



Research Study:

**In the Shadows: Stories of Exploitation
and Hardship Faced by Irregular Migrant
Domestic Workers in Jordan**

The Information and Research Center – King Hussein Foundation (IRCKHF)

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1 Navigating Vulnerability: Legal and Social Dimensions of Migrant Domestic Workers in Jordan

1.1 Migrant Labor in Jordan: An Overview

Since the 1970s, Jordan has relied on non-Jordanian labor to meet workforce demands in sectors such as agriculture, construction, and services—industries often deemed unattractive by Jordanian workers. Consequently, migrant labor has been perceived as complementary rather than substitutive within the Jordanian labor market, helping to address labor shortages. Over the decades, the number of migrant workers in Jordan has fluctuated. By the end of 2021, official data indicated that 333,283 non-Jordanian workers held work permits in the country, a figure that declined to 292,271 by the end of 2022.¹ Despite legislative efforts to limit migrant labor, particularly in occupations where Jordanians compete for jobs, foreign workers continue to play a vital role in the national economy.²

In Jordanian legislation, the term “migrant worker” does not appear explicitly. Instead, terms such as “foreign worker,” “expatriate worker,” and “non-Jordanian worker” are used to describe individuals residing in Jordan for limited periods for employment purposes. These workers are governed by a complex legal framework that grants employers significant authority, resembling elements of the kafala (sponsorship) system prevalent in Gulf Cooperation Council (GCC) countries. While Jordanian law does not explicitly reference the kafala system, the reality reveals that the legal status of migrant workers is effectively tied to their employers, limiting their ability to change jobs or resign without employer consent.³ This dynamic is further evident in the work permit card issued to foreign workers, which uses the term “sponsor” to identify the employer.

While a general framework governs all migrant workers, additional regulations and directives are applied to specific categories, such as construction workers, agricultural workers, workers in Qualified Industrial Zones (QIZs), and domestic workers. Despite these distinctions, these frameworks share a common feature: granting employers significant control over workers. This control is particularly evident in the requirement for employer consent when a worker wishes to resign or transition to another job. This mechanism effectively creates a system closely resembling the kafala (sponsorship) system, even though the term itself is not explicitly referenced in Jordanian legislation, as previously noted.

The government has implemented several measures to curb the influx of migrant workers in response to rising domestic unemployment rates,⁴ which reached 21.1% in 2024.⁵ These measures include amending Article 12 of the Labor Law (No. 8 of 1996), which governs the recruitment and employment of foreign workers, and issuing specific regulations and directives for this workforce. Article 12 stipulates that migrant workers may only be employed if their qualifications or expertise are unavailable among Jordanian workers. Furthermore, the Ministry of Labor maintains a list of professions restricted to Jordanians, including fields such as medicine, engineering, and accounting.⁶

The issuance and renewal of work permits are regulated by a series of systems and directives issued under the Labor Law, while residency permits are governed by the Residency and Foreigners’ Affairs Law (No. 24 of 1974). This law grants the Minister of Interior the authority to revoke permits at their discretion without providing justification.⁷

Despite these legal constraints, Jordan remains a destination for migrant workers, particularly from Egypt and Southeast Asia. Many of these workers are employed in sectors characterized by informality and weak regulatory oversight, increasing their vulnerability to exploitation and abuse. For instance, migrant workers’ residency permits are tied to their employers, who have the unilateral power to cancel or refuse to renew work or residency permits.⁸ This effectively renders the workers’ status irregular, exposing them to the risk of deportation under the Residency and Foreigners’ Affairs Law or expulsion under the Labor Law.

1- Ministry of Labor, Jordan: Annual Report 2022

2- Official reports indicate that migrant labor plays a crucial role in various economic sectors in Jordan, including agriculture, construction, and services. According to data from the Jordanian Ministry of Labor, Egyptian workers constitute the largest share of migrant labor, followed by workers from South and Southeast Asian countries. Despite government policies, such as recruitment regulation and stricter oversight, the labor market continues to depend heavily on these workers, particularly for jobs that many Jordanians are reluctant to take due to challenging working conditions and low wages. (Ibid.)

3 - Daniel Coleman, Systemic Vulnerability: Migrant Workers in Jordan, Heinrich Boll Stiftung, 11 August 2022, last visited 22 Oct 2024.

4 - Examples of such regulations include: the Non-Jordanian Work Permit Fee System No. 142 of 2019 and its amendments, Instructions for Recruitment Agencies for Non-Jordanian Domestic Workers for the year 2024, instructions on Conditions and Procedures for Employing and Recruiting Non-Jordanian Workers in Qualified Industrial Zones (QIZs) of 2007 and their amendments, instructions for the Conditions and Procedures for Employing and Recruiting Non-Jordanian Workers of 2012 and their amendments, among others.

5 - Department of Statistics, 2024.

6 - Minister of Labor Decision No. 58 of 2020.

7 - Residency and Foreigners’ Affairs Law No. 24 of 1973, Articles 16, 18, and 19.

8 - Coleman, Systemic Vulnerability, 2022

1.2 Migrant Domestic Workers in Jordan

Migrant domestic workers represent one of the most significant groups of migrant labor in Jordan, with their presence steadily increasing since the 1980s. The rising demand for domestic workers is primarily attributed to improved living standards, greater female participation in the workforce, and the shift of young Jordanian families from rural areas to cities, leaving them without the traditional support of extended families. Domestic workers in Jordanian households perform a wide range of tasks, including childcare, cleaning, and caregiving.⁹

According to a 2023 statement by the Director of the Domestic Workers Directorate at the Ministry of Labor, the number of foreign domestic workers in Jordan was approximately 56,000. These workers come from over seven different nationalities, including Filipino, Sri Lankan, Ethiopian, Ghanaian, Ugandan, Kenyan, Indonesian, and Nepali workers.¹⁰

1.3 Recruitment and Employment of Migrant Domestic Workers in Jordan

The recruitment and employment of migrant domestic workers in Jordan are conducted exclusively through officially licensed recruitment agencies. These agencies coordinate with counterparts in the workers' countries of origin, such as Indonesia and the Philippines. Their operations are regulated under Regulation No. 63 of 2020,¹¹ which grants the Ministry of Labor the authority to monitor their activities and ensure compliance.

Agencies found to violate regulations may face penalties, including fines or closure. Violations can include the illegal recruitment of workers, the use of forged documents, the employment of underage workers, exploitation through withholding wages, subjecting workers to continuous daily labor, physical or sexual abuse, or the illegal transfer of workers to other countries.¹²

1.4 Responsibilities of Recruitment Agencies for the Safety of Domestic Workers

The regulation imposes several responsibilities on recruitment agencies to ensure the safety and well-being of domestic workers. Agencies are required to repatriate workers within seven days of receiving a medical report from the Ministry of Health indicating that the worker has a communicable disease, is medically unfit for work, or is pregnant. Additionally, agencies must ensure that workers undergo a medical examination within three days of their arrival in Jordan and can only be delivered to their employer if deemed medically fit. The agencies are also responsible for securing work and residency permits for the workers within three days of receiving the medical examination results.¹³

9 - Escoffier, Claire, et al. Economic and Social Rights of Migrants and Refugees in the Euro-Med Region: Access to Health Care and the Labour Market. Case Studies: France, Jordan, and Morocco. Copenhagen: Euro-Mediterranean Human Rights Network, 2008., p 70.

10 - Hala News, Al-Jbour: «56,000 Domestic Workers in Jordan,» March 15, 2023, last accessed November 27, 2024.

11- Regulation Governing Recruitment Agencies for Non-Jordanian Domestic Workers - No. (63) of 2020

12 - Ibid., Article 12.

13 - Ibid., Article 15.

If a worker refuses to complete her contract and requests to return to her home country, the agency is obligated to provide a return ticket at its own expense. In cases where the worker refuses to work for reasons unrelated to physical abuse, unpaid wages, or communicable diseases within the first 90 days of her arrival, the agency must refund the employer within 14 days or replace the worker with another one from outside Jordan at no additional cost. Furthermore, the agency is permitted to transfer the worker to a new employer if her refusal to work is due to verified physical abuse or unpaid wages, as confirmed by a medical report.¹⁴

1.5 Legislative and enforcement gaps

While the regulations establish procedures to protect migrant domestic workers, several legislative and enforcement gaps remain, which can be exploited against workers. These shortcomings are summarized as follows:

Control Over Identity Documents and Mobility

The regulations do not explicitly guarantee domestic workers the right to retain their identification documents, such as passports. This allows employers to withhold these documents as a means of control, limiting workers' ability to move freely, leave their job, or change employers without permission. Since workers' residency permits are tied to their employment, they heavily depend on employer approval to remain in the country or seek alternative employment, leading to conditions resembling forced labor.

Exposure to Exploitation

Although recruitment agencies are tasked with ensuring fair treatment, the regulations offer limited avenues for workers who experience abuse. In cases of exploitation or mistreatment, such as unpaid wages or physical abuse, domestic workers may struggle to file complaints or seek legal redress without risking deportation or retaliation from the employer. The unequal power dynamic between workers and employers is exacerbated by the reliance on recruitment agencies to resolve disputes, making workers more vulnerable to exploitation.

14 - Ibid., Article 15.

Restriction of Freedom of Movement

The regulations require recruitment agencies to report cases where a worker leaves the employer's household without permission. This reinforces the worker's dependence on the employer, restricting their ability to leave abusive or exploitative working conditions. Without the employer's consent, the worker is effectively trapped in their job, with little to no ability to seek better conditions or alternative employment.

Contractual and Employment Barriers

While the regulations mandate the establishment of employment contracts between employers and workers, the power dynamics are heavily skewed in favor of the employer. If a worker refuses to work, except in cases of verified abuse or unpaid wages, the employer has the right to terminate the contract and repatriate the worker at their own expense. This places significant pressure on workers to comply with employers' demands, regardless of the working conditions they face.

Lack of Comprehensive Protection of Workers' Rights

The regulations fail to explicitly outline the basic rights of workers, such as privacy, freedom of association, or mechanisms for reporting abuse without fear of retaliation. Employers can exploit this ambiguity to isolate workers from external communication or restrict their access to information about their rights. Moreover, there is no explicit protection against harsh working conditions, such as excessively long working hours without adequate rest.

Limited Recourse for Unfair Dismissal or Non-Compliance by Employers

In cases of unfair dismissal or failure by the employer to fulfill contractual obligations, the regulations lack clear mechanisms for workers to seek compensation or challenge the employer's actions. This leaves workers in a vulnerable position, relying heavily on recruitment agencies or the Ministry of Labor to address such violations, which may not always act in the workers' favor.

Ambiguity in Enforcing Worker Protections

Although the Ministry of Labor is authorized to inspect recruitment agencies and employers, the regulations lack detailed enforcement mechanisms to ensure worker protection. The process for reporting violations or abuse remains unclear, leaving domestic workers with limited options to seek protection from mistreatment. This ambiguity allows rights violations to persist without adequate accountability for recruitment agencies or employers.

1.6 Rights and Responsibilities of Domestic Workers

Historically, domestic workers in Jordan were not covered under the Jordanian Labor Law. However, amendments made in 2008 included provisions regulating their work through a specific regulation issued in 2009.¹⁵ This regulation outlines the rights and responsibilities of domestic workers, such as working hours, rest periods, and leave entitlements, and grants the Minister of Labor the authority to oversee and enforce these provisions.¹⁶ While the regulation provides greater clarity regarding working conditions, it does not guarantee domestic workers the right to retain their identity documents, such as passports. Moreover, workers' residency permits are tied to their employers, limiting their ability to leave their employer without permission. Employers are also required to report to authorities if a domestic worker leaves the household without authorization, further restricting workers' independence.

The regulation grants domestic workers several fundamental rights aimed at ensuring their well-being and dignity while working. These include the right to adequate working conditions, such as proper housing with sufficient lighting, ventilation, and privacy, as well as access to clothing, food, and healthcare. Workers are also entitled to a weekly day of rest, 14 days of paid annual leave, and paid sick leave. Employers must allow workers to practice their religious beliefs, provided this does not conflict with public order and morals. Additionally, workers are permitted to communicate with their families once a month at the employer's expense, and foreign domestic workers are provided with a return airline ticket after two years of service.¹⁷

In return, domestic workers are expected to fulfill several obligations. According to the regulation, workers must perform their duties with integrity and diligence, respect the privacy of the household, and protect the employer's property. They are prohibited from disclosing any confidential information they encounter during their employment and are expected to respect the traditions and customs of the local community.

While the regulation aims to establish a balanced framework for both employers and domestic workers, certain provisions disproportionately favor employers, raising questions about the fairness of the legal framework for workers. For instance, the regulation stipulates that domestic workers are required to work up to eight hours per day. However, it does not explicitly clarify whether this includes waiting time or being on-call, potentially leading to excessive working hours without additional compensation.¹⁸ Furthermore, as mentioned above, the regulation allows employers to deduct up to five days' wages for damages to property without requiring formal legal proceedings to determine liability.¹⁹ This provision is prone to misuse and could easily be exploited by employers. Additionally, the regulation permits the termination of a worker's employment if she leaves the workplace without justification²⁰, penalizing workers who may flee from exploitation or abuse.

15 - In August 2008, Article 3 of the Labor Law was amended under Law No. 48 of 2008, bringing domestic workers under the coverage of the Labor Law.

16 - Regulation No. 90 of 2009: Regulation for Domestic Workers, Cooks, Gardeners, and Similar Professions.

17 - Ibid., Articles 4 and 7.

18 - Ibid., Article 6.

19 - Ibid., Article 5.

20 - Ibid., Article 5.

1.7 Irregular Migrant Domestic Workers

There are no official estimates for the number of irregular migrant domestic workers in Jordan. However, unofficial data from 2022 suggests that the number is approximately 30,000.²¹ Similar estimates have been provided in the past by Amnesty International²² and Human Rights Watch.²³ The primary reason domestic workers fall into irregular status is fleeing their employer's household, often due to mistreatment, which may include unpaid wages and excessively long working hours.

Notably, no recent reports have specifically addressed the situation of foreign domestic workers, whether regular or irregular, in Jordan, despite previous studies documenting numerous violations. Research conducted by organizations such as the National Alliance for Migrant Workers in Jordan, Friends of Domestic Workers, Amnesty International, and Human Rights Watch has highlighted significant abuses. These reports indicate that the monthly wages of domestic workers are often below the minimum wage and have not been adjusted in line with labor laws. Many workers experience delays in wage payments and are compelled to work over 12 hours a day without adequate rest periods or proper living conditions.

Physical, verbal, and psychological abuse is also prevalent, with employers frequently confiscating workers' passports to restrict their freedom of movement. In addition, some workers face conditions of forced labor, compelled to continue working out of fear of losing their legal status and facing deportation.²⁴

Some embassies provide shelter centers for migrant domestic workers, although they do not publicly disclose the number of individuals they assist. Reports indicate that prolonged stays in these centers can increase the fines imposed for overstaying residency permits.²⁵ Additionally, allegations have surfaced regarding exploitation by some embassy staff. It is also important to note that when a worker escapes, her employment contract may be considered void, absolving the employer of the obligation to cover the cost of her return ticket or the renewal of her residency and work permits.²⁶

21 - Jordan Times, Report highlights struggles of undocumented female domestic workers, 14 June 2022, last visited 21 October 2024.

22 - Amnesty International, Jordan: Isolated and Abused: Women migrant domestic workers in Jordan denied their rights, 2008m last visited 21 October 2024.

23 - Human Rights Watch, Domestic Plight: How Jordanian Laws, Officials, Employers, and Recruiters Fail Abused Migrant Domestic Workers, 2011, last visited 21 October 2024.

24 - See, for example, UNIFEM (2005), Trafficking in Women and Children; Amnesty International (2008), Exploitation of Female Migrant Domestic Workers in Jordan; European Migration Network (2008), Report on Migrant and Refugee Movements in the Middle East and North Africa; and Human Rights Watch (2011), Domestic Plight: How Jordanian Laws, Officials, Employers, and Recruiters Fail Abused Migrant Domestic Workers.

25 - Based on Article 34(a) of the Residency and Foreigners' Affairs Law No. 24 of 1973: Any foreigner who enters the Kingdom legally but fails to obtain a temporary residency permit, exceeds the duration of their granted residency permit, or does not apply to renew their annual residency permit within one month of its expiration is subject to a fine. The fine is set at 45 Jordanian Dinars for each month of overstay or a fraction thereof, calculated at 1.5 Jordanian Dinars per day for each partial month.

26 - Human Rights Watch, Domestic Plight: How Jordanian Laws, Officials, Employers, and Recruiters Fail Abused Migrant Domestic Workers, 2011, last visited 21 October 2024.

Migrant domestic workers face numerous challenges complicating their return to their home countries. Many workers invest substantial amounts of money to secure employment contracts in Jordan and may be unwilling to return home without saving enough to recoup these expenses. Some workers resort to working illegally elsewhere to finance their return, increasing their risk of arrest and deportation. Furthermore, the confiscation of passports by employers, combined with the inability to afford a return ticket, significantly hinders their ability to return home.²⁷

In addition to the challenges faced by migrant domestic workers who flee abusive employers, many end up working illegally on a day-to-day basis to survive. Without legal status, they are more vulnerable to further exploitation and often take on temporary jobs in precarious conditions. A particularly alarming concern is that some of these women become pregnant during their time in Jordan due to various reasons, including sexual violence, coercion, or deception. In some cases, workers are raped; in others, they are deceived by men falsely claiming to be their legal husbands, only for the women to later discover there was no legal marriage. These situations exacerbate the vulnerability of migrant domestic workers, who face not only legal consequences due to their irregular status but also severe cultural and social stigma. Additionally, the likelihood of abandonment increases, leaving them in an even more precarious and dangerous position.²⁸

The 2024 Trafficking in Persons Report: Jordan highlights several ongoing violations against domestic workers, many of whom are at risk of human trafficking and forced labor due to the employer-dependent visa system in Jordan. This system grants significant authority to employers, enabling them to exploit workers by withholding wages, confiscating passports, and imposing unsafe working conditions.

Domestic workers often endure excessive working hours, restricted freedom of movement, and verbal and physical abuse. Their plight is exacerbated by limited legal recourse and the inability to change employers without their consent, trapping them in exploitative situations and increasing their vulnerability. Furthermore, domestic workers who flee abusive employers are treated as irregular residents and face fines, detention, or deportation without being screened for indicators of human trafficking. This lack of adequate protection mechanisms leaves them unshielded from further exploitation and undermines efforts to combat trafficking.²⁹

Although domestic workers have the option to file complaints with the Ministry of Labor or the Public Security Directorate, many report insufficient follow-up on their cases. The Anti-Human Trafficking Unit, which operates with limited translation services, handled only five cases of forced labor between January and August 2023. According to these reports, labor inspectors rarely investigate allegations of abuse in private homes without a judicial order. Additionally, workers seeking redress often face counterclaims from employers, such as accusations of theft, further complicating their ability to obtain justice.³⁰

27 - Human Rights Watch, Domestic Plight: How Jordanian Laws, Officials, Employers, and Recruiters Fail Abused Migrant Domestic Workers, 2011, last visited 23 November 2024.

28 - Alice Su, The Deadly Cost of Pregnancy for Migrant Women in Jordan, The New Yorker. 24 August 2017, last visited 23 November 2024.

29 - 2024 Trafficking in Persons Report: Jordan." U.S. Department of State, 2024, last visited 21 October 2024.

30 - U.S. Department of State. 2023 Country Reports on Human Rights Practices: Jordan. Last visited 21 October 2024.

Some human rights monitoring reports also highlight that employers can file criminal complaints against domestic workers for “absconding,” even though many workers flee due to forced labor or abuse, such as unpaid wages or physical and sexual violence. Despite the legal obligation for employers to renew the residency and work permits of foreign workers, they often fail to do so for domestic workers. NGOs have reported that authorities frequently detain migrant workers without informing them of their rights. Furthermore, legal proceedings often take years to resolve, with minimal access to translation services, leaving workers in prolonged uncertainty and heightened vulnerability.³¹

The Committee on the Elimination of Discrimination against Women (CEDAW) has highlighted severe violations against domestic workers in Jordan. The committee expressed concern over the lack of measures for rehabilitation and reintegration, including access to counseling, medical treatment, psychological support, and compensation for victims of trafficking. This gap disproportionately affects vulnerable groups such as refugees, asylum seekers, migrant workers, and domestic workers. Additionally, the committee raised alarm over the harsh conditions faced by domestic workers, particularly young girls, who are at heightened risk of physical and sexual abuse.³²

The committee’s recommendations provide a clear and actionable roadmap to address these violations. Key among these is raising awareness among migrant domestic workers about their rights under international conventions, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). It emphasizes the need for strict monitoring of recruitment agencies to ensure that employment contracts align with agreements made in workers’ countries of origin. The committee also calls for the effective enforcement of labor laws and the adoption of specific legislation to regulate domestic work, including penalties for abusive practices such as passport confiscation. Moreover, it strongly encourages Jordan to ratify the International Labour Organization (ILO) Domestic Workers Convention (No. 189).

Furthermore, the committee advocates for the abolition of the de facto kafala system, which ties workers’ residency to their employers, and underscores the importance of guaranteeing access to justice for migrant domestic workers. This includes providing legal residency and protection during legal proceedings. The recommendations also include conducting regular inspections of workplaces and living conditions, establishing additional shelters for victims of abuse, and supporting the formation of a domestic workers’ union to strengthen the protection of their rights in Jordan.

A significant study published in 2021 examined the causes and patterns of deaths among domestic workers in Jordan. The study analyzed 63 medico-legal cases referred to a three-member medical committee in Jordan between 2006 and 2016. The analysis revealed that 74.6% of the deaths were due to unnatural causes, with suspected suicides accounting for 58.3% of these unnatural deaths. Common methods of suicide included hanging and falling from heights. Natural deaths, which constituted 23.8% of the cases, were often preventable and resulted from conditions such as dehydration, acute coronary syndrome, and pneumonia. The study emphasized the vulnerable status of domestic workers in Jordan, highlighting that abusive working conditions and neglect were significant contributing factors. The researchers recommended conducting additional studies across more hospitals to better understand the issue and advocate for stronger legal protections for domestic workers.³³

While the National Center for Human Rights did not report specific violations against foreign

³¹ - Ibid.

³² - United Nations Committee on the Elimination of Discrimination Against Women. Concluding Observations on the Sixth Periodic Report of Jordan. CEDAW/C/JOR/CO/6, 9 March 2017.

³³ - Abder-Rahman, Hasan A., et al. «Patterns of death among migrant domestic workers in Jordan: retrospective analysis of 63 cases in a tertiary hospital.» Egyptian Journal of Forensic Sciences, vol. 11, no. 24, 2021.

domestic workers in its most recent annual report, it noted that the Domestic Workers Directorate at the Ministry of Labor issued 18 warnings to employers for violating domestic workers’ rights. This underscores the ongoing need to strengthen enforcement and oversight to ensure foreign domestic workers in Jordan receive the legal protections they are entitled to. In previous annual reports, the National Center for Human Rights documented a range of violations against domestic workers, including unpaid wages, excessive working hours, and physical and psychological abuse. These earlier findings highlight the persistent challenges faced by domestic workers and the importance of continued monitoring and action to safeguard their rights.³⁴

1.8 The Impact of Legal Overlap: Legal Barriers and Complexities for Migrant Domestic Workers

In addition to the Labor Law, other legal frameworks, such as the Crime Prevention Law and the Passport Law, undermine the rights of migrant domestic workers, making them more susceptible to exploitation and administrative detention. These laws are used to control workers’ mobility and rights through practices such as passport confiscation, excessive working hours, and wage withholding. Such practices restrict workers’ ability to challenge abusive conditions or seek justice, further entrenching their legal and social vulnerabilities.

While Article 77 of the Jordanian Labor Law prohibits forced labor, it is treated as a labor violation rather than a criminal offense, with penalties limited to fines. This approach significantly downplays the severity of the violation, as forced labor is not merely a labor rights issue but a fundamental breach of human dignity. The current legal response is disproportionately lenient, failing to reflect the seriousness of forced labor, which parallels crimes such as assault, unlawful detention, or abduction. Furthermore, weak enforcement of these laws, coupled with the fact that many migrant workers are unaware of their legal rights, enables employers to exploit workers with impunity.

The inadequacy of the legal framework becomes even more apparent in the Jordanian Penal Code (No. 16 of 1960), which, as noted earlier, does not explicitly criminalize forced labor. Under the Anti-Human Trafficking Law, forced labor is categorized as a form of exploitation under Article 3(b), which defines exploitation as “the exploitation of persons for forced labor, servitude, slavery, organ removal, prostitution, or any form of sexual exploitation.” While this inclusion under the Anti-Human Trafficking Law offers some protection, forced labor is not treated as a standalone crime and is penalized only when the elements of trafficking are present, as specified in the law.

The failure to explicitly criminalize forced labor not only violates the provisions of the Jordanian Constitution but also breaches international agreements that obligate states to treat forced labor as a serious crime against individuals. Forced labor involves the same level of violation or threat to fundamental human rights as crimes such as abuse, deprivation of liberty, and abduction. Therefore, the legal framework must impose penalties that correspond to the gravity of this offense, rather than relying solely on fines that trivialize the violation. By failing to do so, Jordan’s legal system leaves many migrant workers in a precarious position, facing continuous exploitation without adequate means to seek justice.

The use of the Crime Prevention Law (No. 7 of 1957) further complicates the situation of migrant

³⁴- The National Center for Human Rights, The Twentieth Annual Report on the Human Rights Situation in the Hashemite Kingdom of Jordan of 2023, p 67. Last visited 21 October 2024.

1.9 The Forgotten Challenges of Irregular Migrant Domestic Workers: Gaps in Research and Legal Protection

workers, particularly domestic workers. This law permits administrative detention without formal charges, increasing workers' vulnerability to abuse and exploitation. The law grants governors the authority to detain individuals deemed a threat to public safety, a provision that can be arbitrarily applied to migrant workers, including women, even in non-criminal situations such as fleeing an abusive employer.

This legal framework allows for detention based on suspicion, without clear evidence of wrongdoing, and in cases where the worker has committed no crime. As a result, migrant domestic workers can find themselves detained indefinitely, facing barriers to accessing justice and becoming more vulnerable to violations, including exploitation and abuse in shelters or detention centers. The broad powers granted by this law, coupled with the absence of proper judicial oversight, exacerbate the precarious legal and social conditions faced by these workers in Jordan.³⁵

The Passport Law No. 2 of 1969 in Jordan is often exploited to intensify the abuse of migrant workers, particularly through the illegal confiscation of their passports by employers. While this act is explicitly prohibited under the Passport Law, which forbids the unjustified seizure of passports, it is frequently rationalized by employers as a means of control. By withholding workers' passports, employers restrict their freedom of movement and prevent them from escaping abusive working conditions. This practice places migrant workers in an extremely vulnerable position, significantly complicating their ability to seek protection or assistance. The illegal confiscation of passports not only undermines their basic rights but also exacerbates the power imbalance between employers and workers, leaving the latter trapped in exploitative situations³⁶

Despite the wealth of reports and research on the violations faced by migrant domestic workers in Jordan, none have comprehensively addressed the specific challenges faced by irregular workers or the daily exploitation they endure. These reports largely overlook the significant difficulties that arise when migrant domestic workers have children out of wedlock, further complicating their social and legal standing in Jordan.

A rare reference to these challenges can be found in an unprecedented legal decision by the Court of Cassation in February 2024. After eight years of litigation, an Indonesian domestic worker received a ruling requiring the Minister of Interior and the Governor of Mafraq to pay compensation of 20,880 Jordanian Dinars (approximately \$30,000) for her unlawful administrative detention under the Crime Prevention Law No. 7 of 1954. The case, which began in 2017, revealed severe exploitation endured by the worker, including rape, with the perpetrators being convicted. However, instead of receiving protection, the worker was detained by the governor under the pretext of maintaining public order. She remained in detention from 2012 until her release in 2015.³⁷

The legal process took years, as the worker sought compensation for the physical and psychological harm resulting from her unlawful detention. Both the Court of First Instance and the Court of Appeals ruled that the Governor of Mafraq had overstepped his legal authority by detaining the worker, who was a victim of serious crimes and not a threat to public safety. The Court of Cassation affirmed this ruling in 2022, paving the way for the final judgment in February 2024 in favor of the worker.

In addition to the injustice of prolonged detention, the worker gave birth to two children out of wedlock during her time in Jordan. Due to her extended detention, the children were taken away from her, compounding the trauma she experienced.

This case highlights not only the legal and social vulnerabilities faced by irregular migrant domestic workers but also the urgent need for robust legal protections, better enforcement mechanisms, and comprehensive support systems for victims of exploitation.

³⁵ - Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak: Mission to Jordan, A/HRC/4/33/Add.3, 5 January 2007. Also Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo: mission to Jordan, A/HRC/20/16/Add.1, 14 May 2011.

³⁶ - See, for example, The Weakest Link, Tamkeen Center for Legal Aid, 2011; Between a Rock and a Hard Place, Tamkeen Center for Legal Aid, 2012; Annual Reports of the National Center for Human Rights (2009–2012); and Systematic Gross Violations of Human and Worker Rights Continue under the U.S.-Jordan FTA: Classic Fashion Apparel, 10 November 2010.

³⁷ - Court of Cassation, in its civil capacity, Decision No. 5408/2022.

2 Research Methodology

The research study is based on desk research and a series of qualitative interviews and focus groups with the target community, in which 32 respondents participated, in cooperation with NGOs and civil society organizations that provide legal and human rights services to migrant workers in Jordan, including Caritas-Jordan, the Jordanian Women's Union, and Adaleh Center for Human Rights Studies.

First, the approach ensures trust and access to the target community of the study, by collaborating with NGOs as well as civil society organizations, and conducting semi-structured qualitative interviews with civil society organizations working in the field, including Caritas-Jordan, the Jordanian Women's Union, Adaleh Center for Human Rights Studies, Migrant Workers Office at the Philippines Embassy in Jordan, the United Nations High Commissioner for Refugees (UNHCR), as well as activists and leaders in migrant worker communities in Jordan (from the Philippines, Sri Lanka, and Bangladesh).

Second, the research study is based on semi-structured interviews and focused group discussions, with the aim of providing qualitative data on the experiences of irregular female migrant domestic workers. They were selected based on their backgrounds, experiences, and current living conditions to ensure a comprehensive understanding and in-depth qualitative research that provides rich and detailed data. Three focus group discussions were conducted, consisting of 6 - 7 female migrant workers from the Philippines, Sri Lanka and Bangladesh. These discussions aimed to explore common issues and experiences. These sessions provided a platform for participants to collectively discuss their issues and offer mutual support. The interviews focused on capturing the human rights violations and abuses experienced by the targeted group throughout their migration journeys, starting from signing employment contracts abroad with recruitment agencies in their home countries, to their experiences as regular domestic workers, and then as irregular domestic workers in Jordan.

Third, the data was collected alongside interviews and focus groups, to gather in-depth insights into the daily lives and challenges faced by the female workers. This included spending time in the communities where the workers live, and observing their interactions, routines, and coping mechanisms. Ethical considerations, such as obtaining consent and ensuring anonymity, were strictly followed.

Fourth, semi-structured in-depth qualitative interviews were conducted with the aforementioned organizations to explore the systematic impact of the legal and administrative frameworks, as well as the social and cultural structures in Jordan, on irregular female migrant domestic workers in Jordan, and how these frameworks and structures have pushed them into the informal labor market. The outlines of the discussion included:

The Jordanian government regulations, procedures, and implementation of legislation, and their impact on informal employment in Jordan, including the Kafala regulation, the legislation and enforcement mechanisms concerning the protection of workers' rights in relation to employers. In addition to the legal status of migrant workers, which restricts their ability to change jobs or resign without their employer's consent.

The biases resulting from the procedures of the police authorities and inspectors from the Ministry of Labor who are responsible for inspecting work permits and residency documents.

The regulations governing recruitment agencies in workers' home countries; including contracts, training, provided information, and job expectations compared to the reality of work in Jordan.

The regulations governing recruitment agencies in Jordan; including costs, contracts, translation, training, information and protection from violations and abuses committed by employers or host families.

The common culture between host families/employers and clients on a daily basis, which may lead to abuse, exploitation, disrespect, inhumane treatment, and so on.

The cost of living in Jordan. The cost and availability of housing, public transportation services, and access to public health services in Jordan, in terms of cost and quality.

The social life in Jordan. The social and cultural activities that reflect the culture of female migrant workers and their relationships with Jordanians in the workplace, in the streets, in shops, and so on, as well as any signs of discrimination.

The list of participants in the qualitative interviews and focus groups, which were conducted in November 2024, included:

1. **Caritas, Ms. Khawla Hanna, Head of the Migrant Employment Unit.**
2. **Jordanian Women's Union.**
3. **Adaleh Center for Human Rights Studies, Lawyer Salem Al-Mufleh, Legal Aid Services Officer.**
4. **United Nations High Commissioner for Refugees (UNHCR).**
5. **Owner of a recruitment agency in Jordan, Mr. Mahmoud Al-Habahba.**
6. **Migrant Workers Office at the Philippines Embassy in Jordan.**
7. **Filipino Chaplain, Father Gerald Metal.**
8. **Filipino community Leader in Jordan, Iou Abejero.**
9. **Sri Lankan community leader and translator, Indrani Mendis.**
10. **A focus group of seven irregular female domestic workers from Bangladesh.**
11. **A focus group of seven irregular female domestic workers from Sri Lanka.**
12. **A focus group of five irregular female domestic workers from the Philippines.**
13. **Case studies of two irregular female domestic workers, one from the Philippines and the other from Sri Lanka.**

Research Findings

Violations within the Structure of Recruiting Female Domestic Workers, Factors Pushing them to Become Irregular Workers

According to Jordanian law, the process begins through employment agencies in the workers' home countries in coordination with the recruitment agencies of workers in Jordan. The migrant worker signs a unified employment contract that adheres to the instructions issued by the Ministry of Labor and includes unified working conditions, except for the wage, which varies according to nationality. Once the worker enters the home of the host family (the employer), the role of the recruitment agency ends, and communication between the worker and the "agency" gradually diminishes. Often, the employment contract signed between the worker and the employer (the host family) expires and violations occur, such as reducing or failing to pay the agreed-upon wage, exceeding the contract duration without the worker's consent, mistreating the worker, or failing to provide appropriate housing and food conditions, along with other recurring violations that regular female domestic workers face, far from the oversight of the relevant authorities regulating the sector.

Thus, the worker is forced to escape to her country's embassy or to hide with the help of a friend of the same nationality until she starts working in households on a daily or hourly basis, where she is subjected to other forms of exploitation that she can endure and live with, compared to the violations she faced when she was held in one house under the guise of the law.

Those who endure until the end of their employment contract, or through the intervention of their country's embassy, the Jordanian human rights organizations, or international humanitarian organizations to stop the violations, are able to return to their home country. However, they are unable to achieve their immigration goals, such as purchasing their own home, providing education for their children, or supporting their parents. So they attempt to migrate again, but this time outside the legal framework for domestic worker in Jordan. In fact, a percentage of female migrant workers, especially from Bangladesh, entered Jordan on employment contracts in factories located in qualifying industrial zones, and then transitioned to domestic work on a daily-paid basis.

Based on his practical experience in implementing government instructions for renewing residency and work permits, and rectifying the legal status of irregular migrant domestic workers, Mr. Mahmoud al-Habahba, owner of a recruitment agency in Jordan, believes that the responsibility of renewing the documents should lie with the government, not the workers themselves.

"The problem lies in the bureaucratic implementation of procedures. When an announcement is made to rectify status, rumors begin to circulate, and workers start to flock to undergo medical examinations, causing a crisis due to the provision of only one health center for medical examination. This leads to significant overcrowding and disrupts the process. The X-ray machine may malfunction or the medical examination may be delayed for an extended period. Additional health centers should be provided in the governorates to alleviate pressure.

After that, the worker needs a residence permit from the Ministry of Interior, which can take from two weeks to a month or more. Even after completing the medical examination, the worker may not obtain a residence permit, despite having obtained all the necessary approvals, because her passport will expire in less than six months, as is the case with passports from certain nationalities such as Kenyan, Ethiopian, Ghanaian and Ugandan, which may take a year to renew the passport due to the lack of embassies for their countries in Jordan. Therefore, when we attempt to rectify statuses but still require the worker to follow lengthy procedures, we deprive the worker of the opportunity to rectify her status within the timeframe of the general amnesty.

We must recognize that the beneficiary is not only the worker but also the Jordanian sponsor. Therefore, the government must facilitate these procedures. The government should make the process of renewing permits similar to that of a driver's license, so that the permit can be renewed without imposing additional fines. In Aqaba (which is managed by the Aqaba Special Economic Zone Authority), the procedures are much easier, as all approvals are signed by a single commissioner, significantly facilitating the regularization of legal status. Whereas in Amman, you need to submit applications to the Ministry of Labor and the Residency Department, and the bureaucratic system takes a long time.

Mr. Al-Habahba estimates the number of workers who have not regularized their legal status and do not have official papers to be "more than eighty thousand workers".

According to the website of the Ministry of Labor, the number of agencies licensed to recruit non-Jordanian domestic workers is (188) 38 agencies. However, the number of agencies currently operating is (161), according to statements from the Ministry of Labor and the Recruiting Agents Association.

3.2 Violations of the Rights of Irregular Female Migrant Domestic Workers:

After the employment contract in the employer's house (the sponsor's) ends, or after the migrant worker escapes from her sponsor's house, she often manages to find a new Jordanian sponsor through a worker of the same nationality. The sponsor provides her with residency and work permit for a period of one year in exchange for payment of the costs plus interests or profits for the sponsor, totaling around 1200 dinars. The sponsor continues to renew the documents for the following years, and the migrant worker continues to pay the costs in installments with profits slightly lower than the cost of Kafala for the first year. The worker pays the installments monthly through hourly work, spending each day at a different house for 3 to 6 hours for a wage ranges from 4 to 6 dinars for each hour of work. The worker is responsible for finding her own clients and maintaining steady work, and ensuring she has enough houses to clean every day or every two days of the week.

In other cases, the migrant worker travels to Jordan on a tourist visa obtained from unknown Jordanian persons or offices, where communication is made through an intermediary in Jordan, often of the same nationality as the worker, and without signing any contract. The worker receives a travel ticket, and after entering Jordan, the office issues her residency and work permit. An oral agreement is made between the worker and the office or the sponsor, that she will work for the office in house cleaning on a daily basis for a monthly wage of up to 280 Jordanian dinars, from which between 100 and 200 dinars are deducted, until she pays off the agreed-upon recruitment costs, which ranges from two thousand to three thousand US dollars. In the following year, she is required to pay the costs of renewing the residency and work permit, which she pays to the sponsor in installments with some interest. This places the worker in a vicious cycle of monthly installments that takes away about half of her minimal monthly income.

When the economic situation in Jordan worsens, as happened during the Corona pandemic crisis, the number of customers/houses declines and her working days decrease. Consequently, her wages are insufficient to cover her living expenses, in addition to the outstanding installments owed to the sponsor, which range from 50 to 200 Jordanian dinars per month. At this point, the worker stops paying the installments and the sponsor halts the renewal of her residency and work permit. Thus, the Kafala bond is broken and the migrant worker, forced, exits the vicious cycle of informal work, and becomes an "illegal worker" pursued by the police. Whenever the security campaigns to pursue illegal workers intensify, she hides and refrains from working.

Engaging in freelance work outside the Kafala system may be financially rewarding, but it exposes the workers to greater violations and risks. Some workers obtain a new sponsor merely to ensure legal coverage; yet, individuals with malicious intent see their circumstances as an opportunity to "invest" by exploiting them through various forms of violations, including sexual exploitation. However, out of their fear of arrest, the workers refrain from approaching the authorities; some even refuse to seek treatment at public hospitals if they fall ill, fearing of being reported due to their illegal status, or because their documents are held by the sponsor. This complicates their ability to choose to return to their home countries, especially with the diminution in the support provided by certain organizations for securing travel tickets for workers, and the complexity of procedures for waiving fines, as many are unable to submit official applications.

The safest jobs for workers are those that are done on a daily basis, such as cleaning houses, where they receive their wages at the end of the day. Although some of them may prefer such work, their movements may be restricted across various kinds of transportation, from taxis to public buses. For instance, the vast majority of female workers, especially from the Philippines, are forced to work without legal documents in Jordan, and even if they have legal documents (such as a residence or work permit), they may be working in sectors that are not allowed according to their contracts. Changing their place of work could lead to their arrest for violating the conditions specified in their legal papers.

Although some workers prefer to obtain legal documents, the situation remains risky. If they are arrested by the police due to issues with their documents or sponsors, they will face legal repercussions and can be arrested, which makes their lives more difficult.

Employers' Control over Identity

Documents and Mobility:

The Kafala System

The Kafala system (sponsorship) does not only impose a significant financial burden on migrant workers, but it also leads to a series of illegal violations and various forms of exploitation, most notably, the sponsor's retention of their identity documents, such as passports, which exposes them to legal prosecutions and the consequent exorbitant additional obligations, along with a disparity in how embassies of their respective countries handle their cases.

Hanah (47 years old), was unable to retrieve her passport through the embassy of her country, the Philippines, which was being held by her sponsor (the host family). The official from the labor attaché at the embassy refused to collect the passport from the sponsor, and informed her that she first had to resolve her employment contract with him, and rectify her residency and work permit.

Hanah's resort to the embassy was only after her suffering at work, which she started in Jordan six years ago through a recruitment office for domestic workers. During this time, she moved to work in several households, eventually reaching a household where she was physically and verbally abused by the mother. Therefore, she had to escape from the house two months before the end of her employment contract, without receiving her salary for the last three months of work. Her sponsor then filed a complaint against her at the public security center, and she became wanted by the security authorities. Finally, she worked without any documents and away from the eyes of the police in a doctor's house, describing her as "very kind", where she works for seven hours a day in exchange for a monthly wage of (500 dinars).



Meanwhile, her compatriot Mimi, (37 years old), describes the families she has been forced to work for in their households five years ago in Jordan as becoming "crazy" when they have a domestic worker, as they "think they own this person."

Despite that the last family she worked for treated her well, they rejected her request to return to her children in the Philippines, waiting for the family's immigration application to the United States to be approved. However, it turned out that they had not renewed her residency and work permit documents after the end of the second year, forcing Mimi to leave her job without her passport or any valid documents.

Mimi lives with her daughter (whom she had after being subjected to a rape incident), away from the eyes of the police, who could arrest her after the family she worked for handed her passport to the nearest public security center, thus becoming a "runaway worker from the sponsor's house." When her mobile phone was stolen, Mimi did not report it to the police, nor did she do so when she was defrauded three times during attempts to have an abortion, fearing that she would be arrested.

Dreaming of returning with her daughter to the Philippines to meet her two children whom she has not seen for five years, Mimi sought assistance from her country's embassy, which informed her that she would have to wait for her turn, as priority is given to those who have received approval from the Jordanian authorities to leave the country after rectifying their status and paying the fines for residing and working in Jordan without permit. However, she is optimistic that the embassy will help her return one day, as she will not have to pay large amounts of fines that have accrued since the expiry of her residency permit in Jordan. This is because she can benefit from the comprehensive waiver issued in July of last year, and she will only need to pay the fines for the period that followed.

For the past three years, worker Nila, (48 years old) from Sri Lanka has been unable to renew her residency or work permit because her wage (25 dinars a day) is insufficient, as she had to pay an annual amount of 1085 dinars, which includes: 600 dinars for the cost of documents, 400 dinars for the sponsor, and 85 dinars for health insurance, in addition to housing and transportation expenses, as well as the cost of a thyroid surgery she underwent at the Islamic Hospital for 1300 dinars. Therefore, she has become cautious, especially when moving around, for the fear of being stopped by the police before she can pay the amount of 1000 dinars to obtain her passport, where she would have two options: either return to her home country or remain in her financially strained situation.

After arriving from Sri Lanka, the initial period of Mala's (54 years old) work in Jordan was difficult and full of challenges. She was earning 60 US dollars, but did not receive any wages from her employer for four years of work. Despite this, she says, "I dealt with this situation with all patience."

Mala's financial conditions remained difficult, as she earned 200 dinars a month for working in three households for a doctor, her daughter, and her son. From her earnings, she pays around 1,000 dinars annually, which includes: 400 dinars for the sponsor, 460 dinars for the residency and work permit fees, and 85 dinars for health insurance. This is in addition to her daily living expenses; she then sends any money she can to her family in Sri Lanka.

$$\begin{array}{r} 400 \\ + \\ 460 \\ + \\ 85 \\ \hline 945 \text{ jod} \end{array}$$

Detention Experiences

An irregular worker may be arrested while walking down the street, waiting for the bus, riding in a taxi, or in any other public place. A police officer can stop her and request her identification documents as soon as they suspect she is a migrant worker, based on her skin color, features, or general appearance. If documents are not available with her at the time, the police officer may take her to the nearest police station, where she is held in a detention center (lock-up) and her sponsor is contacted to come and pick her up if the sponsorship is valid. If there is an "alert" resulting from the sponsor filing a complaint with the public security centers that she is a runaway worker, she will be investigated regarding her reasons for escaping and will be allowed to contact her country's embassy. She can also reach out to friends for help regarding coordinating with a new sponsor who may take over the renewal of her residency and work permits in exchange for monthly installments to cover the cost of the documentation, in addition to his fees. The worker then becomes irregular and starts working on an hourly basis to cover her living expenses and pay the installments to her sponsor.

The challenges faced by Mala (54 years old) did not stop at the burdens of work and low income; she encountered many difficulties in communicating with the Sri Lankan embassy to obtain her official documents, which resulted in her detention for 20 days due to legal problems, after which she received her passport and returned to her country. However, she decided to return to Jordan again, but this time after obtaining a legal visa to work in a doctor's clinic in Amman.

**“If I return to my country,
what will I do?”**

As for her compatriot Nirmala, who came to work in Jordan 15 years ago, the pressure of working in one of the households led her to lock the door of her room after her employers refused her request to quit her work and would not give her her personal phone. She then decided to escape and find a job with a new family.

Nirmala sought to renew her passport and obtain residency permit through her new sponsor, but the police detained her before that could happen. Her Sponsor came to the public security center to secure her release, but the police requested her deportation to her home country. She refused and told the police: “If I return to my country, what will I do? I have no job and no provider.” The police asked her to bring a new sponsor as well as her passport, which the first sponsor claimed was lost, offering her an amount of money, but she insisted on refusing his offer and asked him for the passport instead of the money. She states: “I didn’t get anything from him, but I got a new passport from the embassy after I brought a new sponsor.”

She paid 600 dinars when her residency was issued, including fines, 200 dinars annually for the sponsor, and 800 dinars for residency fees, in addition to the housing rent 75 dinars. She describes her situation by saying “I am now in a difficult situation and I don’t know whether it is better to return to Sri Lanka or stay here”.

**“I am now in a difficult situation and I don’t
know whether it is better to return to Sri Lanka
or stay here”.**

Even Davy, who is nearing 70 years old, and after 35 years in Jordan since coming for work from Sri Lanka, went through an experience of detention due to her failure to pay 150 dinars to her sponsor, who did not take action to bail her out. She was detained for 20 days after police officers stopped her at a bus station in Amman. She claims that her sponsor owns a gold shop in downtown, but this did not alleviate her suffering, as he refused to bail her out or return her passport. Upon her release, she decided to return to work with a new residency.

One of the workers in her 50s used to send money to her family from time to time, but it was difficult to meet her own needs, so she had to pay 1400 dinars to her sponsor in order to be able to travel back to her home country. However, the difficult situation there compelled her to return to work in Jordan.

**“Living here is a little better compared to Sri Lanka, despite all the
difficulties... and for me, working in homes for a wage is better
than working with families or returning to Sri Lanka.”**

Malini, (44 years old), who arrived in Jordan five years ago in search of a job opportunity that would allow her to secure a decent life for her family in Bangladesh, managed to obtain an opportunity through a sponsor who offered her an employment contract to work as a domestic worker. She registered her legal residency and lived with the family she works for, describing the family members as very kind and that she feels safe and respected in their home, despite the daily workload, then she finds time to talk with her only daughter, who lives with her.

Withholding Documents

The Ministry of Labor and human rights organizations³⁹ document 40 cases of some employers' failure to comply with the terms of contracts signed with migrant domestic workers through recruitment agencies, which include the minimum wage, specifying days off, and the employer's responsibility to provide for the worker's daily needs, and to cover the medical expenses in the event of her illness.

Filipino community activist Merrylou Abejero confirms that the sponsorship system, which involves the withholding of a migrant worker's passport, is dealt with on a commercial basis, where sponsors profit from "the trade of legal documents." Although having such legal documents may seem like the ideal solution, workers in this situation may face ongoing exploitation in exchange for paying large sums of money.

Merrylou, who has been working with the Filipino Community Organization in Jordan, where she has lived for 24 years, tells the story of a worker who sustained minor injuries while trying to escape from the house where she worked, to file a complaint against her employers because of the violations she was subjected to; the employer refused to hand her her passport, insisting that "the passport belongs to me", until the Philippine embassy intervened in the case to recover it.

"This is one of the issues we constantly face, where employers illegally keep the workers' passports, and when the embassy intervenes, the employers feel scared and return the passport... Yes, that's what happens," says Merrylou.

Merrylou knows of several female workers detained in Jordanian prisons, but she is not aware of other cases in the community. When the Ministry of Labor conducts inspection campaigns in workplaces, such as beauty salons for example, and discovers that some workers are not legally registered, they are detained and sent to prison, and they may face a fine of up to 3,000 Jordanian dinars, which is an amount that is difficult for the workers to pay, forcing them to return to their home countries.

The issue of withholding the passports of migrant workers, which is an illegal practice, requires close monitoring and diligent follow-up, according to community activist and Filipino cleric Gerald, after several cases of this nature have been recorded. He notes that irregular workers feel more comfortable than their regular counterparts; however, in the absence of a sponsor, they become "illegal" which leads them to avoid the police.

One aspect of the suffering of migrant workers is that they are the only ones held legally accountable, especially after the first three months of employment, which, according to Jordanian law, is considered a probationary period. After this period, recruitment agencies relinquish their responsibilities and employers demand their rights, which only fall on the weaker side of the equation, i.e. the worker, who lacks the financial or legal means to bear these burdens. **Migrant workers are held legally accountable in cases of violations of residency and work permits, even though they are not the direct responsible parties; the actual responsibility lies with the sponsors, who often evade accountability, which puts migrant worker in unfair legal confrontations.**

And while there are efforts to resolve some of the legal problems for female workers, many cases remain unresolved due to the requirement that the worker can only be bailed out by the employer (the sponsor), which confines them to the choice of buying their own tickets at their own expense to return home, or or being transferred to the administrative governor.

Mr. Mahmoud al-Habahba, owner of a recruitment agency in Jordan, explains that if a worker is considered to be absconding, she must report to the public security center. However, many workers are afraid to do so due to the strict laws. Escaping from the employer's home should be viewed as an administrative offense rather than a criminal felony, but unfortunately, the security authorities handle the matter with severity and detain the worker until the sponsor arrives, to determine her fate. If no one comes to pick her up, she remains in detention and is transferred to the Residency Department, then the Ministry of Interior issues a deportation order against her if the sponsor does not receive her. She remains in detention until the Ministry of Interior issues the deportation order, and a travel ticket is purchased, and at this stage, efforts begin to find a donor to cover the cost of the ticket.

39 - Al-Ghad Newspaper: «Labor»: 453 complaints from domestic workers in 9 months, 22 October 2024

40 - Al-Ghad Newspaper: Tamkeen: 731 complaints from domestic workers documenting abuse in 3 years, 9 April 2023

3.2.4 Exposure to Exploitation:

It is certain that a migrant worker would have contemplated the burdens she might face in her pursuit of improving her living conditions away from her homeland and family. However, it is unlikely that she would envision how these burdens could turn into violations of her humanity, nor she would expect that her work will yield returns that would not meet her minimum aspirations.

Fatima's journey, like that of many of her compatriots coming from Bangladesh, begins with the challenges they face there due to the absence of social, familial and material support. This lack of support serves as a primary motivation for seeking work abroad, often through the use of forged passports, due to the age restriction for travel (25 years old). In addition to manipulating the nature of employment contracts, which has not guaranteed her a stable income in Jordan, and despite her preference for the standard of living there compared to her home country. Sometimes she finds herself working seven days a week, while at other times, she may only work for one day.

Nirmala, who signed an employment contract in Sri Lanka before arriving in Jordan, was surprised to find that her wage was lower than she expected, especially at the beginning of her work, 15 years ago, when she was paid \$200 (140 dinars). However, the household where she works has started paying her in dinars instead of dollars.

Davy (68 years old) did not earn more than 35 dinars per month at the beginning of her stay in Jordan 40 years ago. She even worked in several households for only 5-10 piasters, and was unable to send money to her family in Sri Lanka. It was not until years later that she started receiving a wage, and her situation improved slightly over time.

Things in Jordan were not as expected for Babi (38 years old), who came from Sri Lanka to improve her financial situation. She found herself in a daily struggle between hard work and financial pressures, working long hours each day cleaning houses for a daily wage that was not enough to cover her living expenses. Through her brother and his wife, who live in Jordan as workers, she learned about an office that could renew her residency and work permit for 1,000 dinars annually, which she has to borrow from people and pay back monthly.

Babi Says: "I cannot cover all my expenses; the income I earn from work is not enough to cover the cost of living here." Every day, she works long hours cleaning houses for 5 dinars an hour, sometimes without counting the transportation costs, which consume a large part of her wage. The amount she is paid barely covers her transportation fees, which amount to 80 dinars per month, leaving her unable to save or send any money to her family in Sri Lanka.

The monthly income of her compatriot Ramni (50 years old), is not enough to cover her needs, between the rent of housing she shares with a number of her friends (50 dinars per month), transportation fees (50 dinars per month), in addition to her commitment to send 600 dinars to her family in Sri Lanka. As for Mimai (37 years old) she has worked during her time in Jordan since she arrived from the Philippines five years ago, in a three-story house with a large family consisting of a husband, two wives, and nine children. Although sometimes they hire a migrant worker from Bangladesh on a daily wage, Mimai still could not cope with the burdens of the household chores and childcare that exceeded her capacity.

In another household, Mimai was caring for an 80-year-old sick woman, who was bedridden, and living with her daughter who mistreated Mimai. Upon the death of the elderly woman's, the daughter blamed Mimai and held her responsible for her mother's death, returning her to the domestic workers recruitment agency. She then moved to work with a family that treated her well and paid her full wages. She continued to work there for two years until her employment contract ended.

The challenges that Mimai faced were not limited to her workplace, the guard of the building where she lived exploited her to meet someone of his nationality for US\$100. However, what actually happened was outside the agreement, as the man raped her and then disappeared without her even knowing his name. When she found out she was pregnant, she tried to terminate the pregnancy twice, but she gave birth after being defrauded in attempts to have an abortion.

Mimai had considered returning to the Philippines to give birth to her daughter there, but she feared that the police would arrest her and put her in jail because she was pregnant out of wedlock, and that they would take her baby away from her after giving birth. Mimai stayed until she gave birth to her daughter prematurely, after 34 weeks of pregnancy, and received free health care at a hospital affiliated with a charitable organization. However, the nine-month-old baby remained without a birth certificate or any identification papers.

Mimai currently works as a cleaner in a sports center, every day except Friday, from seven in the morning until one in the afternoon and from four to eight in the evening, for 300 dinars per month, from which she pays 50 dinars per month to the taxi driver who takes her to her workplace, and 70 dinars per month for her housing rent along with water and electricity bills. Her compatriot Hanah (47 years old) worked through a domestic workers recruitment agency to care for an elderly woman who passed away a year after her employment contract began. After that, she moved to work in the house of the deceased woman's son, before his wife transferred her to work in her mother's house. After her employment contract expired, Hanah wanted to stay and continue working, so the recruitment agency renewed her contract for an additional two years with a new sponsor, but a year later, the family terminated her contract because they traveled from Jordan.

3.2.5 Human Trafficking

Neela (48 years old), was forced to leave her job in a household due to the low wage she was earning, the mistreatment by the employer's daughter, and their failure to provide for her daily personal needs. In addition, she took care of an elderly man while having to sleep on the floor of his room because she was not allocated a room, all in exchange for 170 dinars per month, which included her personal expenses.

Neela worked for a family that did not pay her wages, and all she earned was barely enough to cover her own medical expenses, as she had undergone surgery that cost 1,300 dinars.

These cases represent just examples of the exploitation of migrant workers through discrepancies in their wages or the nature of their work, compared to the contracts signed with them and the reality they face on the ground, where the worker finds herself required to take care of the elderly, clean the house, and take care of children, resulting in a situation that is completely different from the agreement made with the domestic workers recruitment agency.

Many cases are recorded where two domestic workers in the same household share the same wage, each receiving only half the salary, similar to a domestic worker who works in two different houses. There are clear instances of exploitation in this context, such as wage theft, especially for workers who are employed on a daily wage basis.

Filipino activist Merrylou Abejero emphasizes that some employers in Jordan violate the terms of the contracts signed between workers coming from the Philippines and the recruitment agencies, which include a minimum wage of (\$400), a guarantee of providing the worker's basic needs, coverage of her medical expenses, in addition the specification of a weekly day off. "When a worker files a complaint with the recruitment agency, some agencies do not listen to her complaint, but rather to the employer; this is the cause of disputes between the workers, the agency, and the employers," says Merrylou.

Although these cases should be considered as clear criminal acts and a form of financial exploitation that may amount to human trafficking, it is unfortunate that when legal complaints are filed, these cases end up being classified merely as fraud.

The violations against female migrant workers go beyond financial issues, as there are recorded cases, albeit rare, of some being exploited in illegal activities such as prostitution or drug use, without legal documentation. When they are apprehended, they are placed in prison, creating a cycle of exploitation and torture. This phenomenon is part of a larger problem, and that is 'human trafficking'.

The Sri Lankan community activist Indrani Mendis, who has been living in Jordan for 30 years and is concerned with the issues of female migrant workers, recounts the story of a young female worker who was only 23 years old, and was being transferred to work from one household to another for a whole year, before informing the last employer about her illness. The employer tried to contact the recruitment agency, but to no avail. She took her to the embassy of her country where she explained her story. At the embassy, they referred her to the Anti-Human Trafficking Unit, where she remains while her status and residency documents are being regularized. A travel ticket has also been secured for her through coordination between the unit and the embassy, in preparation for her return to Sri Lanka.

"The trafficking involved sending her from one household to another. In some houses she was not given food, and in others, she had no place to sleep. She was unhappy and she did not find a suitable work environment" explains Indrani.

She confirms that some recruitment agencies use fake names for factories that do not actually exist. These agencies are often in contact with some factory managers or persons-in-charge, where they pay money to obtain forged documents. This process is used solely for trafficking women into Jordan, which is a form of human trafficking.

The Sri Lankan activist asserts that some licensed and unlicensed recruitment agencies bring women in on improper or illegal visas, where they become victims of human trafficking. She attributes this situation, particularly among female workers coming from Bangladesh, to their poor education and abject poverty they endure, in addition to the absence of community leadership among them, which leaves them imprisoned by fears of legal pursuit.

Although the situation has improved for Sri Lankan, Filipino and Indonesian female migrant workers, the situation for Bangladeshi female workers remains complicated and requires greater intervention to address the problem. While migrant labor communities from the Philippines and Sri Lanka have managed to form self-organizations through activists who came from these countries to work in Jordan as domestic workers and then became leaders assisting newcomers, there are no clear indicators of any organization within the community of Bangladeshi migrant workers.

Additionally, testimonies from female workers and civil society activists participating in the study revealed a significant level of illiteracy among Bangladeshi migrant workers, compared to workers from other countries, in addition to the challenges in mastering the Arabic or English languages, which increases their difficulty in adapting to the surrounding community in Jordan. Another challenge faced by Bangladeshi workers is the lack of support provided by their embassy, especially in terms of legal and political support, compared to the embassy of the Philippines, which supports workers through the embassy's labour attaché that provides shelter for workers fleeing abuse, legal assistance to regularize their status, and sometimes financial support for those who wish to return to the Philippines.

African female workers also suffer from difficult working conditions and very low wages, leading to instances of escape due to their dissatisfaction with these circumstances. **However, there is no specific information regarding the situations of female workers from Uganda, Ghana, or other countries that do not have embassies in Jordan, as they follow up on their affairs through their embassies located in Egypt, leaving them without direct support from their governments. Moreover, there is evident racial discrimination against female workers with dark skin, as they are viewed negatively by some families or employers, which exacerbates their suffering and makes their lives more difficult.**

Also Kenyan female workers face difficult conditions in Jordan, where they are exploited due to poverty and the economic situation in their home country. After being presented with an idealized image of the Middle East, they encounter a harsh reality upon their arrival. Although females from Kenya and Uganda are often educated, fluent in English, and possess sufficient knowledge, they still suffer from difficult circumstances. They are real victims of racism, in light of the dysfunction of the current system and the lack of support and documentation regarding their situations, which makes it more difficult for them to have access to rights and protection.

3.2.6 Lack of comprehensive protection of female workers' rights

The eyes of scrutiny are absent from what female migrant workers, especially those living in the houses of employers, are suffering. For instance, Hanah, (47 years old) from the Philippines, moved from household to another, faced physical and verbal abuse at the hands of the mother during her last work experience with a family consisting of a couple and two children; She would hit me and pull my hair. She would also hit her two children. The father knew about it through the cameras in the house connected to his mobile phone, but he did nothing. He himself would slap his eldest son, who is 7 years old. Whenever I told him that I could no longer endure it and that I wanted to leave, he would ask me to be patient until the end of my contract," Hanah describes her suffering.

But Hanah could no longer be patient and bear the pain, so she fled from the house two months before her employment contract ended, and without receiving her wages for the last three months. Her sponsor (the host family) filed a complaint against her at the public security center, and as a result, she became wanted by security authorities.

As for Libi (33 years old), who was forced to return to Jordan for work due to the poor conditions in Bangladesh, she endured a traumatic painful experience when she lost her pregnancy due to a miscarriage, amidst a lack of necessary healthcare.

To further isolate the worker and diminish the necessary protections for her, she is often prohibited from leaving the house alone or forming friendships. In some cases, she may be prevented from using the phone, or restricted to weekly calls with her family back home. The common notion that a worker is part of the family is sometimes misunderstood. She is not part of the family in a personal sense; rather, her relationship with the employers is governed by mutual rights and obligations stipulated in the contract between the two parties, which requires mutual respect. However, the employer is not required to treat the worker as family member, but rather to grant her her rights and fulfill her obligations.

One can imagine the circumstances faced by domestic workers, as their work is conducted in closed environments, away from the public eye. Also, it is difficult for government inspectors to enter homes to verify working conditions, which makes homes unsafe for female workers. Some employers may commit these violations unknowingly, as if they are unaware that their actions amount to human trafficking.

Others are aware of the gravity of their actions but continue to do so, influenced by a racist discriminatory culture towards this group of people. These violations are not linked to the educational level of the employers; even educated and cultured families may commit such violations.

Some cases involve sexual harassment by employers, which are documented by institutions and organizations concerned with monitoring the conditions of female migrant workers. However, there are even more severe cases, such as instances of rape. This drives many of them to make difficult decisions due to the harsh conditions they face.

Activist Merrylou Abejero recounts the story of one Filipino worker, who suffered minor injuries while trying to escape from the house where she worked, after enduring abuse and violations there, choosing the wounds on her body over remaining in that house.

3.2.7 The lack of protection in its various forms...and attempts to address it

The umbrella of protection is absent for migrant workers in its various basic humanitarian forms, which include health, psychological and legal care, especially when the workers lack legal documentation and are unable to pay for residency or work permits. This led several organizations, such as Caritas Jordan Association, to provide primary healthcare services to them by conducting initial medical examinations and providing available medicines, in addition to providing advice and guidance tailored to each case, in coordination with a number of medical centers, hospitals and pharmacies, while covering part of the costs.

In addition, the association provides financial support in specific cases, up to 250 Jordanian dinars for the most vulnerable groups, such as single women and victims of exploitation, according to criteria set by a specialized committee to assess cases and prioritize them. It also provides financial support for serious health cases that require long-term treatment, or assist those wishing to return to their home countries if free treatment is available there. The majority of beneficiaries from such associations are women, particularly those who work irregularly in domestic roles. The nationalities most commonly dealt with are Sri Lankan, Bangladeshi and Ugandan workers, in addition to providing services to a variety of other nationalities. Regarding the monitoring of violations, Caritas refers cases to civil society organizations specialized in providing the required legal support, particularly for the most common violations, such as physical violence and sexual abuse. Organizations that provide legal support include Tamkeen Center for Legal Aid and Human Rights, Adaleh Center for Human Rights Studies, and the Jordanian Women's Union, which also provides shelter for female workers who need protection.

In addition to the role of civil society organizations that provide support to migrant workers, some female workers, especially those who have lived in Jordan for a long time, take the initiative to form a link between female migrant workers on one hand, and institutions, embassies and security agencies on the other, with the aim of providing them with support and assistance, as well as the necessary legal information to facilitate their affairs while abroad. Unfortunately, some nationalities do not receive the same support due to the absence of their embassies' role, which increases the burden on civil society organizations.

3.2.8 Access to Justice: Legal Barriers and Complications for Migrant Domestic Workers

When a worker does not have a sponsor, and therefore lacks valid residency and work permits, her status is deemed illegal, exposing her to arrest and detention in "lock-ups" in police stations for up to a month. If detention extends beyond that period, she is transferred to prison. The problem with lock ups is that food is not provided, and the detainee must buy it herself, in addition to issues of overcrowding and the lack of a place to sleep.

In Jordan, there are individuals known as "permit brokers" who sponsor workers who leave the homes of their sponsors or whose employment contracts with families have ended. These workers pay them amounts of money to register a work permit under someone's name as a sponsor for a fixed amount of (200-600 dinars annually). However, this is considered a "fake sponsorship" because they work on a daily basis in different houses, legally, in order to avoid detention or deportation.

If there is a complaint against a worker, such as a "runaway notice", and the employer requests her deportation, she will be deported immediately. If the sponsor does not appear, she may remain in prison for an extended period. In addition, there is the possibility of deportation based on a decision from the Ministry of Interior to deport violating workers, where the worker is prohibited from returning to Jordan for five years if deported; without receiving any financial rights she might have against the employer or the sponsor.

Even if a "general amnesty" law is issued, it only exempts violating workers from paying permit fees and fines incurred before its issuance. This allows "brokers" to exploit the period available to each worker individually in order to reap as much profit as they can at the expense of the workers' efforts, without them ultimately obtaining a work permit or being able to file a complaint for fear of deportation.

In other cases, workers resort to general service offices that publish advertisements for domestic workers. However, the wages offered by these offices are lower than what they receive from the families or employers. Additionally, wages may be withheld for extended periods, or amounts may be deducted from workers' wages to pay for costs associated with obtaining sponsorship.

The International Organization for Migration (IOM) assists in securing a travel ticket if the worker wishes to return to her home country. However, in terms of asylum, they cannot guarantee it, as it is not within their scope for domestic workers, unless the worker is classified as a victim of human trafficking. Most of these workers are not classified as such because the violations and forms of exploitation they are subjected to do not fall under human trafficking, nor do they fit the definition set by Jordan for this classification.

The shadow report submitted to the UN Committee against Torture regarding Jordan's compliance in 2014⁴¹ highlighted that many migrant workers face difficulties in having access to lawyers or securing effective legal representation due to financial constraints or language barriers. The report recommended that lawyers should be provided for migrant workers, including domestic workers, as this right is not currently fully enabled. It emphasized the importance of guaranteeing the right to legal representation for migrant workers as part of the guarantees of a fair trial. The report clarified that every individual residing in Jordan, including migrant workers, has the right to receive legal assistance from a lawyer of their choice to protect their rights and ensure their representation at all stages of criminal proceedings. It noted that this right is guaranteed within the national legal framework that regulates criminal trials.

3.2.9 Children without registration or identification documents

Civil society organizations have documented a number of cases of unregistered children of female migrant domestic workers⁴². The Filipino community activist, Merrylou Abejero, reports providing healthcare to around 20 unregistered children of female migrant workers since 2002, noting that some of these children receive support from Jordanians or through churches. As for education, there are no formal options available for children living in these circumstances. The only education available to them is informal home schooling, where some individuals teach them to read and write, illegally. These schools are often unlicensed and operate secretly.

Organizations such as Caritas Jordan also provide healthcare for the workers' unregistered children who lack official documents, in addition to collaborating with legal organizations to assist in documenting cases facing legal issues. Among these cases is a ten-year-old girl who was unable to enroll in school in Jordan due to a lack of documentation, and the organization helped secure her travel to India to pursue her education.

Sri Lankan activist Indrani Mendis explains that the children of migrant workers do not face much difficulty if their father is Jordanian. However, if both parents are migrants without legal papers or even passports, their children are born without any official registration. If the relationships are consensual, but their marriage is not registered, consequently, the children are also unregistered. Most of these children do not attend school, while some are sent to Quran memorization centers to learn to its recitation without receiving formal academic education."

Parents need to first prove their marriage and regularize their status in order to register their children. But, this process remains complicated and costly, especially since many of them do not have legal documents, and did not obtain certificates from the hospital at the time of birth, especially as most births occur at home or in small clinics illegally; some of these clinics have been closed after complaints were filed against them.

41 - The shadow report submitted to the UN Committee Against Torture on Jordan's compliance, prepared by Tamkeen Center for Legal Aid, Justice Center for Legal Aid, and the Danish Institute Against Torture (Dignity), October 2024.

42 - Al-Ghad newspaper: «Tamkeen»: We received 54 cases of children who are not documented in the official records, February 28, 2023

The cost of translating documents ranges between 50-60 dinars for each child. If they have more than one child, this becomes very expensive. Therefore, it is better for them to start by registering the oldest child first and then gradually proceed to register the others to alleviate the financial burden. In addition, each document requires fees, such as the doctor's certificate, which can cost between 15 to 20 dinars for stamps.

In the case of arresting the violating parents, their children are sent to shelters such as SOS, and then the family is deported to their home country. However, the children remain in Jordan because they are not registered, leading to a separation from their parents regardless of the children's age. If there are no documents proving that these children belong to the parents, it may be assumed that the children have been kidnapped.

Mendis pointed out that there are families still living together but without any legal documents. "There is one family from Sri Lanka and Bangladesh with four children without documents, two of whom attend a private school, and the parents pay 50 dinars per month for each child. The parents work daily to earn money to cover the fees. Another family consists of two Sri Lankan parents with two children. And another family consists of a Sri Lankan mother and an Indian father, also have two children. There are also Bangladeshi families with unregistered children. Some do not send their children to school due to the absence of official registration, while some children attend private schools without documents. The main problem is the lack of clear data about these families and children, but it is believed that there are a large number of Bangladeshis suffering from the same situation.

The Ministry of Education had announced the acceptance of non-Jordanian students and exempted them from the requirement to provide the required documents for the registration process in order to enable them to enroll in public and private schools for the academic year of 2023/2024, provided that the required documents will be completed to regularize their status during the first semester⁴³.

To provide education for the children of irregular migrant workers, some families, especially those with insufficient funds, resort to what are known as home schools, which began to spread during the Corona pandemic, while others are able to send their children to Jordanian schools.

Jordanian law requires having a legal marriage contract in order for a child to be attributed to the father; such cases are filed before the Sharia (religious) courts. However, what is first required is to file a case before the civil courts to prove the occurrence of birth in order to obtain a birth certificate, noting that civil courts do not recognize what are known as "DNA testing", and this is contrary to international standards. Such cases are therefore dealt with through the embassies of the countries of the female migrant workers.

43 - Al-Ghad newspaper: Non-Jordanians are exempted from bringing documents required to register in schools, 6 September 2023

In some countries of female migrant workers, laws allow for the registration of the child in the mother's name, unlike in Arab countries (including Jordan). In certain cases, embassies cooperate to provide travel documents for the children. But in some cases, the embassy may need to verify that the child is not registered in Jordan first, before issuing the travel document. While embassies assist with these cases, they require a long time to issue the necessary documents. Additionally, this process may take even longer if the embassy is not present in the country, as communication is then sought with embassies in neighboring countries.

There are two cases to distinguish: whether there is a formal or informal marriage contract. If there is a marriage contract in Jordan, the process is easier, and documents can be obtained within a year, according to the law. And if there are identification documents, a case can be filed before the court to obtain a ruling for the registration of the marriage, and consequently, the child can be registered in the civil status registry. But the problem facing female domestic workers is that even if a woman is married, if she is married outside of Jordan, then it is difficult to obtain identification documents for the child.

Children here are categorized into two categories: one is adopted, and the other is their biological child. However, this has not been happening recently because it is illegal in Jordan, and sometimes they get caught and reported to the government. This used to happen when some Filipinas adopted children of other Filipinas who given birth but are unable to care for the child. Also, sometimes a Filipina gives birth to a child as a result of a relationship with a Jordanian without marriage; in this case the child will not be registered because giving birth without a marriage contract in hospitals is illegal. Some may choose to give birth at home. There is a case where a woman recently obtained residency for her son when he turned 13 years old. For the past 13 years, they have been hiding here and there.

The Filipino community activist and chaplain Gerald Metal recounts the story of two Filipino women who illegally adopted a child of mixed Jordanian descent (half-Jordanian child). The father had disappeared and the mother abandoned the child in favor of them, with them being fully aware of the names of both the father and the mother. They offered love and good care to the child until one of the Filipinas reported them to the police, who in turn arrested and imprisoned them, and the government took the child.

There are numerous cases involving Ethiopian, Sudanese, and Somali nationals, where some workers come as domestic workers and then marry migrant workers of non-Jordanian nationalities, which adds to the legal complexity, as marriage contracts are officially registered in their home countries. However, things become even more complicated when the child is registered with UNHCR and the mother is in violation of the residency law.

These women face difficulties in accessing healthcare and educational services for their children. Sometimes, their children are born in private hospitals because they are unable to go to public hospitals, and out of fear of being detained. As a result, they live in social isolation, with their communication limited to members of their own community, and they do not integrate with the outside community.

Some organizations, such as Caritas in Jordan, have been able to secure travel tickets for some migrant workers and their children to return to their home countries, in coordination with the official authorities, and by taking advantage of the general amnesty law. Nevertheless, these institutions cannot intervene in legal matters or pay the fines incurred due to violations of residency or labor laws.

Malini (44 years old) a worker from Bangladesh, describes her situation and the struggles of her fellow migrant workers in Jordan and their unregistered children. She says, "Thank God, we are officially registered, and my daughter goes to school, but there are families from Bangladesh or Sri Lanka who have been unable to register their children due to legal problems."

Sarah (58 years old) from Sri Lanka, came to Jordan 14 years ago without knowing she was pregnant. She gave birth to her child in Jordan and was unable to register his birth or obtain any identification documents for him. He is now 14 years old without any documents, and therefore has not received any education or even vocational training. She faced many difficulties since he was born, as he was sick and needed special care, then going through not being accepted into school, up to the complications of the procedures for obtaining a passport for him due to the papers and documents required by the embassy of his mother's country.

"I contacted the Sri Lankan embassy, but the procedures were very difficult. They asked me to pay an amount of 150 dinars to obtain a birth certificate, but I didn't have a birth certificate or residency."

All her son Rehan wishes for is to return to Sri Lanka to meet his father and two sisters, whom he has never met, and to go to school and learn to read and write like the other children of his generation.

Mimai (37 years old), who comes from the Philippines, was unable to obtain a birth certificate or any identification documents for her newborn daughter, whom she gave birth to after being raped and experiencing several instances of fraud. She did not even resort to the police or attempt to travel to her home country for fear of being arrested and imprisoned because of her "illegitimate" pregnancy, until she gave birth to her daughter, who received free healthcare through charitable organizations.

Local and international organizations, bodies and institutions are monitoring the situation of female migrant workers in Jordan, and are calling for taking the necessary steps to ensure their rights, in accordance with the standards of the international human rights framework, of which the Kingdom is a part.

Recommendations of civil society organizations participating in the study, to enhance the protection and support of irregular female migrant domestic workers

Khawla Hanna, head of the migrant labor program at Caritas Jordan, demands a reconsideration of the sponsorship system, which poses a significant obstacle in the lives of migrant workers and exposes them to exploitation. She also calls for enhanced cooperation and the provision of adequate funding and integrated support among the concerned organizations and bodies, to provide more efficient and higher quality services for migrant workers.

Sri Lankan community activist and translator Indrani Mendis also emphasizes the importance of enhancing legal support for female migrant workers.

Filipino community activist and Chaplain Gerald Metal highlights the need to protect the rights of female migrant workers, particularly domestic workers. He also suggests examining the possibility of granting Jordanian citizenship to certain segments of migrant workers, especially given the difficulties some workers face in reintegrating and adapting upon their return to their home countries; in addition to facilitating the process of bringing migrant workers' family members to Jordan from their home countries.

Gerald also calls for studying the system of recruitment agencies for workers and their impact on the lives of female migrant workers; in addition to understanding how these agencies operate in terms of bringing women to Jordan, and conducting the necessary research to identify the reasons that lead to the challenging conditions they may face; furthermore, to re-evaluating the costs associated with the legal matters related to the regularization of female migrant workers' status.

Salem al-Mefleh, from Adaleh Center for Human Rights Studies, calls for allowing female migrant workers to move from one employer to another, and for the abolition of pursuit orders against female workers for escaping and absenteeism, in addition to avoiding resorting to deportation as a solution for violations.

Al-Mefleh also calls for raising awareness among female migrant workers about laws and regulations, as well as the methods for filing complaints with the relevant authorities, especially with the presence of a dedicated platform at the Ministry of Labor for reporting complaints, which is mostly used by the owners of workers' recruitment agencies.

The Jordanian Women's Union emphasizes the need to address the increase in wages for migrant workers, facilitate the procedures for regularizing their legal status, and monitor the implementation of the terms of their employment contracts signed with recruitment agencies.

Also, the union calls for the need to amend most of the laws and instructions related to migrant workers to align with the current reality, due to the existence of gaps specifically concerning fines and the regularization of status.

It also emphasizes the need for collaborating with official authorities and relevant organizations concerning detained female migrant workers. This includes the provision of travel tickets and deportation procedures. Furthermore, it calls for the issuance of statistics from the Prison Directorate that list the names of the arrested workers, the reasons for their arrest, and possible mechanisms for addressing each worker's case

Enhancing awareness and training for female workers

It is essential that the recruitment agencies provide workers with comprehensive awareness upon their arrival in Jordan regarding their rights and the mechanisms for filing complaints. This awareness should include clear information on how to use online platforms for submitting complaints and ensuring confidentiality of information. In addition, agency representatives should be trained on how to properly and effectively address complaints, which can be done by the civil society organizations or the Ministry of Labour. A clear mechanism for handling complaints should also be established to ensure that workers are able to access their rights easily. It is also advisable to provide information in multiple languages suitable for workers from different nationalities to ensure that misunderstandings do not occur.

Continuous monitoring and inspection of employers

Organize periodic and random inspection visits to employers to ensure they comply with laws that protect workers' rights. It is important to have a mechanism in place for continuous monitoring of working conditions in homes or places where workers are employed. The monitoring should include ensuring that the worker works in the sector for which she is authorized and that she is not being exploited or manipulated. Fines should also be imposed on employers who violate the laws, especially in cases of exploitation or violations related to residency and work.

Providing legal support in critical cases

Effective legal support must be provided to workers in situations where they are exploited or their rights are obstructed. Particularly in cases related to proving parentage or residency violations, such as overstaying residency. Since workers may not always have the means to pay fines, there should be a system in place to provide financial support to cover these costs, either through civil society organizations or through the establishment of a special fund under government supervision to assist workers in these circumstances. Moreover, relevant embassies should cooperate to facilitate procedures related to documentation and the rights of children, when applicable.

Coordination with embassies and resolving document-related issues

Cooperation with embassies is crucial in resolving issues related to the lack of identification documents for workers or their children. Embassies should be enabled by their countries to grant citizenship to children based on their mother's nationality, which facilitates legal procedures. The government should also have a clear mechanism for exempting workers from some fines in certain cases, especially when they do not have the financial means to pay. Furthermore, work must be coordinated between the Ministry of Interior and embassies to resolve problems related to workers' residency, and to ensure that mothers and their children are not detained or prevented from traveling because of these issues.

Establishing a special fund to support cases of female workers

It is important to consider establishing a special fund to support the humanitarian cases of female workers and their children, especially in cases where these workers are victims of circumstances beyond their control. This fund should aim to provide financial support to cover costs associated with fines, travel fees, or any other costs that may arise due to administrative or legal problems. This solution helps reduce the financial burden on female workers and enhances the protection of their rights.

Conclusion

This study clearly shows the multiple dimensions of the suffering and violations faced by irregular female migrant domestic workers in Jordan. It starts with the exploitation of the kafala (sponsorship) system, and continues with the constraints imposed by this system and the legal obstacles that hinder their access to justice; in addition to the violations of their rights and the physical and psychological abuses they endure. All of this pushes them to work as irregular workers, revealing a comprehensive picture of a system that sustains the exploitation of this vulnerable group.

The study details the daily challenges faced by female workers, such as withholding their passports and identification documents, deprivation of basic rights such as fair wages and vacations, as well as violence in its various forms. It highlights the kafala (sponsorship) system, whose effects are not limited to the restrictions imposed on workers, but sometimes turns into a profitable trade for sponsors at the expense of the workers. It also reveals a cycle of economic exploitation that migrant workers enter, which limits their ability to achieve their original migration goals of improving their families' conditions in their home countries.

Violations are not limited to the workers themselves, but extend to their children who are not officially registered due to the lack of a marriage certificate. These unregistered children suffer from the absence of legal and social protection, and lack even their most basic rights, such as their legal registration and access to education. These children live in extremely difficult conditions, with no clear prospects for a better future, and are exposed to the risk of being separated from their mothers due to lack of identification documents or forced deportation. This deepens the humanitarian crises associated with this group of people.

Despite the existence of legal systems aimed at protecting the rights of female workers and regulating their work, reality reveals significant gaps in these systems that are exploited against this vulnerable group. These gaps include overlapping legal systems, administrative obstacles, and weak enforcement mechanisms, all of which exacerbate their suffering and force many of them to move to work as irregular workers, where they face harsh conditions and continue to be subjected to other forms of exploitation.

Hence, the study emphasizes the urgent need for comprehensive reforms in the legal and administrative framework, to ensure the protection of the rights of workers and their children, as well as to find alternatives to the sponsorship system, and to enhance monitoring, accountability, and inspection mechanisms to ensure that employers and recruitment agencies comply with the laws.

In conclusion, addressing these issues requires multilateral cooperation among government entities, civil society organizations, and international organizations, to tackle legal loopholes, enhance access to justice for female migrant workers, eliminate the exploitation they face at all stages of their journey, ensure social justice, protect the rights of migrant domestic workers, and provide an environment that guarantees dignity, for both regular and irregular workers alike.



This study clearly shows the multiple dimensions of the suffering and violations faced by irregular female migrant domestic workers in Jordan. It starts with the exploitation of the kafala (sponsorship) system, and continues with the constraints imposed by this system and the legal obstacles that hinder their access to justice; in addition to the violations of their rights and the physical and psychological abuses they endure. All of this pushes them to work as irregular workers, revealing a comprehensive picture of a system that sustains the exploitation of this vulnerable group.