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Introduction

Doubled alienation

Report on the migrant workers situation in Jordan- 2009

The right to work is one of the fundamental human rights, and the wide daily applications, and the volume and nature of the standards which regulated enjoying this right show the centralization of this right among the recognized human rights, on the national and the international levels. In addition that the main characteristics of human rights such as connectivity, internationality and originality appear more clearly in the right to work more than the other rights. All this is a result to the value and prestige the work has among people on earth. Although the main problem in work doesn't revolve around recognizing it as a right for all people, and in all nations, it revolves around the violation of this recognition and the protection of this right, and it's availability for all individuals (men or women, citizens or non-citizens) by nations and individuals from enjoying this right freely and with equality without any unreasonable or unacceptable restrictions.

We have all read national and international reports talking about the situation of human rights for migrant workers in Jordan through the past three years, and they all contained facts and lies, rights and wrongs, justice and injustice. But here we are not willing to criticize or analyze those reports- although we can- since we think that what is required here is to identify the prospect that those report should be dealt with, in order not to get driven away with analyzing and estimating the aims and goals of the parties that issue those reports. Talking about a legal prospect in this context needs to go back to the fundamental human rights beginning with the (internationality), since admitting the internationality of human rights leads to concerning about other opinions, even if it was from outside the country.

Why the rights or enjoying the rights do differs from one country to another, from one individual to another and from one time to another? Is the required is to justify the violations committed, prohibit them or face and deal with their harmful effects on the individual, society and country? In a shorter phrase: shouldn't we invoke to a subjective international standards to detect violations and deal with their impacts? We can see from here the importance of joining the international conventions in the various human rights areas, as a consecration for acceptable international standards which allows everybody to evaluate the fulfillment of duties and obligations. In this context, there are repeated demands and invitations for Jordan to join the protection of the right for all migrant workers and their families' convention for the year 1990, and other international labor organization conventions which has become the base that the country's efforts in protecting the migrant workers rights are measured.

We have sensed that the Jordanian government has felt the shortcomings in the legal frame concerned with the migrant workers right in Jordan, and also the gaps in executive measurements related to protections of the rights of this category. Therefore, we detected the series of legislative and executive measures within the past two years 2008-2009, which aims at extending the legal protection for this working category by the amendments that was added to the

labor law and the regulations issued according to it, in addition to the initiative of issuing the law to prohibit trafficking in persons number 9 for the year 2009 which aims at criminalizing all acts of trafficking in persons, and establishing executive departments specialized in migrant workers, and prohibiting trafficking in persons.

This is the first report that Tamkeen center for legal aid and human rights issues about the migrant workers situation in Jordan. The center aims for this report to be a periodic one, where an annual report will be issued which talks about detecting and analyzing the migrant workers rights situations in all categories, with emphasizing each year on one category of migrant workers, and the issue (right or violation) is the most vital issue on the migrant workers in Jordan agenda. In this report, the emphasis was mainly on domestic workers, and we estimated the importance of the issues related to them in the following order (running-away from the employer's house, withholding passports, and the accumulation of residency fines). The report applied an approach that depends on identifying the right and shows the main violations this category is subjected to, the relation between the violations, and the victims' situation and suffering.

The migrant worker in Jordan situation report was issued in 2009 since it is considered a fundamental year for the periodic activities of the center, and this year's report includes the following issues:

- A presentation of the situations and the migrant workers in Jordan human rights application, presented based on the minimum standards of the country's commitments in accordance with the national legislations and the international conventions for human rights such as the international labor organization convention.
- A presentation and analysis for the main violations the migrant workers rights are subjected to in all its kinds and forms. In addition to a detection for the individuals roles and obligations and the concerned parties, and the effects of these violations or prohibiting and dealing with them.
- A presentation and an analysis for the (migrant workers legal aid system) inputs done by the (legal aid unit) in the center, and through the individual and collective (complaint system). The report includes in many places information and evidences taken from the facts, data and procedures taken by the center to deal with the complaints received. In order to save the reader's time and effort on one hand, and to retain the privacy in dealing with such complaints on the other hand, we've attached a number of tables and appendixes to this report, as a completer to the presentation and as a clarification to the nature of complaints received.
- A group of suggestions and recommendations offered to the national and international parties concerned with the migrant workers rights.

Tamkeen center for legal aid and human rights (with the support of the open society organization) started from 1/4/2009 providing free legal aid for migrant workers in Jordan through (the legal aid unit) composed of a team of trained lawyers, who receives complaints from different categories of migrant workers, analyze them and suggesting some solutions to deal with them through a series of available legal means and mechanisms. Dealing with the complaints system consists of the following options:

- 1- Providing legal consultation for migrant workers who ask for it, in the issues related to work and residence rights.
- 2- Having the authorization to perform the required legal procedures, if there was a case of conflict, demand, or violation which requires to resort to judiciary, or based on the worker's/ complaint's request, or if he/she can't afford the litigation fees.
- 3- Making the required calls and the administrative follow-ups to ensure the migrant workers equity when in conflict with the law.
- 4- Mediating between the worker with the compliant and his opponents to reach to fair solutions and satisfactory results.
- 5- Detecting and documenting all kinds and forms of violations on the rights of migrant workers.

Lastly, Tamkeen center issues its first report on migrant workers situations in Jordan to reach all related Jordanian authorities and Jordanian and international civil society organizations working in Jordan, to adopt the suggestions and recommendations included, which we hope will support and protect human rights, and in furtherance of the development process and to ensure the fulfillment of international obligations accepted by Jordan. The suggestions and recommendations focused on:

- Necessity of amendments on the legislations related to human rights.
- Necessity for Jordan to join the international conventions related to the protection of migrant workers rights.
- Necessity of clarifying and determining the executive procedures taken to control the legality and legitimacy of the migrant workers situation including activating the inspection system for the domestic workers.
- Importance of training the governmental employees, judges and other authorized persons to apply the law, on detecting and dealing with the violations this category of workers are subjected to.
- Importance of raising the society's awareness towards migrant workers issues and renouncing all kinds of discrimination against this category.
- Necessity of building a shelter for migrant workers (abused, and workers in conflict with the law).
- Importance of having clear judicial applications if there has been any case or form of trafficking in persons as determined in the law.
- Necessity for the official parties to open the door for the migrant workers to straighten their legal situations, wither for who wants to stay in the country or to leave it and go back to his/her own country.

Eventually, Tamkeen center wants to thank the lawyer Mr. Taleb Al-Saqaf the expert in human rights for his efforts in preparing this report.

Amman, 20th February, 2010
Tamkeen Center for Legal aid
and Human Rights

Migrant workers situation in Jordan for the year 2009

• An overview:

- Definition of migrant workers:

- In the Jordanian official and media discourse, the terms (migrant workers) or (non-Jordanian workers) are used to refer to (migrant workers), this term includes the persons (males and females) who enter the kingdom to work either by signing a working contract before they enter the country or afterwards, and regardless their entrance and stay in the country was legitimate or not, according to the accommodation law.
- The workers commitment through a working contract is considered an essential condition to get a residence permit in the kingdom, and to be considered a legal worker in the country.
- The UN convention on the protection of the rights of all migrant workers and their families, defined the migrant worker as "A person who is to be engaged, is engaged or has been engaged in a remunerated activity in a state of which he or she is not a national".*

Migrant workers position among the work force in the Kingdom:

- At the beginning of 2009, the total work force in the Hashemite Kingdom of Jordan was (1,342,815) workers.
- The migrant workers formed 22.6% of the total work force in the kingdom.
- The regular migrant workers who hold work permits summed of 336,000 workers, of which 51,000 domestic workers.
- Some official and non- official sources indicated that there are ten thousands of migrant workers not registered in the ministry of labor and does not hold work permits. There are no accurate statistics that shows the actual number of the irregular migrant workers in Jordan. The migrant workers unregistered in the ministry of labor in Jordan estimates around 100-150 thousand workers, most of them work in non-official economic sectors, or temporarily unemployed searching for job opportunities. . Some observers estimate the workers under this category by more than 100,000 workers.**

Migrant workers in Jordan, numbers and categories:

1- Migrant workers in the Kingdom, distributed according to nationality. ***

Nationality	Egyptians	Other Arabs	Indonesia	Sri Lankan	Philippines
Percentage	67.70	2.22	8.17	6.79	4.20

* The convention, article 2/1

** Phenix center report

*** Ministry of Labor Annual Report (2008)

2- Migrant workers in the kingdom, distributed according to provinces.*

Province	Amman	Al-Balqa	Irbid	Al-Zarqa	Al-Mafraq	Ajloun	Al-Tafila	Aqaba
Percent.	52.6	10.97	10.79	9.52	4.3	0.61	0.62	0.67

3- Migrant workers in the Kingdom, distributed according to the economic sector.*

Sector	Social and Personal Service	Agricultue and hunting	Manufacturing	Trade, Restaurants and hotels	Construction
Percentage	24.76	23.98	22.90	12.83	12.28

* Ministry of Labor Annual Report (2008)

Legal frame for migrant workers in Jordan

Although the right for work is one of the biggest legal frames of human rights in Jordan, since it is considered an economic and social right, the migrant workers are not entitled to a decent range of this right, even the national legislations and the international conventions that the kingdom of Jordan became entitled to are almost designed to protect the national workers. Despite the fact that Jordan joined several international conventions that prevents the discrimination between national workers and migrant workers in regards with the recruitment and the profession, designing a special legislation or adjusting the current legislation that insures all migrant workers rights was delayed for many decades, and it's effect wasn't apparent until the current decade, and maybe under the influence of the national and international criticism, as for the absence of the active legal frame to protect this category, in addition to the lack of the executive procedures and the national standards to reduce the violations that face this category, such as discrimination in all ways, unjustified restrictions on the freedom of work and other related rights, ending with the possibility of being subjected to torture, ill-treatment, and being a victim of trafficking in persons.

The legal frame for the protection of the right to work in Jordan is set by a number of national and international references, such as:

Firstly: International References

Jordan has joined many international conventions related to the right to work, and in general these conventions are dedicated to protect all working categories without any discrimination between nationals and migrants. Some of these conventions are:

- The international covenant on Economic, Social and Cultural Rights for the year 1966.
- The international covenant on Civil and Political Rights for the year 1966.
- Convention on the Elimination of all forms of discrimination against Women (CEDAW).
- Convention on the rights of the Child for the year 1990.
- The protocol on Child trafficking.
- Protocol for the prevention of Child recruitment.
- Jordan also joined 27 conventions under the frame of the international Labor Organization, of which 7 out of 8 are basic conventions for the International Labor Organization concerned with human rights, and they are: "Convention (98) concerning the right to union organizing and collective bargaining" (1968), "the conventions (29) and (105) concerning forced labor" (1966 and 1958 respectively), "convention (100) regarding the equity in wages" (1966), "Convention (111) regarding preventing discrimination in work and incumbency" (1963), "Convention (138) regarding the minimum age for recruitment" (1998), and "Convention (182) regarding the worst forms of child labor" (2000).

- United Nations convention against Transnational Organize Crime (Palermo) for the year 2000, and Protocol to prevent, suppress and punish trafficking in persons, especially women and children, which completes the United Nations Convention against Transnational Organize Crime.

- It is important to note that Jordan didn't join the International Convention for the Protection of the Rights of all Migrant Workers and their Families, which make the legal frame, lose one of its important international pillars of the protection of all migrant workers in Jordan, and Jordanian migrant workers in other countries.

Secondly: National References

1- Jordanian Constitution

Article (23) of the Jordanian constitution states the following:

1. "Work is the right of every citizen, and the state shall provide opportunities for work to all citizens by directing the national economy and raising its standards."

2. The state shall protect labor and enact a legislation therefore based on the following principles:

- a) Every worker shall receive wages commensurate with the quantity and quality of his work.
- b) The number of hours of work per week shall be defined. Workers shall be given weekly and annual days of paid rest.
- c) Special compensation shall be given to workers supporting families and on dismissal, illness, old age and emergencies arising out of the nature of their work.
- d) Special conditions shall be made for the employment of women and juveniles.
- e) Factories and workshops shall be subject to health safeguards.
- f) Free trade unions may be formed within the limits of the law.

2- Civil law:

Since 1976, the temporary civil law number (34) for the year 1974 (*) took the terms of justice magazine (Ottomans civil law) place. According to the terms of the civil law (articles 805- 832) the working contract is considered a civil contract, obliged by the freedom of contracting principle, in regards to the subject, period, wage, and the method and time of payment. The working contracts for migrant workers in Jordan were (and maybe remain) special civil contracts, in regards to the exceptional categories, such as the workers in the agriculture sector, domestic workers, gardeners, chiefs, and anybody who's under their obligation.

* it has become a permanent law in 1992

3- Labor law number 8 for year 1996:

Article 12/A, b of the labor law organized the restrictions related to the work of non-Jordanian, as it stated the following:

"A- Non-Jordanian workers shouldn't be hired unless the minister or anyone he appoints to act on behalf of him approves it, in condition that the work needs experience, and competency not available among Jordanian workers, or if their quantity is not enough for the need. The priority is for Arab experts, technicians and workers.

B- The non-Jordanian worker should get a working permit from the minister or anyone he appoints to act on behalf of him before hiring him. The permit period should not exceed one year, renewable."

4- Other related legislations:

- Residency and foreign affairs law number (24) for the year 1973 and its amendments: The foreigner was defined as: Anyone who doesn't hold a Jordanian nationality.*

The law also obliges" every foreigner who lives or wishes to stay in the country to have a residency permit according to the terms of this law, and he should leave the country when the permits period is over if it was not renewed.*

- Trafficking in person's prevention law number 9 for the year 2009: This law criminalizes all forms of trafficking in persons, based on the economic, sexual and commercial exploitation, for all persons, especially children, as it also criminalizes the trade in human organs.

5- Regulations issued by the labor law:

- Working inspectors' regulation number 8 for the year 1996.

- Protection and safety of industrial machinery, equipments and work sites regulation number 43 for the year 1998.

- Preventive and treatment medical care for workers in institutions regulation number 42 for the year 1998.

- Work permits fees for non-Jordanians regulation number 36 for the year 1997.

- Organizing private recruitment offices for domestic non-Jordanians workers regulation number 89 for the year 2009.

- Forming committees and occupational and safety supervision regulation number 7 for the year 1998.

- Domestic workers, chief, gardeners and any worker under the houses obligation regulation number 90 for the year 2009.

* Article (18) of the residency and foreign affairs law number 24 of the year 1974 and its amendments.

6- Instructions and Decisions:

- Instructions on the conditions and procedures of bringing and recruiting non-Jordanian workers to work in the qualified industrial zones, in accordance with the terms of article (4) of the work permits for non-Jordanian regulation number (36) for the year 1997 and its amendments.

-Instructions on the conditions and procedures of hiring non-Jordanian workers (issued in accordance with the terms of article (4) of the work permits for non-Jordanian regulation number (36) for the year 1997 and its amendments).

-Instructions on the conditions and procedures of licensing the private agencies for bringing and recruiting non-Jordanian domestic workers and organizing their work for the year 2006.

-Minimum wages committee decision issued on 14/10/2008 (which includes identifying the minimum wage for workers of 150 JDs).

-Minimum wages committee decision issued on 30/4/2006 (which includes identifying the minimum wage for workers of 110 JDs).

Official and Non-official bodies related to migrant workers in Jordan

First: Governmental Ministries and Departments:

1- Ministry of Labor: The ministry of labor is considered the first official body concerned with the migrant workers situations. For that reason, the ministry established a number of directorates: Domestic workers directorate, and the inspectorate.

2- Ministry of Interior: Includes the following:

- The department of citizenship and Immigration.
- Public Security Directorate, which includes:
 - *Borders and Residence Department.
 - *Family Protection.

Second: Independent Organizations:

- The national Center for Human Rights: the follow-up and ending violations unit is concerned with monitoring the migrant workers complain and their requests for aid.
- National Commission for Women affairs.

Third: Civil Society Organizations:

There are many local civil society organizations in Jordan who's concerned with the migrant workers situations, and which provides them with some aid and support, such as:

- Tamkeen center for Legal aid and Human Rights.
- Worker Women friends Organization.
- Justice center.
- Legal aid center.
- Labor- Watch/ Phoenix Research center.

Forth: International Bodies acting in Jordan:

There are many official and non-governmental international bodies working in Jordan, some of these bodies that provide services to migrant workers are:

- United Nations Development Fund for Women (UNIFEM).
- CARITAS society.
- International Organization for Migration.

Migrant workers situation in Jordan according to the rights recognized by the international conventions for this working category

First: The right not to be subject to discrimination:

- The national legislations exercises forms of discrimination between national and migrant workers through: The nature of professions they are allowed to perform, since the minister of labor instructions stated that they are prevented from performing some professions, called (closed professions for migrant workers) (*)
- Since the migrant workers are mainly working as domestic workers or workers in the garment industry (within the qualified industrial zones), they face some discrimination on the amount of wages they are paid, as they are in general less than the minimum rate of wages that their counterparts are paid in other professions.
- In one unique incident, a domestic Sri Lankan worker complained to Tamkeen that he was refused to get a driving license from the official authorities although he passed the driving test, and he paid all the charges.

I applied to the traffic directorate to get a driving license, and since I do not know Arabic or English I failed the theoretical test 9 times, until they changed the test from a paper based test, to an online test, so I passed in the tenth time. As for the practical test, I passed it from the first time. Afterwards, I was surprised that they refused to give a license, just because I am a domestic worker, why didn't they inform me from the beginning? They practically made me pay 1000 JDs for no reason.

Mangola, a Sri Lankan Domestic worker

Second: The right to an effective remedy:

Insuring the right to an effective remedy is the concern several national and international bodies, such as:

1- Embassies and consulates of the countries of nationality:

The diplomatic and consular missions for the countries that exports labor role is to provide protection and support as soon as it is requested from the worker, and often, the worker is ignorant about the location of his/her embassy, or how he/she can reach it. In most of the cases that were interviewed, the worker leaves the house of his/her employer and goes to the street, without having a destination to go to. In most cases, they get the aid from taxi drivers, or regular people to lead them to their embassies. Some embassies designate part of their building or a separate building as a shelter for (run-away) working women. These shelters are often very crowded, and lack all means of health conditions. Some embassies do not provide the needed protection for their nationals of workers, especially when the embassy returns the run-away domestic workers to their employers after they have been abused.

2- Judicial Protection:

By principle, migrant workers can resort to justice to ask for their rights or any kind of litigation like the national workers. On 17/8/2008, the labor law was

* Medical, engineering, administrative and accounting, clerical, operators and telephones, warehouses, sales, barbershops interior design, educational professions, in addition to selling fuel in the major cities, electrical and mechanical professions, and working as drivers, guards and buildings domestic workers.

amended, and domestic workers, chiefs, gardeners, and agriculture workers were included in the terms of the labor law, which opened the door to resort to judiciary to demand their rights mentioned in the working contract. Still, there are some restrictions and obstacles that limit the freedom of litigation, and therefore, limit the effective remedy for some migrant workers categories, such as:

- Although they are included in the labor law, this law has turned into a private law to regulate legal provisions for this working category, which weakens the legal protection frame, especially that the issued regulation has delimited the freedom of work for this category in many places. (As mentioned in the legal frame of protection).
- Domestic workers, workers under the employers obligation, and the workers in the qualified industrial zones are still excluded from applying the minimum rate of wages (150 JDs) according to the minimum wages committee's decision issued on 14/10/2008, which reflected into a former decision by the committee that identifies the minimum rate wages for this category by (110) JDs.
- Lack of the needed information and data for litigation purposes (such as the full name of the sponsor, his address, the recruitment office address, or sometimes the lack of some personal information of the worker, when he doesn't have any identification documents (in most cases he doesn't hold any identification, and also not providing the worker with a copy of the working contract, and changing the employer without notifying the worker).
- In addition to the limited ability to prove the abuse, as there are no witnesses, since most of the abuses on the domestic workers are done inside the houses or the recruitment offices. As for the Egyptian workers, if the witness was also Egyptian and works with him for the same employer, he refuses to submit testimonies because of the fear to lose his job.
- If the worker submit a complaint to the general prosecutor directly, he often transmits the case to a police station, and in this case, the migrant worker who doesn't have a residence permit fears to complain in the police station, because in this case he might be wanted within the police station on what is called (circulation), which may lead to arresting him in the police station.

3- Civil Society Organizations:

There are many Jordanian civil society organizations, which provides many kinds of services related to migrant workers rights, such as legal aid for migrant workers, this aid is on the forms of legal consultation and representation in courts and specialized authorities. Of these organizations: (Tamkeen center for Legal Aid and Human Rights, Justice Center, The Balance). In addition to some charitable and religious bodies and organizations that provide medical and other human aid such as (Caritas, Worker Women friends Organization).

- Generally, the aid provided by the civil society organizations for this category has a limited impact comparing to the needs of this category from aid and support, and also most of the fund provided for these organizations from the donors to implement projects is not spent on the migrant workers directly, or its

impact is either limited or lost.

Third: Freedom of movement and residence:

As long as the migrant workers have a residence and working permits, they do not face any problem with the freedom of movement and residence, though some sectors force the worker to live in a certain place or certain conditions of living, such as the workers in the qualified industrial zones, who's obliged to live in a special accommodation for workers provided by the employer, or the domestic workers who's obliged to live in the houses of their employers (sometimes in specific areas of the house), and that's what we will handle when we talk about the migrant workers accommodation problems.

Forth: The right to live and self and body safety (not to be subjected to torture, and cruel, inhuman or degrading treatment

Regardless admitting that not being subject to torture, and cruel, inhuman or degrading treatment by the official authorities, according to the provisions of the article (1) of the convention against torture or any other cruel, inhuman or degrading treatment, this banning includes any related actions done by the employer, recruiter, or any other person, as long as there are a discrimination of any kind, especially when the victim is incapable of defending himself, when his freedom is restrained, and in all cases where there is an enforcement, regardless the degree of pain, moral and physical torture. It is worth mentioning that many cases of trafficking in persons involves inhuman, cruel and degrading treatment, along with the torture that may cause severe pain, which makes trafficking in persons a crime that affects the right to live and physical health. We should also note that the national laws criminalize torturing and prevents it, at the same time we can't deny that a group of migrant workers has submit their complaints to some remedies and national aid bodies, about being subject to mistreatment from official authorized employees, such as confinement, in addition to submitting many criminal charges to the court as a result to physical torture and harassment.

Fifth: Prohibiting slavery, forced labor and any form of exploitation:

The national regulations prohibit slavery, forced labor and any form of exploitation. Jordan was among the first countries to join the international convention for the prohibition of slavery, in addition to joining the international labor organization's conventions: number 29 for the year 1930 concerned with forced labor, and convention number 105 for the year 1957 concerned with canceling the forced labor. Jordan has also joined the United Nations convention against transnational organized crime for the year 2000, and the protocol to prevent, suppress and punish trafficking in persons, especially women and children. On 1/3/2009, the law of prohibiting trafficking in person's number 9 for the year 2009, which criminalizes all kinds of slavery and forced

labor, and it has expanded in identifying exploitation by: "Exploitation of persons in forced labor, slavery, servitude, removing body organs, prostitution or any kind of sexual exploitation". Article 3/b of the law.

-Although it has been almost a year since the issuance of the law of prohibiting trafficking in persons, there weren't any judicial applications for this law. In most cases, the people who are engaged in law such as judges, lawyers, and general prosecutors tend to identify the cases related to trafficking in persons under other legal descriptions, such as abuse, indecent assault, in addition to sexual harassment, and even fraud when it relates to economic exploitation or forced labor.

-Through monitoring the migrant workers situation in Jordan, Tamkeen center detected many cases considered as cases of trafficking in persons, according to the provisions of the national law of prohibiting trafficking in persons, and the protocol supplementing the Palermo convention:

An Indonesian worker, who was brought to the country to work for two years, was transported between 3 houses to work in by the recruitment office unwillingly. She worked for 5 years, but only got paid for 2 years, she refused to work without pay, and she asked the recruitment office to return her back to her country, but they didn't obey. She was hit and humiliated many times from the recruitment office, and her jewelry, which was a gift from her last employer, whom she worked for 2 years, was taken away from her; the recruitment office didn't issue her a residence permit or a work permit. So she complained to the general prosecutor, and he identified the complaint as "Indecent assault, theft and abuse" so she didn't get any of her rights.

Tamkeen for Legal Aid and Human Rights

Sujy, a Sri Lankan worker, who was brought to the country to work as a domestic worker, was surprised that she has to work in two houses instead of one, she refused and ran away to her country's embassy, which returned her back to the recruitment office. She was humiliated there, and was beaten so hard, which has lead to an internal bleeding and brain concussion. Her hair was also cut by the recruitment office, and the office forced her to work in another house unwillingly. She then submitted a complaint to the general prosecutor, who identified her case as "Indecent assault and abuse".

Tamkeen for Legal Aid and Human Rights

Sixth: The right to join Trade Unions and Societies:

The right to join societies and trade unions is still prohibited in Jordan for migrant workers. The committee concerned with the economic, social, and cultural rights has already showed its concerns that "Migrant workers are excluded from the minimum wages rates provisions, and they are also excluded from the union's regulations...".*

Seventh: Prohibition of imprisonment for the migrant workers, and depriving them from the residence permit and/or work permit, and dismissal only for not committing to a part of the working contract:

* The committee's comments on the second periodic report in Jordan

This commitment aims at ensuring that the competent authorities are not involved with the employers in all the cases that the employer resists to ending the recruiting of the migrant worker, and converting his/her work from a legitimate work into a forced labor. National legislations determine the needed securities to ensure that the employer will not resort to the national law to force the worker to work or to leave work. We can note here that the national legislations and its applications may help making the imprisonment and arresting, and the deprivation from the residence permit an effective tools to deprive the worker from his/her rights and force him/her to do some special commitments, in addition to the ambiguity of the nature of commitments in the working contract. For example, employers consider the workers running away from the house of the employer a breach of the working contract, which leads to a series of executive procedures, starting with the circulation on the run-away worker, then confinement for the worker until the employer arrives and, this confinement may last for a long time if the employer refuses to pay the workers bail, or if he refuses to give him/her up for another sponsor to straighten their situation. The worker often is deported from the country in these cases.

Eighth: Protection of the withholding and/or destroying the personal ID or any other document:

Restraining the personal ID documents especially the passport is one of the serious problems that the migrant workers face in Jordan in many sectors especially domestic workers, since the employer often restrains his/her domestic worker's passport in order to keep it from lost, as he/she says, or because of the fear that the worker will run-away, or for any other reason. Although the national legislations prohibit the restrain of these documents and punish whoever exercises such action, the norm is to restrain these documents by the employer, or by the recruitment office, and in some other instances; the documents are restrained by another party. In the police control measures, they tend to restrain those documents for the whole investigation period when the migrant worker is accused with a crime, or in the cases of deporting or straightening situations.

Ninth: Equity in treatment principle concerning the following: wages and other work and recruitment conditions, social security, and the right to get an emergence health care:

- National legislations should ensure equity between migrant and national workers in many issues, like the main rights mentioned in the working contract, such as the right of a fair wage that is compatible with the quantity and quality of work they perform, without any discrimination between males and females, or between a citizen or a non-citizen in the amount of wage, or the date of payment. Yet, we notice that some of the workers, citizens or non-citizens do have an equal treatment with other coworkers, as the workers who's working in the qualified industrial zones and the domestic workers or any worker who's under the employers obligation, and the textile workers are excluded from applying the minimum wages rate of (150 JDs) which is applied on other workers, which raise the question about the reason for this

discrimination in wages and between categories of workers, and excluding a category from the application of the equity principle in wages and other working conditions.

- Medical care is only (partially) provided for workers in the regular organizations, while individual workers such as the domestic workers and agriculture workers do not get any medical care at all. According to the international standards for medical care, the essence of this standard is “the necessity of the ability for the regular migrant worker to reach to the medical services offered by the country with the same terms applied on the citizens”. This ability is not available for a big portion of migrant workers in Jordan, and the legislations applied on migrant workers doesn’t force employers to provide medical care for migrant workers in many sectors, especially domestic workers, who may be the most who need this emergence medical care.




Migrant workers rights violations

There has been an indication before for a group of violations when we viewed the migrant workers right. In this part of the report, we will present and analyze some of the major violations for migrant workers rights according to what was detected from the complaints, periodic and national reports, and applied legislations in the kingdom.

Analysis of the major violations:

1- Freedom of contracting and the working period: Although domestic workers became included in the provisions of labor law, the freedom of contracting is still unrecognized for this category, unlike national workers who can be involved in contracts with unlimited period, or limited contracts that may last for several years. Domestic workers (and other migrant workers) are not allowed to sign a working contract for more than a year since the applied regulations determines the working contract period for domestic workers by 1 year, while the actual working contracts is for 2 years, at the same time the work permits and the residence permit are for 1 year that may be renewable under certain conditions according to the regulations.

2- Workers right to change the employer: It is rare when the domestic worker is able to change his/her employer, since the current employer has to give up his worker to another employer as a condition to change the employer. The worker often tends to change his/her employer before the procedures are over which is illegal and the worker will be in a difficult situation since he/she is violating the bringing in and the residence terms. This is also the main reason that leads to the exploitation the worker faces from not paying him/her wages, or hiring him/her on daily basis for other people. In general, the worker is allowed to change his/her employer after a year of hiring, without the condition of giving him/her up by his/her former employer, except for the workers in the qualified industrial zones and the domestic workers.



I worked for my employer when I arrived for a year, and then he passed away, his son made me choose, whether to go back to Sri Lanka, or to work for another employer, so I chose to work for another employer, and he became my legal sponsor. After a year, I went on a vacation to Sri Lanka on my own expense, and I came back after 2 months, I was surprised that my sponsor went to the USA. So I worked in a part time job. When my sponsor came back, I asked him to give me up to another sponsor, but he refuses till now.


Nadica, Domestic Sri Lankan worker

3- The workers right to change the profession: Works and professions that the migrant worker is allowed to work in are limited, and it's rarely applicable for the migrant worker to change the profession that he/she got a permit to work in, especially the agriculture workers, the workers in the qualified industrial zones and the domestic workers. Generally, the restrictions that prohibit the migrant worker from changing his/her profession or the work place are restrictions identified by the laws, regulations and procedures.

4- The workers right to end the working contract: There are no provisions in the law that regulates the workers right to end the working contract if his/her employers made something that forced him/her to, or if he/she can't perform the required job. Even in the cases where the worker is forced by his/her employer to leave the job, he/she often does not get any salary or compensation for that, or the monthly salaries for the remaining months of the contract. More often, the worker does not have a copy of the contract with a limited period.


5- Recruitment agencies: The legislation only allowed the recruitment agencies to bring domestic workers, and the private recruitment agencies that bring migrant domestic workers organizing regulation number 89 for the year 2009 identified the required conditions that the recruitment agencies should fulfill to get the permit to work and identify their rights and obligations. This regulation was issued lately to deal with the constant violations made by some recruitment agencies. There are about 96 licensed recruitment agencies in Jordan, and there is a special union for the people who own a recruitment agency called (the owners of recruitment offices trade union).

The law also assigned some obligations on the recruitment agencies towards the migrant workers, employers and official authorities, such as that the recruitment agency is responsible for completing the entrance procedures for the migrant worker, in addition to the work and annual residence permits. The domestic worker often doesn't know when her relation ends with the recruitment agency does. So the worker resorts to the recruitment agency if he/she knows its name and address when a misunderstanding or conflict happens with his/her employer, or if he/she leaves his/her employer's house for any reason. The workers treatment differs from one recruitment agency to another, some of them returns him/her back to his/her employers and others keeps him/her in the agency until they find him/her another employer, or until he/she's deported from the country. Others may force him/her to work by day or by hour for a certain amount or for a low wage, and sometimes without any payment and they use an excuse of paying her alimony! Many interviewed workers complained that they were mistreated by the recruitment agency by beating, deprivation of food, humiliations, working for free, blackmailing, threatening, and intimidation.




I was brought to work as a domestic worker, and when I arrived, the recruitment office kept me there for 6 months after withholding my passport. He used to take me to several houses to work in for free. I was not there alone, there were other workers. So I ran-away from the agency with 2 other Sri Lankan workers, I tried to get my passport back, but the agency asked me to pay 1000 JDs in order to have it back.

Nora, a Sri Lankan domestic worker



I worked in a house for 3 months; I didn't get any salary, so I ran-away from the house to the recruitment agency beat me up until I bleed through my ears. And then they sent me back to the same employer. I ran-away again, but this time I went to my country's embassy, but the embassy called the recruitment agency that sent me back again to my employer, and then I ran-away again!!

Shanty, a Sri Lankan domestic worker



I worked for 1 month in a house without a salary, my employer sent me back to the recruitment agency. After that I worked in another house for 6 months, I was paid for 2 months, and the recruitment agency took the rest. And the recruitment agency kept on relocating me from one house to another, and I was beaten several times by the agency, and they also withheld my passport, and they still have it till now.

Brimawaty, a Sri Lankan domestic worker

The recruitment agencies from their side see that they are subjected to many problems when they bring in a domestic worker, especially when she leaves her employer's house for any reason. When such incident happens, the employer tends to blame the recruitment agency for her incompetence, or her running-away. The recruitment agencies also criticized the new regulation, as they find it unfair, and incompatible with their rights recognized by the constitution.

6- The ambiguity regarding the nature of work: this is a problem related to domestic workers, since there are specified text identifies the nature of the house chores they are going to perform (cleaning, taking care of the elderly, and baby-setting...). Usually the worker is not qualified to perform all these choruses, which rise up an important issue, finding training centers for these kinds of choruses, whether in the importing or the exporting countries. This also requires identifying the nature of choruses related to the domestic workers in the applied legislations.

7- Withholding personal documents (passport): Withholding the personal documents especially the withholding of passports is one of the major problems faced by migrant workers in Jordan in several sectors, especially domestic workers, as the sponsor tends to withhold his worker's passport in the whole period of her work, using that he's saving it from lost as an excuse, or because he's afraid she will run-away, or for any other excuse. Although the national legislations prohibit the withholding of documents, and punish who do such actions, but the norm is to withhold these documents with the sponsor, or with the recruitment agency, in other cases, the documents are withheld by another party. The strange thing is that in some side discussions with the authorized people, they were supportive to the withholding of documents, in addition, the police procedures tend to withhold the documents in the whole investigation period when the worker is criminalized, or in the deporting period or the straightening situations period. Human Rights watch organization report indicated to the effects of this violation, and warned about its relation to form of trafficking in persons known worldwide.

8- Not committing to the conditions required for the accommodation: The shelter problem appears in special cases for every category of migrant workers in Jordan, as for the domestic workers their problem revolves around not having a place to sleep in in the houses of their employers, as they often sleep in the kitchen, or the balcony, and sometimes in the bathroom, when the apartments are small, and usually they are not allowed to use these facilities until a late hour at night. Nevertheless, the worker has to wake up in early the morning, not only to commence her choruses, but also to fold her own bed, since it is not appropriate to see the worker sleep in such places! And in all cases, the worker has to wake up before her employer...". These areas may not be suitable for many reasons: the inadequate space, ventilation, lightning or even the special equipments for sleeping, or restoring baggage and special stuff. Another shelter problem the domestic worker faces is when she run-away from her employer's house for any reason, this issue will be discussed under the lack of shelter for the battered, run-away workers and workers in conflict with the law.

- Workers in the constructions and services sectors: they often live in a crowded unsuitable shelter.

We are a group of Egyptian workers who work in constructions, every 10 of us live together in a "Caravan", and there are only 2 bathrooms in the site for the use of 50 workers.

Egyptian worker

- Workers in the qualified industrial zones: the law obliges the employers to provide their migrant workers an accommodation close to the factory where they work, and to be provided with the suitable accommodation health conditions. By detecting two cases, the accommodation conditions were not suitable at all such as the room space, and the lack of health facilities, where they are often broken or inappropriate in many ways, since they are used by tens of workers. There are also a lack in the drinking water, and all other house uses makes the accommodation conditions really hard, more often, workers complain about the quality of food they are offered

A group of workers (males and females) who work in a textile firm live in an accommodation for the firm, every 12 workers lives in a room and use 1 bathroom, and there are no water taps, and they are offered water in barrels, bad food, and there isn't any kind of heating or hot water, in addition to the lack of any security. Some workers complained that they were subject to harassment attempts.

The center's insights through a field trip

9- Holding wages or unpaid salaries: a group of migrant workers especially domestic workers complain of holding their salaries or not paying them in the following cases:

- Sometimes the first three months payments goes to the recruitment agency as the agency's right for brining in the worker.

- Domestic workers often get paid less than they are supposed to get based on what they were offered when they were in their countries. Some domestic

workers complained that the wage they agreed on before they come to Jordan is double the wage they are paid when they arrive.



I was brought in from Sri Lanka in 2008 as a domestic worker, since I have a previous experience I was offered a monthly salary of 200 JDs. I was surprised when the madam informed me that my salary is going to be 100 JDs only. I could not refuse because I left my country and came to Jordan to work, I accepted to continue with the work, unwillingly.

Sonata, a Sri Lankan domestic worker

The domestic workers, chiefs, gardeners or anybody under the house's obligation regulation number (90) for the year 2009 states: "paying the monthly salary for the worker in the Jordanian Dinars, or any equivalent foreign currency, using the methods determined by the minister for this purpose, in condition that the householder and the worker retain a document that proves the payment of the monthly salary:.. The memorandum of understanding signed by the Jordanian ministry of labor and the Indonesian authorities obliged: " the sponsor should open a bank account for the domestic worker, where he/she put her monthly salary in since the first month of her employment, in a period of 7 days maximum of the date of payment, where the two parties retain a copy of the bank deposit slip to prove the payment of the salary". Other concerned country's embassies didn't act like the Indonesian embassy in this regards, and we have detected many cases of conflict on paying salaries, deducting from them, withholding or not paying them. Since these procedures and conditions as mentioned in the regulation or in the memorandum of understanding are new, most complaints related to withholding wages or not paying them was for workers brought in before the second half of 2009, which is the year that the migrant workers data were automated.



I worked for two years in a house, and my employer did not pay me, and whenever I asked him for it, he answers me that he will pay me the whole amount when I finish he two years. And when the two years were over, he sent me back to the recruitment agency and didn't pay me anything.


Arababa, a Sri Lankan domestic worker

10- The lack of shelter for the abused, run-away workers or workers in conflict with the law: The importance of having a shelter is apparent in special cases such as leaving the employer's house, or what is known as (running-away), regardless the reason that the worker leaves the house for, she will indeed face the problem of finding a shelter. And in the cases of abuse or hurt, she will need medical care in addition to finding a shelter, and also she will need living materials such as eating, clothing, so migrant workers, males and females become with limited options when they have no shelter, some of these options are: resorting to relatives and friends from the same nationality if they have the ability to keep them, and usually they are not able to do that, or they have a limited ability. The other option is resorting to the concerned authority. The embassies ability varies in the ability of providing care and support for the

abused or run-away women, although the care provided in all cases doesn't exceed providing shelter inside the embassy or outside it, and it often lacks all means of living. The accommodation period may be long, or short according to certain factors such as the workers tendency to give away part of her freedom to get straightening situations, to have another job opportunity or to return back to her country. The workers options differ according to the difference of the sheltering conditions, and the care provided for them from one side, and on the other side the volume and nature of responsibilities she have fro coming to Jordan such as the flight ticket fees, residence fees and fines.

- The need for sheltering and care services is not only in the case of running-away, since most of the deporting cases are because of breaching the permit conditions, or working contract condition has a problem with the shelter. The official administrations (police- administrative judges) often tend to arrest migrant workers in the police stations and the rehabilitation centers (prisons) waiting for their illumination (expelling) or when there is a circulation caused by reporting the run-away of a worker, or a complaint for a theft by the employer or the sponsor accusing the worker, and the worker is not set free until his sponsor shows up or until his bail is paid, and usually the sponsor is the complainant, which puts the worker in a difficult situation were she will be forced to et back to the work.

- So the safe shelter and the required care for the migrant workers in conflict with the law or with the employer problem as one of basic requirements to fulfill the international standards for treating migrant workers and ensuring their rights, and it's one of the basic responsibilities of the country according to the conventions it has joined.



I was brought from Sri Lanka on 2001 to work as a domestic worker, I had a work and a residence permit issued in the first year of work and it was never renewed. My employer passed away, and I asked his sons to return me back to my country but they refuse unless I brought them a substitute. I submitted a complaint in my country's embassy, but they didn't do anything. I can't resort to litigation because I have no shelter or any financial resource to help me live until the case is over.

Samuel, a Sri Lankan domestic worker

11- Forms of forced labor: The forms of forced labor differ based on the differences of the applied standards to judge on a work to be a forced labor. Although there is an agreement on the different standards of considering a work under religion a forced labor, forcing workers to work in houses does not help considering it a forced labor when the contract that the worker signed is to work in houses, in such cases we must distinguish between two things: the worker who's forced to work in the employer's house situation when the work he/she is performing is not what he/she has signed to perform in the contract, this is for sure a forced labor, and the worker who has signed to work in a house, and here we must distinguish between the following situations:

- Performing a work that does not go under the domestic chores category:



I came to work as a domestic worker, when I arrived I was surprised to work as a baby-sitter for an elderly lady, who suffers from dementia and not controlling the discharge process in addition to domestic chores, I couldn't sleep, and also I couldn't eat, and that's due to the fact that I have to lean the old lady several times a day.

Thilakawati, a Sri Lankan domestic worker

- Forcing the worker to do domestic chores for another employer or in other working conditions:



I came to work in one house, and when I arrived to my employer's house, I was informed that my employer has two wives and two houses, and I have to work in both houses.

A Sri Lankan domestic worker

- Forcing the worker to work overtime than what was agreed on:



When I arrived to my employer's house, I was surprised that I had to take care of twins and another two kids in addition to the domestic chores, so it was a long working hours, and I had to baby-sit the children at night.

Fababa, a Sri Lankan domestic worker

- Difference between the wage agreed on and the actual paid wage:



Before arriving to Jordan I knew that I will be paid 175 USD, and when I arrived I was informed that my salary will be only 100.

Hima, a Sri Lankan domestic worker

- Changing the employer without the permission or approval of the worker, and with illegal contracts signed by the recruitment agency and the last employer:



When I arrived I worked for an employer, who returned me back to the recruitment agency, and the agency from their side sent me to another employer for a few days, the employers returned me again to the agency, the agency resent me to another house, all that happened without my approval, **as I do not have the right to accept or reject.**

Analin, a Philippines domestic worker

- Forcing the worker to work after the contracting period is over, through withholding the passport:



I worked for my employer for two years, and when the time that should finish my work and go back to my country, my employer kept on procrastinating.

An Indonesian domestic worker

- Any other form of compulsion or deception that forces the worker to accept performing the work he/she would not do if they had the right to choose:



I was brought in from Sri Lanka, to work as a domestic worker, and when I arrived to my employer's house that I had to take care of two guys with physical and mental disabilities.

A Sri Lankan domestic workers

Although forced labor is not defined accurately in the national legislations, including the prohibiting trafficking in persons law, in our estimates we can consider all the above cases as forced labor, and forms of trafficking in persons as long as two conditions are fulfilled, the first is: the worker becomes a victim of exploitation, the second is: not to have the will and the freedom of choice.

12- Sponsorship system:

- Although Jordan does not require the sponsor system as a condition to enter the country to work as it is in the gulf corporation council countries, but the sponsor or the sponsorship was mentioned more than once in the national legislations related to migrant workers, such as: (article 5) from the conditions and procedures instructions to recruit non-Jordanian workers issued according to the provisions of (article 4) of the fees and work permits for non- Jordanian workers regulation number 36 for the year 1997 which obliges the employer to provide justifiability or bank guarantee for workers in the agriculture sector, and a bank guarantee in all other sectors according to the formula that the minister determines, and he/she has the right to act according to it if the employer violates any of his obligations according to the law or the regulations issued according to it or these instructions, and to ensure his workers rights and the expenses of deporting the violating worker to his/her own country, and the violating employer bear all these expenses with a total amount not less than (300) JDs for the safe for every worker, deducted from the bail amount... "Such text gives the employer the justifications to act as a sponsor on the migrant worker, at least regarding his responsibility if the worker violates the laws, regulations and instructions that must be followed to ensure the legality of his work and stay in the country. Adding the "sponsor" description to the "employer" description may lead to an obsolete subordination of the worker to the employer which makes this relationship a kind of owning a property, since without a sponsor, the worker's stay is illegal, which raise the problem of admitting the legal personality for the migrant worker in the national regulation, which does not recognize it as a separate entity without the presence of the employer.

- The mentioned instructions excluded from its applications the domestic workers, and the workers in the qualified industrial zones (article 15), but the sponsor and his/her role is still necessary for the legitimacy of brining and recruiting this category of migrant workers, since paragraph (d) of article (5) from the conditions and procedures instructions for licensing private agencies working in brining and recruiting domestic migrant workers and organizing their

work for the year 2006 stated that one of the basic obligations for the recruitment agency that “giving the worker to his sponsor immediately when arriving to the country, and not holding him for any reason...”. Article (11) from the conditions and procedures instructions for brining and recruiting workers in the qualified industrial zones also obliged the employer to “provide an annual banking guarantee technically renewed to work upon by the ministry’s decision if the employer fails to commit to any of his obligations according to the laws, regulations and these instructions ”and the bail’s amount depends of the number of workers in the institution, with an amount not less than 30,000 JDs for the institutions who hires less than 100 workers...”.

- The texts mentioned and others, and the applied practices in fact stated that the employer had the full authorities against their workers since they often withhold their passports and other personal documents, and also withholding their wages or not paying them, in addition to preventing them from having flight tickets and consequently preventing them from leaving the country, and other forms of withholding their freedom, and forms of ill-treatment using the discipline and punishment as an excuse, last but not least, involving the worker in a conflict with the law, where the sponsor refuses to give up his/her worker, or doing any of his/her obligations. The interference in concepts between the role of the employer and the sponsor makes the migrant worker a victim of the authority of the sponsor more than being a party in the working contract, which leads to a series of violations without any justification but the sponsor’s authority, wishes and fears. In most of the cases detected through the complaints system, the sponsor was a common and a basic element in making the violations on the migrant workers rights, either by making the violation directly, or being a cause for the violation, or he/she was an obstacle against giving the workers equity or help them attain their rights, straighten their situation, or returning them back to their country. Given the importance for the sponsor to complete the brining a recruiting process, the trade of sponsorship for migrant workers prospered in Jordan, and the citizens who have licensed companies or trade markets and farms in all kinds are able to invest these licenses to sell guarantees for migrant workers in order to work in the kingdom, in the instructions, services and even entrepreneurial sectors legitimately, taking into consideration that most of these workers do not work for their sponsors, which indicates the difference between a sponsor and an employer.

- Many international bodies and organizations criticized the sponsor system applied in the Arab Gulf countries, and asked to be abolished and to be considered a form of slavery, since it opens the door for exploitation which will definitely lead to a form of trafficking in persons: “withholding passports, not paying wages for a long period, or minimizing them, not penalizing the recruitment agencies for the violations they perform, and not preventing them from imposing huge fees on the workers and the employers, the shortage of the ministry of labor inspections, imposing additional fees on the workers, and the ill-treatment from the supervisors” are from the definite results of applying the

sponsor system in its best forms. In a parallel and related context, it shows that a group of Jordanian migrant workers in the gulf countries suffered a lot from the sponsor system applied in those countries. In addition, a group of international bodies and organizations showed their concern about the sponsor system applied in Jordan, and its similarity to the sponsor system applied in the gulf countries in terms of its side effects which is why we need to reconsider the sponsor system in bringing and recruiting migrant workers to avoid violations as much as we can.

13- The fines for not committing to the residence law, and its effect of preventing the worker from the freedom of movement, residency or returning back to his country:

- Most categories of migrant workers in Jordan suffers the problem of paying the fines for violating the residency permit which results from not renewing the work permit after the period is over, and not renewing the work permits leads to fines on the worker (taking into consideration that the reason of these fines is the employer when he refuses or postpones the renewal of the working contract and the issuance of a residency permit). The Jordanian laws imposes a fine of (1.5 JDs) on every day the worker fails to renew his residence permit after the period is over, and (article 18) of the residence and foreign affairs law obliges: ever foreigner who lives or wishes to stay in the country should have a residence permit in accordance with the provisions of this law **and he/she should leave the country when the residence permit period is over and never renewed.**

- When the worker is brought in, the employer pays all the fees of issuing a work permit and a residency permit (article 4 from the system). After the first year of contracting the employer (sponsor) may not renew the working and residency permit, which may engender the worker fines of thousands of dinars (the story of huge fines) when the illegal residence period is strengthened for years. The applied executive procedures do not show the size of the migrant workers illegal residency problem, since the work inspection system often objects the legal institutions, where the workers residency permits are often legal. As for the (random and systematic) inspections campaigns, it avails many sides of the problem without solving it, since the results of these campaigns are often withholding a group of violating migrant workers in prisons and police stations, until the illumination procedures are done. The national center for human rights noticed the effect of withholding migrant workers in increasing the crowding in prisons, (*) and the violating migrant worker is imposed to pay alone all those fees and fines that usually exceeds his/her financial ability, which leads to a long withholding period until the fine is paid. The legal and financial aid provided by the non-governmental bodies does not provide a compensation for the imposed fines, and the worker often tends to violate the residency permit as an excuse to pay the imposed fines, which may lead him to become a victim of exploitation by other parties who tends to recruit him/her because of his/her illegal position. The worker also may be a victim of fraud and deception done by

* check the national center for human rights reports for the year 2005-2007

individuals who claim that they can solve the fines issue for an amount of money paid for them by the worker. In all the cases that we detected, this path didn't solve any of the fines problems; on the contrary, it caused the seizure of the victim's money and increased their debts and concerns.

- Where the employer can't leave the country without paying the fines imposed on him, and where the mandatory departure of the worker does not preclude the payment of the imposed fines, and as a stages of solving the illegal migrant workers, the official administrations, such as the ministry of interior, and the prime ministry pursued a policy of exemption of fines, as a mean of straightening the illegal migrant workers situations and help them leave the country. Regardless the importance of this approach in protecting the migrant workers from being victims of exploitation because of their residency situation, we notice that this it is a selective approach and it practices discrimination between the categories of migrant workers based on their personality, or the nature of work they perform, and in most cases, the official administrative rarely resort to an exemption of the fines only based on the requests and appeals of the diplomatic missions or the civil society organizations. We have detected some cases of individual and collective exemptions in 2009, of which (430) from them were for Sri Lankan domestic workers based on the Sri Lankan embassy's request. The exemption decision is often associated with the illumination form the country, where the illuminated are not allowed re-entering the kingdom before 3 years of the illumination, which may be considered as a punishment for the worker, who was in Jordan for ten years.



I worked for a family for 5 years, the family issued me a work and a residence permit for a year, then the family transferred me to their relative's house where I worked for a month, then again the family re-transferred me for another relative's house where I worked for 5 months, **what is my fault if my employers were the reason for the fines accumulation?**

Roheni, a Sri Lankan domestic worker



I came to Jordan to work in 2001, the recruitment agency transferred me into different houses, they only issued me a residence and a work permit for the first year only, the agency kept on transferring me from one house to another for 4 years, and I only got paid for 1 year. I ran-away from the agency, **and I was able to get my passport after paying 500 JDs for the agency, and I and an accumulated fines because of the agency.**

Siryani, a Sri Lankan domestic worker

We want to go back to our countries... by this phrase a group of Indonesian, Pakistani and Sri Lankan workers defined their request when they submitted their complaint in Tamkeen center for legal aid. In details, they entered Jordan by tourist visas, visas and work visas since a lot of years, between 5-12 years, and they were imposed a huge amount of fines as a result for their violation of the residency law, and they are still waiting to return back to their countries.

Tamkeen center for legal aid and human rights

14- Employers prospective of domestic workers:

- Many employers still view domestic workers as their slaves, which created a social differences, not only from the employers side, but also to all community groups, as we often hear: (my Sri Lankan), (my Indonesian), or (my Philippines)

they use the (my) phrase or their nationalities to describe domestic workers, as if they are their property, considering that everybody knows that they are referring to the (domestic worker). Some employers even consider the domestic worker as one of their physical properties that enters the heritage, and we have detected at least one case where the employer claims that the worker was part of her share of the heritage, and that was when the center mediated between the employer and the worker in order to get her wages.

- On the other hand, it is strongly denouncing when the employer hits the employee, and it may reach to litigation. But some employers are proud to hit their employees and it is not that denouncing for the people who hear the story.

- Many employers are ignorant towards the domestic workers rights, regarding the working hours, the workers right to a weekly or an annual vacation, and providing a suitable space for sleeping, and they are also ignorant towards the workers right of privacy.

- Some employers force the worker to work in more than one house such as working in the parents or sons/daughters houses. In other cases, the worker works from the morning till the middle of the night constantly, and she had to wake up early in the morning in order to prepare the breakfast and prepare kids to go to school.

- The employers often tend to withhold the workers passport, thinking that withholding the passport will prevent the worker from running-away. But from the cases that were detected, which are all for run-away workers who doesn't hold a passport, which means that withholding their passports will not prevent them from running-away, although withholding personal documents would put the employer under the legal obligation.

-Some of the insults that the domestic workers are subjected to is cutting their hair, noting that their hair resembles a great value for them, and when the employer tends to cut her hair claiming that he/she wants to clean her hair from bugs, she gets very angry. In addition to the difficulty of communication and the difference in the language and the lack of patience for some employers may cause some problems between the employer and the worker, which may lead the worker to run-away.



I didn't understand what the lady meant, I put sugar in the food instead of salt, so the madam got upset, and hit me roughly. Afterwards I ran-away from the house to nowhere.

A Sri Lankan domestic worker

- If the worker's husband lives in Jordan, the worker is rarely able to see him regularly, even in her supposed vacation. The family often refuses the worker absence from the house even to see her husband.

In one of the cases received by Tamkeen center, (Solashan) said:" after the continuous refuses of her employer for her to meet her husband she has decided to run-away, and since the family she was working for treated her well in everything except for allowing her to meet her husband, she left them a sweet apology letter, and she prepared them the table and decorated it by flowers and then she left"

Tamkeen center for legal aid and human rights

- Many employers are ignorant towards the workers rights of eating, clothing and health care, and what is meant by eating the quality of food, and how is it prepared and offered, and they do not have the right to force the worker to eat a specific type of food or to eat leftovers, or forcing her to eat something which is against her culture and traditions. Regarding the clothing, when the employer bring some clothes to the worker sometimes, he consider it a generosity from him, not as one of his obligations to provide her with clothes, this is also applicable for the health care.



I worked for a family, and the monthly salary agreed on was 125 USD, but they gave me 50 JDs as a monthly salary, and I had to pay for my clothing and medication.

A Sri Lankan domestic worker

- Let alone the wages. Sometimes the recruitment agencies collude with the employers to reduce the worker's wage when she arrives, and sometimes, when the recruitment agency refuses to reduce the worker's wage, they start bargaining with her directly, which make us compare this process by buying a purchase and bargain on its price, except that in this case, the worker always loses as she does not have any other choice, and she's often in a real financial need, so she accepts, which may build hatred in the workers heart from that beginning because she was deceived. The employer tends in many cases to delay the payment of the wages and sometimes, not paying them at all, because they know that the worker is unable to resort to litigation.

- The cases mentioned and others forces the worker to run-away from her employer's house, although they know that their running-away may cause them serious new problems, and some unexpected problems, but they choose to run-away rather than staying for people who mistreat them or abuse their rights. The bigger responsibility is on the recruitment agency and the ministry of labor, as with every work permit there should be a brochure issued which shows the rights and obligations for both, the worker and the employer. The recruitment agencies must also do their role as mediators for the weakest party, the workers.

Special case (the run-away workers):

Regardless the ministry of labor efforts to organize migrant workers, especially domestic workers by issuing regulations and decisions as an attempt to control and regulate migrant workers matters. These efforts were apparent in the last few years, but there is a huge ignorance regarding the run-away workers situations, or who's often called (irregular workers) as everybody knows there are thousands of them working and living in an illegal manner, and we thought that it is from our responsibility to include some of these cases in this report:

- The phrase (the run-away workers) is used for the domestic workers who left their employer's house, or sometimes who left the recruitment agency. There are many reasons for the worker to run-away, from the official perspective –that

does not deny the effects of violating the workers' rights that leads to her escape- as (when the worker leaves her employer's house) this is considered a violation for the laws and regulations that regulates the migrant workers presence in Jordan, it is also considered a violation for the working contract terms. The official administrations does not find any significant justification for the worker to run-away, and says that the worker could resort to litigation or to the public security directorate or to any other party concerned with equity and remedy to prevent him from being subjected to any violation, without the need to get into other problems as result for their running-away. As for the recruitment agencies, they tend to put the responsibility for the worker's running-away on the worker, they even accuse the workers of preparing for their running-away before they enter the country, in order to be able to work in a part-time job which may get them more money than working for only 1 employer, regardless what the worker should pay for that of the lack of security, or to be imprisoned or deported.

- From the workers perspective, they run-away after being subjected to many violations such as being hit, verbal insults, making fun of them, and sexual harassment, sometime rape and not paying their wages, and sometimes the employers expel them because they are not able to pay the fines resulted from violating the residency law because they didn't renew their work and residence permits.

- When the worker run-away, the employer tends to report her running-away to the police station, and the police station makes a (circulation) on her where the worker becomes wanted, and when she is found, or when she go by herself to the police station, the circulation isn't cancelled until her employer approves.

- When the worker run-away, she loses a lot of her rights confronting her employer, like renewing the work and residence permits and the expenses of going back to her country. And usually there are no investigating held to know the reasons that led to the worker's escape by the police station, that may be caused by the difficulty of communication based on the difference in languages or the prior prospective that the mistake is always done by worker. In this area we can't ignore that we did not receive any complaint from the workers that the police stations mistreated them, on the contrary, they all agreed that they were well treated in the police stations, but we should also note that the police stations did not investigate in the worker's complaints, they only brought their employer or their recruitment agency in order to solve things friendly, which leads the worker not to resort again to the police station.

- The workers called (run-away workers) face many problems, as they are subjected to sexual harassment caused by the lower view for migrant workers, as some people think that they are brazened. Some run-away workers also work in prostitution, and most of their customers are from the migrant workers.

- Some of the run-away workers got married and had children, and the husband, wife and children all became illegal and violated the residency law, and now they have fines imposed on them.



I married a Sri Lankan man, and we had a son, and now, I, my husband and my son have huge fines imposed for violating the residency law, and we wish to go back to our country, but we do not have the money to pay those fines.

Mary, a Sri Lankan domestic worker

- Some of the workers who has been subject to some violations tried to resort to the recruitment agency or to their country's embassy to solve their problems or to change their employers. When the workers resort to their embassies, some embassies calls the recruitment agency and the recruitment agency takes her and send her back to the same employer who had mistreated her, and when she resort to the recruitment agency, the workers there keep her for a day, less than a day or a few days, and meanwhile they torture, hit and abuse her in different ways, and they emphasis on her inferiority, and then returns her back to the same employer, so she insists to run-away. Some agencies do not mistreat the worker, but they prevent her from changing her employer, and they send her back to the same sponsor, while the employer can change the worker whenever he wants, but the worker does not have this right although they rae both parties of the working contract.

-We should highlight that some workers run-away without any justification, only to live freely, without any restrictions.



I was working for a good sponsor, I had my wages regularly, I worked there for 3 years, I ran-away without a reason. I regretted what I did a lot, the fines are accumulated on me, and my passport is still with my sponsor.


Seeta, a Sri Lankan domestic worker

Regardless the reasons for running-away, and some workers may made a mistake by their escape, we should take into account their humanitarian situation, were they are trapped, and want to go back to their countries, but after all those accumulated fines on them for violating the residency law they can't go back. There are still many (run-away) migrant workers in Jordan since a long time, since 20 years ago, and some of them are even willing to go to jail if that will get them back to their countries.




I came to Jordan in 2007 to work, my employer was an elderly man, as soon as I arrived he started harassing me, after two days of my arrival, my sponsor took me to do medical checkup, and in our way home he stopped in a top of a mountain, and he asked me to have sex with me, but I refused, he told me that the former worker used to do that, I refused again, so he threatened me that he will drop the car from the top of the mountain while me and him are inside it, and under his threatens he had sex with me and them took me back home, I told his daughter and wife, but they only told me that he will not do it again, but he did it more than once, after a while I had a suspicion that I am pregnant and when I told him he expelled me from the house.

Anosha, a Sri Lankan domestic worker




I worked for a family for nine months, they treated me well, and they paid me 100 JDs as a monthly salary regularly, the family had some financial issues, so they sent me back to the recruitment agency, the agency sent me to another house where I worked for 5 months, I didn't get paid at all through that period. The agency resented to another house for a month, I was deprived from food at that house, and I was mistreated, I contacted the agency in order to get me out of that house, but they didn't help me, and they threatened me if I resorted to them they will hit me, and that's when I decided to run-away.

Janeetha, a Sri Lankan domestic worker




I left my country and came to work, not to be abused! I worked for a family for 5 months, I was humiliated and abused. If the madam found something missing from the fridge she insults me. The agreed on salary was 125 USD per month, but they only paid me 60 JDs per month. I ran-away to my country's embassy, who called the recruitment agency, which sent me back to my employer, I worked there for another 5 month, and they treated me the same way, so I ran-away again.

Cateray, a Sri Lankan domestic worker




I worked in a house for 2 months, I didn't get paid, the madam mistreated me. One day I was standing on the ladder cleaning, the madam wasn't satisfied with my work, she got upset and she moved the ladder, so I fell down, she hit me until I fainted away, she spill water on my face in order to wake up, then took me to the recruitment agency, I stayed there for a week until I was transferred for another house, I worked there for 3 months, and was not paid at all, so I ran-away.

Fatemia, a Sri Lankan domestic worker



I worked in a house for two months, I had to work in two houses, I asked my employer to take me back to the recruitment agency, I worked through the agency for 5 months in different houses without being paid, then the agency sent me to work in a house for a year without a pay, so as to get back to my country, and then I ran-away.

Sandra, a Sri Lankan domestic worker



I left my country and family and came to work in order to have an income; I worked in a house for 5 months in a house, and didn't get paid. It didn't stop here, the madam didn't give me the letters sent from my family, I found it accidentally when I was cleaning and found letters from my family, I fainted, and when I wake up I was in the hospital, I asked the madam to return me to the recruitment agency or back to my country, but she refused, so I ran-away.


Beema, a Sri Lankan domestic worker

- Through the cases received by Tamkeen center for legal aid and human rights which we report in many places of this report, and through asking the workers for the reasons for not resorting to a certain party when they run-away, they answered that they do not know the party they should resort to, and as we mentioned earlier that the worker is deprived from leaving the house, the only way of avoiding these violations is by running-away. Even the hot line service provided by the ministry of labor with more than one language to receive complaints from workers is not activated, and the claimed justifications are unacceptable.

Salwarani is a Sri Lankan domestic worker, she called us to complain that her employer does not pay her anything since she started working (4 months), and she makes her work in her house, and her husband's folks house, and she's being insulted and threatened by her employer. When her employer knew that the worker's husband is in the country, she prevented her from contacting him, and since we do not have the authority to reach the worker while she is in the house, and because the worker can't give us the descriptions to reach the house, we advised her to call the hot line to submit her complaint, but the line was not working, and to make sure we tried calling the hot line, but unfortunately, the only way for the worker who can't leave the employer's house to submit the complaint was dead. This worker used to tell us in every phone call that the only way to end her suffering is to run-away, but we advised her not to do that so that she won't lose her rights, and that we can help her, but unfortunately, we couldn't help her. As a resolution for this problem, her husband paid a compensation for her employer and rescued her.


Tamkeen center for legal aid and human rights

There are also many (not run-away) workers have a problem of accumulated fines, and have some humanitarian situations that prevents them from leaving the country and they wish to get straighten situations.




I came to Jordan in 1990, and I married an Indian man, I had 5 children from my Indian husband, and I have 1 son from my ex-husband in Sri Lanka, I left him when he was 5 years old, I kept on renewing my work and residence permits up to 1995, my kids only talks Arabic, some people convinced us to convert into Islam in order to help us pay our fines, we did, but they didn't help us in paying out fines, they only paid our children's tuition fees for one year, I would like to see my son who's now 25 years old, I wish to straighten my legal situation to go and see my son in Sri Lanka, and then return back to Jordan.

Lakashmy, a Sri Lankan worker



I came to Jordan in 1987, I worked as a domestic worker, in 1992 I married a Sudanese man, from the south of Sudan, and he entered Jordan as a refugee from Iraq, I had my daughter Lucy. My husband was deported from Jordan twice. My daughter is 13 years old and does not hold a residency permit since she was born, I would like to straighten my daughter's situation but I can't pay the fines imposed. I can't go back to Sri Lanka as I am from Tamel, and I can't live in the south of Sudan, I fear for my daughter of living in either countries, I have a legal residency in Jordan since 1987 till now.

Miriam, a Sri Lankan worker



I came to Jordan to work in garment factory, I loved my Bengali colleague, we ended our work in the factory and got married, we have a daughter, and she's now 5 years old, my husband has a work and a residence permits, while there are fines imposed on me and my daughter, we wish to straighten our positions.

A Sri Lankan worker

Trafficking in persons:

Applying the protocol of preventing, suppressing and punishing the trafficking in person's crime formed a critical step in both national and international regulations to protect migrant workers rights. As decades have passed since the international convention of prohibiting slavery, and the international labor organization conventions concerning prohibiting forced labor have been applied, the biggest violation for migrant workers rights was being a victim for human trafficking which puts them in a legal and psychological position more like slaves, from here the concept of trafficking in person has become a form of modern slavery. The trafficking in person's concept as being a form of modern slavery includes the economic and sexual commercial exploitation, while the traditional slavery only included the concept of property. The more we become closer to the traditional slavery, and at the same time, the more the relation with the employer becomes a form of exploitation by the employer, we are closer to the concept of trafficking in persons.

When viewing and dealing the violations that the migrant workers are subjected to, we should analyze and present the violations that go under the concept of trafficking in persons and distinguishing it from other violations, especially those that are not considered crimes in the national law.

Definition of trafficking in person's crime:

First: According to the United Nations standards:

Article 3 of the protocol to prevent, suppress and punish the trafficking in person's crime defined this crime by the following:

(A) 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 and receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs;

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

(c) the recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article;

(d) "Child" shall mean any person under eighteen years of age.

Second: According to the American standard:

- The American definition is based on "severe forms of trafficking" concept, which is defined in the Trafficking victims protection act of 2000 as follow:

1- Sex trafficking, in which a commercial sex act is included by force, fraud or coercion, or in which the person included to perform such act has not attained 18 years of age; or

2- The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud or coercion for the

purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

The American act defined the main forms of trafficking by:

- 1- Forced labor.
- 2- Forced domestic laboring.
- 3- Sex trafficking.
- 4- Children trafficking for sexual exploitation.
- 5- Forced labor caused by debt bondage.
- 6- Children forced labor.
- 7- Migrant workers bondage to debt.

The American standards show some implicit forms of severe forcing, usually used against victims including threatening of deporting or imprisonment, financial or reputation abuse which limits the options of the workers and force them to continue their work. Those standards also includes the importance of taking the factors which contributes in trafficking in persons, such as fraud under the employment name, high fees for the employment services, huge debts he has to pay, and the lack of legal protection for migrant workers.

Third: According to the national standards:

Article 3 of preventing trafficking in person's law number (9) for the year 2009 defined trafficking in persons by:

“a- for the purposes of this law, “trafficking in person’s crime” means:

- 1- 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 and receiving of payments or benefits to achieve the consent of a person having control over another person.
- 2- the recruitment, transportation, transfer, harboring or receipt of person's who's under 18 years of age for the purpose of exploitation, even if this exploitation does not involve the threat of force or using it, or any of the means set forth in subparagraph (1) of this paragraph.”

Protection of migrant workers from trafficking in persons:

- The protocols to prevent, suppress, and punish trafficking in persons especially women and children, which complements with the United Nations convention to control organized crime through nationalism included an accurate identification for the purpose it was set for. Article (2) of the protocol stated: “The purposes of this protocol are:
 - a) To prevent and combat trafficking in persons, paying particular attention to women and children;
 - b) To protect and assist the victims of such trafficking, with full respect for their human rights; and
 - c) To promote cooperation among states parties in order to meet those objectives.”
- The protocol requires from the state party to take legislative, executive and judicial and other suitable measures to ensure achieving its objectives.

The study of the migrant workers situation in Jordan displays the effectiveness of the national measures taken to ensure the protection and achieving the objectives of the protocol and (Palermo) convention. Jordan made a series of measurements to prevent trafficking in person's crime in all its forms, some of these measurements taken in 2009 are:

- The law to prevent trafficking in person's number 9 for the year 2009: the law includes criminalizing all forms of trafficking in persons, and it states forming a national committee to prevent trafficking in persons headed by the minister of justice.
- Work inspectors, officers and policemen are being trained on detecting and revealing the forms of trafficking in persons.
- A national strategy is set to prevent trafficking in persons (it was not published until the date this report is prepared).
- A specialized departments concerned with the prevention of trafficking in persons was established in the public security directorate and the ministry of labor.

We can notice the following in the national measures to prevent trafficking in persons:

1- Legislative measures: the national legislations in its total don't compile with the minimum of the international measurements in this area. The law to prevent trafficking in persons who was designed and applied in a short period came with a lot of gaps and shortages, such as: the definition of trafficking in person's crime and showing its forms came general, not clear and inaccurate which makes it not easily applicable in the national litigation. "Receipt of persons" and "exploitation a position of vulnerability" and other phrases do not include an accurate meaning or significance, which makes it inapplicable in many of the criminalizing forms. The (no crime, no punishment unless there is a text) standard is not applicable unless there are accurate and clear texts that include the crime's factors and elements, which are not included in the general drafts of the law's texts. On the other hand, the law does not take a clear position towards criminalizing committing such crime. The severity of penalties included in this law is less severe than the crimes it includes, which raise again the issue of matching the penalty with seriousness of the crime, this is from the main issues in the effective criminal justice system that complies with the international standards.

2- Judicial measures: Jordan did not witness any significant judicial applications in criminalizing and punishing traffickers in persons maybe that are due to many reasons, such as the modernity of criminalizing trafficking in persons. And the ambiguity of the law –as we mentioned in the previous point– and we didn't detect any judicial provision issued including punishment on any form of trafficking in persons, and in the cases were a complaint is submitted for the general prosecutor or the specialized courts the litigation tends to accommodate the complain under other legal descriptions such as abuse or indecent assault claiming that it includes more serious criminal description or more clear, or because of the lack of the judges knowledge of the law, or the

absence of the procedural securities to apply it.

3- Executive measures: We have mentioned before that both the ministry of labor and the ministry of interior and the departments related to them are the main official parties concerned with the migrant workers situations including preventing trafficking in persons. These departments follow up the migrant workers situations through the control measurements set up in the criminal trials code and the executive authorities these departments enjoy according to the special laws that regulate their work such as the inspection on work regulation and this is a procedure

mainly designed to deal with the regular crimes and the regular situations. Since trafficking in persons crime is considered new by definition and requires special measurements to deal with, in addition that this crimes are often committed with privacy and it's hard to give the evidences to prove it's commission, the executive measures often concentrates on dealing with the apparent situations like not renewing the working contract, or violating the residency provisions without addressing the special situation for the trafficking in persons crime and the effect of any of its forms on the prejudice of the regular legal situation for the worker, which opens the door for this kind of crime to happen without any pursuit.

- Regarding the other executive measures such as the media, raising awareness towards the seriousness of committing such crimes, it rarely happens and it barely reaches the official awareness of preventing trafficking in person's effect. Although the non-governmental organizations effort is the most apparent in this concern, this effort is not enough and with limited effect and faces many difficulties to reach the potential or actual victims and the committers. In addition that the training of the judges and the employees authorized to act the law does not take the adequate attention and it is not considered a condition for them to take their positions and to continue there, and it is even not a condition to reward or punish them, and in most cases this is related to providing the needed fund which is often form an international resources.

- From the main lost executive measures in this concern the measures concerned with the protection, such as finding a suitable shelter for the worker through the whole period, from the date of detecting a violation till the date of finishing the procedures of straightening conditions or till the victim returns to his/her country including the psychological and vocational rehabilitation. In addition that the worker misses effective (non-judicial) national mechanisms to ensure their right of complaint and remedy.

Forms of trafficking in persons as detected by Tamkeen center:

Under the national measurements applied to prevent trafficking in persons, and under the inputs of the complaints system managed by the center through the legal aid unit and through a group of detecting and following up processes done by the center, we can present a group of cases that goes under the descriptions

of forms of trafficking in persons according to the international and national standards applied by the following:

- Withholding personal documents, such as the passport.
- Forced labor: which included all cases where the worker is performing without any pay, or not paying his/her wages, delaying them, or giving him/her less than the agreed on wage, or less than the suitable wage.
- Forced labor: which includes many forms: forcing the worker to perform a work other than what was agreed on, forcing the worker to work for someone other than his/her employer, forcing the worker to work overtime including his/her days off and his/her annual vacation. And forcing the worker to work after the contracting period is over.
- Withholding the freedom: which includes many forms, such as: preventing the worker from leaving the work place, arresting the worker for violating the working contract condition, or deporting him/her.

- Slavery or any of its forms: such as: the sponsor system with its applications mentioned in this report, considering it a form of modern slavery, the verbal and physical abuse, threatening, or any other forms of abuse to force the worker to stay for his employer.

The above mentioned forms are not the only forms found through detecting the migrant workers situation in Jordan. There are many other forms of economic and commercial sexual exploitation we avoided mentioning here due to the lack of evidences, or due to not taking the standards that regulates it on the national level, we also do not wish through this report to present and repeat the international bodies positions and prospective that mentioned other forms not mentioned in this report, or that was according to standards we do not agree with in their adoption for it.

Recommendations:

Through presenting and analyzing the migrant workers situations in Jordan, especially domestic workers, we recommend the specialized official departments and the national non-governmental organizations, the international bodies working in the kingdom and other parties concerned with enhancing and protecting migrant workers rights in Jordan and supporting the kingdom's efforts to prevent trafficking in persons and other severe violations for human rights through taking the following recommendations and suggestions into consideration:

- 1- Adjusting the definition of domestic work as mentioned in article 2 of the domestic workers, chiefs and gardeners regulation through identifying the nature of the job referred in the phrase (taking care of the family members) so that we can distinguish between the different forms of taking care of the family members such as the elderly, children, sick people or members with disabilities...
- 2- Raising the community's and the employers awareness regarding the migrant workers rights especially domestic workers to change their negative perspective for this category.
- 3- Allowing migrant workers to freelance as a domestic worker for other parties, and allowing her to sleep outside her employer's house after finishing her work.
- 4- Committing the employer to provide the worker with medical insurance in the whole period of the working contract.
- 5- Activating the role of the inspection system and the inspectors role in the ministry of labor through finding the appropriate mechanism to periodically follow up the domestic workers situations based on committing the employer to deliver the worker to the work inspectors in order to ensure that she is well treated, and enjoying her contract and legal rights.
- 6- Reconsidering the sponsor system and canceling the (sponsor's disclaimer) phrase mentioned in the regulations and instructions and replacing it with an appropriate phrase such as: clearance, disengagement, ending contract.
- 7- Reconsidering the period and terms of the working contract which guarantees the freedom of contracting and the worker's right to end the working contract in the case of ill-treatment or if there's an essential violation for the working contract from the employer's side.
- 8- Equality between domestic workers and workers in the qualified industrial zones with other workers with regards of changing the employer (sponsor) when the contracting period is over without the need of the former sponsor's approval.
- 9- Committing to the labor law provisions which state to deal immediately with the worker's complaints, or to solve it within 3 months of its submission.
- 10- The importance of finding a national fund, where the state and the private sector contribute in to pay the payments for the workers when the employer is broken or unable to pay, as long as these amounts are considered a debt on the employer that must be collected from him to the treasury according to the admiral money collection provisions.

11- Not resorting to (withholding freedom/ arresting) while the deporting or straightening situations procedures are made by the police stations.

12- Canceling the circulation on the wanted workers by the administrative and judicial bodies caused by the complaints from the employers of the escape of the worker, and canceling the circulation immediately as soon as they reach the party they are wanted in.

13- The importance for the employer with cooperation with the worker to pay all the fees and fines imposed as a result of violating the residency and work permits terms.

14- Giving the workers in the kingdom who is violating the terms of the residency and work laws the opportunity to straighten their situations according to legal mechanisms, which allows them to commence their work and residence in the country legally as long as they want to stay in the country if they have some commitments in the country that needs their stay in it.

15- The necessity for the kingdom to join international conventions concerned with the protection of migrant workers especially: the United Nations convention for the protection of all migrant workers and their families.

16- Training the judges, general attorney, all people authorized to act the law on applying human rights in their job and activating the protection systems for the most violated categories.

17- Revising the law for preventing trafficking in persons to ensure the harmony of the international standards with the national standards on one hand, and ensure the clearance of the definitions and the criminalizing texts and punishing the trafficking crimes with the appropriate punishments that takes into consideration its violent and horrible nature on the other hand.

18- The necessity of finding an appropriate shelter for the victims of trafficking in persons and other forms of violations including the conflict with the law.



An appendix of the complaints received from the migrant workers by the legal aid unit in Tamkeen center for Legal aid and human rights

Through the period: from 1/4/2009 till 31/12/2009

Table (1)

Demonstrates the distribution of complaints received by the center by subject

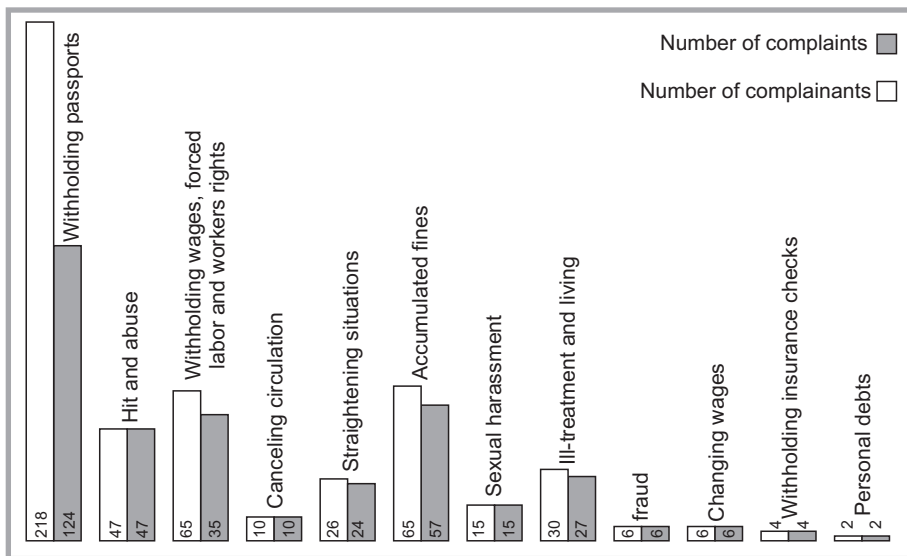


Table (2)

Demonstrates the distribution of the complainant domestic workers in Tamkeen center for legal aid and human rights base on their nationality

The total number for domestic workers is 186 workers distributed as follows:

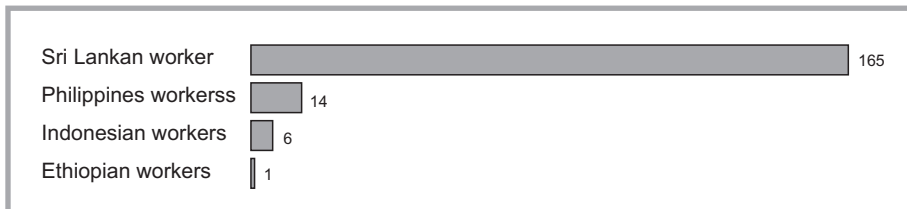


Table (3)

Demonstrates the complaints received by Tamkeen center from different categories of migrant workers according to the sectors and nationality

- The total number of workers 88.
- This table does not include the complaints of domestic workers.

Egyptian workers 43	Sri Lankan workers 38	Indian workers 6	Pakistani workers 2	Syrian workers 1
23 from the construction sector	3 from a garment factory representing 400 worker	From different sectors	From different sectors	Constructions
3 from the agriculture sector	13 from Safeway representing 30 worker			
13 from the services sector	2 domestic workers			
4 from the trade, restaurants and hotels sector	2 from the services sector			
	8 from garment factories			

A summary for the procedures taken to deal with the received complaint from the migrant workers by Tamkeen center for legal aid:

- 27 complaint was sent to litigation, a sentence was made in 19 of them, 18 was for the benefit of the worker, while there are still 8 cases under litigation.
- Legal consultation was offered for 25 migrant workers.
- 4 cases were refused, because of the untruthfulness of the complainant.
- 10 complaints were canceled by the complainants, because they were able to solve them by themselves.
- 25 complaints were solved by the mediation between the complainant and the complained.
- 50 files are still pending waiting to reach a solution with the complained, if we didn't reach a solution, we will resort to litigation.
- 36 files are waiting the completion of information.
- 18 files were closed due to deporting some workers or due to leaving the country.
- 7 cases were resorted to a special committee to look at the domestic worker's complaints in the ministry of labor.
- 10 complaints were solved; some are collective complaints through resorting to some official bodies.
- 15 files are still pending for a group of workers who entered the country with a visa, and they violated the residency law, which imposed on them huge fines which led to preventing them from going back to their countries.

Tamkeen center for legal aid and human rights