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Gender and Migration in Jordan

Mohamed Olwan

CARIM Analytic and Synthetic Notes 2010/66

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Legal Module



CARIM
Consortium for Applied Research on International Migration

Analytic and Synthetic Notes – Gender and Migration Series
Legal Module

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This publication is part of a series of papers on Gender and Migration written in the framework of the CARIM project and presented at a meeting organised in Florence: “Gender and migration in Southern and Eastern Mediterranean and Sub-Sahara African countries” (18-19 October 2010).

These papers will be discussed in two meetings between Policy Makers and Experts on the same topic in winter 2011. The results of these discussions will also be published.

The entire set of papers on Gender and Migration are available at <http://www.carim.org/ql/GenderAndMigration>

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The Consortium for Applied Research on International Migration (CARIM) was created at the European University Institute (EUI, Florence), in February 2004 and co-financed by the European Commission, DG AidCo, currently under the Thematic programme for the cooperation with third countries in the areas of migration and asylum.

Within this framework, CARIM aims, in an academic perspective, to observe, analyse, and forecast migration in Southern & Eastern Mediterranean and Sub-Saharan Countries (hereafter Region).

CARIM is composed of a coordinating unit established at the Robert Schuman Centre for Advanced Studies (RSCAS) of the European University Institute (EUI, Florence), and a network of scientific correspondents based in the 17 countries observed by CARIM: Algeria, Chad, Egypt, Israel, Jordan, Lebanon, Libya, Mali, Mauritania, Morocco, Niger, Palestine, Senegal, Sudan, Syria, Tunisia, and Turkey.

All are studied as origin, transit and immigration countries. External experts from the European Union and countries of the Region also contribute to CARIM activities.

CARIM carries out the following activities:

- Mediterranean and Sub-Saharan migration database;
- Research and publications;
- Meetings of academics and between experts and policy makers;
- Migration Summer School;
- Outreach.

The activities of CARIM cover three aspects of international migration in the Region: economic and demographic, legal, and socio-political.

Results of the above activities are made available for public consultation through the website of the project: www.carim.org

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Abstract

This study explores Jordan's policies in regards to international migration in general and to migrant women in particular. It has four sections: women's participation in the workforce in Jordan; the national and international framework for migration to Jordan; the question of transferability of Jordanian citizenship from a Jordanian woman, married to a non-citizen, to her children; and women immigrating to Jordan.

Résumé

Cette étude explore les politiques jordaniennes en matière de migration internationale en général, et concernant les femmes migrantes en particulier. Elle est structurée en quatre sections: la part des femmes dans la main d'œuvre en Jordanie; le cadre national et international de la migration internationale en Jordanie; la question de la transmission de la citoyenneté jordannienne; et enfin les femmes qui immigrent en Jordanie.

Introduction

Jordan is a country of both immigration and emigration. It is a destination country for immigrant Arab workers as well as for foreign domestic workers. On the other hand, Jordan has witnessed much forced migration, primarily due to both the Israeli-Palestinian conflict that has disturbed the region since the creation of the state of Israel in 1948, and the American invasion of Iraq in 2003.

As a country of origin, Jordan exports human expertise and skilled manpower to other Arab countries and in particular to Arab Gulf states as well as to the industrialized world, in particular to North America.

Immigrants to Jordan and emigrants from Jordan include both women and men. This study attempts to identify the Kingdom's legal position in regards to migrant females in Jordan and in regards to Jordanian women migrating abroad for work and study. These two areas of concern will be dealt with in four sections: women's participation in the work force in Jordan; the national and international framework for international migration to Jordan; the question of the transferability of Jordanian citizenship from a Jordanian women, married to a foreign national, to her children; and, finally, women immigrants in Jordan.¹

A conclusion will follow these four sections.

1. Women's Participation in the workforce in Jordan

Women's participation in the workforce in Jordan is still low and this notwithstanding the fact that women's integration into public life in Jordan, as in other Arab countries is a topic of great interest and of intense debate. According to a recent study prepared by the Jordan Social and Economic Council women make up only 14% of the Jordanian labor force.² The study attributes women's under representation in the Jordanian workforce to various factors, including a lack of opportunities, discriminatory practices, prohibitive social norms, as well as marriage and high fertility rates.

Other factors have limited the participation of Jordanian women in the workforce such as the popular notion that women need to be protected and that women's income is supplementary to the family income rather than essential to it. Stereotypical attitudes about the roles and responsibilities of women and men are another factor explaining the weak participation of women in the work force.

Restrictive employment legislation in the area of night work³ and regulation on jobs forbidden to women⁴ reinforce women's difficulties in obtaining paid employment.⁵

¹ The Iraqi refugees in Jordan and the Palestinian refugees in the country are not covered by the topics dealt with in the paper. The first falls under the jurisdiction of the UN high commissioner for refugees (UNHCR) The second benefits from the United Nations Relief and Works Agency (UNRWA). Iraqi women at risk are given priority by resettlements countries. UNRWA have 14 women program centers in Jordan. See for more details the websites of the two organizations, and the international organization for migration (IOM). For the demographic, social, and legal characteristics of Iraqis in Jordan see Mohamed Olwan and others, 'The legal, economic, and social conditions of Iraqi residents in the Hashemite Kingdom of Jordan', Refugees, displaced person and migration center, Yarmouk university and UNHCR, Amman, June 2009.

² The Jordan Times 7.06. 2010

³ The Minister of Labor can specify hours during which women are prohibited from working. At present, these restrictions include between 8 at night and 6 in the morning, except in some professions in hotels, theatres, restaurants, airports, office of tourism, hospitals, clinics and some parts of the transportation industry.

⁴ According to Article 23 of the Constitution and Article 68 of the Labor Law, the Minister of Labor can specify industries and economic activities where women cannot work. So women are prohibited from working in quarries and other hazardous environments.

⁵ CEDAW, concluding observations, Jordan CEDAW/C/SR.448 and 456, 20 and 26 January 2000.

The high level of educated women will necessarily lead to the consolidation of their presence in the labor market. Jordanian women have begun to challenge social norms by assuming roles in male dominated fields.

According to the annual report of the Ministry of Labor (MOL) for the year 2009, the size of the Jordanian labor force was 1,400,805 and the number of Jordanian workers was 1,220,521 (1,024,529 males and 195,992 females).

Unemployment in Jordan affects many more women than men. In 2009, while the rate of unemployment among men reached 10.3% the rate among women was 24.1%.⁶

Although Jordan has ratified ILO convention no. 100 on equal pay for work of equal value, there continues to be clear discrimination against women in terms of wages and benefits. Jordanian women are also poorly represented in management levels in labor unions which have in any case little influence.

Migrant workers constitute an important portion of the workforce in Jordan. According to the MOL, there were 335,707 (280,505 males and 55,202 females) registered migrant workers. The percentage of the foreign workforce to the national one was 23.9%.⁷

2. National and International Framework

2.1 National Legal Framework

The Jordanian constitution of 1 January 1952 reserves a chapter for the 'rights and duties of Jordanians'.⁸ This chapter includes the right to equality and non-discrimination, but it does not guarantee the principle of non-discrimination on the basis of sex. While the National Charter adopted in 1990 expressly affirms the constitutional equality of women and men and contains most of the rights omitted from the constitution while providing too a broad range of democratic freedom, it is not a legally binding document. Therefore, a constitutional amendment to incorporate equality on the basis of gender and to ban gender-based discrimination in employment is needed.

Furthermore, the Jordanian constitution recognizes the right to work and equal opportunity for all Jordanian citizens (Article 22 and 23). Workers and employers are described in gender-neutral language in both the labor law and the civil service law. Article 2 of the labor law defines the worker as 'each person, male or female, who performs a job in return to wages'. In reality, these laws affect men and women differently.

2.2 International Legal Framework

Jordan is party to a considerable number of international conventions on human rights in general and on international migration specifically. International conventions and protective norms that are applicable to the exploitation of migrant workers and to which Jordan is party include: the Convention on the Elimination of all forms of Racial Discrimination (CERD), the Convention on the Elimination of Discrimination Against Women (CEDAW), the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESR), the Convention Against Torture (CAT), and the Convention on the Rights of the Child (CRC)⁹.

⁶ MOL, Annual Report (in Arabic), 2009, p. 12.

⁷ MOL, Annual Report, 2009, P. 12, 77-79.

⁸ Chapter 2 of the constitution. Articles 5-23

⁹ Most of the international conventions are published in the official Gazette number 4794 of 18 September 2006.

International labor organization conventions to which Jordan is party include: the Equal Remuneration Convention of 1951 (no. 100), the Abolition of Forced Labor Convention of 1957 (No. 105), the discrimination (employment and occupation) convention of 1958 (no. 111), and equality of treatment (the Social Security Convention of 1962 (no. 118).

All these major conventions include human-rights norms pertinent to women, human rights of workers, and human-rights standards concerning migrants.

It is worth noting that Jordan ratified the UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), subject to three reservations related to citizenship, housing and women's mobility clauses in personal status law. Jordan lifted its reservation on paragraph 4 of article 15 of CEDAW related to liberty of movement on 5 May 2009. This withdrawal of the reservation approved by a Royal Decree granted women freedom of mobility and the right to choose residence without permission from male family members¹⁰. The move is an important step towards opening the way to migration for young Jordanian women, for, *inter alia*, work and study. The new trend of Jordanian females immigration is not covered often enough in public debate in the country and as such there is a lack of data.

Other international conventions are more relevant to the issue of migrant women and Jordan has not yet ratified them. They include the 1990 UN Convention on the Rights of All Migrants and their Families (ICMRW), the Freedom of Association and Protection of the Right to Organize Convention (no. 87), the 1981 Promotion of Collective Bargaining Convention (no. 154), the 1975 Migration in Abusive Condition and the Promotion of Equality of (no. 143), the 1949 Migration for Employment Convention (no. 97), and the 1997 Private Employment Convention (no.81)

The ICRMW Convention is unique in its usage of the male and female forms of personal and possessive pronouns (he/she; his/hers, etc). This makes all rights provided specifically applicable to men and women.¹¹ In fact, Jordan, like many other countries, remains reluctant to ratify international conventions that limit the state's ability to restrict the rights of migrants living and working in their territory. Jordan also refuses to adhere to the ICRMW for fear of its nationals in the Gulf states losing their jobs.

It is worth noting that the Jordanian Constitution is silent on what law takes precedence in the case of discrepancies between ratified treaties and Jordanian laws pertaining to the same subject matter. However, Jordanian courts have always preferred international treaties over Jordanian statutes.

In a few cases Jordanian courts have had the occasion to apply international conventions on human rights to which Jordan is party.¹² Nevertheless, the country's ratification of most international conventions on human rights reflects the political will to work towards full implementation of international human-rights standards.

3. The question of transferability of citizenship

Jordanian women married to non-Jordanians suffer from discriminatory clauses in the citizenship law. Jordanian men married to non-Jordanian women are able to pass on their citizenship to their children,

¹⁰ The Royal decree is published in the Official Gazette no.4960, p.2089. It is worth noting that the passport law n.5 of the year 2008 is no longer requires permission from male family members in order to obtain a passport.

¹¹ Nicola Piper, "Gender and Migration" *Global commission on international migration (GCIM)*, September 2005, p.38, available at www.gcim.org.

¹² See for instance the decision of the first instance court of Sweileh dated 31 May 2010, case no. 2006-4257-5-1. In this case the court applied article 9 of the UN International Covenant of Economic Social and Cultural Rights related to the right to social security.

Jordanian women married to non-Jordanian men, conversely, may not.¹³ This is an anachronistic situation, especially as marriage between persons of different nationalities appears to have risen in the last years. Thousands of Jordanian women married to Palestinians, Egyptians, Syrians, and Iraqis among other nationalities, cannot pass on their citizenship to their children. This effectively makes it difficult for Jordanian women to live with their foreign husbands in Jordan, and it means that their children, even if the mothers are divorced, widowed, or abandoned do not have access to rights associated with citizenship, such as health care, land ownership, etc. This disparity is a clear case of gender inequality.

The Nationality Law is also discriminatory against non-Arab women married to Jordanians. The law stipulates that Arab women married to Jordanians have to wait for three years after marriage before being able to apply for Jordanian citizenship, while for non-Arabs it is five years (article 8). In the two cases, women married to Jordanians may reside in the Kingdom for years without being able to get citizenship.

Jordan has the notion of equality between all citizens enshrined in Article 6 of the Jordanian constitution. There is also the fact of equality in the major treaties to which Jordan is party. For example, Article 9 of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), explicitly holds state parties responsible for granting women equal rights with men to acquire, change or retain their nationality, as well as the rights of women and men in respect to the nationality of their children. The same is true for the United Nations Convention on the Rights of the Child which stipulates that a child has a right, from birth, to acquire a nationality (Article 7).

Jordanian officials are not in favor of granting Jordanian citizenship to the thousands of Palestinians married to Jordanian women. Jordanian women married to Gazans, as in the case of any foreign father, do not have the legal right to transmit citizenship to their children¹⁴. Palestinians of the Gaza Strip living in Jordan since 1967 have not qualified for citizenship, and they are only given residence cards and temporary five-year passports for the purpose of identification and for potential travel to the countries accepting this document.

The Jordanian government argue that guaranteeing these Palestinians Jordanian citizenship might eventually harm the Palestinian refugees' right to return to their homeland in Palestine. The fact is that the acquiring of a citizenship by a Palestinian refugee in Jordan or elsewhere does not abrogate his or her refugee status, nor does it deprive the refugee of their internationally established legal right to the right to return to their country. Citizenship law in Arab countries, including Jordan, makes it difficult for non-citizens to acquire citizenship no matter how long they have lived in the country. Birth in the territory does not automatically confer citizenship either.

It is also worth mentioning that there is no right to stay permanently in Jordan even if a migrant has worked in the country for many years. Migrants have only temporary residence status and they live in constant fear of deportation.

4. Women immigration to Jordan

Thousands of migrants work in Jordan; they include Egyptians among other nationalities, migrants working in the QIZs, and migrant domestic workers. Furthermore, Jordanian universities attract a good number of foreign students and faculty.

¹³ Jordan law no.6 of 1954 on Nationality, Article 9.

¹⁴ See, for more details, Orbob Abed, "Immobile Palestinian: Ongoing Plight of Gazans in Jordan." *Forced Migration Review*, Issue 26, http://www.reliefwesh.int/rhonsf/dh906sid/MCOB_6. Accessed 10 July, 2008; Suad Joseph, ed.2000, *Gender and Citizenship in the Middle East*, New York: Syracuse press; Human Rights watch, Jordan, stateless again, Palestinian-origin Jordanians deprived of their Nationality available at Human Rights watch website.

4.1 Migrant women other than domestic workers

Egyptian migrants constituted 71.49% of the total number of migrant workers in Jordan, followed by Indonesians (8.03%), Sri Lankans (6.35%) and Philippine migrants (4.31%).

Migrant workers are employed among other jobs in agriculture, construction, nursing, restaurants, bars, and hotels. They are not covered by the topics dealt with in this paper. It is important to note, however, for the purpose of the present study, that while irregular Egyptian migrants are detained in conditions that often violate their basic human rights, detention and deportation decisions are not implemented in certain cases for humanitarian reasons.¹⁵ These cases include foreign migrants married to Jordanian citizens and to migrants undergoing hospital treatment and migrants who have children enrolled in schools.

The MOL makes it difficult for an Egyptian worker to bring his family to Jordan.¹⁶ According to a Jordanian regulations dated 10 August, 2009, the Egyptian worker who invites his family to Jordan must have had a work permit valid for a minimum of three months. Also they are only allowed permission after a one-year stay in the Kingdom, and the immigrant's salary should be more than 350 JD per month. Furthermore, the regulation defines the family as including only the wife, parents, and children not exceeding 18 years of age, unmarried daughters can join fathers regardless of their age.

In an even more troubling development in 2007, contracts of marriage with foreign women can no longer be concluded without the permission of the Ministry of Interior. The Ministry of Interior must also be informed of cases of divorce when one of the couples is a foreign national.¹⁷

An issue of concern is laborers in the qualified industrial zones. The QIZs employ around 25,000 foreign migrant workers. The number of female migrant workers are about 13,000.¹⁸ The conditions of work at the QIZ are generally below acceptable standards and the National Center for Human Rights (NCHR) document violations of human rights there in its annual report.¹⁹ In addition, in its last trafficking in persons report, the US Department of State indicated that some foreign workers in the QIZs, both men and women, have encountered conditions indicative of forced labor. The report adds that forced labor in QIZs was only punished by administrative penalties in the form of fines and the shutdown of factories.²⁰

4.2 Migrant Domestic Workers

Migrant domestic workers constitute a large portion of the migrant worker population in Jordan. In 2009, Jordan was hosting 51,689 migrant domestic workers legally. This number is growing dramatically because a larger number of Jordanian families, due to the improvement in living conditions and the increasing number of working women, are willing to employ foreign live-in helpers. Additionally, the jobs performed by migrant domestic workers are not attractive to the national workforce.

¹⁵ See the Report of the MOL, 2009, p. 74.

¹⁶ www.mol.gov.jo

¹⁷ See the instructions issued by the head of the supreme judges department (kadi alkodah) no. 8/8/3348 date April 2007 to the judges of personal status

¹⁸ Ministry of Labor, annual report, 2009, p. 106

¹⁹ See for example NCHR, status report of human right in Jordan, 2009, p.83

²⁰ See www.state.gov/g/tip/rls/tiprpt/2010p192

The overwhelming majority of women who migrate to Jordan are engaged in domestic work, certainly most of the migrant domestic workers in 2009 were women (50,043). Migrant domestic workers come predominantly from Indonesia, Sri Lanka and the Philippines.²¹

Migrant domestic workers tend to be young, unskilled, unmarried, poor and do not speak Arabic or English. They are also often unaware of their rights. They essentially live at the mercy of their employers and the recruitment agencies that brought them to Jordan. Domestic work performed by them takes various forms. It includes cleaning of homes, washing clothes, ironing, and taking care of children, the elderly, or a sick family member.

Migrant domestic workers are employed through private recruitment agencies that specialize in bringing and employing non-Jordanian domestic women. Regulations governing recruitment agencies from 2006²² were amended recently by bylaw no. (89) in 2009. The new bylaw regulates and streamlines the work of the recruitment agencies for migrant domestic workers, takes into account human-rights standards, and aims to improve the working and living conditions of the thousands of regular migrant domestic workers in the country. Article 3 of the bylaw stipulates that recruitment agencies must be Jordanian limited liability companies with a registered capital of no less than 50,000 Jordanian Dinar and with roles limited to acting as middlemen in the recruitment of domestic helpers. A tripartite committee has been formed comprising workers, employers and the Ministry to oversee developments in the sector. Furthermore, the new bylaw imposes a bank guarantee on recruitment agencies. The purpose of this bank guarantee is to protect the rights of migrants and so the MOL can terminate the permit of an employer who fails to fulfill his financial obligations towards his employees, a measure that previously required court approval.

The new bylaw imposes stiff penalties on violators and increases the effectiveness of the Labor Ministry's monitoring and supervision of recruitment agencies. Violations include: the recruitment of domestic workers younger than the required age of 18 years; the exploitation of the workers; and the inhumane treatment of the same; and their transfer in an illegal manner to other countries. Following growing complaints against recruitment agencies by domestic helpers and citizens, the Ministry regularly launches inspections campaigns, targeting these agencies. Severe penalties are imposed on those who are found to be in violation of the law and violators are sometimes referred to the court and face permanent closure.²³

Domestic workers, whether Jordanian or foreign nationals, were not covered by Labor Law before the issuance of law no. 48 of 2008 amending the Labor Law. They were not considered real workers entitled to labor protection and the household²⁴ in which the work is done was not considered a 'work place' and was still seen as private domain beyond the reach of regulations and supervision by labor inspectors. On the other hand, the social security law no. 19 of 2001 excluded some categories from the scope of its application, including agriculture workers, and household laborers.

The situation was partially changed in August 2008 when Jordan revised its Labor Law. According to the new law no. 48, amending Article 3 of the Labor Law, migrant domestic workers were finally covered by the Labor Law. With this new law, Jordan became the first Arab country to extend protections in its Labor Law to domestic workers. The new law states that a bylaw will be issued to regulate the contracts, working hours, day off and holidays, *inter alia*, for migrant domestic workers.

²¹ The number of domestic workers coming from these countries was respectively: 26,908, 13,620; 10,738. The number of Ethiopian domestic workers was 51 and the number of domestic workers from other countries is 414. The percentage of migrant domestic workers between the three first countries was as follows: 52%, 26%, 21%. See Ministry of Labor Report, 2009, P. 64.

²² The Official Gazette, no. 4761, 1.6. 2006, p. 2007.

²³ The Jordan Times, 17. 06, 2010.

²⁴ See <http://www.migrationinformation.org>. September 8, 2007.

The bylaw no. 90 of 2009 governing domestic workers, gardeners, home cooks and persons of similar status, entitles domestic workers to religious freedoms, health care, 10 hour work days, a day off per week and an annual vacation of fourteen days. The bylaw stipulates that employers are required to pay for their domestic helpers, their work permit, and a residency permit. These helpers are also entitled to be in contact with their families in their homeland at least once a month at the employer's expense, while having the right to decent living conditions. According to the new bylaw, the employer is prohibited from taking a domestic worker abroad without her consent and without informing the workers' embassy. But it also requires the worker to obtain the employer's permission to leave the employee's house. If implemented, this will be an important step towards the protection of migrant domestic workers from the dangers of trafficking.

According to Article 3 of the bylaw, a special working contract prepared by the MOL governs the relationships between migrant domestic workers and their employers. The contract is written in Arabic and in a language understood by the domestic worker and the employer, the domestic worker, the Ministry and the recruitment agency retains a copy of the contract. The contract ensures a minimum of rights and working conditions for migrant domestic workers, but it remains silent on matters such as maximum working hours, overtime pay, right to privacy and freedom of mobility.²⁵

According to article 9 of the bylaw, a tripartite committee is established to tackle the affairs of migrant domestic workers. This committee is composed of representatives of the Ministry, the association of recruitment agencies and public security. Domestic migrants are not represented in the committee and they should be enabled to have a voice in decision-making.

The bylaw is silent on the question of the wages of migrant domestic workers. The average wage per month is still below the national minimum wage (about 200 U.S. dollars)

MOL inspectors may request a meeting with employers and migrant domestic workers when they receive complaints regarding human-rights abuses. The MOL will attempt to reach an amicable settlement and it may, after acquiring the permission of the employer, visit the household. If the employer refuses to grant permission for the MOL inspector to visit, the Ministry will have to take the appropriate measures (Article 11). It is unclear what consequence the employer would face if he or she has committed human rights abuses.

These new rules are designed to protect the rights of migrant domestic workers in accordance with international human-rights standards and they correspond to the above mentioned labor law no. 48 of the year 2008. However, it is, as yet, unclear to what extent these measures have been enforced in practice. The reality is that migrant workers are still vulnerable to easily hidden exploitative and abused practices on the part of employers, recruitment agencies and officials alike.

Sometimes female domestic workers are brought in to the country on falsified passports stating that they are 20 years or older, while in fact they are younger. They are also obliged to pay considerable amounts of money to the recruitment agencies before they leave their countries.²⁶ Migrant domestic workers, like other migrant workers, are still exposed to maltreatment and exploitative conditions, including sexual harassment, rape, beating, withholding of wages, prolongation of working hours, seizure of passports²⁷ and curtailment of freedom of movement. Furthermore, they are subjected to a particular kind of infringements, such as being forced to work in more than one house, the involvement of some recruitment agencies in bringing domestic workers without being licensed for such activity by the MOL and the failure to obtain work and residence permits for the domestic workers, which in many cases leads to their detention and eventually to their deportation.

²⁵ ILO, International Migration Program at <http://www.ilo.org>, available on 18. 7. 2010.

²⁶ The National Center for Human Rights, Status Report of Human Rights, Jordan, 2006, p. 38.

²⁷ Article 18 of the passport law 5/2002 stipulates a prison of up to 3 years and/ or a fine of up to 1000 JD for employers who unjustly withhold any passport

According to the prevention of crime law no.7 for the year 1954 domestic workers are sometimes detained for long periods by order of the administrative governors on the basis of claims made by their employers that they engaged in immoral practices or committed such crimes as theft.

Additionally, migrant domestic workers, like other migrant workers in the country, are in practice banned from marriage. There are some cases of female migrant workers who abandon their newborn babies near mosques or at hospitals.²⁸ While several deceased migrant domestic workers' bodies have not been claimed by their relevant embassies in the Kingdom and have been buried in Jordan.²⁹

Hundreds of migrant domestic workers flee their employers and take refuge in their respective embassies in Amman, and when found, they are imprisoned and then deported. A foreign worker who flees his or her place of employment may encounter new problems from their own embassy officials.

Some of these points underline the vulnerability of these persons and they violate the United Nations Convention against Transnational and Organized Crime and the Additional Palermo Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Specifically Women and Children which came into force in December 2003.

Jordan has been party to both the Convention and the Protocol since 2009 and the two instruments were published in the Official Gazette no. 4960 dated April 30, 2009. As such, they became part of the Jordanian legal system. A Jordanian law on the prevention of trafficking on persons was also issued on January 2009 and published in the Official Gazette.³⁰

This comprehensive, anti-trafficking law prohibits all forms of trafficking. It prescribes penalties of up to ten years in prison for forced prostitution and the trafficking of a child. Companies involved in illegal trafficking are exposed to permanent closure. The law also envisioned the establishment of shelters for victims of trafficking, while awaiting repatriation.

Additionally, the Jordanian government has recently adopted a national strategy for the prevention of the trafficking in persons for the years 2010-2012. The actions undertaken by Jordan reflect the commitment of the country to combating human trafficking.³¹

4.3 Migrant University: Students and Faculty

Data shows that Jordanian universities attract a good number of foreign students. In 2009, the total number of students, was 219,2777 including 111,555 women. Public universities had 160,190 students including 92,233 women and the remaining students were enrolled in private universities with a general total of 59,087 students including 19,652 women.

Arab students and students of other nationalities enrolled in Jordanian universities in 2009 stood at 27,871 including 8,536 women. Foreign students pay higher tuition fees than their Jordanian classmates. These fees, in addition to the money spent on their living expenses and accommodation, have become an important and growing source of income in Jordan.

The number of faculty staff in Jordanian universities for the year 2008/2009 stood at 7613, among them 1574 women. Jordanian citizens made up the majority of teaching staff with 6716 Jordanians. Non-Jordanian Arab citizens stood at 800 and the remaining non-citizens were 97. It is estimated that

²⁸ Euro-Mediterranean Human Rights Network, op.cit,p. 68.

²⁹ See for more details Amnesty International, "Isolated and Abused Women Migrant Domestic in Jordan Denied their Rights," 2008, at <http://www.amnesty.org/en/library/asset/mde16>. Accessed on 25.07. 2010.

³⁰ Law no.9 of the year 2009.

³¹ See Mohamed Olwan, "Trafficking in Persons in Jordan" A study to be published in CARIM website.

about 27,969 Jordanian students were enrolled at higher education institutions abroad. Unfortunately, data on students abroad are not broken down by gender.³²

Conclusion

In exercising the sovereign right of any state to regulate the movement of persons across its borders, Jordan should bear in mind that the country's national law is not exhaustive. Migrants and refugees are entitled to protections provided by international human rights law in general, and to women, migrants, asylum seekers, and refugees in particular. Human-rights issues are sidelined in the existing Jordanian legal framework governing migrant workers and Jordan is still resistant to the equal treatment of migrants generally and migrant women in particular. Human-rights standards, even if they exist in the country, lack monitoring and enforcement.

Most people dealt with in this paper are vulnerable and prone to exploitative practices. For their human rights to prevail, citizens, refugees, and migrants need to know their rights and responsibilities. The improvement of the legal system pertaining to domestic workers is a good step forward. However, this improvement did not initiate a large public debate and therefore, there is a need for a comprehensive awareness campaign to educate the general public, as well as migrant domestic workers, on the rights these persons are entitled to in accordance with national law and international standards.

³² See for these statistics the Ministry of Higher Education in Jordan for the year 2007-2008: the Jordan higher education statistics summary of Jordanian student institutions of higher education abroad 2007/2008-2009.

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