than salaries earned in home countries, that enables them to send substantial remittances to their families.

---

<sup>5</sup>Labadie-Jackson, Glenda. “Reflections on Domestic Work and the Feminization of Migration.”Campell Law Review. Vol.31:67. (70)

<sup>6</sup> International Labour Organization Official Website: “Key Areas of Work: Migrant domestic workers.”

<http://www.ilo.org/migrant/areas/migrant-domestic-workers/lang-en/index.htm>

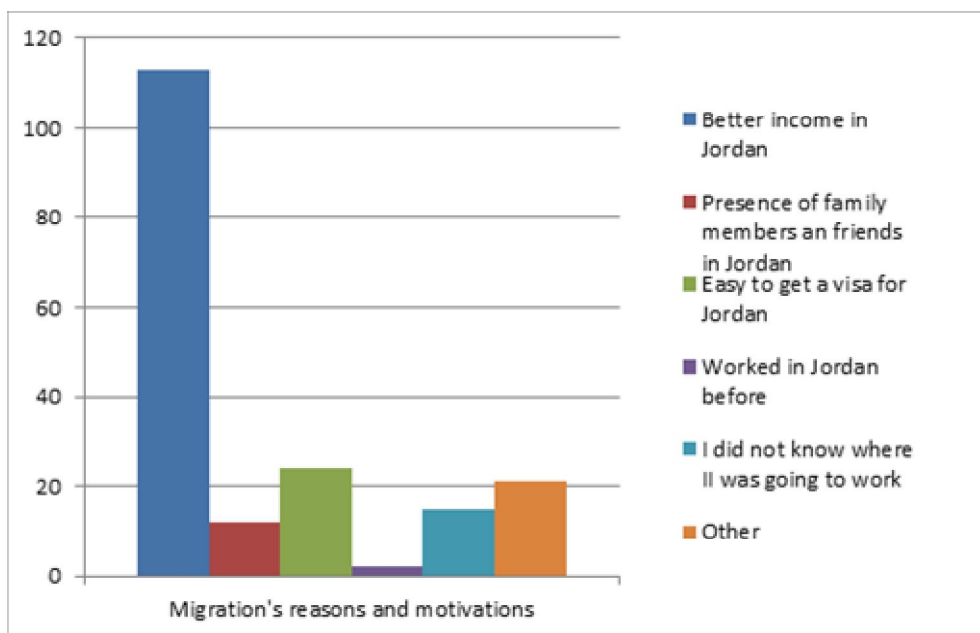
<sup>7</sup>Esim, Simel. International Labour Organization. *Gender & Migration in Arab States: The Case of Domestic Workers*. June 2004. (15)

<sup>8</sup> ‘Migrants in an irregular situation employed in domestic work: Fundamental rights challenges for the European Union and its Member States.’ European Union Agency for Fundamental Rights. 2011. (16)

<sup>9</sup> Kumar, Arun. “Feminization of Migration and Trafficking of Women in Mexico.” Lumen Publishing House. 2010. (20)

<sup>10</sup>Lan, Pei-China. “Global Cinderellas: Migrant Domesticity and Newly Rich Employers in Taiwan.” Durham, NC: Duke UP, 2006.

The **graphic** bellow illustrates the main underlying reasons behind their choice of migration, as mentioned by the sample in the questionnaire:



The graphic shows that the most common migration motivation is the opportunity to earn more money, followed by obtaining a work visa quite easily in Jordan or the fact that the recruitment agency itself decided the destination country. Only a minority of the workers indicated that the presence of friends or family members who were already living and working in the country was behind their decision of migrating to work in Jordan.

Some workers answered by not knowing where their destination was, which indicates that their recruitment agencies deceived them by promising a job in affluent countries, such as Saudi Arabia, Taiwan, and Singapore, but were sent to Jordan instead without knowing or choosing to do so.

Recruitment agencies influence the migration motivations of domestic workers, often using deception and fraud. In an interview with an official at the Bangladeshi embassy, he noted that many brokers lie to domestic workers, stating, **“You will be free. Whatever you want to do, you can do.”** Brokers often target women from remote areas where they often lack information and convince them that the workload is light. In an interview conducted with a legal aid organization that provides aid to returnee migrants in Sri Lanka, a lawyer commented that husbands



are paid by recruitment agencies in Sri Lanka to convince their wives to work abroad.

Usually women who work in the domestic and care sectors in Jordan originate from countries with relatively weak economies, with high unemployment rates. Poverty is the core of what pushes a majority of women to migrate and earn an income to provide their family members with a decent standard of living. It is important to note that women who are unable to afford initial costs of migration take loans which makes them further subjected to exploitation by recruitment agencies and loan sharks in their countries. Here starts falling preys to debt bondage, where they must repay their debts in addition to providing for their families.

Furthermore, workers also stressed the issues of gender inequalities prompt them to migrate in order to support their families, and some of the migrant women interviewed explained in fact that migration was a choice dictated by the domestic violence they were subjected to along to the desire of escaping strong marital or parental control over them.

Many migrant workers explained that the remittances they send abroad to their families, made them able to build houses for their families and to support the education of their daughters and sons. In a field visit to Sri Lanka, Tamkeen's researcher observed the direct impact of these remittances in helping the families of domestic workers. The researcher was able to interview number of workers returning from Jordan, and one of them was a returnee Sri Lankan domestic worker who has lived and worked in Jordan for the past 12 years, and was able to build a house for her family. She commented saying: "***I bought this TV with my earnings***". One Sri Lankan domestic worker who has been working and living in Jordan for the past 17 years also stated that her income has helped her daughter to become a beautician and for her son to become an engineer. She said: "***my sacrifice of being distant from my children was beneficial to their future and growth***". In addition to providing for their children, many domestic workers also financially support the costs of medical care for their elderly parents, or in general, send a portion of their remittances to other family members, such as their siblings and their sibling's children.

The same constraints and reasons that have pushed women to migrate pervade the daily experiences of their working conditions in Jordan, involves a pattern of inequalities defined by gender, race, ethnicity and social status that expose them

to human rights violations.<sup>11</sup> The violations vary from financial exploitation, such as getting paid low salaries for long hours of work without sufficient rest periods, to manifestations of violence through verbal, physical, psychological, and sometimes sexual abuse.

Moreover, some employers often either take advantage of these financial vulnerabilities by justifying work conditions that contradict labor laws within the context of charity; by hiring the poor, and giving them the opportunity to work with free accommodation and food. Thereby, strengthening the stereotypes about female migrant workers from certain areas, which are built on the foundations of racial, cultural, or socio-economic lines, that breed practices of treating them less as a formal employee, and more as a case of charity.

## **b. The Intersection of Gender & Race**

Migrants in general are exposed to racial discrimination resulting from policies which treat them as second class citizens, as for migrant domestic workers they are particularly exposed to gender-based discrimination and violence, since they perform informal poorly paid and unprotected work is a clear example of this dual discrimination.<sup>12</sup>

The convergence of race and class further compound the issue of gender inequality which is embedded in the politics of domestic work. There is a highly social and racialized hierarchy exists within the migrant domestic workers community that defines their roles, resulting in wage discrimination. The hiring of domestic workers is frequently determined by racial and ethnic preferences that are founded on prevailing stereotypes regarding certain groups.<sup>13</sup> Accordingly we find wage differences based on nationality, regardless of the education level or experience.

For example, Filipina domestic workers are considered as the ideal group to perform domestic tasks and to provide care for children or the elderly. Filipina migrant domestic workers, are distinguished along with being the first national

---

<sup>11</sup>Regional Office for Europe of the UN High Commissioner for Human Rights. “Rights of Domestic Workers in Europe.” (10)

<sup>12</sup>FRA- European Union Agency for Fundamental Rights. “Migrants in an irregular situation employed in domestic work: Fundamental rights challenges for the European Union and its Member States.”2011.

<sup>13</sup>International Labour Conference, 99th Session. Report IV. “Decent work for domestic workers.” Geneva, 2010. (7)

group to join the migrant labor force in the Middle East, for their high level of education and command of the English language, and they are perceived as “modern” and “professional” group in comparison to other ethnic groups.

However, employer preferences shift back and forth for particular categories of domestic workers. While some employers desire domestic workers who are moderately educated and speak English, others favor workers who are obedient, accept lower wages, and are uninformed about their rights.<sup>14</sup> And since Filipina workers are more assertive and rebellious than their counterparts. Therefore employers prefer to recruit workers from other nationalities from South Asian backgrounds, specifically Sri Lankan, and others prefer to recruit workers from Bangladesh and Indonesia for religious compatibility. Some employers view the lack of knowledge of workers in Arabic and English skills as an advantage, where language barrier prevents the disclosure of family matters to others of the employer's community.<sup>15</sup>

Stereotypes about migrant domestic workers created a hierarchy of wages determined according to nationality. Where Filipino workers receive the highest salaries, followed by other nationalities, accordingly nationality has thus become the main factor of stratification and differentiation among migrant domestic workers in Jordan.

## **II. Recruitment Procedures and Arrival in Jordan**

### **- Recruitment procedures**

Usually workers desire to migrate go to local recruitment agencies at their countries, and then these agencies get in touch with their partner agencies in the host countries and send them the prospective domestic workers’ applications. In each recruitment agency, there is a list including a number of applications for workers desiring to work, and they are at the employers’ disposal so that they can choose the domestic worker that best suits their needs. These applications contain information related to the level of education, language proficiency, and previous work experiences of the workers, and a full-figured picture specifying their weight, height, and religion is attached to the application. A number of employers have confirmed that the information included in the application are not

---

<sup>14</sup> Lee, Hayeon. “Maid, Mother, or Whore: The Power of the Filipina Women in Lebanese Homes.” Unpublished master’s thesis, American University of Beirut . 2009. (46)

<sup>15</sup> Labadie-Jackson, Glenda. “Reflections on Domestic Work and the Feminization of Migration.” *Campbell Law Review*. Vol.31:67. (72)

always correct, where deliberately some recruitment agencies in the workers' countries modify some of the information to attract employers, and to make the workers' capability more competitive in the labor market.

In this context, an owner of a recruitment agency in Jordan, said: **"although the employers choose the workers, but he sometimes refuses to recruit her when he sees her, and that happened more than once, that the employer refuses a worker because she is dark and ugly"** according to him, and he even requests to either get a refund or for the agency to provide him with another worker.

Some of the local recruitment agencies in the workers' countries for example sometimes alters the photo of the worker to make her look lighter than she is. As some of the employers prefer the lighter-skin complexions workers and finds them socially and culturally suitable. This process and way of thinking highlights the "commodification" of domestic workers, in which they have become a marketable item produced to satisfy the wants and needs of employers. With the possibility of "exchange" policies and customer satisfaction, and thus become changing, replacing, and returning workers easy simply because the appearance and color of worker did not satisfy the employer, without any consideration to the wishes of the workers themselves, where the replacement and returning process constitutes a moral violation to workers.

Furthermore, the workers are always subjected to number of medical exams such as pregnancy tests and infectious diseases test around 3 to 4 weeks before leaving their country, and these tests are repeated after their arrival to Jordan. But these tests, wither conducted in the workers' countries or in Jordan are not accurate to some extent, sometimes diseases are discovered after months from the arrival and the worker might be infected with a disease that is not targeted by the medical examination such as cancer and mental illness.

***"Shima a domestic worker from Bangladesh, she was recruited to work for a Jordanian family, she used to get into an extreme incidents of screaming. And after she was viewed by a doctor, he discovered that she have cancer since a while, and she has been taking tranquilizers and she is used to these sedatives for a long time before arriving to Jordan".***

The workers undergo a vocational training course in their countries on domestic work, in addition to some linguistic skills and cultural information about the countries of recruitment, the contents of these trainings are determined by each recruitment agency and therefore the components vary. This training spans for about 2 or 3 weeks.

The sample of 171 women who answered the questions of the long questionnaire were also asked to answer two specific questions related to the vocational training. 49.7% of the workers confirmed attending these training courses while 50.3% of them said that they left without receiving any professional, cultural and linguistic trainings, thus these courses became a recruitment requirement around 10 years ago, as workers previously used to migrate without receiving any training, but a number of recruitment agencies still do not offer this service and excuse many workers under the pretext of having several years of concrete work experiences in various countries from partaking in these trainings.

When the workers were also asked about the effectiveness of the training and how they benefited from it, 57% of the workers stated that they benefited from it, but the general commented that the trainings were too short, in addition to their need for another training upon arrival to Jordan.

After reviewing the recruitment mechanism, the fragility of this process is clear, where workers need awareness courses about the culture, customs and traditions of Jordan, and the working and living environment. As well as make them aware of their rights and responsibilities, and where to seek help when they face any violation.

The lack of proper pre-departure education of workers before leaving their countries, makes them more dependent on employers, and hinders their ability to integrate into the social and legal fabric of Jordan.

**Direct-hire** is another process in which migrant domestic workers are recruited, but without the interference of recruitment agencies. This type of procedure was especially common before 2006. A Sri Lankan worker, one of the workers interviewed confirmed that she came to Jordan before 10 years without the mediation of a recruitment agency, through one of her returnees friends. Throughout the course of the fieldwork, there were several interviews conducted with number of workers who came to Jordan for the first time before many years ago, and were recruited directly without the intervention of recruitment agencies. They were of Philippines and Sri Lankan nationals, as domestic workers from these two nationalities were the first to migrate to work in Jordan, and were able to build strong community networks in Jordan.

### **- Signing the Contract**

Once the employer approve to recruit a worker, she gets called to the local recruitment agency in her country and asked to sign an employment contract. All the workers who have been interviewed were asked if they had actually read,

examined, and understood the terms and conditions of the contract and its contents before signing it, and if they received a copy of the contract itself. 70.7% of them read, understood without receiving a copy of the contract before signing it while 8.5% said that they read, understood, and received a copy of the contract before signing it. The remaining 20.8% never signed or understood it. Some workers also said that they signed their contracts upon arrival to Jordan, and one of them pointed out that the recruitment agency made her sign a contract and it was an illegal agency.

Some of the workers pointed out that they did not understand the contract well, as they were deceived by the recruitment agency in their countries through promising them with jobs in other countries, and higher salaries and better living conditions. Some of the workers indicated the existence of discrepancies between the contents of the contract and what they have been promised with in compare with what they found in the reality.

The 171 women who were subjected to the long interview were also asked if the salary mentioned in the official contract was the same amount of money the employer paid them; 42% of the workers stated that the salary they received was less than mentioned in the contract, 44% reported that the amount of money corresponded to what was mentioned in the contract, and 4% of the workers affirmed that the salary they received from their employers was more than what was mentioned in the contract, while 10% of the workers refused to answer this question.

It is obvious that Deception thus functions as a major cornerstone of the recruitment process as many migrant domestic workers being provided with wrong information about the wages, conditions and nature of work, in addition to restrictions imposed on their mobility and communications in the working country. 11% of the workers interviewed affirmed that they were promised another job, but only realized the deception when they reached the country of destination. Recruitment agents are integral to attract poor workers, and such practices of trickery are considered to fall within the agenda of human trafficking, even if the recruitment agency is legally registered with the government.<sup>16</sup>

---

<sup>16</sup>Moors, A., Jureidini, R., Ozbay, F., Sabban, R. & Jaber, H. "Migrant Domestic Workers in the Middle East: Becoming Visible in the Public Sphere?" in Seteney Shami (ed) *Publics, Politics and Participation: Locating the Public Sphere in the Middle East and North Africa*, Columbia University Press and Social Science Research Council, New York. (154).

**“I thought it would be less work.”**

*“I did not expect so many hours.”*

**“I didn’t know what country I was going to.”**

*“I thought I would work in a restaurant.”*

**“I thought I would work as an operator.”**

*“I thought I would only cook.”*

**“I had no idea what I’d be doing.”**

*“I thought I was going to babysit.”*

It is important to note that although a majority of workers knew that they were going to work as domestic workers, but they weren’t aware of the extent of strenuous work they would be expected to uphold to, where they expected to only clean the house, and not many additional tasks beside the cleaning, such as taking care of the kids, tending the garden, or being assigned to more than one house without their consent.

### **- Entry Visa**

The Jordanian recruitment agency is responsible for carrying out all the procedures required for issuing the entry visa.

### **The required conditions of the landlord:**

- To be of a Jordanian nationality, and the Minister or who he authorizes may allow to a non-Jordanian to recruit a domestic worker in accordance with the conditions specified by for this purpose, including presenting a bank guarantee worth two thousand dinars to ensure workers' rights.
- To be head of a family or a person with disability.
- Not have been convicted or referred to Court in a case of an assault on a worker, and to this end, the landlord is committed to provide a written endorsement of that attached with a copy of his passport.
- To have the financial capacity to meet his obligations towards the worker.

## **- Recruitment Process**

### **The required documents to recruit a non-Jordanian domestic worker:**

A record with the name of the worker and the name of the employer certified by the recruitment agency Syndicate, work permit request application, two copies of the contract signed by the employer and signed by the worker when arriving to Jordan, employers' proof of income, a copy of the workers' passport and a copy of the employers' family registration document, life insurance certificate for the worker, and a health certificate from the workers' country and from the Jordanian Ministry of Health.

## **- Recruitment Costs**

It must be noted here that there is no clear and precise definition for this cost at the origin countries of the workers, and the bilateral agreements did not address this matter with the countries except with the agreement signed recently with Kenya, which stipulated explicitly that the recruitment cost of a Kenyan worker does not exceed (1300) JDs while the Ministry of Labour issued a decision under the amended provisions of the regulations which gave the authority to the Minister of Labour to determine a ceiling on the cost of recruiting workers, that the cost of recruiting a worker from Philippines does not exceed (2500) JDs, and (1300) JDs for workers from Bangladesh, while it did not determine the cost of recruiting workers from Sri Lanka.

In Jordan the cost is almost precisely clear compared to in the countries of origin, which is exemplified in the yearly work and residence permits, medical examination, life insurance document, internal fees, and airport tax (entrance fees) with a total of (520) JDs. In addition to agency commission set forth in the regulation which is calculated on a base of (10%) of the total worker annual wages, assuming the existence of a legal monitoring mechanism by the inspection service on these costs and the extent of commitment of recruitment agencies to it, we wonder here regarding the existence of the legal mechanism against anyone who commits violation and the extent to its effectiveness. Regarding these costs and its specifics, many clamors revolves around it where there are no precise specification for it, and here recruitment agencies in Jordan tend to blame the responsibility of increasing these costs on the high commissions charged by the agencies at the workers' countries of origin. Despite that some of the bilateral agreements have set these commissions, but the question remains regarding the



extent of obligation of these agreements from a legislative perspective, and what are the implementation guarantees and obliging the involved countries to enforce its provisions.

Embassies in Jordan charge amounts for ratification of contracts and insurance, as well as some countries of origin impose sales tax on every application issued. For example, Sri Lankan Embassy charges (400) Dollars non-refundable fees on each application for a domestic worker.

The majority of the workers interviewed (72%) entered the country with a regular work visa, while (20%) entered the country on a tourist Visa, and often it leads them to stay in Jordan illegally, where agencies do not ultimate all the obligatory procedures required for hiring them. and (8%) of them reported that they did not know what kind of visa enabled them to enter the country. For example, ***"a Filipino domestic worker affirmed that she entered on a tourist visa because she came to Jordan with an employer she was working for in Cyprus. And she affirmed as well that she originally left her country to Singapore on a tourist visa, and then from there her papers were arranged to work in Cyprus. After she entered Jordan, she worked for the same employer for 4 years, her employer referred her to another employer, who allowed her to work for other employers and served as her "paper sponsor." Currently, this worker is working for her own account after she paid an agency to be her "paper sponsor". However, entering the country on a tourist visa made her un-registered at her country's Embassy, which makes her lose some of the protection in case her right is violated"***.

### **- Finalizing Hiring-related Procedures Upon Arrival in Jordan**

The systematic violation of the migrant domestic worker's autonomy and dignity continues from her pre-departure experiences with recruitment agencies and brokers in their home countries and continues until they arrive to the airport of Amman, Jordan. Where they are subjected to strict controls upon arrival, in which these procedures can last for hours. Usually, the workers are picked up by the recruitment agency's representative. They are often packed for several hours in tightly crowded waiting rooms, waiting for the arrival of the recruitment agency representative, where their passports and documents are handed to him. This might be the first sign to the domestic worker regarding their passports which must be handed over to them, but instead are being handed to the recruitment agency.

We note here that passports must be returned back to the workers upon completion of the routine procedures, but some recruitment agencies keep the passports or hand them over to the employer.

The sample of workers were asked if they would recommend their agency in their countries and their Jordanian agency to friends and relatives. 58.5% of them would recommend their agency in their country of origin, and 31% of the women would not, while 10.5% did not answer the question or they did not come to Jordan through a recruitment agency. As for the Jordanian recruitment agency, 25.6% of the workers stated that they would recommend their Jordanian agency, while 38.1% affirmed that they would not recommend it at all, and 36.6% did not answer the question or they did not enter Jordan through an official recruitment agency.

In general, domestic workers tended to rate the agency in their home countries higher than the agencies in Jordan, where many of them shared stories of verbal and physical abuse when dealing with recruitment agencies in Jordan, recounting either personal experiences or of their friends.

It is worth mentioning that a segment of workers who did not answer these two questions have been living in Jordan for 10 years or even more, and were not recruited through a recruitment agency; but were recruited directly by employers.

### **III. Migration & Development**

Both sending countries and receiving countries of migrant workers benefit considerably from migration. While migration enables economic opportunities to workers and reduce unemployment rates in sending countries, it also uniquely impacts these countries' economies through remittances that signify a substantial source of external funding for many developing countries.<sup>17</sup> At the same time, migrant workers play a significant role at the receiving countries, as these workers normally fill in occupations that are deemed unattractive to national workers, also recruiting domestic workers contributed to a extent in the engagement of Jordanian women in the labour market.

While migration for work purposes can serve as an empowering outlet for boosting the self-confidence of workers through attaining financial autonomy, particularly for women, it also raises serious concerns about the role fraudulent employers, recruitment agents, and other relevant stakeholders play in

---

<sup>17</sup>Esim, Simel. Smith, Monica. International Labour Organization. "Gender & Migration in Arab States: The Case of Domestic Workers." June 2004. (8)

committing grave human rights violations against this vulnerable group without retribution.

### a. **Bilateral Agreements between Jordan and Labor Sending Countries**

While sending countries actively contribute to the growth of economy and labor market of receiving countries, as well as to reap profits from remittances, but they are conversely met with the challenges of protecting their nationals' safety abroad. While sending countries facilitate and keenly promote the migration of their workers abroad due to high unemployment rates, receiving countries concurrently stiffen immigration policies, especially in regards to irregular migration. Accordingly, migrant workers are entangled in the policies of sending countries that actively encourage their decisions to work abroad, and receiving countries that attempt to control migration flows.

Jordan has signed a Memorandum of Understanding (MoU) regarding migrant domestic workers' employment with five different countries. The first Memorandum was determined between Jordan and the **Philippines** in 1988. The memorandum related to the cooperation between the two countries in accordance to the labor market's needs and manpower. In 2008, the Philippines established a ban on domestic workers' employment to Jordan due to the severe abuses the workers experienced. After lengthy discussions between the two governments, the ban was lifted in 2012 and another Memorandum of Understanding was signed.<sup>18</sup>

In 2001, Jordan signed another MoU with **Indonesia**, and it was related to the cooperation between the two governments in the employment of Indonesian workers both in the manufacturing and domestic sectors. In 2010, the Indonesian Government established a ban on domestic workers' employment to Jordan because of the ongoing violations of their rights.<sup>19</sup>

In 2006, Jordan signed a MoU with **Sri Lanka** related to employment of the Sri Lankan workforce in Jordan. This Agreement was stipulated between the Jordanian Ministry of Labor and the Sri Lankan Office for the Foreign Employment,

---

<sup>18</sup>Hazaimah, H. "Philippines may reconsider lifting recruiting ban". The Jordan Times. 2 February 2012. <http://jordantimes.com/philippines-may-reconsider-lifting-recruitment-ban>

<sup>19</sup>Komang Erviani, N. "RI and Jordan sign MOU on domestic workers". Jakarta Post. 29 June 2009, <http://www.thejakartapost.com/news/2009/06/29/ri-and-jordan-sign-mou-migrant-workers.html>  
CARIM. "Memorandum of understanding between Government of the Hashemite Kingdom of Jordan and Government of the Republic of Indonesia"  
[http://www.carim.org/public/legaltexts/LE3JOR320\\_825\\_AR.pdf](http://www.carim.org/public/legaltexts/LE3JOR320_825_AR.pdf)

and represented an answer to the requests of the Sri Lankan Government to respect its citizens' rights. The two countries agreed upon specific working and living conditions that are contained in the official employment contract.<sup>20</sup> In 2007 a ban was established on domestic workers' employment to Jordan, which was lifted later.<sup>21</sup>

On the 26th of April 2012, Jordan signed a MoU with **Bangladesh** related to employment of Bangladeshi domestic workers in Jordan.

In 2013, Jordan signed an additional Memorandum of Understanding with **Ethiopia** with the aim of opening the local labor market to the employment of Ethiopian domestic workers. It is worth mentioning that there is no Ethiopian Embassy or consulate in Jordan and workers are therefore highly exposed and vulnerable to rights' violations. This agreement was preceded by another MoU signed by the two countries on the recruitment of Ethiopian workforce in other sectors<sup>22</sup>, but this agreement was not implemented due to the apology of Ethiopia on implementing it.

It is noted that three countries have imposed a ban at a time on domestic workers' employment to Jordan and one country apologized for the implementation of the agreement, which illuminated the pressing issue of the inadequate legal protection of this group, but on the other hand, this ban has led to domestic workers' susceptibility to human traffickers. Where monitoring the recruitment agencies became weak, which has used illegal mean to recruit, transport and transfer of workers to reach finally the final destination of Jordan.

Further, trafficking blurs meaningful conceptual distinctions between legal and illegal migration. It presents new challenges in the management and control of migration flows across borders, and sharper focus is placed on the concerned institutions rather than on the migrants themselves, who are subjected to forced labour as a result to the illegal recruitment process.

---

<sup>20</sup>Human Rights Watch Report. "Slow Reform, Protection of Migrant Domestic Workers in the Middle East". April 2010. (12-13)

<sup>21</sup>2nd AADB- OECDD Roundtable on Labour Migration in Asia. "Enhancing Integration Measures through effective Social Protection and Social Inclusion Policies". 18-20 January 2012. (3-4) <http://www.adbi.org/files/2012.01.19.cpp.day2.sess3.5.1.fernando.paper.effective.social.policies.pdf>

<sup>22</sup>Mahmoud ,L. "Jordan Qatar open to trained Ethiopian domestic workers". Ethpress.14 August 2012. <http://www.ethpress.gov.et/herald/index.php/herald/national-news/2293-jordan-qatar-open-to-trained-ethiopian-domestic-workers>

"Odeibat signs memo for hiring Ethiopian domestic workers". The Jordan Times.14 August 2012. <http://jordantimes.com/article/odeibat-signs-memo-for-hiring-ethiopian-domestic-workers>

## b. Remittances and Economic Contribution

Domestic workers deliver essential social services to the countries in which they migrate, and due to the grown demand for such services including of course the housework, the migrant workers became the only mean to meet these demands. Part of the work domestic workers perform in the Middle East is taking care of children and elderly people, which fill in the gaps as governments do not provide this service, which contributes to the sustainability of these countries' welfare and employment systems.<sup>23</sup> On the other hand, the remittances sent from migrant workers are an integral sources of national income to their home countries. According to World Bank data, remittances received by the Philippines represented more than US\$6 billion in 2000, whereas Bangladesh received almost US\$2 billion of remittances that same year, followed by Indonesia and Sri Lanka that received almost an equal amount of: US\$1.1 billion each.<sup>24</sup>

Despite the advantages of migration which workers earn money through and lead to their financial independence, but the violations of their rights and vulnerability, especially women, leads to the loss of these benefits. As the possibility of being subjected to violations of workers' rights is linked with the recruitment processes which might carry with it many risks, including passport confiscation and contract substitution as well as charging of excessive fees; the absence of assistance and protection mechanisms; in addition to the social and cultural isolation they can face due to language and cultural differences; lack of advance and accurate information on the living and working conditions; besides the weakness of legal protection in the country of destination, not to mention the restrictions on freedom of movement and association.<sup>25</sup> The racial and class discrimination, and a sponsorship system that ties their residency to specific employer, making them in a vulnerable position.

---

<sup>23</sup> FRA- European Union Agency for Fundamental Rights. "Migrants in an irregular situation employed in domestic work: Fundamental rights challenges for the European Union and its Member States." 2011.

<sup>24</sup> Esim, Simel. Smith, Monica. International Labour Organization. "Gender & Migration in Arab States: The Case of Domestic Workers." June 2004. (8)

<sup>25</sup> International Labour Organization Official Website: "Key Areas of Work: Migrant domestic workers."

<<http://www.ilo.org/migrant/areas/migrant-domestic-workers/lang--en/index.htm>

### c. Out of Sight

Given the highly unregulated and privatized nature of domestic work, data on the statistics of migrant domestic workers in Jordan is difficult to ascertain. Generally, the abuses and exploitation of migrant workers in other sectors might be documented and visible in a way or another, as they usually work in groups in construction and agriculture.<sup>26</sup> Other than domestic work which is often invisible, with abuses within a private environment which is a family. The hidden nature of domestic work consequently situates migrant domestic workers in exploitative situations in which they receive low income, experience grave working conditions, and endure abuse in the form of physical, sexual, and psychological violence. Despite all these conditions, the number of women migrating into the Middle East has steadily increased in recent years.

The intricate ties between globalization, feminization, human trafficking, and migration all intersect to create situations that require multi-faceted solutions to protect migrant women exposed to various levels of human rights violations.

It is essential to view the issue of migrant domestic worker's rights through a gendered lens, as the disparity between women and men in the global labor market is an integral part of the inherently embedded in the power structures of patriarchy and class. Despite that Jordan became more reliant on migrant domestic workers to perform household responsibilities and care giving, coupled with a legal system that maintains their temporary status in the country, but they are consequently devalued despite their large economic contributions through the remittances send to their countries, and at receiving countries through their hard labor.

---

<sup>26</sup>Yinger V., Nancy. "Feminization of Migration." Population Reference Bureau. 2006. <<http://www.prb.org/Publications/Articles/2006/TheFeminizationofMigration.aspx>>



# Chapter [2]



## Without Access to Justice:

### Jordan's Feeble Legal Framework

The issue of protecting migrant domestic workers in the Middle East has become of prime importance for many human rights activists, as this category continually faces abuses and violations of their fundamental rights.

Jordan obligation - under the international treaties and conventions Jordan has joined- to protect the rights' of migrant workers within its territory, which the provisions of these conventions include all individuals within its territory and subject to its jurisdiction, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status as stipulated in the two international Covenants<sup>27</sup>.

#### I. International Human Rights Conventions

Jordan has joined many international conventions and instruments, starting from the Universal Declaration of Human Rights, which stipulated the basic rights which must and not may be enjoyed by everyone, starting from the right of every person to life, liberty and personal security, the right to not to be subjected to torture or cruel or inhuman and degrading treatment, and the right to recognition before the law. In addition, all people are equal before the law and entitled to equal protection without any discrimination, and the Declaration stipulated as well that every person has the right of freedom of movement and choose his residence within the borders of each State as well as the right to leave any country, including his own, and the right to return to it. Both, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights affirmed what has been stipulated in the Universal Declaration of Human Rights, Jordan also joined the Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination, in addition to the Convention on the Right of the Child and the Convention on the Elimination of All Forms of Discrimination against Women. All these Conventions has been published in the Official Gazette.

---

<sup>27</sup> Article (1/2) of the International Covenant on Civil and Political Rights, and Article (2/2) of the International Covenant on Economic, Social and Cultural Rights.

In the field of combating human trafficking, Jordan joined the International Convention against Transnational Organized Crime of 2000 and the Protocols thereto, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children.

Jordan did not sign the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990 which came into force on the First of July 2003, therefore leads to the loss of one of the most important pillars of the legal framework for the protection of migrant workers.

Protection determined or contained in the various International Human Rights Conventions mentioned above, constitute the minimum level of protection which the State parties shall not concede or subtract from, whether in their national legislation or the enforcement, administrative and judicial practices. The State must take appropriate measures to protect human rights within the special relations, otherwise it should bear its international responsibility in this regard<sup>28</sup>. The matter, which was affirmed by the High Commissioner for Human Rights in his report about this topic in 2007<sup>29</sup>.

## II. International Labour Conventions

Jordan is committed to a number of international labour conventions, including: Right to Organize and Collective Bargaining Convention, Abolition Forced Labour Convention, Worst Forms of Child Labour Convention, and Discrimination (Employment and Occupation) Convention. And Jordan is obligated for the declaration of principles as a member of the International Labour Organization, it also signed on 24 international labour conventions, from which only 14 were published in the Official Gazette.<sup>30</sup>

---

<sup>28</sup> John H. Knox, Horizontal Human Rights Law, the American Journal of International Law, Vol. 102, No.1, Jan.2008, p 29.

<sup>29</sup> The Office of the United Nations High Commissioner for Human Rights, State Responsibilities to Regulate and Adjudicate Corporate Activities under the United Nations' core Human Rights Treaties, May 2007.

<sup>30</sup> Are: Convention No. 29 of 1930 concerning Forced Labour, Convention No. 81 of 1947 concerning Labour Inspection, Convention No. 100 of 1951 concerning Equal Remuneration, Convention No. 111 of 1958 concerning Discrimination (Employment and Occupation), Convention No. 116 of 1961 concerning the Partial Revision of the Conventions Adopted by the General Conference of the International Labour Organisation at its First Thirty-two Sessions for the Purpose of Standardising the Provisions regarding the Preparation of Reports by the Governing Body of the International Labour Office on the Working of Conventions, Convention No. 118 of 1962 concerning Equality of Treatment of Nationals and Non-Nationals in Social Security, Convention No. 119 of 1963 concerning

It should be noted in the context that Jordan has not ratified a number of international labour conventions in the area of protecting migrant workers, namely: Convention No. (87) of 1948 concerning Freedom of Association and Protection of the Right to Organize, Convention No. (129) of 1969 concerning Labour Inspection in Agriculture, Convention No. (181) of 1997 concerning Private Employment Agencies, Convention No. (97) concerning Migration for Employment. Jordan also did not join the International Labour Organization Convention No. 189 concerning Decent Work for Domestic Workers, which was endorsed in 2011.

### III. The Kafala System

The *kafala* (or *sponsorship*) system is the main system of labor migration management, affecting nearly 25 million migrants. This system developed in West Asia in the 1950s, and still remains in force in the Gulf Cooperation Council (GCC) countries and, although it is not officially stipulated in both Jordan and Lebanon, but it is practically implemented.

The Arabic roots of the word *kafala* means ‘to guarantee’ and ‘to take care of,’ terms that were once used to describe Bedouin hospitality and their treatment towards foreign guests. Today, it is used to describe the relationship between employers (*sponsors*) and migrant workers. Under this system, the migrant worker is bound with an absolute subordination to the employer for the duration of the contract, and even after the expiration of the contract until the worker leaves the country of destination. This system is characterized by the control of employer over the worker's mobility, and the sponsor has the power to alter the terms of the employment contract; repatriate the worker without prior notice; and ban the worker from re-entering the country.

The *sponsorship* is a structurally difficult system especially on domestic workers, as they become under the custody of often harmful employers acting in the main interest of protecting their “financial investment,” as employers can sometimes pay up to 4000 JDs to the recruitment agency as recruitment costs. The *employer* is obliged under the domestic workers' regulation to financially cover the

---

Guarding of Machinery, Convention No. 120 of 1963 concerning Hygiene in Commerce and Offices, Convention No. 122 of 1964 concerning Employment Policy, Convention No.123 of 1965 concerning the Minimum Age for Admission to Employment Underground in Mines, Convention No. 124 of 1965 concerning Medical Examination of Young Persons for Fitness for Employment Underground in Mines, Convention No. 138 of 1973 concerning Minimum Age for Admission to Employment.

repatriation costs of the worker's flight after two years of working for him. However, sometimes the worker might leave work before the expiration of the contract for one reason or another, or might move to work for another employer, and here might rise the controversy about her returning home costs, and who will cover it, or the employer may not perform his duty of issuing a work and residency permit to the worker, thus rendering the worker irregular, and the employer will not be punished, whereas the worker will be punished and have to pay the overstay fine, or face arrest and detainment.<sup>31</sup>

Jordanian legislations do not state the term "Sponsor" anywhere, but they are strongly influenced by the sponsorship system. In practice, migrant workers are subjected to all of its typical limitations, where the legal conditions are not clear and ambiguous which leads to practicing this system, especially with regard to linking a worker's residence to the employer resulting in the restricted movement and social isolation of the worker.

Migrant workers in Jordan can obtain a work permit and a residency only if a Jordanian citizen is willing to sponsor them.

The Ministry of Labor's role is limited to approving and supervising the signing of the contract, which was previously stipulated between the employer and worker. It is therefore the employer's responsibility to provide the worker with the necessary work and residency permits. If the employer fails to renew these permits, he will be penalized and compelled to pay a maximum 150 JDs fine for each worker employed irregularly for a period of one month, in addition to paying for the workers' deportation costs. As for the irregular worker, he or she will be deported and not allowed to enter the country within a period of 3 years.

However, Jordanian legislation for migrant workers isn't always comprehensive and often carries many gaps that affirm illegal practices. For example, in relation to the employer or agency withholding the worker's passport, the current **Regulation of Domestic Workers, Cooks, Gardeners, and Any Other Workers Who Fall Within That Sector** (No.90, 2009) doesn't mention the right of the worker to keep his or her passport, which is contrary to what the current standard contract provides. This disparity is one of numerous cases in which the Jordanian law

---

<sup>31</sup>Between a Rock and a Hard Place, Tamkeen Center for Legal Aid and Human Rights. August 2012 (52)

contradicts itself, and therefore lacks accountability in the protection of migrant workers.<sup>32</sup>

Moreover, under the current legislations, the domestic worker is not entitled to move from one employer to another without the consent of the first employer. It is obvious that despite the lack of any formal provisions mention of the “*kafala*” system within the Jordanian legal framework, the relationship between the worker and employer still maintains many characteristics of the system such as inequality.

Jordan still lacks the concrete tools to ensure effective protection mechanisms for migrant workers’ rights, in which this vulnerable group is left without any redress in a system that tends to protect employers’ authority.

#### **IV. Jordanian Legislation on Migration Issues**

Among the governing laws that protect the migrant workers, it is important to reference the Civil Code, the Labor law, the Social Security Act, the Residency and Foreign Affairs Act. It is clear after examining the Jordanian legislation in relation to migration movements, that Jordan strongly supports "circular migration", which is a type of temporary migration that avoids the migrant workers’ permanent settlement in the Kingdom. Its legislation therefore promotes a continuous replacement of the foreign workforce.<sup>33</sup>

Governmental policies for migrants are characterized by punitive measures to avoid the permanent settlement of migrants, and tend to impose a strong control on migration flows, and often are not in the best interest of the migrants and they do not respect and defend their rights.

The strict policies imposed by Jordan to fight irregular migration proved to be ineffective, where the Jordanian government failed to limit the phenomenon of irregular migrant workers. The Jordanian economy has benefited from the exploited manpower that holds no rights and legal protection in the acceleration of economic growth of the country.<sup>34</sup>

---

<sup>32</sup>Khan, A. –Harroff, T. “*Reforming the Kafala: Challenges and Opportunities in Moving Forward*”. ILO Regional Office for the Arab States. *Asian & Pacific Migration Journal*. Vol:20. 2011. (59)

<sup>33</sup>Olwan, M. Y. *The legal framework of force migration and refugee movement in Jordan*. Yarmouk university studies. 2007 ( 3)

<sup>34</sup>Olwan, M. Y. *Irregular migration in Jordan, a policy of no policies*. Carim Studies. 2008. (14)

Migrant workers are only viewed from a perspective of achieving economic development, and this is emphasized through existence of temporary migrant workforce constantly entering the country only as an exploitable cheap workforce. The legal protection guaranteed by the government is inadequate at all levels and leaves many migrants weak and vulnerable at the margins of Jordanian society.<sup>35</sup>

### **a. Right to Residency**

The Residence and Foreign Affairs Act imposes on each foreigner residing in the country to obtain a residency permit and leave the country before it expires, unless it has been renewed. The same law gives the right to the Minister or whoever he authorizes to deport foreigners from the country in the event of their stay in the country without a residency permit, and the regulations gives the right to the Ministry of Interior to accept or reject the residency request of any applicant, in addition to the right to revoke the residency permit, and to require their immediate leave from the country without specifying the reasons behind this decision. The statistics related to the number of deported foreigners are surprisingly high at a number of 23,961 in 2005.<sup>36</sup> However, the total amount of deported foreigners decreased to 2,559 in 2013.<sup>37</sup> To be increased again in 2014 to reach 5,827. Reviewing this law must be considered to protect the rights of migrant workers and the causing of deportation decision, and grant whoever was issued a deportation decision against him/her, the right to appeal.

Returning back to the Residency Act, we find that the fines incurred on the migrant worker, hinders the workers' return to his/her home country. The migrant worker is committed to pay the amount of 1.5 JDs for every day the worker resides in the country without a residency permit, and the Minister of Interior upon the recommendation of the General Secretary can exempt the migrant worker from these fines if they did not exceed the amount of 250 JDs. In the event of exceeding the aforementioned amount, the exemption decision must be obtained by the cabinet upon the recommendation of the Minister. It should be noted that the law did not specify the reasons behind the exemption, and gave management in this regard represented by the Minister of Interior or the cabinet, an absolute discretionary authority. What must be emphasized that an illegal resident migrant worker can not leave Jordan, unless paid the fines incurred on him/her or was able to obtain an exemption from Minister or cabinet.

---

<sup>35</sup>De Bel-Air, F. Circular Migration to and from Jordan: an issue of high politics. Carim Studies. 2008. (4)

<sup>36</sup>Olwan, M. Y. *The legal framework of force migration and refugee movement in Jordan*. Yarmouk university studies. 2007. (9)

<sup>37</sup>"2,559 guest workers deported in 2013". The Jordan Times. 13 January 2014.

Based on the practical reality, obviously it is found out that in the situation of a migrant worker, the Jordanian employer is obliged to issue a residency and work permits for the worker, but if he neglected in this regard or failed to carry out his obligations, the migrant worker is the one who entails fines. Thus, the exemption of worker from fines is in favor of the employer negligent in the implementation of his legal obligations. But at the same time, we find in a lot of cases, that the exemption from fines is the only solution for a migrant worker to be able to return back to his/her home country, especially if the relation between the worker and the Jordanian employer is lost for any reason. Many cases of migrant workers unable to return back to their countries due to fines has been observed, and such an outcome constitute a violation to the provision of Article (12/2) of the International Covenant on Civil and Political Rights which stated that "Everyone shall be free to leave any country, including his own" as well as the provision of Article (12/4) of the same Covenant which stipulated that "No one shall be arbitrarily deprived of the right to enter his own country ". According to the General Comment No. (27) of the Human Rights Committee, which is created according to the provisions of the International Covenant on Civil and Political Rights "In no case may a person be arbitrarily deprived of the right to enter his or her own country. The reference to the concept of arbitrariness in this context is intended to emphasize that it applies to all State action, legislative, administrative and judicial; it guarantees that even interference provided for by law should be in accordance with the provisions, aims and objectives of the Covenant and should be, in any event, reasonable in the particular circumstances. The Committee considers that there are few, if any, circumstances in which deprivation of the right to enter one's own country could be reasonable".

## **b. Labor Rights**

The Jordanian Labor Law No. 8 of 1996 and amended Law No. 26/2010 which was published in the Official Gazette No. 5092 dated 15/7/2010, regulates the labour market and labour relations in Jordan. In this Law, defined the terminology work, as: "Every mental or physical effort exerted by the Employee against wages whether on permanent, casual, temporary or seasonal basis" and defined a worker, as: "every person, male or female, who performs a job for a wage and be a subordinate and under the command of the Employer, and this includes the juveniles and those under probation or rehabilitation"<sup>38</sup>, and the definition did not address irregular manpower, and the Jordanian legislation considers the employment of irregular migrant workers as a violation of these legislations, as the Labour Law fines each employer who has hired a non-Jordanian worker

---

<sup>38</sup> Article (2) of the Jordanian Labour Law



without a work permit or in a vocation different from what is permitted, or to work for another employer different from the one authorized to work for, a fine of not less than two hundred Jordanian Dinars and not more than five hundred Jordanian Dinars. The same law punishes the worker in these situations with deportation, that the employer shall pay for the deportation expenses, and the worker is prohibited from entering the country for three years<sup>39</sup>. However, the irregular status of the worker does not deprive him from his judicial labour rights, as the Court of Cassation ruled that "the employment contract between the foreign worker and the Jordanian employer, if summons the other elements in accordance with the general rules, it is still produce the implications, even if the worker did not obtain the permit provided for in Article (12), since what is stated in it is only a regulatory procedure to monitor the migrant labour and the consequent effects"<sup>40</sup>

It is important to mention that Jordan since 2008, has included domestic workers into the Labour Law, and issued regulations regarding the rights and duties of domestic workers, employers, and recruitment agencies. Despite the protection that domestic workers might enjoy on paper, but in reality the situation is different, where there is still much to be done to assure migrants' rights are respected and preserved. In spite of Jordan's positive efforts in improving its legislation, there are still many factors that negatively influence the workers' fruition of their rights, and it may be due to the lack of real political will directed towards the implementation of the law.

Besides the Labour Law, there are many regulations and instructions related to domestic workers issued under this law, namely: Regulation of Domestic Workers, Cooks, Gardeners, and Any Other Workers Who Fall Within That Sector No. 90 of 2009, Regulation Regulating of private offices operating in the recruitment system And the use of non-Jordanian workers in domestic work No. 89 of 2009 issued under paragraph (b) and (c) of Article (10) of the Jordanian Labour Law, and was amended lately and substituted with Regulation No. (1) of 2015.

The provisions of the **Regulation of Domestic Workers, Cooks, Gardeners, and Any Other Workers Who Fall Within That Sector** obliges the employer or his authorized representative to pay the costs of the work and residency permits, while the presence of the worker is not required, and this regulation do not give

---

<sup>39</sup> Article (12) of the Jordanian Labour Law

<sup>40</sup> Decision of the Court of Cassation No. 3705/2004 issued in 20/2/2005, decision No. 3444/2004 issued in 20/5/2005, decision No. 655/2004 issued in 21/7/2004, and decision No. 3860/2003 issued in 16/2/2004.



the right to the worker to renew their work and residency permits themselves. Despite all that, if the employer neglected to issue these documents to the worker, the worker get punished by paying the overstay fees or being deported. Therefore, it is clear that the protection that the regulation guarantees is not enough, especially since it lacks any effective mechanism for the legal protection to renew the work permits<sup>41</sup>.

In 2003, Jordan became the first country in the Middle East to approve the **Unified Standard Contract**, a special work contract that addresses the category of domestic workers to assure their protection<sup>42</sup>, there was a re-drafting of a new unified contract in 2012, which is somewhat better than the previous one. The worker and both the recruitment agency in the worker's home country and the recruitment agency in Jordan are committed to sign, the two-year contract, and it can be extended by signing a new contract after the end of the previous one. The employer is obliged to cover the travel expenses, the cost of work and residency permits, provide the worker with the monthly wage mentioned in the contract, and the worker shall provide the worker with the appropriate accommodation, food, clothing expenses, and medical care.

This contract stipulates in Article No. 12, that the employer has no right to confiscate the passport or any other personal documents of the worker, and also includes the guiding principles, rights and obligations of both parties. Despite the necessity and importance of respecting the terms of the contract, but the provisions and rules of the employment contract are not being respected nor implemented properly. Therefore, it is ineffective in protecting the fundamental rights of workers<sup>43</sup>, and usually the police arrest the domestic workers who are reported by the employers to be "run-away" from the house of the employer.

The limitation period for the labour disputes is specified in two-year, and the worker is not entitled to claim his wages after two years, and that include wages and compensations for damage and harm. Due to the specificity of domestic workers situation which does not allow some of them to leave the house, frequently their claims are dropped due to the expiration of the period, and because of that many domestic workers lose their rights.

---

<sup>41</sup> The Weakest Link, Migrant Labor in Domestic and QIZ Sectors in Jordan. Tamkeen Center for Legal Aid and Human Rights. 2011. (12)

<sup>42</sup> Slow Reform, protection of migrant domestic workers in Asia and the Middle East. Human Rights Watch report. April 2010. (14)

<sup>43</sup> International Labour Organization, "The Special Contract for Non-Jordanian Domestic Workers". [http://www.ilo.org/dyn/migpractice/migmain.showPractice?p\\_lang=en&p\\_practice\\_id=28](http://www.ilo.org/dyn/migpractice/migmain.showPractice?p_lang=en&p_practice_id=28)

Although domestic workers in Jordan enjoy a good protection system, but the weakness of the proper implementation lose the system its importance and effectiveness in protecting this category. In addition to the limited number of inspectors in this sector, and also the Ministry of Labour failed to exert their authority to enter the employers' houses in order to examine the received complaints.

### **c. Committee for Non-Jordanian Domestic Workers' Affairs**

The committee for non-Jordanian domestic workers' affairs was formed under the provisions of Article 11 of Regulation of Organizing the Private Offices of Bringing and Employing non-Jordanian Domestic Workers headed by representative of the Ministry of Labour, and the membership of the Ministry of Interior, Residency and Borders Department, Domestic Workers Directorate, Domestic Helpers Recruitment Agencies Association, and representatives of the concerned States Embassies.

The functions and mechanisms of the Committee was determined at the decision of its formation in terms of resolving any issues related to the use and recruitment of non-Jordanian domestic workers. The Committee has the right to address and cooperate with all the concerned parties or invite them to participate in its meetings, and also has the right to recall each of the landlord, recruitment agency, and the worker in order to be able to find the appropriate solutions, and the Committee issue its decisions by a majority of its members. However, this Committee is also ineffective and rarely meet, although it is supposed to decide on the complaints received, which require them to meet periodically with the possibility of meeting at the emergency situations.

## **V. Legislation Protecting Victims of Human Trafficking**

The anti-human trafficking legislations has also had a direct impact on the protection of migrant workers' rights in Jordan. In 2009, the anti-trafficking law No. 9 was issued. The law defined "Human trafficking" as:

***"The recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation".***

Despite this law serving as an important step forward for Jordanian legislation, but it still needs to be amended and partially incomplete, and ambiguity in the definition contradiction with the other relevant legislations.

The issue of trafficking in persons is that it is a clandestine activity that is often difficult to prove with evidence, and therefore requires training of Jordanian officials in order to learn how to suitably identify, protect the victims and the prevention of this crime, and work on the prosecution and punishment of traffickers.

Despite the steps taken by the Jordanian government, more state efforts are needed to prepare public security forces and other relevant stakeholders for adequate and sufficient action against human trafficking.<sup>44</sup>

More specifically, migrant domestic workers are in extremely weak conditions and accordingly, become easy targets of trafficking in persons. The cycle of exploitation starts in their home countries, where recruitment agencies often attract women with false promises and guarantees of work opportunities that will afford them an easy lifestyle with a high income. These problems are exacerbated when the women reach Jordan as agencies fail to provide them with a copy of the contract and, their passports and other documents are confiscated upon arrival, and they are being "handed over" to employers who restrict their freedom of movement and communication with their families. Furthermore, there is no shelter to host the girls who run away from the hell of ill-treatment.

## VI. Irregular Migration

### a. Jordanian Laws' Impact on Creating Irregular Situations

Twenty percent of the work force in Jordan is comprised of documented migrant workers (324,000 workers). This percentage does not include those who are undocumented workers, which is approximately 500,000 according to the statement of public officials. Other than the Syrian workers from the refugees to Jordan after the Syria crisis, but the evaluation is an estimate because of the extreme difficulty to quantify the exact amount of irregular workers living and working in the country.

In Jordan, there are three categories of irregular manpower: migrant workers,

---

<sup>44</sup>Cane, Juke. *People on the move: Human trafficking and migration in Jordan, Lebanon and Syria*. Carim Studies. 2011. (5-10)

refugees, and transit migrant workers. There are many reasons that explain the presence of irregular workers in Jordan. For example, strict laws and regulations contribute to creating an irregular workforce, which considers even some categories of workers who hold work and residency permits as irregular, where such regulations consider who works for another employer other than the one authorized to work for or different sector, or other place than the one mentioned in the work permit, as irregular workers. Migrant workers become in an irregular situation after the employers refusal or have failed to renew the work permit and thus their residency permit. Many workers become in irregular situation after the worker's decision to leave the workplace for any reason. Furthermore, children born from irregular parents also hold a similar status in the country. Despite the temporary nature of migration in Jordan, this circumstance occasionally occurs. However, there are many cases of migrant women who give birth to children who are unrecognized by the father or whose father is in an irregular situation in the country. These children are oven become stateless, as their mothers' passports has been confiscated by the employers or recruitment agency, which hinder the registration of these children, leading to deprive these children of access to many basic rights. The above-mentioned reasons explain the high percentage of irregular workers in Jordan, in which these restrictive legislations in Jordan are highly influential in creating irregular situations for migrant workers.<sup>45</sup>

### **b. Irregular Workers as ‘Criminals’**

Many migrant domestic workers in Jordan are treated as strangers, despite the fact that some of them are victims of human trafficking, or have been subjected to numerous violations of labour and human rights.

Irregular migrants are officially likened to criminals in Jordanian Legislation, especially regarding the Residency and Foreign Affairs Act. Article 31 of this law associates all irregular migrants entering the country without a visa as criminals, in which they confront the bleak prospect of arrest and deportation without a regular court order.

While the United Nation Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment prohibits deportation of irregular migrants, nonetheless face dangers of deportation.

Despite the criminalization of irregular migrant workers, the Jordanian economy needs migrant workers, both regular and irregular, to fulfill the lack of manpower

---

<sup>45</sup> *Breaking the Silence! Irregular migrant workers in Jordan: between marginalization and integration.* Tamkeen Center for Legal Aid and Human Rights. (8- 23)

in the agricultural, domestic, catering, and construction sectors. The fears and anxieties of irregular workers in vulnerable legal situations, in which they are not entitled to any rights, subsequently make them easily exploitable where their working conditions reflect those of hard labor.<sup>46</sup>

The Jordanian legal framework, particularly several propositions from the Labor Law and the Residency and Foreign Affairs Act, contributes to the irregular status of migrant workers. These two laws largely attribute power to the employer, who is mainly responsible for the renewal of the permits and documents of the workers.

Employers' negligence in renewing the permits is considered as one of the main reasons that cause the increase in the number of irregular migrant workers. The Kafala system serves also as the institutional basis of attuning migrant domestic workers to vulnerable labor conditions through the main requirement of tying a worker's residence to the employer, causing them to leave their workplace and join the informal labour market.

*migrant domestic workers hold very negative views towards the police's role in protecting their rights. In an interview with a Sri Lankan domestic worker that "was imprisoned in the past" because she didn't have a residency permit, she commented that she saw an employer at the police station who cursed and physically abused another domestic worker in which the police didn't do anything. She added, "He left her. The girl had a broken body. Her madam beat her very badly, and then the agency treats her badly. The police do not believe we are all the same." In another case, a Sri Lankan domestic worker stated that the police took her passport once and asked for bribe from her a hefty amount of money to retrieve it. Jordan's laws and regulations are one part of the problem, in which the police are also accountable for perpetuating abuses against domestic workers.<sup>4748</sup>*

---

<sup>46</sup> *Breaking the Silence! Irregular migrant workers in Jordan: between marginalization and integration.* Tamkeen Center for Legal Aid and Human Rights. (15-23)

<sup>47</sup> *Domestic Plight.* Tamkeen Center for Legal Aid and Human Rights- Human Rights Watch. 2011. (61)

<sup>48</sup> F. De Bel -Air, "Irregular Migration to Jordan: Social Political Stakes", F. Carim Studies, San Domenico di Fiesole, 2008, p. 1-12

# Chapter [3]

## The Situation of Irregular Migrant Domestic Workers

Women from Sri Lanka, Indonesia, the Philippines, Bangladesh and now recently Kenya, voluntarily migrate to Jordan to work as domestic workers in hopes of alleviating their dire financial circumstances. For most, the first time that they leave their country and arrive to the host country, especially to those coming from remote areas in villages forms a social and cultural shocks more than those who live in cities.<sup>49</sup> However, the reality of their experiences in Jordan drastically differs from their expectations of how life will be in their host country. Some are subjected to conditions of forced labor after arrival, including unlawful practices of withholding of passports, restricting movement, nonpayment of wages, threats of imprisonment, and physical or sexual abuse, let alone the verbal abuse.

This chapter will present the challenges migrant domestic workers face in regard to their work conditions and will shed light onto their private social lives outside the domestic sphere through the medium of long in-depth interviews conducted with the workers. It will also address the daily obstacles irregular domestic workers face in relation to their legal status and social life in Jordan, in addition to addressing aspects of their personal relationships and sentiments towards safety and security in Jordan.

### 1- Demographic Profile of Migrant Domestic Workers in Jordan

Of the 303 women interviewed, their average age was 35.6 years old and they have been living and working in Jordan for a general range of 3.3 years. However, the Tamkeen Research Team encountered some of the workers who have been working in Jordan for more than 10 years. Since these women are usually the sole breadwinners of their families and earn higher wages than their husbands in their home countries, they tend to work abroad longer and for several years.

All the domestic workers interviewed were women, with the exception of two Sri Lankan men. One of them works as a freelancer domestic worker, while the other is a janitor and a cleaner at the Chinese embassy in Amman.

During the interview, the two men affirmed that they don't face any particular problems or prejudices in working in this traditionally feminine sector. The

---

<sup>49</sup>Esim, Simel. "Gender and Migration in Arab States: The Case of Domestic Workers." International Labour Organization. June 2004. (33)

freelancer worker also stated that it's not difficult for him to change jobs and find new employers.

### a. Education & Language

The level of education of the domestic workers varies between basic education to college education but on average, the sample of women interviewed obtained a medium to high level of education. While some workers were uneducated, and it is very important to note that the education level changes consistently from one nationality to another.

**Filipino workers** were distinguish in having a high educational level as they ranged between obtaining a high- school diploma and some kind of university education. The percentage of women who obtained some university schooling (13.8%) and (22%) of them achieved high scores. And the Filipino workers were distinguish also in their language skills, all the workers interviewed were able to communicate in English quite well, in which (83.4%) of them speak English fluently, while another (10.4%) of them has the ability to speak Enfligh but not fluently. As for their Arabic language skills, Filipinos in general don't speak Arabic. (61.4%) of the Filipino domestic worker community sample know some basic Arabic language skills while (15.9%) didn't know the Arabic language at all.

Tamkeen's researchers encountered many Filipinos with high-skills, such as teachers and nurses that were working as domestic workers because of the unemployment and low salaries in the Philippines.

In comparison to Filipino workers, we find **Sri Lankan workers** have a medium educational level; some of them, obtain some kind of high school education even if they did not attain the diploma. With some exceptions, it is rarely to find a domestic Sri Lankan worker who holds a university degree or speaks English language fluently. However they were able to communicate in either English or Arabic. It was among those workers interviewed, (45.2%) of them have a basic knowledge of Arabic language while (45.9%) know Arabic language well, and the remaining (8.9%) did not have any ability to communicate in Arabic. Regarding their ability to communicate in English (34.2%) have the ability to speak English fluently while (45.2%) of them hold some basic knowledge of English, and the remaining (20.6%) are not able to speak English at all. Due to the weakness of the English language, they are often forced to learn the local Arabic dialect in order to communicate with their employers.



**Indonesian domestic workers** have an education level that is similar to Sri Lankan workers, as (23.2%) of them only completed primary school, while (12.5%) received some kind of primary education without completing it, and (33.9%) of them received some kind of secondary education even if they didn't usually finish high school. As for their language proficiency, their ability to communicate in English was much less than the Sri Lankan workers, as only (3.6%) of the workers spoke some English well, (42.8%) have some basic knowledge of the language, while the remaining (53.6%) didn't speak English at all. As for their ability to communicate in Arabic was much better than the Sri Lankan workers, in which (62.5%) have a good level of command of Arabic language, and the remaining (37.5%) hold basic knowledge of the language.

**Bangladeshi domestic workers** constitute a particular case in which their level of education and language proficiency, as their education level is on average consistently below the general average of the other national groups. As for their language proficiency, (65.5%) of them has some basic knowledge of vocabulary, and (93.10%) confirmed that they don't have any knowledge of the English language. It is important to note that we conducted only 29 interviews with this group, and therefore the sample is very limited in compare to the number of interviews conducted with the other nationalities. The Labor attaché of the Bangladeshi embassy confirmed in the interview conducted by the Tamkeen research team that there is general lack of educational and linguistic proficiency of Bangladeshi workers in Jordan. She stated that women who work as domestic workers in Jordan usually have very low levels of education or no formal schooling, and generally they do not know any linguistic vocabulary other than their own local language. Furthermore, the Labor attaché reported that she even faces difficulties in communicating with the women who come from villages as they speak a different dialect that is commonly spoken in urban and metropolitan areas.<sup>50</sup>

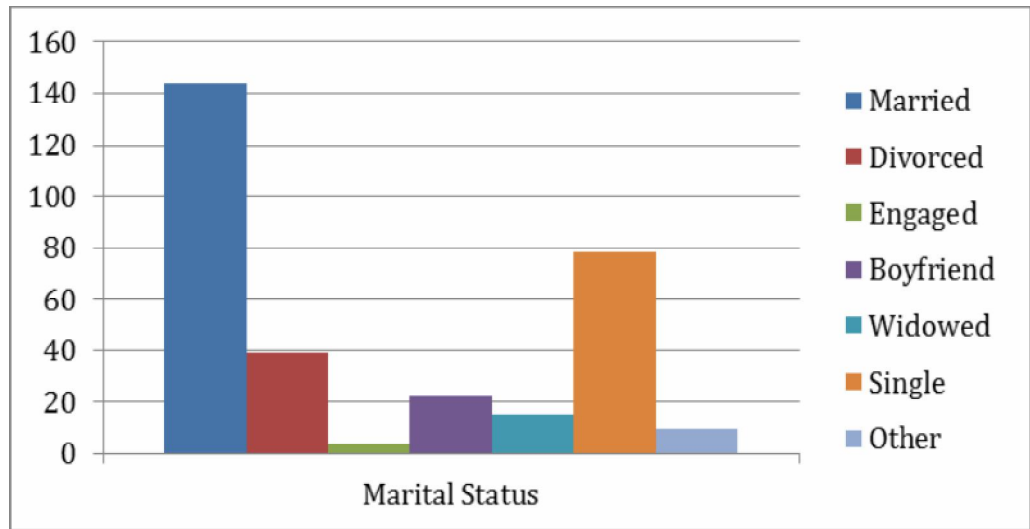
There is a great relation between violations and the educational level, as workers with low levels of education tend to face more labor abuses and violations in the workplace than their educated counterparts. Due to their ignorance about their legal rights and their fear to go out and spend time with their friends outside the house.

---

<sup>50</sup> An interview conducted with Ms. Lubna Yasmin, the labour attaché at the Bangladeshi Embassy in Amman.

## b. Marital Status and Children

All the workers interviewed were asked to answer questions related to marital status and relationships with their families. The **graphic** below shows the composition of the marital status among the sample of women interviewed.



The majority of women interviewed were married and predominately came from Sri Lanka, Bangladesh, and Indonesia. These national groups originate from conservative cultures that usually pressure women to marry at a young age and to bear children, with these societal attitudes further intensified in remote villages. Many workers expressed that they face issues with their husbands and felt that working abroad gave them the independence they needed that was otherwise limited in their home countries. Furthermore, the far distance that separates them from their husbands also sometimes exacerbates their personal relationships.

Tamkeen Research Team also encountered many women who were either divorced or separated from their husbands. Many Filipino workers commented on the tight legal requirements in their country regarding divorce, as it is nearly impossible and very expensive. Although many expressed their desire to legally divorce their husbands, they are unable to and thus reported their status as separated. One Sri Lankan domestic worker affirmed that her husband left her after three years of marriage while she was still in Jordan. Another Sri Lankan domestic worker recounted a similar experience in which her husband left her for another woman a year after she arrived to Jordan for work, and she added that he tried to apologize to her and to be with her again but that she rejected his pleas,

stating, **“I don’t need him. I’ve taken care of our children without him, and that he only wanted the money I was earning in Jordan”**. These narratives were common in many of the interviews conducted with the women, in which they voiced discontent with their partners who used their hard earned money for their own personal enjoyment, whether it was for drinking or gambling, instead of investing it for building the future of their children and family.

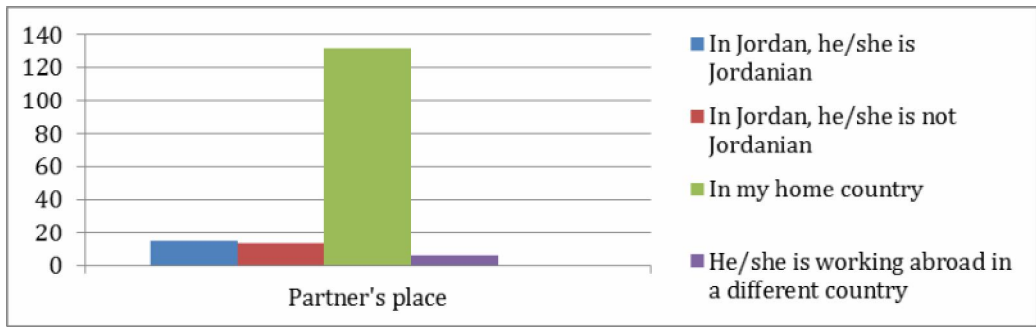
In a field mission carried out by one of the members of the research team to Sri Lanka, the researcher visited Batticaloa, a six-hour journey outside the capital of Colombo in which conflict during the civil war as well as a tsunami pushed a majority of women to migrate for work abroad. In an interview conducted with a Director of a legal clinic that provides free consultation to returnee female migrants, the director explained that there are two types of marriages, one is customary marriages that are not legally and the other is legal marriage. Many men legally remarry other women while their wives, with whom they have a customary marriage, are working abroad in the Middle East. She described the psychological issues many women face upon returning to Sri Lanka with their families. In addition to the social stigma that many returnee domestic workers face as family members often suspect that they have had sexual relations while abroad<sup>51</sup>.

In contrast, the majority of women who affirmed their single status were Filipinos, in which the percentage of married women with children was therefore lower among Filipino women in comparison with the other nationalities. However, this finding is expected given that the Filipino community is far more open than other national groups and has different cultural standards than the other three major national groups in regard to personal relationships and marriage.

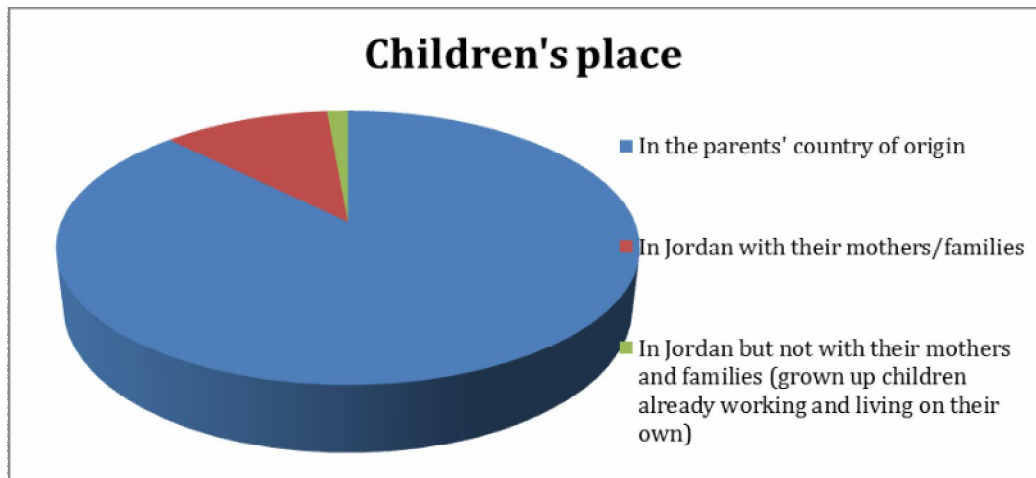
The 171 samples of women in the long interview were asked to answer questions that specified the place of where their partner and children are currently living, and as shown by the following two **graphics**, the overwhelming majority of women migrate alone while their partners tend to stay in their home country. Which shows that women are increasingly challenging traditional gender roles by migrating abroad to support both their husbands and children.

---

<sup>51</sup> An Interview conducted by the researcher Sadaf Hassan during a field visit to Sri Lanka in 2013.



As for the worker's children, the average was 1.5 children. Regarding the place of residence of their children, the graphics below highlights that a majority of domestic worker's children are in their home countries. While tending for their employers' children in Jordan, migrant domestic workers are often forced to leave their own children in search of money to help improve the livelihoods and education of their children.



Among the sample interviewed few workers who stated that their sons and/or daughters live with them in Jordan, usually these workers are elderly people and have been working in Jordan for years, and encouraged their children to come to work in Jordan.

Among the sample as well were workers whose children are living with them, the husbands were usually Jordanian and therefore these children do not face any problems since they hold Jordanian citizenship.

The third category, consisted of irregular migrant women whose children are stateless and therefore deprived of the most basic rights since they are born in Jordan to irregular parents or outside a regular marital relationship. The Team conducted interviews with 5 families of irregular workers whose members are still currently facing difficulties mainly connected to their particular irregular status: 4 out of 5 families have difficulties obtaining access to an adequate healthcare; 3 families faced the problem of accessing educational services; and 2 families faced problems related to their mobility and freedom of movement given their irregular status and the fear attached to confronting the police. And also conducted interviews with migrant domestic workers who aren't married and enter relationships with Jordanians or with other migrant workers, such as Egyptians and Syrians. Stories and narratives of this group of domestic workers who have formed relationships during their stay in Jordan and have children out of wedlock will be later explored in this report.

### **c. Legal Status**

The proportion of workers who confirmed obtaining a work and residency permits were (54.1%) noting that most of them obtained their documents through irregular procedures, (29.7%) did not obtain a work and residency permits, (5%) mentioned that they did not know if they have work permits or not, while (11.2%) preferred not to answer this question. The high percentage of regular workers is correlated to the majority of the women the Tamkeen Research Team was able to access and interview, which were live-in domestic workers. However, official sources report that the total number of domestic workers in Jordan is estimated to be around 80.000, in which 40% are considered irregular.

Some women, mostly freelancers and live-out workers, pay a Jordanian citizen to act as their sponsor on paper, and they are not the actual employers as freelancers work with multiple employers. In both cases, the permit released to the workers is therefore not completely valid and regular. However, police officials rarely follow up to check the sponsor, which would ensure domestic workers some security and avoid detention because of their irregular status. A question were asked to the sample about the official person registered in the official documents and if the name listed was their actual sponsor. However, many domestic workers preferred to not answer this question.

## 2. Working Conditions: Documenting Labor Violations

As explained earlier, there are three main employment structures in which migrant domestic workers are employed: **live-in**, **live-out**, and **freelancer**. Their social and work conditions have been analyzed by distinguishing between live-in workers and those that live separately from their employers, the live-out workers and freelancers. These three structures have been split into two categories based on the fundamental reason that separates them: their living situation. Many of the abuses incurred by migrant domestic workers are entangled with their living arrangement. Their roles as live-in workers are deeply imbedded into the intimate and private lives of their employers.

One of the leading factors perpetuating the cycle of abuse is embedded within the micro- level relationship between the employer and the worker in the private household, which is often unrecognized as a formal workplace. In Jordan, as well as in other countries in the Arab world, paid domestic work is viewed both economically and legally as a personal and emotional relationship, rather than an arm's-length professional employment relationship.

How employers treat workers is concurrently linked to the *kafala* system, where the absolute power is for the employer, who usually confiscate the passport of the worker, confining her to the house through restricting her movement, and denying day-offs believing that it is the mean to protect himself from any unforeseen negative consequences, which makes the balance of power is always in favor of the employer.

With the domestic worker living in the household and available at all times to be used as a 'working machine', the professional boundaries inherent in an employer-employee relationship are blurred. The live-in domestic worker is usually woken up routinely early in the morning with a heavy schedule of cooking and cleaning to be performed under an unregulated set of hours. In addition to the demanding workload, domestic workers are often subject to psychological abuse through the use of threats and yelling. Many live-in domestic workers also reported that employers have hit, and slapped them as a punishment for a work mistake.

The confiscation of passports is a common control mechanism used by the employer, as the passport is the symbolic power of the individual's freedom of movement, which prevents the worker from the right to change employer or even visit family members outdoor.

The possession of the domestic worker to her own passport and other identification documents marks a symbolic ownership over her own identity as an autonomous being free to choose where and when to travel. Within the passport lie elements of her identity, such as name, date and place of birth, as well as her photograph. Accordingly, if the domestic worker is stripped of her passport is a deprivation of the one entity that marks her identity in the country.

When the passport is confiscated, domestic workers are stuck in a 'limbo-state', living in uncertainty over their legal status. The passport in the eyes of the employers is the only guarantee for the remaining of the worker in the country. Accordingly, recruitment agencies usually encourage employers to confiscate the workers' passports upon entry into the country in order to prevent the worker from "running away" from the house. Usually the passport becomes a tool to exert dominance and to upholster domestic workers in a state of vulnerability, leaving them in exploitative situations without legal redress.

As will be discussed later in the chapter, Tamkeen's researchers rarely ever interviewed a migrant domestic worker who was in possession of her passport or other legal papers. In most cases, passports were either with the recruitment agency, first sponsor, or a Jordanian who had promised to arrange their papers, or had somehow gotten lost in the process.

Alongside confiscating passports, migrant domestic workers are often subjected to practices focused on a more physical control of their mobility. The restriction on the freedom of movement is a form of imprisonment, as these practices has become part of the normative of the employment relationship. Most migrant domestic workers are also deprived of a weekly day-off and are further kept under heightened employer scrutiny. Some workers leave the house only to buy some supplies for the home, or accompanied by the employer.

Strengthening the granting full responsibility to the employer through the *kafala* system instills the principle of slavery that breeds control mechanisms of limiting the domestic worker's freedom of movement within the family. Violations are not limited to passport confiscation and restraining the freedom of movement, but there are many other violations, such as non-payment of wages, inadequate food, and lack of medical care, also act as major violations of domestic worker's rights which will be discussed in the following sections.

## - Live-In Workers

Of the total women interviewed during the course of the research study, 91.1% of the cases stated to have worked as a live-in domestic worker at least once during their stay in Jordan. Many of them contracted with more than one employer. Therefore, all the women were asked to talk about each work experience in order to collect as much information as possible regarding their working and living conditions and the abuses they faced.

The total number of live-in work experiences collected is 276, as previously mentioned in the methodology, and will be referred to in the data analysis in the form of percentages.

The majority of women who worked as live-in were regular; as 73.8% stated that they were in a regular situation. Only 14.6% of them stated that they were working irregularly, while 11.6% of the women didn't know whether they were regular or not.

It is important to note that the majority of the women who were unsure of their legal status were predominately from the Bangladeshi nationality given their relatively recent status in the country and lack of education and language skills, in comparison to the other national groups that have been migrating to Jordan for a long period of time and have developed strong community networks.

As for the live-in workers' incomes, they earned around 170.8 JDs on average per month. Noting that the highest number of workers who were interviewed are from the Philippine nationality which usually relatively have higher wages than the other nationalities, but this amount is lower than the local minimum wage fixed at 190 JDs per month. Workers stated that they were able to send home around 125.2 JDs on average per month to their families, which translates into a decent amount in their home countries.

The average amount of working hours per day is very difficult to calculate, as live-in domestic workers are generally required to be available 24 hours/day and their days lack any clear boundaries between working time and free time. The workers experience also unpredictable work schedules as relatively quiet days or weeks are followed by hectic and exhausting periods. For example, if guests arrive at night many women stated working until 3:00am and waking up early at 7:00am the following morning for a full workday. This violates a law that requires



employers provide the worker with a sufficient sleeping period, which should not be less than 8 hours per day.

Some stated that their working time was on average adequate and reasonable, but it is important to highlight that the impossibility of setting fixed and well-defined working hours. This unfixed schedule blurs between rest periods and working hours, which often shapes workers' perceptions of time and causes distress. Considering all these variable conditions, the average live-in working time is estimated to amount to 13.63 hours/day. However, approximately 30% of the live-in workers reported working 16 hours or even more every day throughout the full 7 days, working beyond the 8-hour work per day stipulated in the domestic workers regulations with limited rest periods and no day-offs. While the employer has the right to organize the working hours that the domestic worker has to perform in accordance to the nature of the work and need of the family, this attributes the employer unlimited control over her workload despite the standardized 8-hour work day stipulated for domestic workers.

Coupled with long hours of work, many domestic workers were also unaware of the nature and responsibilities of the work. In many interviews, workers expressed the difficulties they face of taking care of elderly employers, in which they are required to be available all day and night depending on the employer's health condition. Many consequently share the same room as their employer and have no private space in the house for themselves. In other cases, workers have complained about the endless tasks they were required to perform in houses that are particularly large and demanding. In addition long strenuous hours of work per day, migrant domestic workers face a variety of abuses in the workplace. The following violations will be explained in detail through in-depth interviews conducted with either current live-in workers, or live-out and freelancers who reported their work conditions as former live-in workers.

### **- Non-Payment or Delayed Salaries**

In 38.7% of the cases, women faced various wage-related issues in which often they frequently didn't receive the salary on a regular monthly basis. Non-payment of wages is also common, as employers cheat the domestic worker by promising to pay all the salaries after the end of the contract. However, once the contract is expired, they refuse to pay her the due amount. In the worst case, employers refuse to pay several years of her salary. For example, one domestic worker commented that she was promised 200USD/month in her contract but upon arrival, received only 100USD. Number of workers explained that the main reason for them to leave the workplace, was the non-payment of wages.

In interviews conducted with recruitment agencies, all of them confirmed that non-payment is one of the most common factors that push domestic workers to "run away". However, some agencies' owners also stated that sometimes the worker doesn't attempt to talk to the employers about the financial problem before she decides to "run away", explaining that communication could help in such cases.

## **- Physical & Sexual Abuse**

In 23% of the cases, domestic workers encountered physical and/or sexual abuse in the workplace. Regarding physical abuse, the abusers tend to be the female employers but employers' children can also play a part. A woman reported that **her employer's son constantly physically abused her and caused serious physical injuries and permanent health damages**. Others reported accounts of employer's children pinching and slapping them as other common patterns of physical abuse. In a more severe case, **an employer threw steaming milk over a worker's face and placed a hot spoon over her hand because her son didn't want to drink the milk**.

Domestic workers are sometimes penalized for the behavior of their employer's children or while making a mistake during their household duties. **"A domestic worker was severely beaten and has become mentally impaired; where she was unable to communicate logically due to the physical abuse experienced in the workplace"**.

Some workers are also subjected to sexual abuse, harassment in particular, but cases of rape or attempted rape are less commonly reported. In an interview with a Filipino domestic worker, she recounted her experience of changing employers because her employer's father had sexually harassed her. In terms of cases regarding attempted rape, two of the women interviewed affirmed that a member of her employer's family threatened them with a knife. An Indonesian domestic worker told Tamkeen, **"My employer removed all of my clothes and raped me, beat and hurt me physically. I felt lifeless, I couldn't get up, and I felt so weak. Then he threw me out of the window because he was afraid of his wife. The neighbors took me to the hospital."**

*In an interview with a Sri Lankan domestic worker that has been living in Jordan for the past year, she recounted a detailed narrative in which her employer tried to sexually assault her while her madam was pregnant at the time. When the worker informed her madam, she was beaten by her. After that she tried changing*

employers because of the constant sexual harassment she faced in the workplace, she went to the recruitment agency asking to be returned back to Sri Lanka but the agency refused her request and also didn't help her. Instead, they kept her at the agency for a couple of days without adequate food or water, in which she was ultimately returned to her employer's house. She requested from the employer to go to the embassy, the employers refused and threatened her stating that they had paid high fees to the agency for her recruitment and took her to the police at night instead. She tried to explain to the police the violations she faced and requested from them to be sent to the embassy for help. The police returned her to her employers since it was late and the embassy was closed and she subsequently faced worse abuses upon arrival to the house as a punishment. She stated that the madam cut off her hair and poured gas all over her head, in which she started to experience problems with her sight since the gas went into her eyes. One day, her employer informed her that he would take her to the embassy but instead, gave a taxi driver 10 JDs to take her to his home. While she initially thought she was on her way to the embassy, she overheard the taxi driver on the phone saying that he had a "good Sri Lankan girl" and that he would take 50 JDs for her. Upon arrival to his house, he locked her in a room but she took five pairs of pants, tied them together, and climbed out from the window and escaped. During this situation, she emphasized that she did not know any Arabic and English and that it was very hard for her to communicate and seek help.

This case highlights, the lack of assistance needed by domestic workers in the event of exposure to violations.

### **- Verbal Abuse**

Verbal abuse is also very common, 39% of domestic workers stated that they had been subjected to verbal abuse by some employers, in addition to not being treated with respect. It is quite common to hear stories of workers verbally abused by the employers' children but not by the employers themselves.

### **- Serious Injuries and Proper Work Equipment**

In terms of serious accidents occurring in the workplace, 11.3% of domestic workers testified to injuries that have caused serious physical and health consequences. One woman stated that **her exhausting work hours, coupled with inadequate food and insufficient rest, caused her health to severely deteriorate**. Another domestic worker, whose hands were badly damaged, stated that **the chemical products she had to use to clean the house were toxic and that the**

***employers did not provide her with gloves to protect her hands despite continuous requests.*** In another case, a domestic worker recounted ***her friend's experience of falling from the roof while performing tasks requested by the employer and has been hospitalized due to serious hip injuries.*** Similarly, a domestic worker ***fell down while cleaning the windows but her employer refused to provide her with medical treatment and sent her back to the embassy until her health improved.*** Some domestic workers also affirmed that their current health problems are a direct consequence of the strenuous and exhausting work conditions that are often combined with a general lack of proper medical care.

In terms of appropriate work equipment, 25% of women reported that they work without the required equipment to perform their work tasks, as many of the workers were not provided with even gloves to protect their hands from the necessary chemical products to clean the house. This caused, in some cases, some certain chronic health problems.

### **- Freedom of Movement**

Freedom of movement is a common issue live-in domestic workers encounter in the workplace, in which 52.6% of women interviewed affirmed this practice. The restriction of workers' freedom is a common routine that employers undergo in Jordan where a majority of domestic workers are prohibited from leaving the house alone. In certain cases, domestic workers are able to leave the house but only to go shopping for their employers, to take out the garbage, or to carry out other general work tasks. However, they are rarely granted permission to spend their free time outside the house with friends or family.

The majority of recruitment agencies interviewed agreed to this social trend, emphasizing the employer's duty of protecting the domestic workers. Although the relations between the workers and employers may become difficult at times, but still they support this kind of approach, as it is considered safer for foreign women, and traditions play a role in this trend where domestic workers are denied freedom and independence. In Jordan, like in many other Middle Eastern countries, women's freedom is still restricted by tradition, culture and habits, and this perspective has important repercussions on domestic workers' freedom itself.

### **- Passport Confiscation**

In an overwhelming 71% of the workers interviewed stated to have faced passport confiscation at least once during their stay in Jordan. In general, employers and recruitment agencies withhold the workers' passport in the pretext of keeping it

in a safe place and returning it to the worker upon the end of her contract, although passport confiscation is considered illegal under the terms of the Unified Standard Contract, nevertheless this practice is very common.

Moreover, employers firmly refuse to return the passport to the workers when they claim for it and some might blackmail them by asking to pay a large amount of money, reaching sometimes to 2,000 or 3,000 JDs in order to obtain their passports back. Agencies usually refuse to return the passport to its clients, a domestic worker commented on how her friend wanted to obtain a work and residency permits but faced problems in retrieving her passport from the recruitment agency as they requested from her to pay 500 JDs for it be returned.

The confiscation of the workers' passport results in remain irregular in the country for long period which extends to years, in which they cannot correct their legal statuses even at the amnesty period, and are unable to return to their home countries, and overstay fees are accumulated and they risk arrest and detainment. Some of the women interviewed were unaware of exactly where their passports are, whether it is with the employer or at the agency. One of the workers stated that her first employer took her passport but that it was presently kept at the police station and she was unable to obtain access to it.

Such patterns of abuse pervade a majority of domestic worker's experiences and greatly impact their legal status in the country.

### **- Overtime without Adequate Compensation**

Overtime without receiving any adequate compensation is an intrinsic characteristic of the live-in workers' conditions. Of the live-in worker category, 64.5% stated working overtime without compensation. We note here that live-in domestic workers have to be available 24 hours per day and it is therefore very difficult to set specific time boundaries in the workplace.

On average, live-in domestic workers have some free time distributed during the day, with the long working hours which exceeds the 8-hour stipulated in the domestic workers regulation, no additional compensation is paid to the worker. In some instances compensation is given to workers in the form of presents or gifts or financial donation and not as a right entitled to her.

## - Days Off and Vacations

In 62.5% of workers interviewed, women declared the impossibility of having a day off. Although the Unified Standard Contract and the domestic workers regulation, states that workers should have at least one day off per week. Concerning vacations, none of them had the right to receive any vacation period before the official end of the work contract. However, 38% of the workers stated that for certain particular circumstances, their employers would allow them to take some days off.

## - Privacy & Proper Accommodation

Domestic workers do not enjoy privacy, and they are not allocated special places for them to sleep and live in, as it is quite common for a worker to sleep in the living room, kitchen, and saloon or any other space in the house which usually assigned for other purposes.

Commonly, some workers share the same bedroom with other domestic workers, employers' children, or an elderly member of the family who are in need of 24-hour assistance.

In 36% of the cases, workers stated that they were not allocated an adequate place to sleep. Some of the workers stated that they have been sleeping for long periods of time on the balcony or in the veranda. If workers are allocated their own room, many women have stated that it wasn't big enough or not adequately furnished. One domestic worker added that her room only had space for a bed and there was no space for her to walk around the room. One other domestic worker reported running away after one month because her elderly employer, with whom she shared the room with, routinely woke her up in the morning by throwing water in her face. When domestic workers share rooms with their employers, they are constantly under their employer's surveillance and barely have any privacy for themselves.

## - Inadequate Food

**“How can we work without food?”** was a question suitably asked by one of the domestic workers interviewed. In 27.4% of the cases, workers stated that they were provided with inadequate and insufficient food or that the quality of the food was unsuitable. Some of the workers affirmed that the lack of food was the main reason that caused them to run away and thus interrupting their work

relationship before the official end of the contract. One woman reported that her former employer used to emphasize the cost of the food that was “offered” to her, telling her how expensive it was. It is important to note that providing food to domestic workers is one of many employers’ responsibilities and is a basic right that should be guaranteed to the workers. One of the workers interviewed added that some employers also lock the fridge in order to prevent the employee from ‘stealing’ food. Some workers highlighted that they are unable to use their salaries to purchase their own food as they are locked inside the employer’s house or they are not allowed to go out alone.

In many cases, restricted freedom of movement intersects with many other violations in the workplace. This matter pushed one worker to inquire from the Labor attaché of the Bangladeshi embassy, **“Do they [employers] think that we don’t have food in our countries? Why do they think like this?”** The question insinuates stereotypes interlaced in the classist treatment of domestic workers in which they are viewed as extremely poor and therefore accustomed to different standards of living.

### **- Restricted Communication**

In 28% of the cases, the workers’ communication was regularly blocked with their families in their home countries. Some of the women were allowed to talk to their families only on a monthly base and for a few minutes while this possibility was completely denied to some other workers.

### **- Medical Treatment**

In 34.5% of the cases, workers didn’t receive any adequate medical treatment. Despite some of the workers showing clear symptoms of sickness, but their employers never took them to the hospital or consulted a doctor. The workers stated that the only medicine that was given to them was just a general painkiller. A recruitment agency’s owner affirmed that a new law would soon be promulgated, with the necessity of provide the workers with health insurance.

A lot of time, Instead of providing treatment to the sick worker, from diseases she sustained while working or due to the working conditions, the employer take them instead to their embassy or recruitment agency. For example, a Bangladeshi domestic worker reported that **she became severely ill while working for her employer. Her employer dropped her off at the embassy door so the staff could take her to the hospital.** In another case, a domestic worker stated that **her**



***employer refused to help her while she was ill, which pushed her to "run away" and find treatment and new employment.***

The results of the previous analysis show that the percentages of live-in domestic workers who have been abused in different ways are quite high, with some cases of women developing severe psychological issues from their traumatic work experiences. For example, an official at the Bangladeshi embassy reported the ***case of a domestic worker who has become mentally impaired resulting from ill-treatment.***

As part of the survey, the workers were asked to express their general opinions about their working and living conditions as live-in workers: the results came as a surprise, as in 23.8% of the cases the conditions were described as ‘very good’; 25.9% of the cases as ‘good’; 18.6% of the cases as ‘neither good nor bad’; 14.3% of the cases as ‘bad’; and 17.1% of the cases as ‘very bad’, with less than 1% of the sample not answering the question.

It is important to note as per these results that many workers do not know their rights adequately, have misconstrued perceptions about their work conditions, or think of themselves in inferior position. Many of whom ranked their work conditions as ‘good’ or ‘very good’ were actually exposed to a number of abuses and violations of their rights, such as no vacation and days off, restricted freedom of movement, inappropriate place to sleep and privacy, and overwork without adequate retribution. However, they described their situation as ‘good’ or ‘very good’ as they weren’t subjected to verbal, sexual, or physical abuse, received their salary, and were provided with quality food.

Even in comparison to their salary and hours of work, there lies a discrepancy in how they have rated or scaled their conditions. For example, in a case in which a worker reported her workplace conditions to be “neither good nor bad,” she was subjected to 17 hours of work per day for 140 JDs per month, and wasn’t paid her salary on time, as well as experienced the following violations: verbal abuse, restricted freedom of movement, passport confiscation, refusal of vacation or weekly days off, inadequate food, and was not provided with proper work equipment. Additionally, she mentioned that her employer demanded from her 2,000 JDs in order to return the passport to her.

This signifies that workers are unaware of their rights guaranteed through the national legislations, and many of them tended to rate their conditions relative to the most extreme cases of outward abuses.



### 3- The Challenges of Terminating a Contract Before Its Official Expiration

Given the difficult conditions faced by the majority of domestic workers, it is very common for workers to decide the end their contract before its official conclusion. 68.4% of the women in the long survey stated to have changed employers at least once during their stay in Jordan. 25.7% of them waited for the official end of the contract before starting the new job, 33.3% of them obtained permission from the employer to change job before the official end of the work contract, and 41% did not ask for permission and left the workplace.

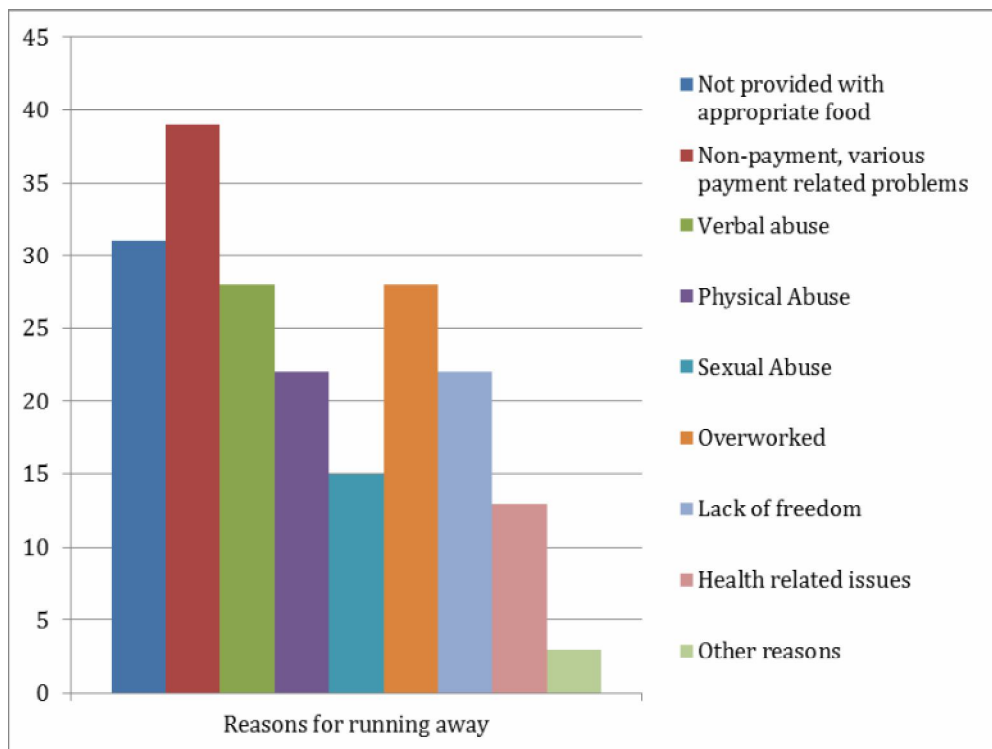
#### a. The So-called “Runaways”

The so-called “Runaways” are women who have decided to leave their employer’s house for a variety of reasons inclusive to unfair labor conditions.

As soon as a domestic worker "absconds", she is automatically considered an illegal alien by the state for leaving her "sponsor". Leaving the workplace "Running away" might be the only solution for a domestic worker suffering from violations and restricted movement in the house, where the only communication method available in some cases is by talking to another worker across balconies.

The employer normally informs the police station once the worker has left the house "run away" to renounce responsibility for her, from side. And in hope to find her again, and return her back to work even if it was against her will, and sometimes the employer will falsely accuse the worker of theft.

The following **graph** demonstrates the main push factors that have triggered domestic workers to "run away" from their employers.



The main reasons domestic workers "run away" from their employers is due to various payment-related issues such as non-payment or delayed salaries, followed by receiving inadequate and unsuitable food in the workplace, then verbal, sexual, and physical abuse, excessive workloads, lack of freedom, and health-related issues such as lack of medical care and treatment. An Indonesian domestic worker who "ran away" from her employer asserted that ***"she wouldn't had left before the end of her contract if she had received better treatment from her employers regardless of the heavy workload, adding that most Indonesian workers wouldn't "run away" as long as they treated fairly"***.

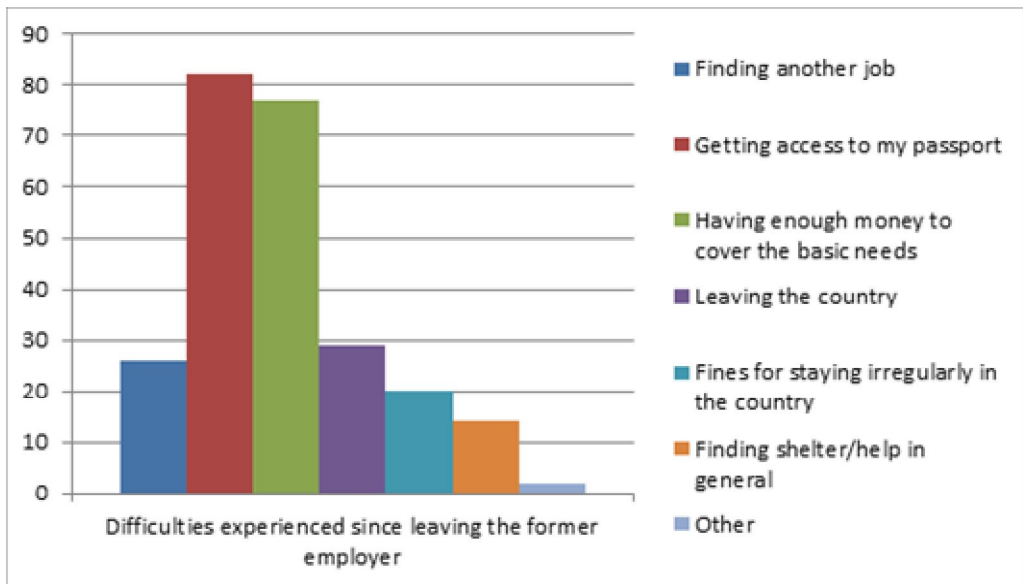
"Runaways" consequently face two options upon leaving their employer: either to find new employment or to return to their home country. If the domestic worker desires to return back to her home country, she falls into the desperate situation of retrieving the passport from her employer, sometimes at an unaffordable price, or requesting a laissez-passer from her embassy to leave the country. The workers become without any legal protection and the impending fear of imprisonment and deportation, and seek to find legitimate channels to stay in the country legally. Which makes them fall into further cycles of exploitation from sex traffickers who offer a place to live and quick money.

Once again, the *kafala* system which gives the employer the full weight and power attributes to positioning the “runaways” in dangerous situations where their financial vulnerability becomes a profiting tool for sex traffickers and “paper sponsors.”

*From a long depth oral narrative interview conducted with Sara, an Indonesian domestic worker who has been working in Jordan since she was only 18 years old, and through this interview, we can reconnaissance the reasons that push many women to "runaway" and seek alternative remedies to their problems. Sara's work experiences as a domestic worker have been especially abusive and harmful with her first sponsor. She said that she experienced almost every type of abuse that can be encountered in the work place with the exception of physical and sexual abuse, such as working 20 hours non-stop everyday without rest and food, verbal abuse, and deprivation of contacting her family. Her work conditions inclined her to attempt suicide three times during her contract with this employer. The most serious attempt was when she cut her wrists with a knife and lost massive amounts of blood. She stated that the injury was deep and her employer noticed a week later only when the cut became infected. And she was able to switch employers legally by obtaining permission from the agency, but she later "ran away" from her second employer due to the workload, in which she was responsible for heavy gardening in addition to the other household chores. After "running away", she found a new job with an irregular, non-registered office in which she claimed was better than the official registered offices she normally was employed through. She lives alone in her own apartment and has a "paper sponsor".*

## **b. Seeking New Employment**

The same sample of workers were asked to answer two specific multiple choice questions: the first one related to procedures of finding a new job while the second focused on the specific difficulties they faced while changing jobs.



After changing employers, domestic workers find new employment through a variety of ways, as they seek reaching other workers from their nationality and sometimes from other nationalities, such as freelancers, to help them find job opportunities. Many domestic workers who "ran away" from their employers mentioned that while trying to find a solution to their problem, they met a freelancer worker by chance where they were able to find new employment for them. A domestic worker who faced sexual and physical abuse from her employer stated that when she "ran away" from the workplace, she confided in another Sri Lankan domestic worker on the street about her problem. The worker helped her find work and she has been working in part-time since then. Apart from this method, many domestic workers go to recruitment agencies that are often unregistered and that already work with many freelancers.

The sample were also asked to elaborate on the difficulties they face after leaving their workplace. The **graphic** below emphasizes the most common issues:

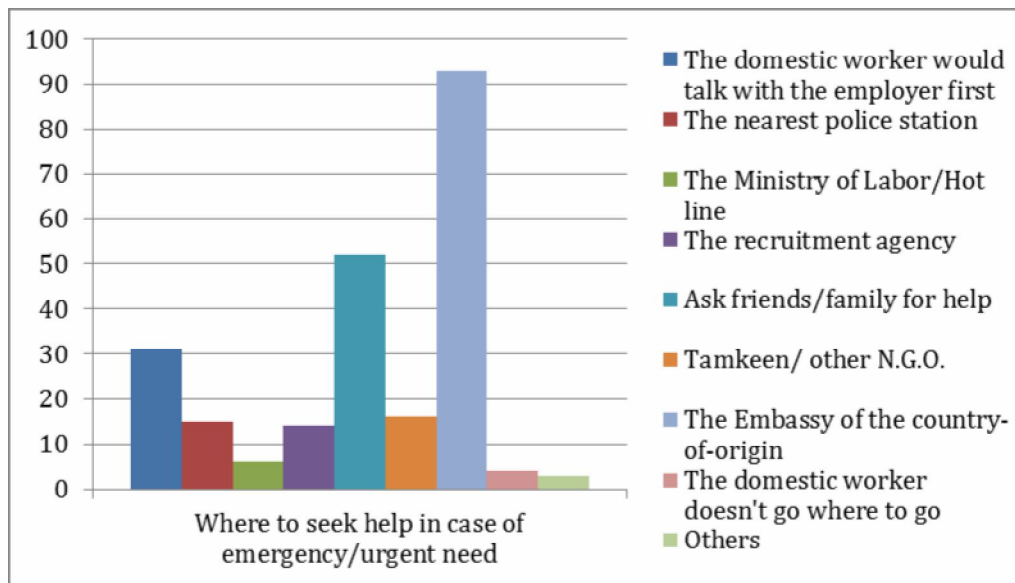
The most persistent issue domestic workers encountered while trying to find new employment was retrieving their passports from former employers or recruitment agencies. As mentioned earlier, this continuous violation affect many other aspects of their stay in the country. Where workers do not find means for legal redress which help them to survive during confiscation of their documents or help them in retrieving them. The next commonly experienced difficulty after leaving the employer was the lack of financial stability to cover the workers' basic needs.

Since many of them often leave their workplace due to non-payment of salaries or delayed payment. These financial difficulties lead them into relying on irregular channels to support not only their families abroad but now also to pay the costs of accommodation and food. Other issues mentioned were the accumulation of the overstay fees, therefore the difficulty of leaving the country.

**c. Where to turn?**

All the workers subjected to the long interview were asked about the places they would go to in case of urgent need or emergency.

The **graphic** below shows the domestic workers’ opinions on the most reliable places to seek help.



Workers stated that the embassies of their countries is the first place to turn to, followed by resorting to friends and families, if any, followed by the attempt to negotiate with the employer, and the fourth choice was trying to access Civil Society Organizations, followed by the recourse to the nearest police station. The resort to recruitment agencies and the Ministry of Labour came in the bottom of the list, and these choices show the lack of workers' confidence in official bodies.

## d- Shelters

The respective embassies in Jordan play a crucial role in providing services to "runaway" victims through providing shelter and legal aid. Despite the steps which have been taken to address the needs of abused domestic workers, more needs to be done to swiftly address their complaint cases. In interviews conducted with the embassies, it was emphasized that the lack of financial resources and staff has critically impacted the procedures of assisting domestic workers. For example, the Labor attaché of one of the embassies mentioned that the inability of the embassy to deal with many of the complaints, and due to the lack of a shelter for the embassy, they are forced to send workers to the recruitment agencies.

While Tamkeen requested access to the **Sri Lankan** embassy's shelter, entry was denied and the issue of discussing the conditions of the shelter was often avoided.

Until 2012, before the shelter was created for the workers, they were kept in the embassy's basement. Various accounts from Sri Lankan domestic workers regarding their experiences and impression about the shelter, where they described the shelter as overcrowded with unhygienic conditions, and they expressed their discontent towards the inefficiency of consular services provided by their embassy to them. One Sri Lankan community leader described the embassy as corrupt and that **"they don't do things the right way."** For example, she commented that Jordanian staff often pocket money from the domestic workers who visit the embassy for assistance. Another domestic worker asserted that she would rather ask the police for help than seeking assistance from the embassy, adding that the embassy often sends workers back to their employer's house without really caring about solving their problems.

In terms of the services provided by the shelter, one woman commented **"there is nothing in the embassy. They don't provide any food or clothing. There is no point in going to the embassy because they send you back home. We came here to work. We have to earn money."**

Workers have been subjected to these experiences formerly, however, since 2012 the circumstance has changed, after the establishment of a separate shelter, and the situation became better.

In comparison to the Sri Lankan shelter, the **Filipino** shelter follow the Philippine Overseas Labor & Office (POLO) is more organized and open, where they allowed Tamkeen's research team to conduct interviews with some of the women hosted there. The women, although sometimes traumatized by their work experiences,

seemed somewhat satisfied with the shelter and the embassy's efforts to solve their legal and financial problems. However, some of the women interviewed expressed their frustration towards the embassy's assistance, with one woman commenting that the embassy should provide assistance in more helpful way. The women living in the shelter expressed different needs in terms of alleviating their situation; some wanted to return back to their home country while others have been waiting impatiently to obtain new job opportunity. Others expressed their annoyance because they are unable to leave the shelter given the security precautions taken by the embassy.

*For example, a domestic worker living in the shelter said that she came to the POLO shelter when her employer threatened to send her back to the recruitment agency if she didn't clean properly. Her recruitment agency physically abused her when she "ran away". While the shelter serves as a safe space for workers to avoid confrontation from their abusers, both the recruitment agent and the employer found her at the shelter. The employer blackmailed her to pay \$2,500 to return her passport to her and justified the high amount since she paid \$4000 to the recruitment agency to recruit her. The worker expressed her unhappiness while staying at the shelter. She was scared to leave the shelter and stays in the shelter most of the time because her recruitment agent threatened to kill her if he found her walking around on the street, saying "She is afraid from leaving the shelter, and stays in it all the time". She is currently waiting to be repatriated to the Philippines and is uncertain when she will return home due to the lack of the cost to pay for her ticket back home. In addition, her passport is still with her employer.*

Tamkeen's research team was able to enter the **Indonesian** Embassy's shelter several times in order to interview the domestic workers hosted in it. The Embassy also requested some members of Tamkeen research team to evaluate the conditions of the shelter and the welfare of the women hosted. In general, the women expressed positive opinions about their living conditions in the shelter. However, some of them were not satisfied in regard to some legal procedures carried out by the embassy. As the women reported, the only feasible solution is to force workers to return to Indonesia and thus preventing them to continue working in Jordan.

As for the **Bangladeshi** domestic worker community, there is currently no shelter in place for them at the embassy given the lack of financial resources and support from the Bangladeshi government. The Labor attaché expressed her hesitation in building a shelter for the domestic workers as she fears that it will push many workers who don't want to work anymore to leave work without a reason, and resort to the embassy shelter.

Every month, the embassy allocates approximately 20 tickets to repatriate workers who have recourse to the embassy for the settlements of disputes with employers . Given the already high influx of workers who come to the embassy for help, the Labor attaché feels that the shelter would become overcrowded with piled complaint cases without being addressed.

There is no space for embassies or consulates to communicate with domestic workers from their citizens at their employers' houses, making it difficult to follow up workers and their access to the embassy of their country to file a complaint. Sometimes, some of the workers resort after leaving the workplace to the embassies of their countries, but the slow procedures and the lack of response of employers, leads to the restlessness of the workers and their feeling of insecurity, therefore, they find that it is better to get out of the shelter and look for opportunities to work stably, and without legal cover.

### **e - Detained Domestic Workers**

Domestic workers are recruited through recruitment agencies, and when the worker arrives to the employers' house, sometimes she refuses to work for a reason or another, and may be because of homesickness, missing the family, inability to handle this type of job, or maybe she was exposed to deception with regard to the type, nature and location of the work. The worker doesn't find anyone to hear her, and finds herself in a situation which requires her finishing the contractual period against her will, and she might even be subjected to violation by her employer or a member of the employers' family, which lead eventually to leaving the workplace and escaping from hell of a situation, and the worker might leave the workplace without any logical reason. Usually, the employer go to police stations and report the "Running away worker", and some might even accuse the worker with theft which usually is a malicious accusation, either for the purpose of revenge for leaving the workplace or because they believe that the accusation could push the security forces to pay more interest to the notification, which leads to easily reaching the worker. Usually, the workers who leave the workplace are treated as someone who committed a crime, where they get arrested and detained in detention centers, the so-called "administrative detention". Before this kind of detention, usually comes what known as police station detention where the legislations gave them the authority to detain, with a period of custody which does not exceed 24-hour, however this period is often exceeded to reach days, weeks, and sometimes even for months. Usually female detainees remain detained in the administrative detentions for months up to years , waiting for a ticket to return back to their home countries.



A large number of domestic workers in the Al-Jweidah Center for Reform and Rehabilitation are waiting to become repatriated to their home countries. However, many face legal obstacles in returning home due to the confiscation of their passports or overwhelming overstay fines incurred after their residency permit expired. The non-renewal of residency permits was a common issue detained domestic workers faced, as it leads to overstay fines. G. Gladys, a Filipino detained domestic worker stated, **"I have worked in a restaurant for two years, and the owner didn't renew my work permit, so I "ran away""** Another Filipino domestic worker said **"I worked in a house for one year and a half and my employer didn't issue a residency permit for me so the fines accumulated and I wanted to go home but I couldn't."**

According to the interviews conducted with the detained domestic workers, many have suffered from violations in the workplace, such as: physical, psychological, and sexual abuse; nonpayment of wages; food deprivation; confiscation of their identity documents; denial of health care; limitations on their ability to return to their home countries; denial of freedom; and taking days off. Non-payment of wages was one of the most frequent complaints in which some of the detained domestic workers asserted that they didn't receive their full salaries. For example, R. Dilusha, a Sri Lankan domestic worker, said: **"I worked for two years for my employer and I've only received one year salary."**

In terms of physical abuse, Tamkeen met many detained domestic workers who experienced severe cases of abuse by the recruitment agencies staff or employers before leaving the workplace. In one case, *a Bangladeshi domestic worker suffered from memory loss as a result of severe beatings on her head.* Another detained worker confided that *her agent used to beat her with his shoes and once electrocuted her with a wire.* Many detained workers also explained food deprivation as one of the reasons they "ran way". A Filipino domestic worker stated, **"While I was working at a restaurant I used to hide the rest of what people left so I could eat it later."** One of the Sri Lankan domestic workers with whom we met told us, **"My madam only gave me loaf of bread once daily."**

Most of the domestic workers that Tamkeen interviewed were not provided with adequate living conditions and often slept under stairs and living room floors, with many others sharing their room with employers' children. Furthermore, many of the detained workers stated that they worked in multiple houses that were not their legal employers. One detained domestic worker told us **"I worked with the madam for one year and two months, and when I was there I had to work in the house, super market, restaurant, and pharmacy which the family had."**

In terms of communicating with the detained Bangladeshi domestic workers, Tamkeen faced many language barriers in trying to understand their labor conditions. Language barriers such as these serve as concrete obstacles between the worker and the employer, especially for Bangladeshi migrants, who are often uneducated. Especially in situations of detainment, without a translator present, detained domestic workers who lack the ability to advocate for their selves or to demand their legal rights are the most vulnerable. During the interviews, Tamkeen met 4 detained Bangladeshi domestic workers who didn't understand Arabic or English.

## **- Freelancers & Live-Out Workers**

Freelancers are women who work on an hourly basis for multiple employers and live on their own by either renting an apartment or staying in a room at a house. Usually they are workers whom their contracts have ended or have left the workplace after the exposure to certain violations which previously mentioned, and preferred to stay in the country and work independently. As for the live-out workers they work for one employer, but does not live at the employers' house.

Freelance work grants domestic workers with greater mobility and privacy, similarly, live-out but normally they work for one employer. The labor conditions of the two categories are very similar and are strikingly different from the experience of live-in workers, mainly due to the fact that freelancers and live-out have their own accommodation. Their living arrangement affords them greater privacy and mobility than their live-in counterparts.

The percentages of women interviewed who work in live-out employment structures were 14.85%, in which the sample stated working at least once in this arrangement. As for the percentage of women interviewed working as freelancers, 34.3% of the sample stated working at least once as a freelancer.

According to the sample, the average salary for a live-out worker is 355.71 JDs/month, in which 197.42 JDs was sent on an average monthly basis as remittances. Similarly, freelancers earned slightly more on average at 373.84 JDs/month and sent about 157.58 JDs/month in the form of remittances.

With regard to the working hours, on average, the live-out category worked 8.15 hours/day while freelancers similarly worked 7.33 hours/day. In terms of the live-out groups' legal status, 69.3% were regular, 26.5% irregular, and 4.2% weren't sure about their legal status. In contrast, freelancers were 31.1% regular, 44.3% irregular,

6.6% weren't sure about their legal status, while the remaining 18% preferred not to answer the question.

Most likely that most of the women who reported being regular, had their statuses corrected through "paper sponsors" in return for amount of money paid to them. The following sections will present the work experiences of both live-out and freelancer domestic workers, reporting all the abuses and human rights violations they have been exposed to in the workplace.

## - Work Conditions

As reiterated earlier, **non-payment** or delayed payment of domestic workers' salaries was one of the most common issues experienced by live-in workers. However, only 6.1% of live-out and 7.5% of freelance workers reported this violation. A majority of both live-out and freelance workers were paid their salaries on time and at a much higher rate than live-in workers.

*In one case, a domestic worker stated that she "ran away" from her first sponsor after being beaten and not receiving her salary. And said, that she started to work as a live-out worker for another family for 6 months but was also not paid her salary. After a confrontation with the family in demanding payment, her employer took her and left her at the embassy door at night where she spent the whole night waiting alone in the cold for the embassy to open.*

While **physical** and **sexual abuse** in the workplace was a shared experience by most live-in workers, these patterns of abuse were virtually non-existent in our interviews with these two categories. Only 2% of live-out workers reported physical or sexual abuse while none of the freelancers interviewed directly stated to have experienced these violations.

In terms of **verbal abuse**, 3.7% of live-out workers had this problem.

Furthermore, only 2% of live-out workers and 1% of freelancers reported encountering **physical injuries** in the workplace. Compared to the experience of live-in workers, these two categories have been provided with proper equipment in the workplace and were not subjugated to very harsh conditions of work in which their health was threatened.

As expressed earlier in interviews conducted with live-in domestic workers, **restricted freedom of movement** is widespread as employers use this method as a

mean to control workers. On the other hand, live-out and freelancers rarely experienced such violations since they are not subjugated to these control mechanisms. While 8.1% of live-out workers reported restricted freedom of movement, only 1.9% of freelancers stated being exposed to this problem.

On the other hand, many domestic workers feel that their freedom of movement is restricted due to the fears and insecurities attached to their irregular status that often isolates them from socializing in the outside sphere of the safety spaces they have created in their own apartments or friend's houses.

While live-out and freelance workers have drastically better conditions than their live-in counterparts, **passport confiscation** was the most common issue experienced by all three categories. 12.2% of live-out workers and 15.1% of freelancers reported the dispossession of their passport and other legal documents.

In many cases, women commented that their first sponsor still possess their passport. However, we should stress that the question was often misunderstood by these categories. Some of the workers stated that they were facing this abuse but not with their employer, and that their documents were still kept with someone else. Therefore, the 15.1% that reported passport confiscation probably are not facing this problem with their current freelancer employers, but are still waiting to retrieve these documents from former employers and recruitment agencies.

In terms of working **overtime without compensation**, 8.1% of live-out workers and 5.7% of freelancers reported experiencing this violation. However, in comparison to live-in domestic workers, these two categories are often paid overtime because they work on an hourly basis.

Compared to the percentage of live-in domestic workers who have been **refused vacation and days off**, live-out and freelancers had more control over dictating the days of their work given its nature. Since live-out and freelancers do not live with their employers and their work hours are set. However, 14.2% of live-out workers reported not having any weekly day off and around 6.6% of freelancers still reported not having any vacation days. And for this category of workers, that may be a preference to work in order to earn more money as they get paid on a working hours basis.

While a majority of live-in domestic workers reported **lack of sleep** as persistent issues they encountered in the workplace, almost no live-out or freelance workers experienced this problem given that these two categories do not live with their

employer and thus are not routinely woken up early in the morning as live-in workers commonly are. While **inadequate food** was one of the driving factors pushing live-in domestic workers to "run away" from their employers, live-out and freelance workers virtually did not face this issue as only 4% of live-out workers reported having insufficient food. However, it is important to note that questions relating to food and accommodation within the context of live-out and freelancer structures vary from live-in workers in the sense that these two categories often cover these expenses by themselves, as the employers they work part-time for are not legally obligated to provide these services to live-out and freelance workers. Accordingly, the number of live-out women who faced insufficient food was probably due to their own financial issues of not being able to purchase enough food for themselves.

In terms of **proper work equipment**, 10.2% of live-out and 4.7% of freelancers workers stated they weren't provided with appropriate work equipment. Many live-in workers were **deprived of contacting their families** in their home countries, while live-out workers and freelancers almost no women from these categories reported facing issues in contacting their families. However, 1% of freelancers did state having this problem but it was most likely related to the worker's own financial issues in purchasing international phone cards to call their families abroad.

Given all the work violations listed so far, **lack of medical care and treatment** was the highest violation encountered by both live-out workers and freelancers. 16.3% of live-out workers and 14.15% of freelancers reported having no medical care provided by their employers. The percentage of women who experienced issues in covering medical treatment were probably not paid enough to cover their own expenses for medical health. It is important to note that just because about 70% of women in these two categories did not recognize this problem, it doesn't directly mean that their freelance employers are covering the costs for them.

In comparison to live-in domestic workers, live-out workers and freelancers face relatively far much less abuse in the workplace. While non-payment of salaries and inadequate food were the leading violations that pushed live-in domestic workers to find new employment, the lack of medical treatment was the major obstacle these two categories faced. **Passport confiscation** was common and very present in the experiences of all the domestic workers regardless of their employment structure. Other issues relating to restricted freedom of movement and inadequate food should be viewed through the lens of the domestic worker, in which the employer is technically not obligated to provide these services given the irregular nature of their jobs. Within the context of these issues, it is not directly

related to the employer but instead attributed to the financial stability of the worker, in which these two categories often struggle in sending remittances to their families and providing for the daily expenses of food, accommodation, and transportation.

As part of the survey, the women were asked to rate their work conditions and to provide comments on their living conditions as live-out workers and freelancers; 44.8% of live-out workers and 29.2% of freelancers rated their conditions as “very good;” 6.1% of live-out and 39.6% of freelancers reported “good;” 6.1% of live-out and 11.3% of freelancers stated “neither good nor bad,” with only one women in both categories rated her condition as “bad” and 2% of freelancers stating “very bad.” While there were inconsistencies found between the statistics of the same question asked to live-in domestic workers and the realities of their experiences, the way in which live-out workers and freelancers rated their work and living conditions corresponded to the percentage of abuse they experienced in the workplace. Compared to how live-in domestic workers rated their labor conditions, both live-out and freelancers workers more commonly reported their conditions as either “very good” or “good.”

### **- Part-time vs. Live-in?**

Many migrant domestic workers expressed in our interviews that they preferred freelance and live-out working and living conditions because they are able to make extra money and are afforded greater freedom without depending on their "sponsor" for their mobility.

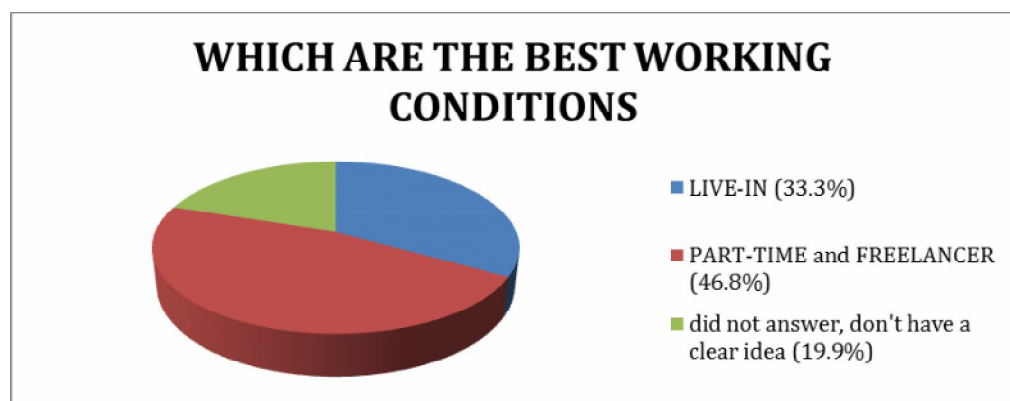
Compared to live-in workers forcefully confined in employers' houses, freelancers possess the “luxury” of leisure time and through the newfound sense of mobility are able to enjoy periods of rest from strenuous work. Taking into account their irregular status which might put them at risk, but most of them supported the option of freelance and live-out employment structures.

Regardless of the greater freedom of movement, the salary is generally higher and workers are free to administrate their own money, enjoy their privacy, and are less exposed to abuses and rights violations. However, a consistent portion of the women interviewed stated that live-in conditions are preferable, sustaining that they are provided with food and accommodation, and are provided with better legal protection. They also explained that the level of safety is higher for live-in workers as they are less exposed to the risk of becoming irregular and to the perils of society, such as being forced to work in prostitution.

It is important to note that domestic workers sometimes "run away" from their employers even if they aren't facing major abuses in the household and have been treated fairly by the employers. An official from the Bangladeshi embassy confirmed that *many women come to the embassy for help by requesting assistance to retrieve their passports from their sponsors in order for them to work as freelancers*. One woman bluntly told him **"to give her passport to her so she could work outside"**.

Many domestic workers recognize the power of the passport in dictating their freedom of movement and in returning to their countries or finding new work opportunity.

As shown by the **graphic** below, a majority (46.8%) stated that they preferred to work in part-time employment; however, there were still many women (33.3%) that preferred to stay and work for one employer, as for the rest (19.9%) were unable to answer this question. They stated that there were trade-offs in each employment structure; freelancers and live-out workers are afforded with greater freedom and a higher salary but live-in workers hold legal status in the country and have less expenses to cover. For example, a Sri Lankan freelance worker stated that ***the only difference she viewed between live-in and part-time work is that the work conditions are better. However, she is struggling financially to cover costs of her apartment and medicine. If employers are good, then she believes that it is best to stay as a live-in worker because the worries of paying for rent, food, and medical care is under the legal jurisdiction of the employer's responsibility to the worker.***



While working for more than one employer dilutes the power dynamics inherent in the *kafala* system, freelancing is deemed as an unregulated and illegal sector. Many have capitalized on the fact that in order for the freelancer to remain within the law, she must have a sponsor, even if he is unreal. Some Jordanians have



taken advantage of this as a prosperous business, charging up to \$1200 to act as a "sponsor" for an individual migrant worker as a form of sub-contracting. Because of the illegal and underground life of freelance work, it is often difficult for the freelancer to verify she paid a fee in exchange for formalizing legal papers as "paper sponsors" can sometimes deceive the workers and taken money without correcting their legal status, in addition to denial of receiving these money and thus impunity.

*A Sri Lankan cook named Noor, who has been living in Jordan for the past 17 years and originally came on a tourist visa, stated that she has constantly struggled to fix her irregular status and mentioned that she has been deceived twice by two Jordanian men who took advantage of her illegal status. The first incident was when she paid 5,000 JDs, in which she had to sell her gold, to a Jordanian who promised to arrange her residency permit. However, he ran away with her money and she has been trying for the past five years to return this money. The second incident was when a Jordanian took her passport, promising that he would make her a residency permit. In this case, she paid him 810 JDs but he took her money and threw her passport away. With the help of Tamkeen's Legal Unit, she was able to get back her money and passport, and the man was consequently imprisoned. She also stated the issue of overstay fines. The first time, she was forced to pay 770 JDs and the second time, 460 JDs. She expressed the urgency in regularizing her legal status in the country given these high overstay fees.*

The life of a freelancer may be easier in terms of liberating from the unofficial authority of the "sponsor" but they are nonetheless subject to the *kafala* system's regulations even if they are undocumented. As usually they are susceptible to being arrested by the police and being asked about their "sponsors", where it is uncommon for a worker to live outside the workplace. Thus, live-out workers are liberated from the control, interference, and the authority of the "sponsor", but this freedom is restricted due to their permanent fear of being detained. One Sri Lankan freelancer affirmed that ***she doesn't leave her apartment because she is scared that the police will catch her. This fear intensifies everyday and she wishes to return back to her home country.*** Most domestic workers often imagine freelance work as a viable solution but they realize hindsight that there are concessions in exchange of freedom.

While freelancers enjoy a considerable amount of freedom living separately from their employers, the unsteady and sporadic nature of work which leads to the uncertainty of income which is often not enough to support both family abroad and the worker's expenses in Jordan of paying for her apartment rent, and daily living expenses such as food, clothing, and transportation fees.



When domestic workers were asked about their salary, many stated that it depended on the season. For example, one case of a domestic worker said that **during the winter, there is no work but in spring or summer, there are many work opportunities.**

The Tamkeen Research Team encountered one worker with an exceptional case. She worked for an embassy as a live-out worker and earned 1000 JDs per month.

When freelancer workers were asked about the hours of work, their answer always varied and depended on the number of houses they were able to work in per week. A majority of the women interviewed had fixed employers, whereas some of them faced difficulties in finding work which attain them enough income.

The amount of remittances sent home dwindles from these additional expenses as well as from the costs of annual work and residency permits. One worker stated that *while her work conditions are better than when she was a live-in worker, she has to incur the costs of her residency and work permits as the employer is not obligated to bear these legal responsibilities. Her employer will instead sign the documents she needs to maintain legal status in the country.* Another live-out worker recounted a similar narrative, in which *she bears the costs of her permits because the employer doesn't want to pay for it. She works for three employers as a live-out but only one of their names is mentioned on her residency and work permit.* As for the women who preferred to work as live-in workers, they normally stated that it was safer; employers could take care of them if they faced any problems, and that their food and accommodation would be provided for.

## **- Plans of Returning**

Migrant domestic workers were also asked about their plans of returning to their home countries, inclusive of women who have decided to visit for vacation. 31% stated that they are trying to go back as soon as possible, 12% planned on leaving after few months, 18% wanted to stay in Jordan for several years, 23% were not thinking about leaving, and 5% would leave as soon as their employment contract expired. Workers said that they are facing obstacles in returning back as their passports are with the employers or recruitment agencies, or they are stuck in legal limbo. For example, *one domestic worker, a mother of a stateless child specified that her passport is with the police and she needs to find a way to issue legal documents for her child.* Her story was shared by many other domestic workers who have been experiencing difficulties in returning to their countries because of either passport confiscation or the stateless status of their child.

Domestic workers are often wary of requesting their passports from the police or from recruitment agencies because of their already illegal status in the country.

The majority of women who desired to return to their home countries as soon as possible are living in the shelters, in which these groups are in shaky situations with the law and have experienced the worst violations in the workplace. Many women feared returning to their home countries because of their anxieties of how society will react to their situations. An Indonesian domestic worker commented that *many Indonesian women are afraid to return due to stigma related to bearing children out of wedlock or because they were unsuccessful in earning enough money.*

From all the interviews conducted with Bangladeshi workers, almost every worker "ran away" from the workplace wanted to leave Jordan as soon as possible. One woman stated that she wanted to go back to Bangladesh because her hand is broken and she is facing many issues in carrying out her household duties. Another woman commented that her employer accused her of stealing and was concurrently detained in prison without conducting any investigation. The Labor attaché of the Bangladeshi embassy stated that many women are unwilling to work and "run away" and they resort to the embassy to request assistance in repatriating them or to help retrieve their passports.

The desire to earn money ultimately plays a factor in the plans made by domestic workers to leave Jordan, whether it is after a couple of months or years. Many women indicated that they would return to their home countries only until they have earned enough money and were financially stable to either support their children's education or cover other expenses to build a future in their home countries. As for the women who weren't planning on leaving the country, they were generally content with their situation and saw a future for themselves in Jordan relative to the lack of opportunities available in their home countries. The Tamkeen Research Team encountered many women, usually Filipino and Sri Lankan workers, who have been living and working in Jordan for more than 15 years.

### **- Other Migrant Worker Experiences**

It is also important to note that while some women originally come to Jordan as domestic workers, many switch and work in other occupations, such as janitors, baby-sitters, waitresses, cooks, workers in the garment factories, masseurs and estheticians in beauty saloons, and translators or they have turned themselves into entrepreneurs by opening their own businesses. While this report focuses on the experiences of irregular domestic workers, it is also significant to account for

the conditions of other migrant worker groups that are just as exposed to abuses and violations. Of the women interviewed, 8.3% of the women stated that they work for 10 hours per day. The average amount of salary was 290.5 JDs/month while approximately 150 JDs/month of their salaries were sent to families abroad in remittances. The workers in these categories predominately worked in restaurants, hotels, hospitals, and the QIZ factories. In terms of their legal status, 69% of the group reported to be legal, 24% as irregular, and the remaining 7% were unaware of their legal status in the country.

The most common violations of this category were verbal abuse (17.2%), restricted freedom (17.2%), passport confiscation (27.5%), overtime without compensation (20.6%), inadequate food (17.2%), refusal of vacation (13.7%), and lack of medical care (13.7%). In terms of rating their work conditions, 20.6% reported their work environment was “very good,” 41.3% as “good,” 6.8% as “bad,” and 13.7% as “very bad.” It is important to note that the experiences of the migrant women who were not working in the domestic realm but in other sectors is very diverse and depends on the occupation. For example, professional nurses and women working in hotels had significantly better work conditions than those women who were working in the QIZ factories.

The Tamkeen Research Team visited a Catholic Church in order to conduct interviews with Filipino domestic workers and encountered two women working at a hotel in the Dead Sea. The two women were very content with their current living and working conditions in Jordan, stating that they loved their experience. Compared to domestic workers living with their employer, as they were provided their own private accommodation by the hotel. They reported normal working hours and rarely faced any negative experiences in the workplace. In contrast, interviews conducted with women working in the QIZ factories differed significantly.

The Tamkeen Research Team also encountered two Filipino nurses working in a private hospital. While nurses, like other high-skilled workers, usually benefit from better working and living conditions, abuses and violations still occurred. The two women stated that they initially had normal working hours (8) and were not subjected to any freedom-related limitations. However, their conditions changed in which they had to be available 24 hours and their tasks now included cleaning and cooking. They added that they were deprived of food and were sometimes only allowed to eat a tomato and cucumber a day. Furthermore, they experienced physical injuries caused by their mentally ill patients and were denied adequate healthcare from the hospital. In addition, the women also faced verbal threats by their employer that lead to physical abuse. when they tried to speak up and

denounce their unbearable working and living conditions, they had been accused of fraud by the hospital's owner, and were consequently detained for 23 days. They confirmed that their legal documents have been confiscated and they are working illegally in Jordan. This narrative highlights that despite working in high-skilled professions, the worker can still doubly experience discrimination if both a migrant and a woman.

The researchers met with two Sri Lankan women who worked in the garment sector, and stated that they faced extreme violations in the factory in regard to medical care where language difference formed a barrier in front of them, and they rarely got proper treatment. Due to the difficulty of their movement out of the city, they had no other option but to be treated by the doctor provided by the factory. They stated that while working for the factory, all the workers were vaccinated which caused them a rash all over their bodies.

In terms of food, the workers stated that the same food is allocated to the workers for several days, which caused them to experience intestinal and stomach problems. They confirmed that there aren't enough bathrooms in the dormitory and in general, their living conditions are very unhygienic and crowded. There are about 7 women living in one room with one closet. Male and female workers shared the same building which has resulted in high incidence of sexual harassment and sometimes even rape.

## **I. Outside the Domestic Sphere: The Social Lives of Migrant Domestic Workers**

Irregular migrant domestic workers have their own social lives, and many of them have become strong community leaders and advocate for the protection of other domestic workers who are more susceptible to abuses in the workplace. Accordingly, 171 women were interviewed with the long survey and answered questions relating to their social circumstances, specifically on how they spend their free time, where, and with whom they socialize with.

Interviews were conducted to ensure a representative sample of the respective nationalities, 65 Filipinos, 50 Sri Lankans, and 55 Indonesians. However, only one Bangladeshi domestic worker was interviewed given the obstacles the Tamkeen Research Team faced in terms of accessing this community. The majority of the Indonesian women interviewed were living in their embassy's shelter. The experience of women living in the shelter varies from the women who live in their own apartments, but nonetheless interviewing this category provides us with a

complex and diverse understanding of the social conditions experienced by irregular domestic workers in a variety of situations.

### a- Mapping Movements In the City

While migrant domestic workers work in various cities in Jordan, a majority of them live and work in Amman. As part of the long survey’s structure, specific questions were asked to map spatial patterns in the areas domestic workers often frequently spend their most time, as well as those areas in which workers avoid and feel insecure, given the privatized nature of their workplace, in which live-in workers are often confined to, it is important to assess whether domestic workers have been able to integrate into the social fabric of their host country, as well as whether social spaces of inclusion exist for a group that lives on the margins of Jordanian society.

### b- Free Time

On average, this sample of women reported to receive 4.5 days off/month, where Filipino workers have been receiving the highest number of days off, followed by the Sri Lankan workers, which normally received less.

In general, the sample of women interviewed normally enjoyed a good level of personal freedom and received at least one day off per week. Given this free time, they were asked to mention how they prefer to spend their day-offs.



As shown by the **graph** above, a majority of the women spent time meeting with their national community or with friends and family, whether it is socializing in church gatherings, cultural festivals, or going to their friend’s houses for birthday parties or other social events. While a majority of the women spent time outside

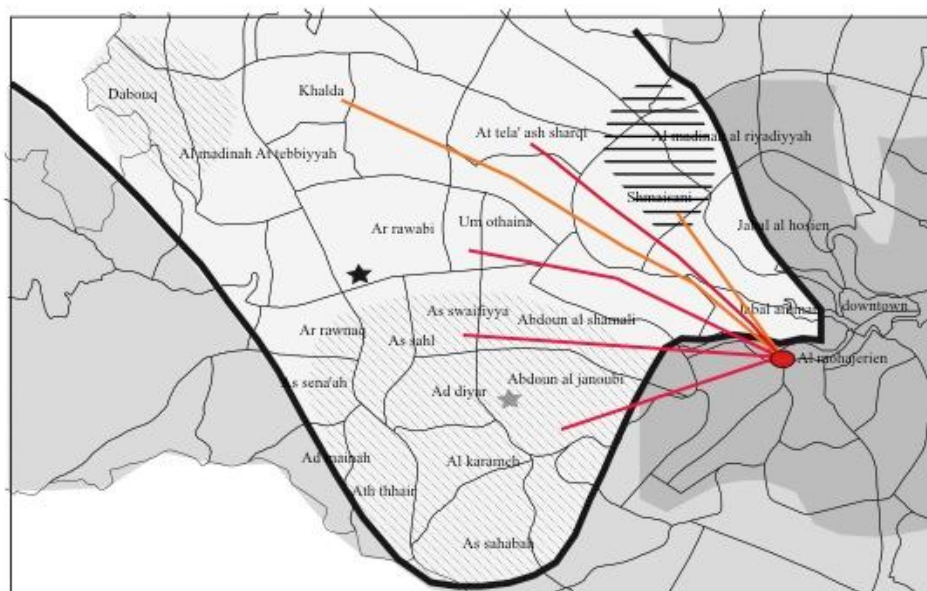
the private sphere of their homes, a good portion of women also chose to stay in and avoided going out. When inquired further about the reasons, many irregular women expressed their fear of confronting the police and risking deportation or detainment, and some of them stated that they avoid meeting their friends in public spaces, as they don't feel comfortable moving around the city and even are scared to use public transportation.

Sara, an Indonesian domestic worker, commented that she always avoids using public transportation because she often feels harassed by the drivers and the men on the buses. In general, Sara holds a very negative view towards Jordanian men and avoids almost every type of interaction with Jordanian society. Despite having free time, she always stays in her apartment even if the amount of money she earns would allow her to visit new places. She stated that she would never travel even if accompanied by trustworthy people. Women who held legal status also sometimes preferred to stay in the workplace as they felt it was safer, and depicted the “outside” world as dangerous and full of corruption.






As for the nationalities of the workers' friends, 84% of the women interviewed stated that they are of the same origin as themselves. Around 14% have Jordanian friends, the same percentage of friends who also are domestic workers but with a different nationality. Almost half of the women socialize within private homes, slightly over a third meet in public places and about the same amount see each other in religious institutions, with 12% meeting elsewhere.

Many of them agree that they end up spending a lot of their income on taking private taxis either to work or to spend their free time, to avoid confrontation with the policemen. The following **map** outlines the detailed trajectory of a woman who initially was a regular live-in worker but switched to a freelancer. As a live-in worker, she worked and lived in relatively high-income residential areas. Where her movement in the city was relatively unseen except for Fridays when she was able to visit the church. She now lived in an area in downtown called *Muhajirin*, which translate to “Migrants” in Arabic, hence the increased freedom of movement, where she commuted between her four regular employers she worked for, as well as other homes which she worked in. The map accordingly highlights the shift in mobility between a live-in and freelance worker.






## Commuting evolution of a freelancer migrant



### Niveau de richesse par quartier

-  Center business district
-  High income residential area
-  Middle-income residential area
-  Low-income residential area
-  Poor Area-failing urban services

### Evolution of living condition :

-  Resident and work in live-in (2005-2008)
-  Resident and 2nd work in live-in (2008-2012)
-  Resident since 2012
-  Daily current mobility
-  «Extra» mobility

0 4km

Making by Daphné Caillol

Source : M.Ababsa 2013 and survey from Tamkeen.



## d- Living Dimensions

The sample of women who participated in the long survey commented on their current living conditions. 25% of the women lived in their own apartment with friends or colleagues, 20% lived in their employer's house while 20% lived alone in their own apartment. The remaining percentage of women interviewed lived in a shelter, such as the Filipino women in the POLO shelter and the Indonesians in their embassy's shelter. Women who live in their own apartment or share housing with their friends are usually clustered in areas of reasonable rent prices. Of the apartments that the Tamkeen Research Team were welcomed to enter, were limited in space with many people either sharing or visiting the apartment. The researchers also visited a small one-bedroom apartment in which a young Sri Lankan couple lived with their newly born child and parents.

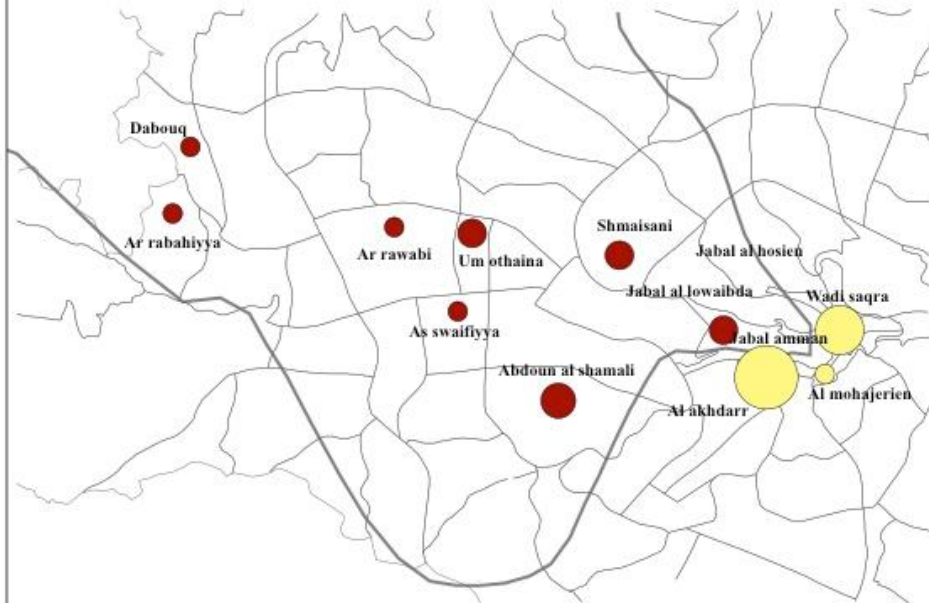
Domestic workers are often concentrated in ethnic enclaves in which a majority of their own nationality resides and thus act as cultural spaces in which workers feel a sense of belonging. Filipinos normally live in 2<sup>nd</sup> circle or what is informally known as "Manila Street" given the high population of Filipinos who live there. There are a few supermarkets that sell food products from the Philippines, as well as DVDs and magazines, in addition to a couple of small restaurants and cafes serving Filipino cuisine. As for the Sri Lankan and Bangladeshi workers, in addition to some Filipino and Indonesian workers, a majority of them live in downtown Amman and Jabal Al-Weibdeh. In downtown Amman, many irregular Sri Lankan and Bangladeshi migrants reside in the poverty pockets of the area in congested apartments. In this context, in an interview with the Labor attaché of the Bangladeshi embassy, she stated that she visited many apartments where irregular Bangladeshi women lived and compared their living conditions to slums in Bangladesh.

As for Indonesian women, they tended to live with their partners in East Amman, such as in Jebal Jofa, Al Musdar and Jabal Nazif, all areas that are relatively poor and located at the outskirts of the city, possibly to sustain their privacy as they live with other irregular Syrian or Egyptian workers.

The **map** below demarcates the residential evolution of 20 women who switched from being regular workers to irregular workers, in which the **black** areas represent their residence as live-in and the **white** areas as live-out status. As live-in workers, women were usually distributed among several wealthy neighborhoods in Amman. However, the shifts in employment status from regular to irregular, in which domestic workers now cover their own expenses for accommodation, correspond to poor urban areas of the city as concentrated in the **white** spaces.



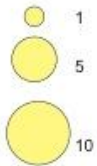
**Residential evolution of 20 women from live-in status to live-out status**



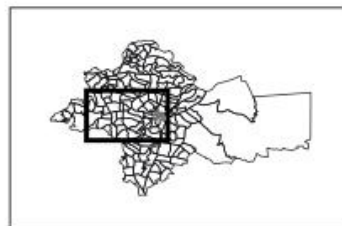
**Previous resident of the 20 women**



**Curent resident of the 20 women**



**Limit Est-West**



*Making by Daphné Caillol  
Source : M.Ababsa 2013 and survey from Tamkeen.*

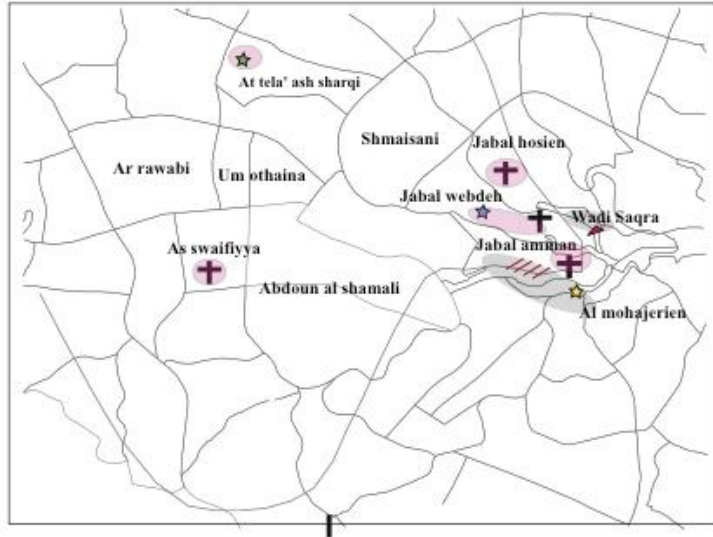
1 0.5 0 1 Kilometer

In general, many workers go to downtown Amman to shop for clothing or groceries, as it is relatively cheaper than other areas in the city. Additionally, there are a couple of video shops where they sell Bollywood movies and Sri Lankan magazines, as well as a restaurant that serves Sri Lankan, Bangladeshi, and Indonesian food called Ganga. Many migrant workers frequently visit this restaurant and are able to eat food that they miss when they feel homesick.

### **e- Religious Spaces**

Workers usually live in places close to the places they practice their religious rituals, such as Jabal Al- Weibdeh and Jabal Amman, due to the presence of Churches there. The **map** below tracks the spatial movement of Filipino domestic workers on their days off. Usually are also often the same Churches that Christian Sri Lankan women congregate on Fridays. There are specific times allocated in each Church for each national group to attend their mass as in a Catholic church located in Jabal Al-Weibdeh.

## Spatial Practice and visibility of filipina domestic workers in Amman



### Community associative structure :

- ★ Filipina federation office
- ★ Gymnasium Terra-Santa
- ★ POLO

### Religious Structure :

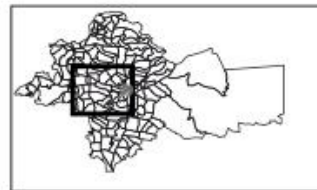
- ✝ Catholic Church
- ▲ Choir Home

### Création de nouvelles centralité urbaine :

- Area of filipina habitat
- ▨ Specific services for filipino
- ✝ Mass in English
- ★ Sport competition

### Area of visibility :

- Permanent
- Temporary



Making by Daphné Caillol  
Source : M.Ababsa 2013 and survey from Tamkeen.

1 0.5 0 1 Kilometer

As for the Muslim domestic workers, many of the Indonesians reported praying in their houses instead of going to their local mosques. Buddhist Sri Lankans often went to their embassy to practice their religion since there is a small temple there. In general, it is very difficult for devout Buddhists to find a religious space in which they can practice their religion in comparison to Christian domestic workers. Many Sri Lankan domestic workers reported going to churches since a large majority of their community gathers there and in general wanted a space separate from the embassy in which they could still feel spiritual.

Religion plays a central role for many migrant domestic workers in which they seek comfort from the challenges of living and working in a foreign country, away from their family and the absence of strong support systems. The churches thus act as spaces in which the community gathers to feel a sense of solidarity in their difficult situations and where informal networks of social inclusion and belongingness are often created.

#### **f- Disliked Areas**

The areas in which domestic workers often frequent not go to are also the same spaces that many women reported feeling unsafe and harassed at. A vast majority of domestic workers expressed their concerns of visiting or living in downtown Amman, in which they experienced sexual harassment and other forms of disrespect while shopping or walking down the street. Others also commented that it was too crowded, and that the people were “not good,” and many of them stated on the restaurant mentioned earlier called Ganga in downtown that it was a hub for prostitution, as they said that often these acts are in partnership with Jordanian men. One community leader added that she often yells at the workers she knows that are involved in prostitution and has discouraged them from doing this type of work.

Furthermore, large number of workers confirmed their constant fear of downtown Amman, given their irregular status, in order to avoid confronting police; accidentally, consequently they live in permanent fear and anxiety.

Similarly, Filipino domestic workers rated the 2<sup>nd</sup> Circle in Jabal Amman as one of the high-risk areas due to prostitution and the high presence of police. Indonesian domestic workers described Jabal Jofa in East Amman as dangerous and unsafe. One of them asserted that she was sexually harassed and described this behavior as a daily experience there, and some of them asserted that they were sexually assaulted by people pretended to be policemen and were blackmailed.

Commonly irregular workers dislike areas in which there are high concentrations of police. Others named specific areas in which they previously worked in for employers and "ran away" from there in fear of confrontation with former employers.

Many workers also commented on the daily racism they are subjected to. One worker commented that she has been subjected to discrimination just because she is Filipino, calling Jordanian society very closed. Another worker added that she often feels scared walking down the street alone because men normally shout and harass her. Many workers frequently expressed that sexual harassment and racism has become a daily aspect of their lives. As reiterated earlier, the areas that workers usually live in and spend their free time are the same spaces they feel the most scared and vulnerable given the high occurrence of harassment and racism from Jordanians. Aside from religious institutions such as churches, there are virtually no public spaces in which domestic workers feel safe and protected.

It should be noted in this regard that the domestic workers in Jordan are subjected to negative discrimination, where they are prevented from entering swimming pools in Jordan. Furthermore, Jordan is a signatory of the International Convention on the Elimination of All Forms of Racial Discrimination, but it is clear that the Provisions of the Constitution and the signed International Conventions regarding racial discrimination, did not find its place into enforcement.

### **g- Relationships and Stateless Children**

Irregular domestic workers often live with their partners and commonly have children out of wedlock. For example, a Filipino domestic worker shared the intimate details of her relationship with her Jordanian boyfriend of two years. However, the relationship ended once she became pregnant with his child. She returned to the Philippines to deliver the child and left the baby with her grandmother who would take care of him in order for her to return back to Jordan. Her case stresses the difficult economies that push domestic workers to migrate abroad, as well as the social and cultural stigma that is attached to having children out of wedlock in Jordan that caused her partner to abandon her. Despite her circumstances, she stated that she needed to return to Jordan to assure that she could earn enough money to support her family and now, the well being of her child without the help of the father.

The Tamkeen Research Team discovered that it is very common for irregular Indonesian domestic workers to enter romantic and sexual relationships with

either Egyptian or Syrian migrant workers or even Jordanians. As one worker commented that this is common and occurs frequently in the Indonesian irregular domestic workers community out of loneliness.

In an area called Al-Musdar, next to Ashrafieh, which is considered as a very deprived area in Amman, the researchers conducted many interviews with irregular Indonesian domestic workers living with their boyfriends in cramped and crowded apartments right beside each other. The apartments had very poor infrastructure and used curtains as makeshift doors. In one case, there was only one small room that was both their bedroom and living room. These couples expressed their anxieties over their irregular status and the obstacles they face in taking legal action to register their marriage, the most important ones are the absence of passports and the accumulation of fees, where migrant domestic workers are not able to get formally married without paying the over stay fines.

*In another case, Tamkeen's researchers interviewed an Indonesian migrant worker who was living with her Egyptian partner in a cramped apartment with their 5-month stateless child in downtown of Amman. They both affirmed their anxieties about their child's irregular legal status. They weren't sure if it would be possible for the child to obtain Egyptian citizenship and are also too afraid to remediate the situation at the Egyptian embassy since they are both working irregularly.*

*An Indonesian woman who has been working in a factory for several years stated that she even worked until the last day of her pregnancy. She didn't deliver her child in a hospital in fear of the police finding out, stating **"I don't want the police to take him."** While the child was healthy, but she would not be able to take him to the hospital in case of any sickness or health issues given his irregular legal status, and he doesn't have the right to receive free medical care because he is a foreigner. The parents also expressed their concerns regarding losing their parental authority and the future development of their child in Jordan. Once their child is of school age, he will not be entitled to the most basic right to education.*

*As for Helena, a Filipino domestic worker, who was customary married to a Jordanian, and delivered a baby at the hospital. Due to the lack of recognition of customary marriage, Helen was imprisoned due to conduct an illegal marriage ceremony, and the baby was committed into a care home. After Helen was released, she tried to see her daughter, but was not able to, and she still after five years cannot see her daughter who was hosted by a Jordanian family.*

In terms of the irregular Sri Lankan and Bangladeshi migrant domestic worker in Jordan, there tends to be more mixing between these two nationalities given the

similar South Asian cultures they share. For instance, Tamkeen’s researchers visited an irregular Sri Lankan domestic worker who recently gave birth to a daughter with her Bangladeshi partner. Similar to the Indonesian and Egyptian couples we met, this couple also lived in a small apartment located in a poor area in downtown Amman. While the newborn girl holds Bangladeshi citizenship, she will still face issues regarding education and medical care.

In general, irregular domestic workers reported being deserted by their partners when hearing about their pregnancies and have had to go through the process alone as single mothers. This was more common between relationships in which Filipino and Indonesian women had Arab partners; normally South Asian couples, such as Sri Lankan and Bangladeshi migrants, tended to live together as a family. Due to their irregular status and fear of detainment, the Tamkeen Research Team rarely heard of cases in which the pregnancies were carried out in the hospitals; there are countless narratives were told in which the women gave birth at home through the help of their friends and family. Tamkeen interviewed one domestic worker who was able to give birth to her child in a hospital because she had all the necessary paperwork and support from the father. Accordingly, these children are born stateless without being officially registered and lack birth certificates or other proof of maternal relations. After the child is born, irregular domestic workers have continued to work. Many stated that while they worked, they left their child with a neighbor or a friend.

*Asia expressed her concern over her child’s future and wants to return to Indonesia before he reaches the age of formal schooling, as he is unable to access the Jordanian educational system. Many of her friends who have children cannot send them to school and instead pay for home schooling to teach their children how to read and write if affordable. Furthermore, she said that she is very worried about being arrested, as she has no financial funds to defend herself in court. She also expressed an acute fear of her child being taken away from her, as she has heard of the government doing this to women in her situation. She wishes to return to Indonesia with her child and stated that, **“it would be heartless to leave him. I cannot bear the thought of being separated from him. I’d rather suffer in Jordan with him than go back to Indonesia and live in comfort.”***

Tamkeen Research Team found many stories of single mothers who have given birth to children out of wedlock, and turned to the embassy for help. One of them said that she resorted to the embassy, hoping to get help to return back to Indonesia with her son, but the request was denied due to the lack of the necessary legal documents.

There is a common story recounted in all the interviews conducted for this group of single mothers, that the fathers of their children left them immediately after knowing of their pregnancy. In general, most of the irregular domestic workers' children are stateless and don't have any legal protection or any recognition, where these children do not get any education, health care, or any essential services. Many women said that they encounter obstacles in finding caregivers for their children when they are working, as migrant Indonesian community lacks a coherent and strong support system.

*Astoni, an Indonesian worker and a mother of a 2-year old daughter, switched to freelance work when she "ran away" from her employer because he refused to pay her full salary. She started a relationship with a Jordanian for 2 years, where they decided to live together, and when she bear his child, her boyfriend immediately disappeared.*

*As for Erni, an Indonesian domestic worker, and a mother of a child. They both live at the shelter. She resorted to the embassy at the end of her pregnancy period when she suffered complications. The embassy took her to the hospital for an operation, and remained at the embassy after giving birth until she recovers, but her stay in Jordan extended because she was unwilling to return back to her country for fear of the social stigma. Therefore, she had to leave the embassy to work as a freelancer, and lived with her cousin in a small apartment. She said that she depends on her friends or Jordanian nannies to take care of her child during her time at work, which cost her about 80 JDs a month.*

Tamkeen Research Team met within the interviews conducted in the embassy with two orphan kids, Berjaka and Gelang, whom their mother passed away, but two friends of the mother are taking care of them in the shelter. There is no information regarding the mother, her family, or where they live in Indonesia. While the mother was sick in the hospital, she signed a transfer guardianship documents of her children to the embassy, which allowed the children to become Indonesian citizens.

After bearing stateless children in Jordan, many irregular domestic workers wished to return to their home countries but have had to work and earn enough for a couple of years before requesting assistance from the embassy to help with the repatriation process. Many of them need to earn enough for their airfare and have expressed their fear of becoming stuck in Jordan permanently, living life in legal limbo.



## **h- Community Mobilization & Support Systems**

Given the lack of formal support systems, informal networks of migrant communities have become the alternative foundational support and protection for vulnerable domestic workers to obtain legal advice, information, and assistance with their individual cases. They are integral to sustaining the livelihoods of migrant domestic workers through offering necessary emotional support, mediation, and temporary assistance such as sheltering "runaway" workers from their employers' houses.

Migrant domestic worker community leaders are often freelancers and serve as the main focal point between NGOs and embassies to individual workers. With most migrant domestic workers restricted to the household and uninformed of the resources made available to them by their embassy or non-governmental organizations such as Tamkeen, many have turned to their closest support systems for guidance. There are community leaders who provide facilities and services independently, such as opening up their own homes as shelters for "runaways". It is significant to note that community leaders who shelter migrant domestic workers in private homes risk losing their legal status as sheltering "runaways" is illegal. By filling in the missing gaps of formal organizational services, these women often put themselves in danger.

The reality of migrant communities in Jordan changes, sometimes radically, according to the different nationalities they represent. Due to its organized structure and consistency, the case of the **Filipino community** requires a detailed description. The majority of Filipinos working in Jordan are female domestic workers, professional nurses or cooks, cleaners and waitresses in hotels and restaurants. A formal organization called the United Filipino Organization (UFO) is currently the core strength of the community. UFO is a branch of the Federation of Filipino Organization (FIL.ORG) but has a different group leading the efforts to advocate the rights of the migrant group.

The Tamkeen Research Team interviewed Miss Venji, former President of FIL.ORG and active Co-Founder of UFO, Miss Venji provide in-depth analysis of the social realities of her community. UFO is divided into 29 groups, each one represented by a different leader: the minimum number of members of each group is currently 22, but will probably soon rise to 50. The President of UFO chooses the group leaders. Usually, the members are chosen on a friendship base in order to keep the group cohesive. The membership is granted in return for active participation and cooperation, but sometimes a symbolic amount of money (no more than 5 JDs) is

also asked. UFO is currently very active in four different fields: education, recreation, livelihood, and charity.

With regard to education, the on-going project “Training for Caregivers” reflects some of the specific aims of the organization: to improve participants’ skills and to stimulate their minds. Many members are quite educated people but they are continuously hindered by their related daily household work. This project provides them with proper and innovative education in several different fields, such as nursing, nutrition, pedagogy and others. Tutors are all professionals and Filipino.

In regards to recreation, activities such as Fridays’ sport competitions, parties and any other type of event, are organized in order to foster and strengthen new relationships among the community, as well as to fundraise to create spaces of recreational activities. The entry fee is usually around 1 or 2 JOD, and usually these activities are held in schools, like Terrasanta College (Al-Weibdeh) but are quite expensive to rent out.

With respect to maintaining of livelihood, the program aims to improving the quality of life of the community by encouraging entrepreneurial activities among its members. A good example of its success are the small stands selling vegetables and home-made Filipino food installed outside the churches or during the events organized by the community. To be part of the livelihood program, the applicants have to be active members of the community and pay a small fee to the organization.

Lastly, the charity sector is where most of the money collected by the community goes in order to provide financial support to less fortunate members (maximum amount of 200\$) and even non-members (maximum 100\$). Some money is also allocated for emergency situations. The community is discussing the creation of a fifth sector called ‘Discovery’, which aims to encourage migrants in realizing their talents.

To sum up, UFO, and other Filipino migrant organizations all over the world proved to be successful and effective, as they have a positive social impact. And it has received encourage and support from the Philippine Government, which consider the UFO as an important reference for its citizens in Jordan.

In comparison to the other national groups, the Filipino migrant domestic worker community is the most organized and is more likely to fight back and stand up for their rights given their English language skills and awareness of their rights. A Filipino freelancer worker expressed the importance of raising awareness to

demand their rights, if they don't get it. She stated that she has always stood up for herself from employers who have forced her to work for long hours. She urges other women to not accept their conditions and to know their rights. Her words have been manifested in a protest in which more than 80 Filipino domestic workers executed inside the Immigration office, demanding to facilitate their return to Philippine. They warned that they would not go back to the POLO office and stay as long as they can in the Immigration office. After spending 7 hours, they complied to their demands where 60 of the women received the documents which facilitate their return back to Philippines.

The **Sri Lankan community** is composed of women and men of both Sinhala and Tamil ethnic groups and work in the garment and domestic sectors. Women are usually married with children and relatives often depend on their work abroad. The Sri Lankan community is not as organized as the Filipinos, as it lacks a real centralized organization, but it is clearly more cohesive and stronger than the Bangladeshi and the Indonesian communities.

As stressed by the Sri Lankan women interviewed, the embassy is not a very important point of reference for the community members. In case of abuses, domestic workers can receive help and support, but the embassy doesn't have a shelter that hosts the workers in urgent need, specifically the irregular workers. The women also lamented about the length and complexity of the bureaucratic and legal procedures. However, the embassy organizes events such as free concerts and cultural festivities. These events offer all the members of the community the possibility to gather together and celebrate some particular events, improving therefore its cohesion and unity.

Another important aggregation point is the church, which in this specific case is represented by a group of Tamil nuns who also work at Caritas Jordan Migrants' Center. This group of Sri Lankan nuns organizes many activities, often in cooperation with Caritas Jordan. While a majority of the events are for religious purposes, many members of the community participate regardless of their religion. It is also important to mention that, like other communities, the Sri Lankan community members organize themselves in order to create informal support networks to help other nationals facing difficulties. The more experienced leaders who are an important reference point for the entire community usually undertake this important social role. Like other national communities, this non-formal support network provides Sri Lankan "runaway" workers with temporary shelter and support, helps them find a new employer, and even assist the workers in solving some issues with their employers. For example, Noor is a Sri Lankan worker who *initially came to Jordan as a domestic worker but found work as a cook*

for several international organizations. Her mobility and flexible schedule has allowed her to help find work for girls who need work and have "run away" from their employers. If she meets a woman on the street who hasn't eaten, she will always invite her to her apartment and cook for her. She stated that she has purchased medicines for several women and often comes to Tamkeen with women who are in need of legal help and consultation. She said, **"The girls are scared; they are scared that if they talk, they will get hit or beat up. They don't know how to talk."** She often defends women who are the most vulnerable and least knowledgeable about their legal rights.

The **Indonesian community** is strikingly different from the Filipino and Sri Lankan communities. Where it is a less consolidated community: its members, quite entirely women who came to Jordan to work as domestic workers, tend to gather in small groups, independent from one another, and there is no core organizational management. An Indonesian domestic worker commented on her community, stating that that mistrust commonly exists between women. Despite the Indonesian Embassy's important and unique role in protecting "runaway" workers by hosting them in the safe house located inside the Embassy, but they did not try to play a role in organizing the community itself. The embassy organizes events only for some important religious occasions; despite the events being open to all the workers, but the location of the embassy prevents the majority of domestic workers from taking part in the celebrations. However, all the girls hosted in the shelter talked positively about the embassy, its staff, and the general conditions inside the shelter.

As a consequence, the women in the shelters are not strongly connected to other Indonesian workers living in Jordan, and they feel less secure in the city than the Filipinos. However, on a certain level Indonesians tend to integrate more easily into Jordanian society because of their religion and generally good level of Arabic. As discussed earlier, it is common for them to find Jordanian or Arab partners. However, they often face issues related to bearing stateless children that are therefore deprived of basic rights to health and education. The feeling of insecurity they experience on a daily basis is mainly due to their irregular status in the country and strongly influences their choices, such as delivering children in private houses, which prevent them from registering their children's birth. This condition in general does not help the Indonesians to open up and to build relationships outside their family and their small circle of friends. As the embassy is the only official reference point for the Indonesian community, the community needs to organize itself by creating a solid non-formal support network. In the specific case of the Indonesian community, this support network is organized in

small groups of friends, relatives and acquaintances who provide each other with social and also financial support.

The **Bangladeshi community** is a very closed community and it was very difficult for the research team to get in touch with the members of the community. The Bangladeshi community in Jordan has a quite equal percentage of women and men; men are usually employed in factories while women work both in the industrial and domestic sectors. Since the community does not have a proper central organization, the Bangladeshi Embassy has organized gatherings and events to encourage the building of relationships among Bangladeshi migrants, but almost unsuccessfully. Most of the domestic workers are relegated in their workplaces, while the QIZ workers usually live too far from Amman. Moreover, none of them have money to spend on these types of events.

Bangladeshi women do not seem to rely very much on the help provided by their embassy. One of the reasons could be that there is no shelter to host "runaway" girls, and this is because the Bangladeshi Government doesn't approve of the idea. When they are in need of help, they often address other community leaders, especially members of the Sri Lankan community, who have lived in Jordan for a longer period of time and thus hold better knowledge of the society, the local language, and have connections to human rights associations such as Tamkeen. For example, the Tamkeen Research Team visited *a Sri Lankan woman who recently gave birth to her child with her Bangladeshi husband. The couple was hosting a Bangladeshi woman who "ran away" from her employer due to sexual harassment experienced in the workplace. The husband's sister was also hosting another Bangladeshi "runaway" worker, in which she hurt herself while trying to escape from her employer's house from the window.*

Generally speaking, Bangladeshi domestic workers' salaries are usually lower than those of women of other nationalities and they tend to be exposed to deception and abuse. This is mainly due to the fact that most of them are recent migrants to the country and have not yet developed a strong support network between their community members as the other communities have. In addition, this group holds the lowest level of education, and virtually has no knowledge of English and Arabic skills.

## i- Positive Experiences

While the results of the research study highlight that various patterns of abuse and violations persevere in the daily experiences of migrant domestic workers, there have been many stories in which employers have treated their employees with respect and in accordance to basic human rights principles. In this section, we stress that not all the women working in the domestic realm face maltreatment but that there lies diversity in their experiences. Several women have shared with us their positive experiences and successful stories, in which the worker's relationship with their employer has been strong. From these stories, it is important to recognize the significance of facilitating and encouraging mutual understanding between both the employer and the domestic worker for a healthy work environment.

*Shandra, a Sri Lankan domestic worker that has been working in Jordan for the past 17 years for the same family states that she has been satisfied with her work conditions, even if at first her situation was difficult and it took her time to gain her employer's trust. She now earns a decent salary and has been taking care of her employers' house while the family has been living abroad in the United States. She is free and independent and is currently trying to obtain her driving license in order to be able to drive the car the employer gave to her. However, when she first arrived to Jordan, her salary was relatively low and often worked overtime without compensation. She was prohibited from leaving the house and could only go outside if accompanied by a family member. After the end of the first contract, her employers started to trust her and once this trust was fully developed, so did the level of her freedom and salary. She narrated that **the situations of domestic workers can be very challenging at first, especially during the initial cycle of work, but can be improved if they have established a good relationship with the employer through honesty and communication since all issues start from the lack of mutual trust and respect.***

Another Sri Lankan domestic worker who has been working in Jordan for the past 11 years confirmed that she had a great relationship with her employers and received \$50 extra per month than what was stipulated in her contract. The grandfather of her employer's family recently passed away, and he allocated \$10,000 to her in his will. She also earns extra money by crocheting quilts, in which her employers help sell at around 75 JOD--- 100 JOD each. She plans to leave in 2 years after her contract expires. Her daughter works with her in the same family but will return to Sri Lanka soon. The woman has been working in the Middle East for the past 30 years and has been supporting her daughters and their families in Sri Lanka. Now that

her daughters are married, she doesn't send as much to Sri Lanka, and has been saving up her money for retirement.

*A Filipino domestic worker, who has followed her Palestinian – German employer around the world for more than 10 years and has been living with them in Jordan during the last 8 years, stated that the strength of her relationship with the employers is dialogue. She affirmed that her employers always understood that she wasn't perfect and that she could do wrong from time to time, but they never treated her badly because of her mistakes and instead communicated with her in order to solve the problem together. This inclination to establish dialogue was mutual as she talked to her employers whenever she was facing a problem or if she ever felt uncomfortable. **“It is important to understand that we come from different worlds and that we have different habits and culture, we must be open to accept our diversity. Openness and dialogue are important tools to create a ground of mutual understanding.”***

*Another Filipino domestic worker stated that she never faced problems in the workplace and at present, she is very lucky to be working as a janitor in an embassy. She stated that she is more than happy about her job and that she is grateful for all the opportunities she has had in her line of work. Before taking over this job at the embassy, she had worked as a domestic worker for more than 20 years all around the world. However she is aware of the situations of the less fortunate domestic workers and to this regard she states that there needs to be a balance between the personal freedom and the restrictions the employer might impose to the worker, even if these restrictions are intended to protect the girls. **“The girls need to be protected but not overprotected,”** she reported. She also spoke about the importance of establishing open dialogue with the employers as a tool to improve the workers' living and working conditions.*

*An Indonesian domestic worker that faced cruel physical and psychological abuses for the past several years as a live-in worker from two different families had finally managed to find a decent job with improved conditions. With her first employer, she was so unhappy that she even tried to commit suicide 3 times but always failing the attempt. Now, her situation is very different as she is working regularly as a live-out worker and is happy that her employer is very understanding and good to her. She is also working as a part-time cashier at an Indonesian shop in downtown Amman and describes the Jordanian owner of the shop as an honest and very polite man.*

*During our research, we also met many mixed couples integrated in Jordanian society. One of these couples is currently running a Sri Lankan restaurant in*



downtown Amman and stated that the business is quite successful. We also met a Sri Lankan couple, in which the woman is a regular freelance domestic worker and her husband is a nurse in a dentist clinic. They are both regular in the country and are raising their first child here. Despite some difficulties, they are happy about their situation and their working conditions and they are willing to stay in Jordan as long as possible. The Research Team also met another Sri Lankan family who managed to raise their children in Jordan. In this case, the parents were brought to Jordan in order to work as a janitor and domestic worker but after a while they improved their social status by taking over better jobs. Their financial situation became more stable and enabled them to remain in Jordan together as a family.

In general, we noticed that several women who have been working and living in Jordan for long periods of time have managed to improve their social and economic conditions, whether they are still working as live-in or not. Some of them had faced abuses and violations of their basic rights during their previous work experiences, but managed to solve their problems and improve their living and working conditions. The women working with a family obtained the permission to go out and spend some time with the members of their community and stated that the employers also raised their salaries. Sometimes in order to be allowed to do so, they had to change employers, while freelancer workers managed to obtain all the documents they needed and therefore felt safe and happy with their work conditions, as well as freedom.





# Chapter [4]

## The Perspectives of Key Stakeholders

The financial vulnerabilities that push migrant domestic workers to provide their hard labor to countless employers in Jordan has turned into a massively organized market, with key stakeholders involved in every aspect of their movement from their home countries to Jordan. From recruitment agencies and brokers in their home countries to Jordanian agencies, employers, and their national embassies, each party plays a critical role in affecting the living and working experiences of domestic workers in Jordan.

Tamkeen Research Team conducted several interviews with a number of these stakeholders, such as recruitment agencies, the Ministry of Labor, the 4 respective embassies (Sri Lanka, the Philippines, Indonesia and Bangladesh), and employers in order to understand their perspectives and solutions towards the issue of protecting the rights of migrant domestic workers, as well as to provide a comprehensive overview of how and why abuse is widespread among this vulnerable group of workers.

### I. Recruitment Agencies

***“It’s difficult to be 100% honest in this environment”*** –Interview with the director of a recruitment agency in Amman.

In an interview conducted with a director of a recruitment agency, he reported that there are over 170 recruitment agencies in the capital and the majority work fraudulently. Many employees and owners of agencies are inadequately prepared and educated to work effectively in this field. The lack of professionalism is related to the incomplete legal framework regulating the recruitment field, in which protocols are often ineffective and irregular shortcuts are instead commonly used. In addition to the unregulated nature of the whole sector, the agent further added that through the use of connections in the Ministry of Labor, an employer can easily obtain a “private visa” for a domestic worker by paying only a part of the money provided by law without being forced to wait for the long bureaucratic procedures to be finalized. He continued explaining that these visas are very dangerous for the domestic workers as they deprive the workers of basic rights which expose them to a higher number of violations and abuses.

The agent also talked about the possibility of failure to continue the procedures for issuing a work visa in case the employer changes his or her mind, even if the domestic worker is already in the country and ready to start working. In this case, the agency is responsible for finding a new sponsor who is willing to hire the worker but will be held responsible for paying another work visa, repeating all the bureaucratic procedures once again. The agent blamed the market which is considered as “too stiff”, affirming that many agencies prefer to rely on illegal shortcuts in order to avoid the considerable loss of money and time they are subjected to and in order to be able to profit from their activities. The agent stated that the potential results of such a system may be dangerous, and that the workers are the ones who pay the price. It is important to note that two out of the five recruitment agencies interviewed reported a completely different opinion, stating that their relations with the Ministry of Labour are very good and affirming that the Ministry itself intervenes in a positive way whenever its help is needed by mediating between agencies, employers and workers. They described therefore their relations with the Ministry as positive, stating that institutions are in general willing to cooperate to solve the problems and conflicts.

## **II. Employers**

Given that employers are often the biggest perpetrators of labor violations against domestic workers, their opinions on the situation will be important in understanding why they often restrict the mobility of workers and practice passport confiscation. The Tamkeen Research Team conducted 3 in-depth interviews with employers in order to understand the challenges they face and their general experiences in hiring domestic workers, as well as their recommendations on how to improve the situation.

All the employers were asked why it became so common in Jordan to hire a domestic worker. According to the employers' point of view, the main reason is a change in global culture, which has shifted patterns of traditional family life. As for the specific case of Jordan, women are increasingly pursuing their own careers and the difficulties of finding an affordable daycare center. Accordingly, many families decide to hire a domestic worker to take care of their kids since it serves as a cheaper alternative than sending their children to an expensive daycare center. Many people have also started hiring domestic workers to take care of the elderly, as in Jordan there aren't centers and institutions that specifically provide families with these services. The elderly also prefer to hire their own domestic workers, if living alone, to carry out all the housework and to have a concrete support system in their daily lives. In general, globalization has made it more

possible for domestic workers of other countries to work as a cheap labor force in Jordan.

Lastly, employers described the social status and appearance which some families pursue through employing domestic workers, even if their services are not completely needed.

As for the recruitment procedures, all the employers interviewed relied on recruitment agencies in order to hire their domestic workers and to complete all the procedures in a legal and regular way. All the employers never seemed to have had any problems dealing with the recruitment agencies. One of the employers stated that they have built a trustworthy relationship with the agency, which they dealt with for the past 20 years. However, he has heard of other people facing obstacles with recruitment agencies. For example, one of the employers reported that a domestic worker working for a friend of his "ran away" to the agency after three months of working for the family. His friend discovered that the "runaway" was planned by the agency itself, as this is a way for the agencies to achieve rapid gain because after three months, the family will contractually not be refunded anymore for the initial costs of bringing the domestic worker to the country. These costs can be as high as 6,000 JOD even before the domestic worker has arrived in the country.

What the employers require from the workers is linked to the specific needs of the family and the employers' personality. One of the employers clearly stated that the previous work experience of a domestic worker is very important, as she must be skilled in the domestic sector preferably in the Middle East. For this employer, religion is also very important, as some families tend to hire only Muslim workers explaining that it is easier to understand each other, as cultural and religious barriers can cause many misunderstandings.

In contrast, another employer stated that language and professional skills, religion or nationality are not as important. She likes to get to know the worker first in order to have a general impression of her personality, and she trusts her feelings if she can sense the relation has the potential to work and develop in a positive way, or not. She also stated that professional skills are not crucial, as she likes to teach the new worker herself. While another employer tends to focus only on the worker's professional experience and her linguistic skills. He stated that it is important to hire someone who is smart, has experience and can learn easily how to clean and carry out the housework. Country and religion of the worker don't matter, as professional reliability and integrity do not depend on these characteristics.

Regarding the relationship between the worker and employer, all the employers interviewed generally held positive experiences with their workers. One of the employers affirmed that in the past she had faced some problems with a worker, so they decided not to renew the contract after the first 2 years. All of them stated that they prefer to treat their domestic workers as members of their family, treating them as “daughters,” as it is better to make them feel part of the family since they are away from their families. However, it is very difficult to be detached and professional in such a case. Moreover, the employers agree that the emotional bond is a way to build mutual trust. However, it is important to note that this mentality often breeds protective mechanisms of disallowing the worker to go outside alone in fear of the worker becoming susceptible to societal problems, such as engaging in relationships and bearing children out of wedlock.

As for the sensitive issue of days off, all the employers stated that their workers have some free time because the amount of working hours vary considerably from one day to another which makes it difficult to plan when the workers will be allowed to rest. One of the employers affirmed that her worker doesn't have a day off, but adding that from time to time she can enjoy some free time when there is less work. Other two employers mentioned that they provide the workers with a weekly day off but disallow them from going out and thus they spend their free time in the house or with family members. None of the employers interviewed agreed with allowing their domestic workers to spend free time outside the house under the pretext of being unsafe for the family and for the workers themselves. They justified their workers' restricted movement as a safety measure, stating that Jordanian society can be dangerous especially for a foreign woman, and employers feel responsible for them.

The employers also attributed the issue of trust as a reason for denying domestic workers free time. Since the domestic worker also lives in the employer's house, and to maintain a trustworthy relationship, it is preferred for the worker to be residing in the house, has no contact with the society, and live within the protected environment of the family. If domestic workers go out of the house and met members of her community, employers feel they might discover more profitable jobs and would be tempted to "run away". Their interactions with the “outside” could influence their behavior negatively, in which they could develop into relationships, lead to pregnancy, and employers also pointed out that the reason preventing workers to go out is the fear of spreading secrets about the intimate details of their employers. However, one of the employers stated that they respect their domestic worker's faith and drop her off at church so she is able to celebrate important festivities with her national community members. In terms

of vacation, all the employers provide the worker with 1-month vacation after the end of the first 2-year contract, paying for a two-way ticket to visit their families back home.

The employer's fear of failing to protect the workers is also connected to the possible financial loss that the family could face in case the worker "runs away". One of the employers clearly connected this fear of losing the very high amount of money paid to hire the worker to the extreme protection and control mechanisms he impose on the worker. He affirmed, ***"If the recruitment procedures weren't so expensive, then employers would be less afraid to allow their maids to go out from time to time."***

Regarding the most common problems employers face with their domestic workers, depends on how the domestic worker is as a person, whether she is committed to her work or not. The employer added that workers sometimes behave in a very rough way towards the children, such as beating them, and don't carry out their tasks as soon as the employer leaves the house, as they watch television or sleep. And some of them lie when they say they are going to the embassy or to church, and instead they head somewhere else.

The issue of keeping the passport with the domestic worker is one of the most sensitive issues. Two employers affirmed that they are against keeping the domestic worker's passport with her and that they confiscate the passports for security purposes and a form of warranty. Therefore if mutual trust exists between them, the worker can ask for her passport whenever she wants. They also connected this habit with the financial investment made by the employer by hiring a domestic worker. Another employer indicated that she had never confiscated her workers' passports but started to withhold it when her daughter's worker "ran away". A third employer affirmed that she is used to withholding the worker's documents and doesn't view this as a human rights violation against the workers or abuse of power against them. In her point of view, this practice is normal since the documents are in need of being kept in a safe and secure place.

Despite all the problems they might face by hiring a live-in domestic worker, employers still preferred live-in domestic workers and tended not to trust part-time, live-out and freelance workers. One of the employers stated that she needs a full time worker always available in the house and couldn't therefore rely on a part-time worker who does not live with them.

Another employer affirmed that she prefers to hire a live-in worker as she wants the worker to become a part of the family and wants to get to know her very well. She prefers someone who is integrated into the family's surroundings and it might

be more difficult to establish such a relation with a freelancer or live-out worker. Another employer stated that it is difficult to rely on a part-time worker as they are usually less committed to their job, as they can be late or also decide not to go to work. He prefers therefore someone who is more committed and serious about the job, signifying that there is a lack of commitment to work from part-time workers.

The employers were also asked to define and describe what constitutes as good and bad treatment. All of the employers stated that the workers must be treated with respect and as members of the family, receive their salary on time, be provided with food and medical care, as well as clothes and the possibility to contact their family on a regular basis. One of the employers stated that in his point of view, verbal, physical and sexual abuses against workers are often due to employers' inferiority complex. This feeling of inferiority and powerlessness the employers might experience in their daily life is mirrored and projected on the workers.

Employers were asked, why they do not hire local domestic workers, as to employ a foreign domestic worker is generally very expensive, and the relationship in most of the times is difficult due to the linguistic and cultural barrier. One employer answered saying that this was very common in the past, and it was normal for wealthy families to hire local domestic workers, cleaners, and nannies. But the shift in the cultural behavior towards domestic workers has changed and the majority of Jordanians do not accept to perform such jobs.

Another employer, who had been living in Tunisia for ten years, stated that it was normal for her family to hire local domestic workers there. She had 3 to 4 Tunisian domestic workers and they were both live-in or live-out, depending on how far their families' houses were located. She said that she wouldn't have any problem in hiring a Jordanian domestic worker if this was an option and reported the impossibility of hiring local domestic workers in Jordan as this practice is not socially accepted. She stated, ***"Families here don't like to see their daughters working in someone's house, even though they are very poor and would need this money, as they are afraid on their daughters. Usually parents prefer that their daughters to work in factories, in school, etc., but not in other people's houses. That's the tradition here."*** Moreover, she also affirmed that the idea of hiring someone who is part of the local community and who knows the country very well also scares her, as this worker could harm the family in many different ways, and because she understands the language and could talk about private issues with other people which could form a source of concern for the employer. Therefore,



hiring foreign domestic workers who lack linguistic and social capital in the country is the perfect solution.

**Ministry of Labor "Jordan has a strong legal framework, but faces obstacles in applying them in reality" - labour inspector**

The Ministry of Labour is one of the most important bodies which deals directly with this category, and it is the main stakeholder who are directly involved in regulating the labor market. An interview was conducted with one of the inspectors of the Ministry of Labour to understand his perspective towards protecting migrant domestic workers. He stated that most of the problems are related to wages, and also agencies often use many illegal shortcuts in order to increase their profits, and the Ministry penalize these agencies. He also stated that a number of recruitment agencies were shut down and warnings were directed to other agencies following accusations of human trafficking and violations against workers and employers. Moreover, he described the extreme difficulties in controlling them, where usually these agencies can find alternative methods to work after they are closed through other front agencies.

The labour inspector affirms that *"Jordan currently has a solid legal framework in place but faces obstacles in applying these laws in reality"*. Since there is a lack of official concrete tools that enable workers to defend their interests and claim their rights. He also expressed his concern regarding the excessive amount of money that employers pay when they hire a domestic worker. This money can easily transform the workers into human trafficking victims, as employers are afraid to lose the money they invested and tend therefore to excessively restrict and exploit the worker.

### **III. Labor Sending-Country Embassies**

The rapidly increasing flow of migrant domestic workers to Jordan has often arisen from countries stimulating women to work abroad in domestic work. Sending-states play a dynamic role in fostering migration patterns of domestic workers to Jordan. As migrant domestic workers send a sizeable amount of their earnings as remittances to their countries, and here is shown the significant interest of countries of origin in sustaining the flow of migration as an economic development and growth strategy. However, the deficiency in embassy or consulate support from sending states further perpetuate the systematic violation of migrant domestic worker's rights.

The Tamkeen Research Team interviewed the domestic workers nationals embassies: Sri Lanka, the Philippines, Indonesia, and Bangladesh. These interviews were conducted to understand how these stakeholders view the current status of migrant domestic workers in Jordan, as well as their recommendations on how to improve the situation.

Despite the common perspectives of the embassies representatives towards the domestic workers' situation, but each national community manifests specific features that differentiate and characterize the embassies' actions. As for the areas of agreement, they all related to the most common violations domestic workers face which are: non-payment of salaries, forced confinement at the workplace, long working hours, harassment and maleficence, no communication with family members, and inadequate medical care. The points of views also agreed that the excessive cost of recruitment procedures creates a feeling of ownership to the employer over the worker and that she is a financial investment. Which reflects on the situation of workers if their professional skills don't match with the employer's investment and expectation given the amount of money they spend on recruitment fees.

All the embassies representatives also noted the discrepancy between Jordanian laws that are aimed at guaranteeing migrant domestic workers' rights and the actual reality. While the laws look concrete on paper, but it is not implemented on the ground, and some embassies representatives pointed out that bureaucracy complicate matters even further.

The embassies tend to also pressure agencies and governments to improve the situation of domestic workers while trying to concurrently maintain a good relationship with all the stakeholders.

As for the **Bangladeshi Embassy**, recruiting domestic workers from this nationality is a recent phenomenon in Jordan and the embassy has just started to deal with all the problems related to their issues. It's also important to highlight that Bangladeshi domestic workers generally earn the least from the other national groups and are less aware of their rights, which exposes them to a higher risk of exploitation and abuse. Their level of education is usually very low which makes it difficult to enable them to deal positively with a new and different culture. Moreover, many recent migrants are not professionally prepared, and the Bangladeshi Government is trying to solve this sensitive issue by organizing orientations that adequately prepare domestic workers for work abroad.

The officials we interviewed stated that the Bangladeshi community in Jordan is very far and therefore it was difficult to reach and become acquainted with its members who tend not to trust anyone and the officials interviewed reported that their nationals often seek help from recruitment agencies instead of their embassy, which is the source of delaying solutions to the problems they face in the workplace. The Labor attaché explained that it was initially challenging for their staff to gain the trust of domestic workers but have now started to connect to the community. The officials reported that they have been working on strengthening the connections between the official institutions and the members of the community. For example, the embassy tried to organize some events and parties to encourage socialization and cohesion. But, even in this case, it was difficult to reach the workers as they live far away, especially the workers in QIZ, or are not allowed to leave the workplace, as in the case of domestic workers. In both cases, Bangladeshi migrant workers lack the financial resources and time to participate in such events that could build a network for the community and strongly link their relationship to the embassy.

As mentioned earlier, the Bangladeshi embassy lacks sufficient funds to build a shelter despite that the number of "runaway" domestic workers is increasing by the day. Moreover, the officials were skeptical about the effectiveness of a shelter as it could be a double-edged sword by turning the solution into a bigger problem by incentivizing women to "run away" from their employers. Officials stressed on the importance of finding more effective solutions because "runaway" workers usually enter the irregular labor market. Officials sustain that the only possible solution for a "runaway" worker is repatriation, but also this is difficult to fulfill because of the loss of money that concerns the employer.

The major challenges faced by the **Sri Lankan Embassy** are related to the Jordanian government's failure in implementing the numerous regulations and instructions meant to protect migrant workers' rights. The officials also mentioned the importance of establishing open dialogue between workers and employees to build a positive and professional relationship. There is also the obligation of employers in treating the domestic workers well and with respect. The officials also stated that the Embassy undertakes an important role within the community, as it organizes social and recreational events in order to strengthen the social connections for its citizens.

The officials interviewed also expressed their opinion regarding the establishment of ban on sending workers. Bans have been used by many sending-governments of labour during the last years to stop the migration flow of domestic workers to Jordan and other countries where the workers' rights are not well respected. The

Sri Lankan Embassy views these bans as a precious tool that could be useful to protecting workers from violations, as well as a establishing a warning to admonish the host society, which greater efforts from their side is necessary to improve the situation of their nationals.

Conversely, the Filipino embassy officials reported that the 2008 ban on sending Filipino migrant domestic workers to Jordan has complicated their situation. Despite the ban, Filipino workers were entering the country through illegal channels, which made it difficult to follow up with this group's recruitment agents or employers since they were not formally registered neither in their countries nor at the embassy. The officials also emphasized that these groups of women are normally untrained. Domestic workers and employers are the ones often paying the price in these situations and the only beneficiary are recruitment agents. In general, the Filipino Embassy undertakes an important role within the local society, as its nationals tend to trust Embassy's employees and officials and usually resort to them whenever a problem occurs.

As for the bans established by the **Indonesian Government** in order to prevent their nationals from working in Jordan, in this context, the officials stated that they are planning to send skilled workers such as cooks, babysitters, caregivers, and drivers. Officials also confirmed that they are keen that the workers are qualified, trained and experienced.

Indonesia also requested the Jordanian Government to revise the regulations and to make it more effective. The officials stated that the ban was effective and that violations faced by Indonesian workers in the country have decreased. However, the embassy reported some cases of workers coming illegally to Jordan who managed to enter the country by eluding border controls and transiting in different countries before reaching to Jordan.

As for the Indonesian domestic workers who are currently living and working in Jordan, the embassy has been attempting to protect the rights of its citizens and follow up on complaints of total or partial unpaid salaries. Indonesian domestic workers often work longer than what is stipulated in their contract. However, their employers usually fail to pay their full salaries, and might even not pay any of it, and sometimes instead purchase an airplane ticket to directly send them home without paying their wages for several years. In order to get access to these cases, the Indonesian embassy contacted different international airlines, asking them to check every Indonesians' passport for its validity before giving them permission to buy a ticket. In case the passport is expired, the holder of the passport is not allowed to leave the country, and they should inform the embassy about it.

Through this procedure, the embassy has been able to reach many workers to check their cases and, if necessary, assist them in retrieving their unpaid salaries. The embassy also assists workers in extending their passports if expired in order to be able to leave the country.

# Chapter [5]

## Alternative Approaches

### I. Reforming the Kafala System

In recent years, some of the migrant workers' receiving countries have made some efforts in order to start reforming the legal processes of their system. However, some of these countries find it inconvenient to adapt to an alternative system, and therefore lack the political will to act. Similarly, sending countries don't have enough bargaining power taking into consideration the migrants' remittances. So far, some countries have already taken progressive steps, while others are still holding to maintain the status quo. However, most of these positive changes have yet to apply to domestic workers but are nonetheless steps taken in the right direction.<sup>52</sup>

#### Bahrain

With the Act No.19, of 2006 regarding the regulation of the labor market, a Labor Market Regulatory Authority (LMRA) was established in order to substitute employers in their role of sponsors. According to this Law, migrant workers can change employers without their current employer's consent, even though, according to a 2011 law strongly claimed by recruitment agencies, they have to wait one year before being legally able to do that. Workers are allowed to seek new employment opportunities, provided that they give notice to their current employer one month before the contract expires. They also have the right of annual vacation and to access labor dispute mediations.<sup>53</sup>

Moreover, the Act No.19 of 2006, which actually abolished the *kafala* system in Bahrain, was promulgated, however, migrant domestic workers are still excluded from this law, with the exception of some proceedings which exempt domestic workers from judicial fees. And also stipulated to provide workers with a copy of the work contract in a language they understand, which should contain important details such as the worker's personal data, salary, type and duration of the contract, employer's details. The workers are also entitled to spend a probation

---

<sup>52</sup>*Slow Reform, Protection of Migrant Domestic Workers in the Middle East*. Human Rights Watch Report. April 2010. (11 – 12)

<sup>53</sup>*The promulgation of the labour law in the private sector*. Bahrain Official Gazette, Law No. 36 of 2012. 2 August 2012

<http://www.ilo.org/dyn/natlex/docs/MONOGRAPH/91026/105342/F265276925/BHR91026%20Eng.pdf>

period to evaluate the work and the relation with the employer, and to provide the workers with fair salaries, holidays and days off, while employers are subjected to sanctions in case of violation of these law provisions.<sup>54</sup>

## Saudi Arabia

In July 2013, significant new regulations have been approved by the Council of Ministers, stating migrants' right of nine daily hours of rest, one weekly day off, and one-month paid vacation after two years from the start of the contract. However, domestic workers are still subjected to many restrictions, such as the withholding of their passport by the employer, lack of a minimum wage, risk of being shot or penalized if they don't respect Islam and other state regulations, and in general, for arbitrary and unclear reasons<sup>55</sup>. Overall, Saudi Arabia still remains one of the most precarious places for migrant domestic workers to work.<sup>56</sup>

## Kuwait

According to the Labor Law No. 6 (2010), which regulates the recruitment of foreign migrant workers by the Ministry of Social Affairs and Labor (MSAL), even though the category of migrant domestic workers is still excluded by this Law. However, in 2015 Kuwait issued a domestic labour law, the first law specific for domestic worker in the region and with reserve to special laws, but this law provide domestic workers with legal protection and has important provisions for the protection of workers from the exploitation of recruitment agencies inside and outside Kuwait. This law includes as well detailed provisions on the protection of domestic workers, employers, and ensure the rights of both parties, and provided for the extension of workers' residency with legal disputes until the decision of their cases are issued. However, this law did not address the Kafala System.

Until now, other Arab countries such as Lebanon, Oman, United Arab Emirates, are still in the beginning stages of the reformative process. Lebanon, for instance, in 2009, introduced a unified standard contract and in 2013, a code of conduct providing guidance to recruitment agencies on promoting and protecting

---

<sup>54</sup> "Mixed views: A look at the new labour law". Report Bahrain. Oxford Business Group. 2013. <http://www.oxfordbusinessgroup.com/news/mixed-views-look-new-labour-law>

<sup>55</sup> V.AA. *Intra Regional Labour Mobility in the Arab World*. International Organization for Migration Report (153-154)

<sup>56</sup> "Trafficking in Persons Report - Saudi Arabia". United States Department of State. 19 June 2012. <http://www.refworld.org/docid/4fe30c9cc.html>



domestic workers' rights in the country; Oman with a Law in 2003 established that it is illegal for employers to loan migrants to other employers; United Arab Emirates (UAE) in 2009 introduced a wage protection system, which its effectiveness has to be evaluated yet.

In November 2013, Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates considered adopting a unified standard contract for domestic workers would be costly for all employers. The provisions included weekly rest periods and paid annual and sick leave. It also attributed workers with the right to possess their passports. Unfortunately, the contract still lacks major protection mechanisms, such as guaranteeing workers with standardized hours of work.<sup>57</sup>

**As for Jordan**, a first step was taken in 2006 when the government adopted a unified standard contract and in 2008 when the domestic workers are included in the Labour Law. In 2009 the domestic workers regulations was issued, and finally in 2015 a regulating of private offices operating in the recruitment system and the use of non-Jordanian workers in domestic work was issued.

While steps have been taken to reform the *kafala* system the region, but the actual practice of this system is still obvious in all countries of the region without exception.

## Good Practices: The Canadian Recruitment System as a Model

In order to conceive alternative options to the *kafala* system, it is useful to examine other countries' best practices in labour migration governance. In this sense, Canada can be considered as a good model to analyze.

In Canada, the system regulating temporary migrant work of domestic workers or care givers, namely workers in housekeeping and providing assistance to children, elderly people, the ill or disabled, is defined by the so-called Live-In Caregiver Program (LIC). Where a work permit for a period of two years is issued. According to the contract, the worker has the right to either live outside the house of the employer or inside, and in case she live in the employer's household, she must be provided with the keys, so that she is free to leave the house at any time after working hours.

The employment contract contains many terms for the protection of domestic workers such as the transportation of the worker to Canada from her country of

---

<sup>57</sup> "Proposed Domestic Workers Contract Falls Short. Gulf Countries Should Improve Laws, Ratify Treaty". Human Rights Watch.17 Novembre 2013. <http://www.hrw.org/news/2013/11/16/proposed-domestic-workers-contract-falls-short>

origin at the employer's expense, occupational safety and health, health insurance, and accommodation arrangements, coverage for the duration of the contract, weekly day-off, holiday and sick leave, it also provides for opening a bank account for the worker. Moreover, the employer is prevented from confiscating the worker's passport, or the employment contract, or other personal documents. According to the Canadian legislations, the domestic workers are free to change jobs for personal or other reasons, without any risk of deportation. They also state recording working hours including overtime. And if they are subjected to abuse, they can leave the workplace immediately, and are allowed to work for a new employer. After 4 years of employment, they are eligible for permanent residency status, and they can also bring their family to the country. If they lose their job, they are allowed to stay in Canada in order to find a new job, meanwhile the Social Security is applied on them, and they are free to leave and return permanently to their home country at any time.

There are many dispositions contained in this law that could serve as a progressive model for Jordan to implement in its own system of migration governance, including:

First, in the Canadian model, all the workers should attend an appropriate training or prove their work experience in the field. As well as that employers should provide workers with the keys of the house if they are live-in workers, as they are free to leave the house any time after the working hours. This is a very crucial point for Jordan, where the employers still treat the workers as prisoners, often locking them inside the house, and depriving them from mobility and personal freedom. Although the domestic workers regulation explicitly provides for the right of weekly day-off for the domestic worker and granting her the right to leave the house, without the permission of the employer, but employers still do not respect this regulation, and the guarantee implementation mechanism of the regulation is still weak by the official bodies.

Secondly, Department of Labour in Canada includes domestic workers labor governance into the national one, recognizing domestic workers at the same level of all the other workers categories.

Thirdly, in the Canadian model; it clearly states the workers' rights and employers' obligations toward them in the employment contract, such as freedom of movement, weekly day-off, holiday and sick leave, and overtime pay. Moreover, the law prevents employers from confiscating their workers' passport or other important personal documents. In Jordan legislations has given domestic workers the right to freedom of movement, vacations, and wages, but the enforcement

mechanisms are weak. However, the Jordanian law does not explicitly criminalize the confiscation of passport, only in the Labour Law as one of the indicators of forced labour. consequently, a small fine is obliged on whoever confiscate a passport, an article that is not also activated. As for the article in regard to the confiscation of passport at the Jordanian passport law is weak, where it only mentioned the person who was found in his possession a passport.

Fourthly, the Canadian migration model also establishes that domestic workers are free to change jobs for personal or other reasons without exposing them to deportation risks. In addition, any worker who has been subjected to abuse has the right to leave the workplace immediately and can find a new employment opportunity. In the case of Jordan, migrant domestic workers are limited in their ability to change employers and are often unprotected at the abusive work environments they are employed in.

Finally, at the Canadian model, workers are granted the right to obtain a permanent residency after four years, and she has the bring their family to Canada to become permanent residents. In Jordan, the migration of domestic workers is temporary, except in some cases, such as in the case if the domestic worker is married to a Jordanian but even then, she will need to wait a couple of years before she can be granted a citizenship.<sup>58</sup>

Despite the rights granted by the Canadian model, and even despite the protection means granted to this category, but some workers are still subjected to unfair treatment and abuses from their employers. Workers usually have a tendency to not report such violations in fear of losing their access to wage, food and health care, and the possibility of obtaining permanent residency status in the country.

The main reason behind what is occurring from violations against the domestic workers, even in countries that have a model protection and prevention program is the fact that the workers are living at their employer's place. Leading to the difficulty of separating the working time from their personal time. The worker living at the employers' house will also, develop a sense of ownership towards workers by the employer. Similarly, these situations occur within the *kafala system* practiced in Jordan. Where it is difficult for a domestic worker to differentiate between work time and her personal time.

---

<sup>58</sup>Employment and Social Development Canada,  
[http://www.esdc.gc.ca/eng/jobs/foreign\\_workers/caregiver/](http://www.esdc.gc.ca/eng/jobs/foreign_workers/caregiver/)

# Chapter [6]

## Conclusion

Migrant domestic workers boldly trek to Jordan in hopes of obtaining the social and economic capital inaccessible to them from the lack of opportunities available in their home countries' weak economies and stratified social structures. Financial vulnerabilities incline workers to rely on corrupt recruitment agencies and other illegal channels where the overarching interest is to profit from their "business investments." However, this cycle of dependency is further reinforced through the modern slave-like *kafala* system and a legal framework that allocates unregulated control over their living and working conditions to often employers who also view migrant domestic workers as financial investments from the high fees paid to recruitment agencies.

Migrant domestic work has become a highly formalized process through the growth of third party mediators from recruitment agencies in sending and destination countries to the underground black market of human traffickers. Despite the increasingly industrialized nature of domestic work services, domestic work is still seen as an illegitimate and informal occupation, which is negotiated between the employer and employee. However, with such a diverse structure of institutions invested in acquiring financial benefits from the labor power of domestic workers, accountability stretches borders and beyond the private sphere of the household.

The level of intimacy that surrounds the compulsory requisite of living with one's employer breeds an overprotective mentality that allows employers to take "preventive" measures that justifiably trespass on the rights of migrant domestic workers, such as confiscating passports and restricting migrant domestic workers' mobility, all masked under symbolic sentiments of exerting paternalistic values. The legal requirement of tying migrant domestic workers' residence to one sponsor further privatizes the employer-employee relationship and prevents the police and judicial system to actively interfere in evidently clear cases of migrant domestic worker abuse.

The poor regulation of the public sector, which provides only little legal and social protection, expedites the physical, psychological, financial and sexual abuse of migrant domestic workers in direct partnership with the *Kafala* system. With governance structures that treat migrant domestic workers as security threats and a weak institutional support system that attributes special treatment to the employer, migrant domestic workers are unable to turn to the courts for fair legal

redress. Failed investigation efforts from police authorities and the judiciary prevent workers from alleviating their situations. With piled cases of physical and sexual abuse lost within a protracted bureaucratic process, the judicial system concurrently fails to respond to the daily struggles that permeate the domestic worker's feeling as a second-class citizen.

Moreover, legislative steps that have aimed to improve the situation of migrant domestic workers still leave an unsettling legal vacuum of protecting workers' rights. The legal configuration of migrant domestic workers' presence in Jordan emulates a perpetual systematic violation of their human rights. The *kafala* sponsorship system, in conjunction with the pre-departure and recruitment process in their home countries, constitutes an institutionalized relationship of dependency upon the employer and other actors compliant in perpetuating abuse, such as Jordanian employment agencies and an apathetic police force.

The process of reforming an inherently abusive sponsorship system requires initiatives from the government, change in attitudes from Jordanian society, at large, and mobilization from all institutions in the migrant domestic labor market to remedy a devalued class of migrant women. Migrant domestic workers should be afforded the protection of labor legislation and treated as workers, not as informal or contractual labor that can be dispensed upon whim. The spatial dimensions to which migrant domestic women are cramped to and the racial hierarchies designed to select the idealized worker serve as testaments to the commodification of migrant workers that are deeply embedded in ethnic and gendered stratifications. The complexity of institutional forces maintains migrant domestic workers outside the margins of law and society, maintaining a controlled population of social and political outsiders.

Without a legal framework to turn to when working and living in an abusive and privatized environment, there are limited resources available for women to break free from the control of their employers without jeopardizing their legal status. Cognizant of their lack of recourse to legal representation and their subjugation to a biased system in favor of their employer, migrant domestic workers turn to the illegal channels of "running away" or turning to (freelance) work to alleviate their situation.

Irregular migrant domestic workers are left with few options in demanding their rights and in seeking protection from abusive situations. The high presence of irregular domestic workers is testimony to how women try to maneuver around the repressive requirements of the legal system in order to enjoy their freedom of movement and improved work conditions. As detailed by our cross-analysis of the

working and living conditions between the three main employment structures of live-in, live-out, and freelancer, irregular domestic workers normally rated their quality of life as greater than when they worked within the legal system. While their conditions have improved, irregular domestic workers nonetheless face heightened risk of deportation and detainment and consequently limit their movement from fear of confronting the police. These situations are worsened when irregular domestic workers bear stateless children out of wedlock in Jordan, in which they have expressed constant anxieties over the future and wellbeing of their children. Living in constant fear, irregular domestic workers lead hidden lives that are isolated from the public sphere of society. Despite their legal status, with more active collaboration between NGOs and migrant domestic worker communities, as well as a legal and social structure that facilitates active civil society movements, the voices of irregular migrant domestic workers can reverberate and awaken Jordanian society to their visibility and existence as equals.

# Chapter [7]



## Recommendations

*“We are human. Give the girls a chance.” – a Sri Lankan migrant community leader*

### Migrant Domestic Workers’ Recommendations

We decided to include first what was requested by the workers who have been interviewed, where workers believe that what they are subjected to from violations is resulting from the way society view them. Especially given the high recruitment fees, society view them as commodities, and all parties deal with them through this concept, including their country of origin. Their recommendations have been drawn from their opinions raised in the questionnaire and during the interviews, the recommendations are:

1. Payment of wages on time, to reflect the great effort performed, provide the necessary adequate food and privacy, implementation of the terms of the contract, and stop confiscation of passports.
2. Enhance communication with employers, try to understand workers and assess the lack of their knowledge of language, customs and traditions, in addition to create balance between the personal freedom of the worker and the excessive protection restrictions imposed on them, and promote their right to a weekly day-off.
3. Workers must take into account the customs and traditions of the country, and avoid improper conduct which leads to the destabilization of the employer trust in them.
4. Countries of origin should work on better protection of workers, countries of destination must not haste in detaining the workers and enhance the means of redress. In addition to granting legal protection of migrant mothers and mixed families, promote access to health care, education, and social welfare services.
5. Provide workers with trainings prior and upon arrival, and give them adequate time and opportunity to get to know the family , the nature of the work, and the customs and traditions of the country.
6. Not to physically and verbally abuse workers, enable them to connect with the people of their country and the outside world, not to confine workers at homes.

## Tamkeen's Recommendations

1. Establish a private foundation to employ domestic workers part-time without requiring them to stay at the employer's home, and enhance effective inspection by labour inspectors.
2. Obligate employers to open a bank account for the worker provided that to be notified by responsible parties whenever the employer delays a worker's salary. And gives the worker the right to terminate the employment contract if not paid her dues.
3. Establish a credit fund to ensure that the costs of owed wages, overstay fees, and plane tickets in the case of bankruptcy, insolvency or failure of the employer to pay it, and to consider this amount as debt on the employer.
4. Reconsider the costs of recruitment, and not to collect the amount of new work permit in case the worker transferred to another employer during the year.
5. Ensure that all domestic workers are properly trained before arrival to Jordan, provide them with the necessary knowledge about their rights and duties, as well as about the customs and traditions, and Jordanian culture, guide them to where they can seek for help if they encountered any violation, establish an official shelter for domestic workers who have problems and publicize it. Upon arrival, a welcoming program should be established to provide them with a quick awareness about their rights and duties, and the places and ways to seek help.
6. Establish a labour court which looks into the workers' rights in a short time, and the need to maintain detailed information about the employer, such as the house and work address and telephone numbers at the Ministry of Labour.

The following recommendations are addressed to the Jordanian government and the governments of sending countries and related international institutions:

**a. Enforcing and Improving Legal Protection of Migrant Domestic Workers**

**International and Domestic Laws**

1. Review the human trafficking prevention Act, and the related regulations to ensure compliance with international standards and the relevance of the stipulated penalties aligned with the gravity of the offense committed, and compensate human trafficking victims.
2. Jordan should ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1991, and the Convention No. 189 Concerning Decent Work for Domestic Workers. The abolition of all the *kafala* system practices, including linking workers with employers, enable domestic workers to terminate the employment contract and change employer during the duration of the contract in the event of not reaching consensus between the two parties without having to pay the financial fees again.
3. Abolish all the discriminatory legislations such as the minimum wages, activate the role and competency of the inspection system by increasing the number of qualified inspectors and provide them with knowledge and modern technology tools, and find suitable inspection mechanisms on the conditions of domestic workers, in addition to ensure conducting the interview with the worker upon signing the contract and obtaining / renewing work permit in isolation from the employer and the recruitment agency.
4. In the case of irregular workers, there must be verification and investigation of the causes of their legal status, and to investigate with them separately to find out their work and living conditions, and to verify the absence of human trafficking suspicion or serious abuses led them to leave the workplace thus causing their irregular situation. In case the worker was a victim of human trafficking or a serious violation, she must be provided with social and health services.
5. Refrain from administrative detention and arbitrary arrest of women migrant workers on the backdrop of "absconding notification" reported by the employer and review the legality of this notification. Not to deport any worker except by a judicial decision, and after enabling them to appeal.

6. Provide translators in all the directorates that have direct links with migrant domestic workers, especially in the courts and police stations.

#### **b. Financial Security**

1. It is important to monitor the costs that the recruitment agencies impose on the employers in order to prevent them from viewing domestic workers solely as financial investments, which create situations of forced confinement and passport confiscation.
2. Find a mechanism that requires recruitment agencies to compensate the employer if the domestic worker refuses to work because of reasons unrelated to the treatment she receives from the employer.

#### **c. Shelters and Safe Spaces for Migrant Domestic Workers**

1. Apart from current shelters provided by the embassies, the establishment of appropriate shelters for migrant domestic workers is required for victims of human trafficking and other forms of violations, including cases of conflict with the law, and grant them permanent work and residency permits so they can resolve their issues.
2. Ensure that proper psychosocial and social support is available in the embassies' shelters to alleviate cases of trauma and other psychological issues experienced by the migrant domestic worker community, including physical, sexual, and verbal abuse.
3. Apart from solving their legal issues, the shelters should assess whether or not the domestic worker wants to find new employment in Jordan or to be repatriated. Usually, shelters in the embassies repatriate the worker without taking into consideration her will to correct her legal status in order to find better employment opportunities.

#### **d. Strengthening Relationships Between Key Stakeholders**

1. Establish bilateral and multilateral agreements at national, regional, and international levels in order to ensure the smooth exchange of information between the concerned parties on all fronts. This is to ensure the protection of migrant domestic workers' rights.

2. Embassies' shelters should re-evaluate and improve their services, in terms of the quality of accommodation, food, recreational activities, as well as legal consultation, in collaboration with the Ministry of Labour and other relevant stakeholders.

### **e- Raising Awareness and Capacity-Building**

1. Raise the legal awareness and education among migrant domestic workers about their rights, duties, and the laws concerning them, including the crime of human trafficking, the Human Trafficking Prevention Act No. 9 of 2009, and the necessary steps to file a complaint.
2. Train judges, prosecutors, and all law-enforcement personnel on observing the requirements of human rights in their work, as well as the activation of planned protection systems for all groups most vulnerable to abuse. Within building the legal capacity of these actors, they should also be trained to detect cases of “forced labour” and human trafficking.
3. Intensify efforts to change the mentality of employers regarding stereotypical status about workers, as well as treating them in accordance to human rights principles. Employers should view domestic work as formal employment, in which her labour rights are due, especially in regard to payment of salary and hours of work.
4. Strengthen the role of the media in spreading awareness among the general public about worker's rights and the crime of human trafficking.
5. Sending-countries of labour must familiarize workers with their rights and duties before arrival to Jordan, as well as coordinating with recruitment agencies in the home country and maintaining complete information about their citizens.



## *TAMKEEN FIELDS FOR AID*

---

Hello, we are ***Tamkeen Fields for Aid***. We are asking these questions because we are conducting a research about your working and social/personal conditions as a domestic worker in Jordan.

We thank you for your kind cooperation.

## Long Survey

Date: \_\_\_\_\_

Place of Interview: \_\_\_\_\_

Interview number: \_\_\_\_\_

### **Basic demographics and information:**

1. **Age:** \_\_\_\_\_

2. **Gender:** Male Female

3. **Nationality:**

- Filipino
- Sri Lankan
- Indonesian
- Bengali
- Ethiopian
- Other: \_\_\_\_\_

4. **What is the highest level of education you completed?**

- No formal schooling
- Some primary schooling (0-4 years)
- Completed primary schooling (5 years)
- Some secondary schooling
- Completed secondary schooling
- Some university schooling
- Obtained university degree or more

5. **Knowledge of additional languages (please specify the level: basic, intermediate, good, perfect)**

- |                                |       |        |    |
|--------------------------------|-------|--------|----|
| <input type="radio"/> Arabic:  | Good  | Little | No |
| <input type="radio"/> English: | Good  | Little | No |
| <input type="radio"/> Others:  | _____ |        |    |

## Before coming to Jordan:

**1. Why did you decide to come to Jordan instead of going somewhere else?**

- Better income in Jordan
- Friends in Jordan
- Easy to get a visa for Jordan
- Worked in Jordan before
- I did not know where I was going to work
- Other: \_\_\_\_\_

**2. Did you complete an orientation program (pre-departure training) before you left your country to come to Jordan?**

Yes

No

**2.1. If No, do you think that it would have been helpful?**

Yes

No

**3. In which of the following fields would you like to acquire more knowledge?**

- Labor rights/ Jordanian Law
- Local Language
- Local Culture and habits
- English
- Assistance with rights violations (embassy, legal aid, etc.)
- How to get in touch with the community
- Others: \_\_\_\_\_

**4. Did you sign an employment contract for your work here in Jordan before leaving your country?**

- Yes, the contract was explained to me in a language I understand
- Yes, I understood the terms of the contract when I signed it
- Yes, I do you have a copy of the employment contract
- No, I did not sign any employment contract before coming to Jordan

**5. Was the salary you were paid by your first employer the same amount as stated in the contract?**

- No, my actual Salary is/was less
- No, my actual salary is/was more
- Yes, my actual and my promised salary is/was the same



**6. Did you know what kind of work you will be doing when you are in Jordan?**

Yes

No

**6.1. If no, please tell us what kind of work you expected?**

---

**7. If you came to Jordan through a recruitment agency in your home country, would you recommend this agency to friends/family/others?**

Yes

No

## **Arriving in Jordan**

**1. With which kind of Visa did you enter the country?**

- Tourist Visa
- Work Visa
- Others \_\_\_\_\_

**2. Do you have a valid work and residency permit?**

- Yes
- No, I never had a valid work and residency permit
- No, the permits are expired
- I don't know

**3. Is the employer mentioned in the official documents (employment contract, work permit, etc.) the same as your actual employer?**

- Yes
- No
- I don't know

**4. Have you ever changed your employer during your stay in Jordan?**

Yes

No

**4.1 If yes, did your former employer give you the permission to do so?**

Yes (the contract was expired)  
the contract)

Yes (before the end of

No

**4.2 Have you experienced any of the following difficulties since leaving your employer?**

- Finding another job
- Getting access to my passport
- Having enough money to cover my basic needs
- Leaving the country
- Fines for staying without valid working permit/residency
- Finding a shelter/ help in general
- Other: \_\_\_\_\_

**4.3. How did you find a new employer?**

- I did not find a new employer yet
- Friend
- Recruitment agency
- Newspaper
- Internet
- Going from door to door
- Other: \_\_\_\_\_

**4.4 Do you still work as a domestic worker?**

- Domestic worker living at the workplace
- Freelancer
- Not working as domestic worker (e.g. factory, saloon, etc.)
- Others: \_\_\_\_\_

5. **How many employers have you had in total?**

---

6. **With how many employers did you work for while holding a valid work permit?**

---

7. **How long have you been living and working in Jordan?**

---

## **Working Conditions**

1. **How many employers do you currently have?**

---

2. **In how many different houses do you currently work in?**

---

3. **Please fill the following table providing us with information regarding all the different jobs you carried out during your stay in Jordan.**

<b>Working conditions/ type of ill-treatment</b>	<b>Type of work:</b>	<b>Type of work:</b>	<b>Type of work:</b>	<b>Type of work:</b>
- 1) One employer + living at the workplace, - 2) One employer +NOT living at the workplace, - 3)Freelancer, - 4)Not working as domestic worker (Please specify the type of job)	_____ _____ _____  <b>Period:</b> _____ _____ _____	_____ _____ _____  <b>Period:</b> _____ _____ _____	_____ _____ _____  <b>Period:</b> _____ _____ _____	_____ _____ _____  <b>Period:</b> _____ _____ _____
Did you have a valid work and residency permit while working in the following fields (Please circle where applicable)	Yes / No/ Unknown	Yes / No/ Unknown	Yes / No/ Unknown	Yes / No/ Unknown
Salary per month (in JD)				
Remittances per month ( in JD) (How much money do/did you send to your family)				
Working hours per day				
To which of the following violations have you been subjected to? (Please cross where applicable)				
Not paying the salary on time				
Physical/sexual abuse				
Serious physical injury during work				
Verbal abuse/ Threat				
Restricted freedom of movement				
Withholding passport/ other personal documents				
Overtime without compensation				
Restricted vacation and holiday time				

Refusal of weekly day off				
Not allocated an appropriate place to sleep in/ no privacy				
Not provided with appropriate food				
Not provided with proper working equipment (occupational safety and health)				
Deprivation of contacting family and fiends				
Not covering medical care				
How would you describe your workplace conditions in general (Please circle where applicable)	very good, good, neither good nor bad, bad, very bad	very good, good, neither good nor bad, bad, very bad	very good, good, neither good nor bad, bad, very bad	very good, good, neither good nor bad, bad, very bad
Others:				

#### **4. Where would you go to seek help in case of violations of your rights?**

- I would speak with the employer about this problem
- The nearest police station
- The Ministry of Labor/ call the Hotline
- My recruitment Agency
- Ask friends/family for help
- Tamkeen/ other Organization (e.g. Caritas)
- My Embassy
- I don't know where to go
- Others: \_\_\_\_\_

#### **5. Where are you living right now?**

- At the workplace/ employers house
- With friends/ colleagues
- With my family (children/husband, parents, etc.)
- On my own
- Others: \_\_\_\_\_

##### **5.1. If you are/were living at your workplace, where did you sleep?**

- In a room for myself
- In a room shared with other workers
- In the bathroom/ kitchen/ other room which is usually used for something else
- In the children's employer's room
- Others: \_\_\_\_\_

### **Personal Circumstances**

#### **1. What is your marital status?**

- Married
- Divorced
- Engaged
- Boyfriend or girlfriend
- Widowed

- Single
- Other: \_\_\_\_\_

**1.1 If you have a Partner, where does he/she live?**

- In Jordan, he/ she is Jordanian
- In Jordan, he/she is not Jordanian
- In my home country
- He/she is working abroad in a different country
- Others \_\_\_\_\_

**1.2 If you have a Partner, where does he/she live?**

- In Jordan, he/she is Jordanian
- In Jordan, he/she is not Jordanian
- In my home country
- He/she is working abroad in a different country
- Others \_\_\_\_\_

**2 Do you have children?**

Yes, I have \_\_\_\_\_ children.

No

**2.1 If you have children, where do they live?**

- In my home country
- They live with me in Jordan
- They live in Jordan, but not with me (Please specify \_\_\_\_\_)
- They live neither in Jordan nor in my home country, they live in \_\_\_\_\_

**2.2 If you have children, do they attend school?**

- No, they are not allowed/able to attend school
- No, they are too young to attend school
- No, they are already out of school-age
- Yes, they attend school
- Other: \_\_\_\_\_

**2.3. If your children are living in Jordan without being Jordanian citizens, what kind of difficulties do you face as a family?**

- Health care
- School and education services
- Freedom of movement (e.g. returning to country of origin)
- Others: \_\_\_\_\_

**Social circumstances:**

**1. You have access to:**

- A mobile phone
- The Internet
- Television
- Radio

**2. How many days off do you have per month?**

---

**3. In my free time, I ...:**

- Stay at the workplace
- Go out and meet friends/family
- Do not have free time
- Meet my community (e.g. religious or cultural institutions, etc.)
- Others: \_\_\_\_\_

**4. Most of your friends are...:**

- Jordanian
- From my country
- Domestic workers from different origin
- Others \_\_\_\_\_



**5. Where do you meet your friends?**

- At private places (at home)
- In public places (e.g. Cafés, Restaurants, etc.)
- Religious Institutions
- Cultural Institutions
- Others: \_\_\_\_\_

**6. In which area in Amman do you usually spend your free time?**

---

**7. When do you plan to go back to your home country?**

- I am trying to go back as soon as possible/ right now
- In the next few months
- As soon as my employment contract expires
- I plan to stay here for several years
- I am not thinking about leaving
- Others: \_\_\_\_\_

**Movements in the city:**

**1. Where do you live in Amman (neighborhood or significant places nearby)?**

Currently \_\_\_\_\_  
Previously \_\_\_\_\_

**2. In which area do you work in Amman (neighborhood or significant places nearby)?**

Currently \_\_\_\_\_  
Previously \_\_\_\_\_

**3. How do you go to work?**

- By Taxi
- By Bus
- I have my own car
- Walking
- Living at the workplace
- Others: \_\_\_\_\_

**4. Where is the place where you practice your religion (please specify place of worship and neighborhood) ?**

---

**5. In which of the following places do you usually buy your own food?**

- Mall
- Jordaniansupermarket
- Supermarket where you can find food of your country
- Others: \_\_\_\_\_

## ADDITIONAL QUESTIONS:

- In your residence and in your work permit, the person officially mentioned as your employer is:
  - My real employer and I am actually working for him
  - He was my employer and I used to work for him
  - He has never been my employer (he is someone I paid in order to obtain the documents)

حسب تصريح الإقامة وتصريح العمل، فإن اسم الشخص المذكور كصاحب عمل هو:

- اسم صاحب العمل الحقيقي الذي اعمل لديه حالياً
- اسم صاحب العمل الذي كنت أعمل لديه سابقاً
- اسم شخص غريب لم يكن صاحب العمل الحقيقي ( هو شخص دفعت له مبلغ من المال مقابل اصدار تصريح عمل لي)

- If you ran away from your employer's house, which is the main reason?

(FOOD, NON-PAYMENT, VERBAL ABUSE, PHYSICAL ABUSE, SEXUAL ABUSE, OVERWORKED, FREEDOM OF MOVEMENT, HEALTH, OTHER...)

في حال غادرت منزل صاحب العمل، فإن السبب الرئيسي الذي دفعك إلى ذلك هو (الطعام، عدم دفع الأجور، استخدام الفاظ سيئة، الضرب، التحرش الجنسي، العمل الزائد عن الحد، تقييد الحرية، عدم توفير رعاية صحية، أو أسباب أخرى)

---

---

---

- Why do you think it's better to work part-time?

(FREEDOM OF MOVEMENT, BETTER INCOME, PRIVACY, NO ABUSES, OTHER... )

لماذا تعتقد ان من الأفضل العمل بدوام جزئي؟ (حرية الحركة أو الدخل الأفضل أو الخصوصية أو عدم التعرض للانتهاكات، أو أخرى)

---

### **Final suggestions:**

1. How could your situation in Jordan be improved?
- 
- 

2. Is there anything else you would like to tell us?
- 
-





## *TAMKEEN FIELDS FOR AID*

---

Hello, we are *Tamkeen Fields for Aid*. We are asking these questions because we are conducting a research about your working and social/personal conditions as a domestic worker in Jordan.

We thank you for your kind cooperation.

## Short Survey

Date: \_\_\_\_\_

Place of Interview: \_\_\_\_\_

Interview number: \_\_\_\_\_

### **Basic demographics and information:**

6. Age: \_\_\_\_\_ Gender:            Male                            Female

7. **Nationality:**

- Filipino
- Sri Lankan
- Indonesian
- Bengali
- Other: \_\_\_\_\_

8. **What is the highest level of education you completed?**

- No formal schooling
- Some primary schooling (0-4 years)
- Completed primary schooling (5 years)
- Some secondary schooling
- Completed secondary schooling
- Some university schooling
- Obtained university degree or more

9. **Knowledge of additional languages (please specify the level: basic, intermediate, good, perfect)**

- Arabic:            Good                            Little                            No
- English:            Good                            Little                            No
- Others: \_\_\_\_\_

## Before coming to Jordan:

**8. Did you sign an employment contract for your work here in Jordan before leaving your country?**

- Yes, the contract was explained to me in a language I understand
- Yes, I understood the terms of the contract when I signed it
- Yes, I do you have a copy of the employment contract
- No, I did not sign any employment contract before coming to Jordan

**9. Was the salary you were paid by your first employer the same amount as stated in the contract?**

- No, my actual Salary is/was less
- No, my actual salary is/was more
- Yes, my actual and my promised salary is/was the same

**10. Did you know what kind of work you will be doing when you are in Jordan?**

Yes

No

**8.1. If no, please tell us what kind of work you expected?**

---

## Arriving in Jordan

**8. Do you have a valid work and residency permit?**

- Yes
- No, I never had a valid work and residency permit
- No, the permits are expired
- I don't know

**9. With which kind of Visa did you enter the country?**

- Tourist Visa
- Work Visa
- Others \_\_\_\_\_

**10. How long have you been living and working in Jordan?**

---



**6. Please fill the following table providing us with information regarding all the different jobs you carried out during your stay in Jordan.**

Working conditions/ type of ill-treatment - 1) One employer + living at the workplace, - 2) One employer +NOT living at the workplace, - 3)Freelancer, - 4)Not working as domestic worker (Please specify the type of job: e.g. QIZ, factory, industry, saloon, etc.)	<b>Type of work:</b> _____ _____ _____	<b>Type of work:</b> _____ _____ _____	<b>Type of work:</b> _____ _____ _____	<b>Type of work:</b> _____ _____ _____
	<b>Period:</b> _____ _____ _____	<b>Period:</b> _____ _____ _____	<b>Period:</b> _____ _____ _____	<b>Period:</b> _____ _____ _____
Did you have a valid work and residency permit while working in the following fields (Please circle where applicable)	Yes / No/ Unknown	Yes / No/ Unknown	Yes / No/ Unknown	Yes / No/ Unknown
Salary per month (in JD)				
Remittances per month ( in JD) (How much money do/did you send to your family)				
Working hours per day				
To which of the following violations have you been subjected to? (Please cross where applicable)				
Not paying the salary on time				
Physical/sexual abuse				
Serious physical injury during work				

Verbal abuse/ Threat				
Restricted freedom of movement				
Withholding passport/ other personal documents				
Overtime without compensation				
Restricted vacation and holiday time				
Refusal of weekly day off				
Not allocated an appropriate place to sleep in/ no privacy				
Not provided with appropriate food				
Not provided with proper working equipment (occupational safety and health)				
Deprivation of contacting family and fiends				
Not covering medical care				
How would you describe your workplace conditions in general (Please circle where applicable)	very good, good, neither good nor bad, bad, very bad	very good, good, neither good nor bad, bad, very bad	very good, good, neither good nor bad, bad, very bad	very good, good, neither good nor bad, bad, very bad

## Personal Circumstances

### 4.1. If you are/were living at your workplace, where did you sleep?

- In a room for myself
- In a room shared with other workers
- In the bathroom/ kitchen/ other room which is usually used for something else
- In the children's employer's room
- Others: \_\_\_\_\_
- 

### 1. What is your marital status?

- Married
- Divorced
- Engaged
- Boyfriend or girlfriend
- Widowed
- Single
- Other: \_\_\_\_\_

### 2.1 If you have a Partner, where does he/she live?

- In Jordan, he/she is Jordanian
- In Jordan, he/she is not Jordanian
- In my home country
- He/she is working abroad in a different country

### 2. Do you have children?

Yes, I have \_\_\_\_ children

No

### 2.1 If you have children, where do they live?

### 3. How could your situation in Jordan be improved? Is there anything else you would like to tell us?

---

---

**ADDITIONAL QUESTIONS:**

**In your residence and in your work permit, the person officially mentioned as your employer is:**

- My real employer and I am actually working for him
- He was my employer and I used to work for him
- He has never been my employer (he is someone I paid in order to obtain the documents)

**If you ran away from your employer's house, which is the main reason?**  
(FOOD, NON-PAYMENT, VERBAL ABUSE, PHYSICAL ABUSE, SEXUAL ABUSE, OVERWORKED, FREEDOM OF MOVEMENT, HEALTH, OTHER...)

---

---

**Why do you think it's better to work part-time?**  
(FREEDOM OF MOVEMENT, BETTER INCOME, PRIVACY, NO ABUSES, OTHER... )

---

---



## *TAMKEEN FIELDS FOR AID*

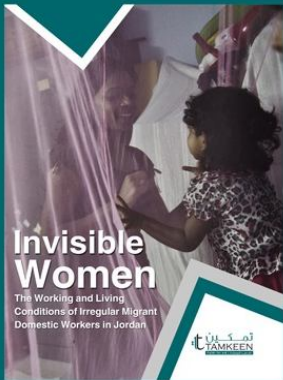
---

Hello, we are ***Tamkeen Fields for Aid***. We are asking these questions because we are conducting a research about the working and social/personal conditions of migrant domestic workers in Jordan. We would like to learn more about your experience as employers hiring domestic workers and how you feel towards the issue. We thank you for your kind cooperation.

## EMPLOYERS' QUESTIONNAIRE:

---

1. Why do so many Jordanian families hire domestic workers?
2. How would you describe your relationship with the domestic worker you hired?
3. Have you faced any challenges in hiring a domestic worker? For example, have you faced any problems in dealing with recruitment agencies?
4. How do you select your employees (work experience, language, skills, nationality, religion, hiring costs, etc.)?
5. Some Jordanian employers treat their domestic worker fairly and others mistreat her. How would you describe “good” treatment and “bad” treatment?
6. If a domestic worker runs away from the house, how does it affect the employer?
7. What do you think of allowing the domestic worker to go out alone on her day off? Would you agree with such a practice?
8. Would you prefer to hire a live-in domestic worker or a live-out/freelancer? And why?
9. In your opinion, is it better to treat the domestic worker as an employee or as a member of the family?
10. What are the most common problems that employers usually face with their domestic workers?
11. Do you think employers or agency should hold the passports of their workers? Why?
12. In your opinion, what could be a feasible solution in order to improve the situation?



2015 © Tamkeen Fields for Aid

