

Lund University

Department of Sociology

Welfare Policies and Management

Division: Sociology

The Effect of Labour Market Regulations on Female, Migrant Domestic Workers in Jordan

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WPMM42, Master's Thesis, 30 credits

Spring term 2012

Supervisor: Åsa Lundqvist

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Female, migrant domestic workers represent a significant segment of the labour force in the Arab labour market. Over the past few years, the plight of MDWs has been recognized in the Arab World due to the constant abuse of their' rights on the labour market in the migrant receiving Arab countries. This thesis analyses the effects of Jordanian labour market regulations, with the help of the citizenship concept framework, in order to analyse MDWs' status in Jordan. This was explored, to a large extent, with the help of document analysis of female, migrant domestic workers' case reports, provided by Tamkeen, Center for Legal Aid and Human Rights, a non-profit local organization in Jordan. Interviews with Human Rights Watch and International Organization for Migration also aid in the analysis. The results of the analysis and interviews showed that although labour market regulations, female, migrant domestic workers are provided with many rights, those rights have not been applied in practice. It is evident that most of female, domestic workers are facing many significant problems within the labour market in Jordan.

Key words: labour market, female migrant domestic workers, citizenship concept, rights

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1. Introduction

History, religion and political economy have significantly influenced women's struggles for gender equality, rights and opportunities in the Arab world (UNDP, 2006, p.III). The Arab world is continuously confronted with significant challenges of gender imbalance and women's empowerment, although a number of Arab and Muslim thinkers promote greater gender justice (UNIFEM, 2004, p.2). The position of women has changed over time, often for the better (UNDP, 2006, p.III). As a result, today women's opportunities to develop and utilise their own capabilities differ greatly among Arab countries (UNDP, 2006, p.69). Despite the differences in women's struggles between countries, the general nature remains the same. Indeed, women in every Arab country struggle for fair treatment and achievement of gender equality as a full citizenship right. Common obstacles, including, conservative authoritarian systems, discriminatory laws, and employer authority, limit women's access to income independence (UNDP, 2006, p.III).

The most obvious indicator of gender inequality in the Arab region is the fact that women's participation in the labour market remains the lowest of any region in the world (UNIFEM, 2004, p.5). In 2006, Arab women's economic participation was 33 percent compared with the worldwide average of 55, 6 percent (UNDP, 2006, p.88). This indicates that most women stay at home in the private, domestic sphere. Despite this, in 2002 around one million women immigrants in the Arab Gulf region were estimated to be workers. Although there are no official statistics, it is possible to say that approximately 30 percent of female immigrants found work in the service sector, specifically domestic service (UNDP, 2006, p.120) in the domestic sphere of private households.

Women immigrants who work in the domestic sector, in other words women, migrant domestic workers (MDWs) are representatives of an important, growing segment of the labour force in the Arab labour market. Their work is of high importance since it enables others to improve their living standards (ILO, 2010, p.1). However, the attention towards MDWs in the Arab world over the last decade has not raised because of MDWs' help in improving others' living standards. The attention has risen due to individual complaints, human rights organizations and some of the labour exporting countries because of constant abuse of MDWs' rights in the Arab countries that receive the immigrant labourers. This fact has been particularly directed towards Asian women working in the domestic sector which is

as it has already been indicated also the biggest employer of female migrant workers. Although within the Arab region, distribution of female migrant workers by nationality varies. In general, women workers from South and South-East Asia are more concentrated in the service sector, especially domestic work (UNDP, 2006, p.120). Each year, poverty forces approximately two million Asian women to migrate and seek jobs within Asia and beyond. Economic reason is therefore the main factor in forcing Asian women to migrate. In most cases these women are faced with bottom rung of labour market due to a lack of skills and the unrecognized value of domestic and care work (UNIFEM, 2009, p.9).

In the Arab region, female migrants' in the domestic sector are faced with low wages, indefinite working hours, no freedom of movement or social contact with others, physical and mental abuse, sexual assault, and are neglected and overlooked in formal labour laws (UNDP, 2006, p.121). The majority of these MDWs face discrimination in informal and unprotected working environments, mostly because of the exclusion in labour legislation (ITUC, 2008, p.5). Within the Arab region and outside of the Arab Gulf, Jordan and Lebanon import most of their female workers from Sri Lanka and Philippines (UNDP, 2006, pp.120-123).

In 2011, Jordan reported approximately 100.000 female migrants from Indonesia, Sri Lanka and the Philippines working in the domestic sector (Human Rights Watch, 2011, p.3). Jordan was the first country in the Arab region to lead legislative reform for MDWs by instituting a Unified Standard Contract in 2003, (Human Rights Watch, 2011, p.4) closely followed by Lebanon in 2009 (IOM, 2012). However, the major stride towards inclusion of MDWs and protection of their rights in the Jordanian labour legislation was made in 2008, when domestic workers were included in the Jordanian Labour Law. One year later, in 2009, the Jordanian government issued regulations specifying MDW's rights (Human Rights Watch, 2011, p.2). In the same year, Jordan also endorsed the Anti-Human Trafficking Law and became the first Arab country to criminalize human trafficking and forced labour for exploitation. A year later, in 2010, the government also issued the Temporary Social Security Act, which includes the coverage of female domestic workers (IOM, 2012).

This thesis analyses the effects of Jordanian labour market regulations and embeds these regulations into the citizenship concept framework, in order to analyse MDWs' status in Jordan. The thesis explores these labour market regulations and how they apply in relation to MDWs' rights in Jordan. The aim of the thesis is to show the effects of labour market regulations on MDW's status in Jordanian society. The thesis' aim will be explored in a large

extent with a help of document analysis of female, migrant domestic workers' case reports. This data was provided by Tamkeen, Center for Legal Aid and Human Rights, a non-profit local organization in Jordan. In addition, interviews will shed light on the importance of labour market regulations.

Research question: *How do MDWs experience labour market regulations in Jordan? How do Human Rights Watch and International Organization for Migration perceive the labour market regulations in Jordan in relation to human rights and migrants' rights?*

2. Previous research and importance of the chosen topic

The previous research section will elaborate on previous research in the field of global trend of domestic work in order to emphasize the importance of this topic. This section will highlight the main problem in this field and will, overall, serve as a section for an easier understanding on a further explanation of domestic work and therefore MDWs in Jordan.

“Domestic work is vital and sustaining, and it is also demeaned and disregarded.” (Anderson, 2000, p.1) As a result of globalization, trend of domestic work is today pointed into direction of a non-family member who is the provider of domestic work and at the same time follower of a commercial exchange or contract (Benhabib and Resnik, 2009, p.132).

Globalization launched the way for women in the West to succeed in the public sphere of a so-called “male world”. Therefore, in the absence of men in the private, domestic sphere, many women succeeded in the public sphere only by turning over “the second shift” (Hochschild, 1989), otherwise known as domestic work to someone else (Ehrenreich and Hochschild, 2002, p.2). The care of their children, elderly parents and their homes was turned over to women coming from developing countries (Ehrenreich and Hochschild, 2002, p.2). Consequently, the commercialization of paid domestic work is a developing labour market. This is how women, who work outside of their own homes, became part of commercialized domestic work on a for-pay basis. Correspondingly, domestic work has become an important commodified sector of the labour market for women (Benhabib and Resnik, 2009, p.132).

Commodification of domestic work greatly overlaps with class stratification (Benhabib and Resnik, 2009, p.133) and is disproportionately performed by racialised groups, women of colour (Anderson, 2000, p.1; Benhabib and Resnik, 2009, p.133) Therefore a discussion of paid domestic work is a discussion between division of race and class in the arena of reproductive work (Anderson, 2000, p.1). Migration needs to be added to this discussion of race and class, as the majority of women who are paid domestic workers are immigrants who relocate often specifically for economic purposes (Benhabib and Resnik, 2009, p.133).

Paid domestic work has not been enough problematized (Anderson, 2000, p.1) and the migration of women from the developing countries to do “women’s work” in developed

countries has received little attention from scholars or the media (Ehrenreich and Hochschild, 2002, p.3). However, the trend is clear enough to speak of a process called “feminization of migration” (Ehrenreich and Hochschild, 2002, p.5). This process refers to the female underside of globalization, where millions of women from poor countries migrate to rich countries to do “women’s work,” which wealthier women are no longer able or willing to do (Ehrenreich and Hochschild, 2002, p.3). Recognition of this process has influenced development of political economy of care, which has been extended into transnational dimensions. The consequence of women’s changing place in the domestic economy draws attention to the expanding globalized market of domestic labour (Benhabib and Resnik, 2009, p.134).

2.1. Global care chain

Analyses of gender migration processes within and between countries are fairly recent, and migration of women has only just begun to be stated in official statistics and independent analyses. However that does not mean that women have only recently become part of migration process (UNDP, 2009, p.2). Although patterns of international migration vary in relation to different parts of the world, women mostly outnumber men in legal and illegal migrations (Ehrenreich and Hochschild, 2002, p.5). In the 1990s, half of Filipino migrants were women and 84 percent of migrants who emigrated from Sri Lanka to Middle East were women. About half of migrants migrating from Mexico, India, Korea, Malaysia, Cyprus and Swaziland to work outside of their home countries were also women. In addition, in the 1990s, there were more women than men migrating to the United States of America, Canada, Sweden, the United Kingdom, Argentina and Israel. Europe receives many migrants from Africa. Among European countries, France receives most of its female migrants from Morocco, Tunisia and Algeria, while Italy receives female workers from Ethiopia, Eritrea and Cape Verde (Ehrenreich and Hochschild, 2002, p.6).

Today, women represent around half of the world’s migrant population. This fact stands without even taking into consideration short-term and seasonal movements, which in many cases stay unrecorded (UNDP, 2009, p.2.). Zlotnik (2003, cited in UNDP, 2009, p.2.) emphasizes the fact that from a global perspective, the number of female migrants has been large and increasing, both in terms of the sheer number of women involved and in terms of their share of the world's migrant stock. The fact that the overall poverty rates of women are higher in comparison with men (Center for American Progress, 2008) can explain why

women migrate for economic reasons as indicated in the introduction section, which simultaneously explains one of the main reasons for women outnumbering men in migration.

As already emphasized, female migrants overwhelmingly take jobs as maids or domestic care workers. This is how the global care chain has been deeply integrated in migration processes (Ehrenreich and Hochschild, 2002, p.6). “The global care chain” concept (Hochschild, 2000) as a theoretical construction of the relationship between globalization, migration and care, refers to the series of personal links between people across the globe, based on paid or unpaid work of caring (Yeates, 2004, p.369).

The global care chain concept *...captures the importance of transnational care services and the international division of reproductive labour as integral features of the contemporary international economy that are otherwise neglected: by ‘globalization studies’ due to its fixation on states, markets and paid labour; by ‘migration studies’ which has failed to take account of the importance of gender roles and identities to household strategies, networks and transnational migration; and by ‘care studies’ which, although fully conversant with the importance of domestic care economies and the divisions of paid and unpaid care work, pays little attention to the transnational processes having an impact on these* (Yeates, 2004, p.370).

The affect of the global care chain in the receiving countries is reflected as a dramatic influx of foreign-born domestics. In the USA, African-American women in the 1940s represented 60 percent of MDWs. However they have been mostly replaced by Latinas migrating from Mexico and Central America. In England, female migrants from Asia displaced the Irish and Portuguese domestic workers and in France, North African MDWs replaced rural French girls. In Europe in 1984, only 6 percent of all MDWs came from outside of European Union, three years later in 1987, 52 percent of MDWs came from the Philippines, Sri Lanka, Thailand, Colombia, Argentina, Brazil, El Salvador and Peru (Ehrenreich and Hochschild, 2002, pp.6-7).

Researches carried out on MDWs in Europe show that MDWs are an extremely varied group that consists of women coming from all over the world. Their status in the country where they labour, as everywhere else, depends on the country’s policies. MDWs experiences also vary greatly; some of them are well treated but many are exploited and demeaned by their

employers. In general, two elements have the most significant impact on MDWs' living and working conditions. The first is whether or not they live with their employers (*relation to the employer*) and the second is whether or not they have legal documents (*relation to the state*) (Anderson, 2000, p.48). Living in an employer's residence is far less common for MDWs living in France and Germany when compared with Southern European countries. There have been more attempts in France than in Germany to regularise the work in this sector, however these have met with difficulties and have not improved the conditions of MDWs (Anderson, 2000, p.69). Lack of regulations has been pointed out elsewhere as well, the most outstanding case in the UK, where domestic work in private households is receiving an enormous amount of attention due to various tragedies. Stories in the media describe child murders and abuses, and emphasize the lack of regulations (Andersen, 2000, p.86). In the USA, MDWs mostly come from Central and South America or from Asia and Africa. Most of them have to work around the clock, every day of the week. These women are usually not allowed to leave a house unaccompanied and they must not use a phone, make friends or talk to others. MDWs are often denied health insurance and social security and some of them are even subjected to physical and sexual abuse (Ehrenreich and Hochschild, 2002, p.146).

It is estimated that more than one million women from countries like Bangladesh, India, Pakistan, Sri Lanka, Indonesia, and the Philippines are employed as domestic workers, with or without legal documents, in Hong Kong, Singapore, Taiwan, Malaysia, and the Middle East. Scholars have named this regional migration flow the "trade in maids" in Asia. (Ehrenreich and Hochschild, 2002, p. 172)

In the early 2000s, in Taiwan, 93 percent of MDWs migrate from the Philippines and Indonesia, the rest are from Vietnam and Thailand (Ehrenreich and Hochschild, 2002, p.172). In Taiwan, the dominant model of three-generation cohabitation has been a solution primarily for elderly care. The poorer the elderly, the more dependent they are on their children. MDWs present a solution only for relatively privileged households in Taiwan. However, due to strong family tradition employers tend to blur the distinction between employees and family members, assigning a greater work load to MDWs than was contractually agreed (Ehrenreich and Hochschild, 2002, p.189).

2.2. Lack of research

Feminization of international labour is part of an international trend. Yet the majority of this labour is still invisible, both in national statistics and national labour legislation. For that reason it is not clear if the increasing participation of women in international migration provides them with a decent wage, good working conditions, social security coverage and labour protection. Considering the missing gap of research and clarification, it is important to direct more attention to the labour situation, which faces a growing number of women migrant workers (ILO, 2004, p.4).

Although domestic work in private households is acknowledged as an important area of employment for migrant women, very little is known about the living and working conditions of migrants in this sector, and what studies have been done are localised and not comparative. (Anderson, 2000, p.11)

Nine years later, Benhabib and Resnik (2009, p.133) disagreed to some extent with Anderson's (2000) statement on the lack of research. During this period, feminists wrote extensively on the topic and much of the literature highlights and agrees on the importance of the acknowledgement that domestic work performed by a third-party woman does not bring society closer to eliminating this type of work. On the contrary, it reinforces traditional gendered division of labour, ensuring that domestic work remains "women's work" (Benhabib and Resnik, 2009, p.133).

Despite the fact that there has been more extensive literature written in the last decade, there is still a large gap in the literature and research, especially on MDWs in Arab countries. Although there are reports written by international organizations on the topic, as well as scientific articles, however the international community lacks and needs more thorough research in this particular field in order to fully recognize all the problems connected with the global care chain, in order to improve international and national legal standards. This thesis will in some way contribute to acknowledgment of this concern. In the following chapter, a background overview will be presented. The background section will shed light on the vital elements of social policy patterns and women's rights in the Arab region and Jordan.

3. Background overview

The background overview will explain more about Jordan as a country itself with focus on social policy and women's rights. It is important to highlight social policy structure because is closer related to citizenship concept and the rights of women because this paper is strictly focused on female migrants working in Jordan and adds to a better comparison between female- citizens and female-migrants.

3.1. A presentation of Jordan

The Hashemite Kingdom of Jordan is a constitutional monarchy ruled by King Abdullah II bin Hussein. The constitution concentrates executive and legislative authority in the king. The multiparty parliament consists of the 55-member House of Notables, appointed by the king, and a 120-member elected lower house, the Chamber of Deputies. Jordan is a country with population of six million (U.S. Department of State, 2010, p.1). Male and female citizens elect the Jordanian Parliament. Women in Jordan gained the right to vote in 1974 (International IDEA and ANND, 2005, p.27).

3.2. Social policy in Jordan

Jordan has adopted the American pattern of societal transformation in the Middle East. This is most apparent in Jordanian economic and political reforms. Neo-liberal economic policies removed a key factor of social welfare, leaving the regime without a secure support base for the country's population. Economic liberalization led to a radical change in the regime's support base, marginalizing the previous regime backers and replacing them with a stronger military. The case of state social provision shows how the social base of the Jordanian regime changed. Now, the military and security services are the only growing sector in structural adjustment. At the same time, social welfare allocations are decreasing, while the military's budgets are increasing and the military is diversifying into sub-contracting and new economic enterprises (Baylouny, 2008, p.277).

As a result of US aid and increased business in Jordan as the gateway to Iraq, Jordan's per capita income has rebounded to 2,000 USD (1419 JOD). However, unemployment remains high at around 30 percent. The country still relies on worker remittance income, and the domestic attempts to generate employment have not been very successful. Among Jordanians

the biggest problem considered is the difficulty for even the middle classes to cover their expenses. To create support and social welfare which includes the entire Jordanian population, the government decided to put its' trust in the military. The U.S.A.'s militarized liberalization serves as an alternative model for Middle East regimes, which furnishes a future foundation for semi-authoritarianism. The changed social base of the government in the case of social provisioning should be recognized when tackling the question of a democratic deficit in the Middle East (Baylouny, 2008, p.303).

3.3. Women's rights in Jordan

Jordan has shown an improvement in relation to women's rights and their resulting empowerment, boosting their participation in public life and overall in raising women's status in the society. This has been recognized in the development of women's lives and their increasing entry in the labour market, education and politics. Jordanian women have obtained a number of rights which are represented in amendments to the referring laws. The following particular laws were amended after the national campaign against crimes of honour and the legal committee of the Jordanian National Commission for Women. The Parliamentary Election Law that was amended in 2003 provided a quota of seats for women. In the Personal Status Law, the new provisions are related to women-initiated divorce, male polygamy and raising the legal age of marriage, as well as the Civil Retirement Law and the Penal Code. Some of the stated laws were only amended temporarily. Another achievement was the incorporation of gender perspective in the five-year national development plan between 1999 and 2003 in different state institutions and government departments (International IDEA and ANND, 2005, pp.25, 47).

4. Jordanian labour market

Jordan has the lowest employment rates for both men and women in any Arabic country (Majcher-Teleon and Slimène, 2009, p.3). In 2010, the economic activity rate, for population older than 15, was 14, 7 percent for women, and 63, 5 percent for men. The unemployment rate for women was 21, 7 percent and 10, 4 percent for men (Department of Statistics Jordan, 2010, p.1).

The Jordanian labour market is constructed from particular characteristics that show significant implications in order to understand Jordanian unemployment rates. Low economic participation rate is a result of population's age structure, the large number of students, low female participation in the labour market and early retirement age in the public sector. Furthermore, there is an imbalance between sector and gendered distribution of economic activities, due to increased trade with the private sector and the decline of public sector. The only sector where women outnumber men is in education, where 41 percent of women are employed, men predominate in other areas (European Training Foundation, 2005, p.7). In 2010, 66, 1 percent of women were employed in education, health, banking, communications services 43, 2 percent of men were employed in the same services (Department of Statistics Jordan, 2010, p.2).

Despite, high unemployment, Jordan's economy continues to rely on imported labour. According to the Ministry of Labour, in 2003, approximately 148,351 non-Jordanians were registered as workers and 17 percent of them were women. There are approximately 50, 000 non-registered, non-Jordanian workers, of whom the majority are coming from other Arab countries. Others originate from India, Sri Lanka, Indonesia and the Philippines. Half of the registered male and female non-Jordanian workers are employed in social and personal services, followed by construction, restaurants and hotels (European Training Foundation, 2005, pp.23-24). Therefore, there are an estimated 200,000 registered and unregistered foreign workers, which are all employed in low-skilled and manual jobs in Jordan. This number includes Asian women workers as a substitute for native women's labour, especially in public services and domestic work. In specific sectors where imported labour dominates, the social status associated with those jobs is low (European Training Foundation, 2005, p.24).

The figures on non-Jordanian workers are based only on work permits. Thus these figures do not cover those who are illegal workers (European Training Foundation, 2005, p.25). Nevertheless, it is clear that migrant workers represent an important factor in the Jordanian economy (Abimourched, 2011, p.1), in which the Jordanian labour market represents a *pull* factor for the migrant workers.

Based on research conducted in 2009 by the Jordan Center for Social Research, factors indicating reasons for the employment of domestic workers in Jordan are with 77 percent increased household duties, with 52, 5 percent size of a house, followed by 44, 2 percent, with the reason of women working, fourth reason with 36, 1 percent is having children or presence of elderly family member that needs constant care, and with 15, 8 percent the reason to employ a domestic worker is disability among family members. It is clear that reasons for employment of domestic workers are linked with factors of increased family income, family size, extended household space and women working or having children. In these reasons can be recognized that an extra burden is put on housewives care of the family, which is then partially or entirely transferred to a domestic worker (Jordan Center for Social Research, 2009, p.21).

As stated in introduction and previous research section, due to extreme lack of economic resources, *push* of poverty is the reason why Asian domestic workers immigrate to Jordan since the 1980's. MDWs replaced few of the existing local domestic workers. Until 2011, the domestic sector expanded and the number of MDWs is now estimated to be upwards of 100, 000. Forty thousand of these workers are Indonesian, 30.000 are Sri Lankans and 28.000 are Filipina women (Human Rights Watch, 2011, p.3). Data from International Labour Organization (ILO) show that when international labour migration is demonstrated in the economic perspective, the numbers show that migration does not only provide income to individual migrants, but is also a production source of high remittances to their home countries. For some countries the remittances is important source of foreign exchange earnings. In 2011, India amount 10 billion USD, Mexico 6, 4 billion USD and the Philippines 3, 3 billion USD. On the other hand the remittance also contributes to Gross Domestic Product (GDP) which in the year of 2011 the proportion came to 22, 8 percent of GDP in Jordan, 18, 3 percent in El Salvador, 9, 7 percent in Lebanon, 8, 9 percent in the Philippines and 7 per cent in Sri Lanka (ILO, 2012). These figures indicate that MDWs represent a crucial part of the Jordanian economy, where they contribute to the well-being of the households in

Jordan as well as in their home countries, by sending vital income to their families (Amnesty International, 2008, p.2).

4.1. Jordanian international legal framework

Jordan has been the leading country and a good example of legislative reform in the Arab region. In 2003, it became the first country in the region to issue a Unified Standard Contract for all MDWs. In 2008, Jordan amended article 3 of its labour law that excluded domestic workers from labour law protections and extended them without distinction. Jordan became the first Arab country to do so. Furthermore in 2009, the government passed new regulations that for the first time specified the rights of domestic workers and of their employers under the Jordanian labour law (Human Rights Watch, 2011, p.27). In 2010, Jordan issued instructions for recruitment agencies, which include a number of positive indicators of improvement such as stricter vetting for agencies and employers, better information on workers' rights, and better information sharing with government bodies (Human Rights Watch, 2011, p.28). In the following section the international and national framework of Jordan that is directly or indirectly connected with the labour market will be explained in detail.

4.1.1. International instruments

The international community initiates an International legal framework to support national and international development. The Jordanian international legal framework relies on the internationally recognized instruments that have been accepted and ratified legally by Jordan. Furthermore the framework is a highly relevant indicator of the Jordanian national legal framework's development and its improvement in the field of labour market regulations and MDWs. In this case, the most important international legal instruments, which have been accepted or they have been as well ratified by Jordan and have directly or indirectly influenced the labour market regulations and MDWs' rights are shown on the following paragraph.

International conventions require that all people under the jurisdiction of the specific countries enjoy the rights stated in the convention, without discrimination based on national origin, nationality, language, legal status, or any other reason. Migrant workers in Jordan,

whether regular or irregular, are entitled to all the rights recognized by conventions, which will be presented below, except for the political rights. In order to understand the importance of the following international legal framework it must be emphasized that those international conventions, define the minimum level of protection that an individual country should provide. The participating countries, which join international conventions, are obliged to protect and insure the rights stated in the conventions, prevent the public from violating those rights and depriving others from enjoying these rights, and provide appropriate remedies in case the rights are being violated. As a party country in the following conventions, Jordan should not neglect or limit rights through national legislation, executive, administrative or legal practices. In other words, Jordan is obliged to respect the rights assured for people under their jurisdiction. Therefore, the minimum acceptable conditions and situations for the MDWs are derived from the international legal system. Secondly, in the Jordanian legal system, international conventions and treaties have a higher standing than the domestic Jordanian laws (Tamkeen, 2010, p.8).

The international legal framework in Jordan contains the Universal Declaration of Human Rights (UDHR) which was accepted in 1948. In 1965, the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD) was accepted, although Jordan did not ratify it until 1974. In 1966, the International Covenant on Economic, Social and Cultural Rights (ICESC) and the International Covenant on Civil and Political Rights (ICCPR) were accepted, and in 1975 Jordan ratified both covenants. In 1979, the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) was accepted and then ratified in 1992. The Convention against Torture (CAT) from 1984 was ratified in 1991. Jordan ratified the 1989 Convention on the Rights of the Child (CRC), in 1991. In 1990, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW) was accepted, however this convention has not been ratified in Jordan (Appendix 6, IOM, 3 April 2012). In 2000, Jordan also joined the UN Convention against Transnational Organized Crime and its Protocols in order to prevent, suppress and punish trafficking in persons, especially women and children, which completes the United Nations Convention against Transnational Organized Crime (Tamkeen, 2009, p.7). Finally, in 2006, Jordan joined the Convention on the Rights of Persons with Disabilities (Appendix 4, IOM, 3 April 2012).

As a minimum, it is evident that migrant workers in Jordan should not be “*subjected to torture or any other kind of mistreatment, cruelty, inhuman or degrading treatment, unjust trial, economic or sexual exploitation, forced or illegal depriving of freedom, or inhumane detention. They also should not be deprived of their religious rights, their right to health, education, or fair and acceptable working conditions. Note that these rights are applicable for them as well their families.*” (Tamkeen, 2010, p.8)

In addition to the international human rights system as a minimum set of protection, which provides a useful reference to determine the appropriate situation for migrant workers the ILO’s Conventions are a complimentary reference as they define a number of issues related to recruitment and labour rights (Tamkeen, 2010, p.8). Table 1 demonstrates the international labour conventions, which were joined by Jordan. At this point it must be emphasized that ILO Convention, No. 189 (2011) on Decent Work for Domestic Workers was accepted, but Jordan has not yet ratified this convention (Appendix 4, IOM, 3 April 2012).

Table 1: International Labour Conventions joined by Jordan

- 1963: Convention (111) regarding preventing discrimination in work and incumbency
- 1966 and 1958: Conventions (29) and (105) concerning forced labour
- 1966: Convention (100) regarding the equity in wages
- 1986: Convention (98) concerning the right to union organizing and collective bargaining
- 1998: Convention (138) regarding the minimum age for recruitment
- 2000: Convention (182) regarding the worst forms of child labour

(Table 1: Source: Tamkeen, 2009, p.6)

In 2008, the International Trade Union Confederation (ITUC) stated in its’ report for the WTO general council review of the trade policies in Jordan, that although Jordan has ratified the majority of core International Labour Organization’s labour Conventions, that does not mean that the Jordanian labour law provides for the full implementation and enforcement of the ratified ILO Conventions (ITUC, 2008, p.1). In other words, even if international labour conventions are signed that is not a guarantee that they become a part of Jordanian law.

4.2. Jordanian national instruments

National instruments indicate how the international legal framework has affected, and to what extent this international framework has been applied on the national level within Jordan.

The Jordanian legal system includes a number of laws, regulations, and instructions that must be considered when analyzing migrant workers' rights. Indeed, national legislation is a tool to study the problems faced by MDWs (Tamkeen, 2010, p.10). The following paragraphs demonstrate which national instruments were accepted by the Jordanian government in relation to those labour market regulations which are directly connected to immigrant workers' rights who are not Jordanian citizens and specifically MDWs.

4.2.1. National legal framework

The labour market regulations contain the following: firstly, Labour Code, No. 8 of 1996, within which, Law No. 48 of 2008 amends the Labour law in Section 3(b) where the exemption on domestic workers was lifted. MDWs are protected by this amendment under, Jordan's Labour Code. Act No. 26 of 2010, amends the Labour Code in Section 10 (1) authorizes the private employment offices to employ migrant domestic workers in Jordan. Secondly in 2003, Jordan issued a Unified Standard Contract for all migrant domestic workers. Thirdly, Anti-Human Trafficking Law issued in 2009, made Jordan the first Arab country to criminalize the human trafficking and forced labour for exploitation. Finally, the national framework contains the Temporary Social Security Act from 2010, which extended the coverage to women domestic workers (Appendix 4, IOM, 3 April 2012).

In addition, the national framework contains the following regulations: Regulation No. 90/2009 of Domestic Workers, Cooks, Gardeners and Similar Categories and Regulation, No. 89/2009 Organizing private recruitment offices for domestic non-Jordanians workers and Organizing Regulation for Specialized Offices Operating in Recruiting and Employment of Non-Jordanian Domestic Workers (Tamkeen, 2009, p.8; Appendix 4, IOM, 3 April 2012).

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

accordance with the terms of article (4) of the work permits for non- Jordanian regulation number (36) for the year 1997 and its amendments). Thirdly, there are also Instructions on the conditions and procedures of licensing the private agencies for bringing and recruiting non-Jordanian domestic workers and organizing their work for the year 2006. Furthermore, the minimum wages committee decision issued in 2006 made the minimum wage for workers 110 JOD (155 USD). However, two years later the committee raised the minimum wage for workers to 150 JOD (211 USD) (Tamkeen, 2009, p.9).

As demonstrated, Jordanian legislation is varied, and includes constitutional rules, national laws, regulations, and instructions. The Jordanian constitution recognizes a number of rights and freedoms that benefit workers, including MDWs. Most important regulations are equality and the prohibition of discrimination, personal freedom, the right to litigation, and access to the courts (Tamkeen, 2010, p.10).

With regards to the Social Security Act, the law does not require the beneficiary of social security to be a legal worker. The only requirement is that the worker holds a working permit and he or she is employed in an organization that is subject to the law. Therefore, an irregular migrant has access to social security. However, in practice, it is also very rare that a worker without a working permit would also hold a residency permit (Tamkeen, 2010, p.11).

In spite of the achievements of the Jordanian legislative reforms, Jordan is falling behind other countries in legislation for better protection for migrant workers. In 2009, Singapore, which also imports a large numbers of MDWs, instituted measures stipulating that employers must pay a fine if they fail to pay MDWs on time. Moreover, the government of Singapore has a better record of enforcement in comparison with Jordan. Singapore's legislation prosecutes employers who do not pay their workers on time, who force workers to labour in multiple locations, or who provide sub-standard accommodation. These examples are commonly reported violations in Jordan and the Jordanian government has failed to address them (Human Rights Watch, 2011, p.28). Indeed, Jordan has not yet joined the United Nations Convention from 1990, for the Protection of the Rights of the Migrant Workers and Members of Their Families. This must be highlighted since the convention represents the most important and comprehensive international instrument, which protects migrant workers' rights. An important question must be raised at this point, if the country is not a party to this convention, can she then provide adequate guarantees to protect migrant workers' rights and their families (Tamkeen, 2010, p.9)?

4.3. The main MDWs problems on the Jordanian labour market

In 2008, Amnesty International published a report on MDWs in Jordan, in which the organization reports violations of MDWs' rights. MDWs are often unpaid, sometime for several years, they work between 16 and 19 hours per day and are exposed to mental, physical and sexual abuse in the work place. They are unable to leave the country because their employers do not renew their work permits, effectively trapping them in Jordan because they lack residence permits (Amnesty International, 2008, p.2).

Tens of thousands of women migrant domestic workers in Jordan face isolation, exploitation and abuse, with little or no protection from the state (Amnesty International, 2008, p.2).

As explained previously, Jordan introduced a new labour law in 2008 and prior to 2008, a standard working contract. The main reason for that was the previous practice where workers were brought to the country by illegal agencies and had no contracts, while legal employment agencies lacked a common standard contract. For the most part, contracts were agreed upon only between the employment agencies and employers, without the domestic workers' participation or agreement. A major problem is that 85 percent of migrant workers are unable to read. Therefore, UNIFEM-Jordan campaigned to educate the families who employ domestic workers on humane working conditions (Gee, 2008).

Since 2008, MDWs may not enter the country without the request of an employer and prior approval by the Ministry of Labour. Regulations require mandatory, signed employment contracts by a MDW, her employer, and the agent, with the approval of the Ministry of Labour. Additionally, the Sri Lankan and Indonesian embassies must approve the contracts before the Jordanian Ministry of Labour can endorse it (Abimourched, 2011, p.7). The minimum income in Jordan to be allowed to employ a domestic worker is JOD 500 (750 USD) per month. However the Ministry of Labour has not verified or enforced this regulation (Human Rights Watch, 2011, p.44).

Since 2008, Jordan has shown progress protecting the rights of MDWs. However, Jordanian law still exacerbates abuses by prohibiting workers from leaving the house without the employer's permission. By doing this, Jordan violates domestic workers' freedom of movement, which is guaranteed under international law. Still, an estimated 50,000 MDWs are confined to the house around the clock. Confinement in the house is closely connected to

other abuses, since this is the main reason why it becomes more difficult for the worker to complain about them to anyone outside of the house (Human Rights Watch, 2011, p.2).

The Amnesty International Report on Jordan for 2010 emphasized the fact that thousands of MDWs continued to face economic, physical and psychological abuse by employers and representatives of recruitment agencies.

In October, the Labour Ministry announced that 14 Sri Lankan domestic workers had attempted suicide in 2009 and said this appeared to be linked to their work conditions. In August of 2010 the authorities introduced new regulations under the Labour Law to regulate the working conditions of all domestic workers, including migrants. They prescribe maximum working hours, rights to holiday and sick leave, and domestic workers' entitlement to regular contact with their own families (Amnesty International, 2010).

It must be noted that the new regulations under the Labour law are too loosely worded and open to individual interpretation in certain respects, as they fail to specify mechanisms that will determine wages and with that, to resolve long-standing problems in relation to non-payment of wages or low wages (Amnesty International, 2010).

In 2011, Amnesty International reported that Tamkeen, received 290 complaints of unpaid salaries, passport confiscation and poor working conditions from MDWs in the previous 12 months. Therefore, Amnesty International stated that regulations considered MDWs introduced in 2009 were not being put into practice (Amnesty International, 2011). Other local and international human rights organizations reported the governmental restricted labour rights and high levels of abuse of foreign domestic workers as well (U.S. Department of State, 2010, p.1).

Workers that were interviewed by Tamkeen in 2011, requested to be returned to their home country, after staying in Jordan from two to 14 years. The next two most frequent requests were receiving payment of wages which they had earned which had been fully or partially withheld, and return of passports, which had been confiscated by employers or recruitment agencies (Tamkeen, 2011, p.5).

Jordanian officials and advocates for MDWs observed some trends. For one, one Jordanian official said, the number of domestic workers increased "because Jordanian women want to work outside the home." Advocates noted that more Indonesians and more ethnic Tamils had arrived from Sri Lanka over the past year. The advocates also said that domestic work had

gotten “rougher” recently, with an increase in escapes, and some MDWs turning to, or being forced into, sex work. Jordanian officials said MDWs ran away to find better jobs, and that this had increased because MDWs had better information from communicating with each other through mobile phones. Recruitment agents blamed sending-country agents who they said instructed workers to run away, and then took a cut of their pay in the new jobs. (Human Rights Watch, 2011, pp.18-19)

Despite new legal arrangements, it is acknowledged that these arrangements have not thoroughly changed the specific type of struggles of MDWs. Furthermore, as indicated earlier, Jordan does not have to implement signed international agreements into their own national law which also points in the direction of consequences of that fact. The consequences are shown as the problems that MDWs face in Jordan. This will be analyzed later. In the next chapter, theory closely connected to this problem will be explained.

5. Theory

In the theory chapter, the concept of citizenship will be connected to the thematic background and applied to global labour market regulations effects on migrant worker rights within the migrants' group, as well as how these regulations affected women's rights. Therefore, the chosen concept of citizenship in relation to migration and gender dimension will be emphasized. Further, citizenship's framework challenges in connection to female, migrant domestic workers in the arena of Jordanian labour market will be highlighted.

“In principle, access to citizenship rights depends upon nationality, thereby excluding migrants. In practice however, non-nationals enjoy certain rights.” (Pecoud and De Guchteneire, 2009, p.18) For the purpose of the thesis, the citizenship concept was firstly chosen because it has become a key factor in debates on equal rights and resources to overcome inequality in modern society (Siim in Andersen, et al., 2005, p.169). Therefore it is used as a framework to analyse inclusion and exclusion of women and marginalized social groups, in the case of this thesis, immigrants. Secondly, the citizenship notion is not anymore only connected to the nation-state, but has been connected to the double process of globalization and immigration, which represents the contemporary challenge to the framework of modern citizenship with transnational governance (Siim in Andersen, et al., 2005, pp.169-170).

5.1. Citizenship concept

According to Marshall (1949), to become a citizen, an individual must gain civil, political and social rights (Marshall, 1949, p.30). Marshall's concept of citizenship from 1949 distinguishes among civil, political and social citizenship, and remains one of the most significant contributions to the study of citizenship (Turner, 2009). The concept provides a highly important contribution to the theory of social, as opposed to individual, rights (Turner, 2009, p.66) and explains that civilized society cannot exist without some kind of common patterns of membership leading to social solidarity (Turner, 2009, p.72).

Civil rights constitute the liberty of a person, freedom of speech, a right to justice, a right to work, and a right to own property. Courts of justice are the institutions directly linked with these rights. Political rights give freedom to participate in the exercise of political power, to vote. Institutions associated with political rights include parliament and local government council (Marshall, 1949, p.30). Finally, social rights represent a person's right to a modicum

of economic welfare and security, a right to share social heritage and a right to live a life according to his or her community standards. Being a member of a local community and functional association was also an original source on how to gain social rights. The institutions that are directly linked with these rights are educational institutions, and all of those institutions that provide social services (Marshall, 1949, pp.30-32). In other words, by Marshall's concept, social rights are sorted into the institutional part of a welfare state, understood as welfare rights, where the state's role is, as has been emphasized, to mitigate inequalities made by market economies without abolishing the markets (Cohen, 2010, p.83).

According to Marshall, social rights were a strong reason for advocating the citizenship concept's functions. The main justifications for social rights were to allow marginalized groups to enter mainstream society to counter their own marginalization. The role of the public services role was to equalize the life chances of these disadvantaged citizens (Marshall, 1963 cited in Jordan, 2006, p.154). However, an egalitarian drive of citizenship does not mean it cannot on the other hand increase economic inequalities. As Cohen (2010, p.83) points out "If health services are available to all citizens as a social right, members of better-off classes will find their disposable income increased, they can spend in other ways fees they once paid private doctors." This means that "The advantages obtained by having a larger money income do not disappear" (Marshall in Cohen, 2010, p.83). This indicates that Marshall recognized the inherent tensions among citizenship, welfare and capitalism, since in citizenship there is the implicit principle of a redistribution of resources to offset the negative consequences of an unregulated market (Turner, 2009, p.66).

Marshall's case, finally, is that each of the three aspects of citizenship can—indeed should—bolster the others in a decent society. Each may modify the others, but they don't pile atop or fuse with each other. If they did, the distinct concerns of their specific domains—civil, political, social—would dissolve (Cohen, 2010, p.84).

Since Marshall's essay in 1949, the state has been considerably transformed, mostly under the influence of globalization. The weaknesses in Marshall's essay are apparent when considering how rights progress from other rights, as well as its insufficient consideration of conflicts among rights (Cohen, 2010, pp.84-85). Marshall's social model of citizenship has been criticised and modified in order to make social membership more flexible, as well as to limit citizenship, not merely as rights but also duties. Another concern that has been emphasized

was that human rights have often outmatched the defence of citizenship as entitlement, status and social membership (Isin and Turner, 2007, p.5).

Obviously, the 21st century State has new diverse processes to consider in its structure, such as globalization, migration and multiculturalism, aspects which open new questions about what the citizenship concept should contain (Cohen, 2010, pp.84-85). Globalization is the essential transforming process, directing attention to the ways in which societies, economies, (including labour markets) and welfare systems of different countries are entangled in one another. The focus needs to be centred on global sources of what are seen as principally national social policy issues and for that matter, an issue of citizenship. The global causes of increasing global mobility of people can be seen as residing in uneven development and geo-economic inequalities (Yeates, 2007, p.637). Also, changes in respect to the labour market and capital settlement have been closely attributed to globalization. To some extent internal factors, such as demographic change, are of more importance than external factors linked with the concept of globalization, when justifying welfare state restructuring (Esping Andersen, 1999 cited in Siim 2003, p.8) and, in addition to that, reconstruction of citizenship.

Therefore the question must be raised as to whether citizenship today remains within the borders of the modern nation state or extends beyond. The definition of what it means to be a citizen remains to be a member of a state (Isin, 2009, p.369). Furthermore, modern citizenship is constructed from a set of contributory rights and duties that are closely related to work, public service and family formation. Citizenship defines belonging to a society, a state through the social service entitlements and through a national system of taxation (Isin and Turner, 2007, p.5). At this point, the legacy of Marshall's citizenship cannot be denied or overlooked.

The citizenship concept, initially introduced as a system of social equality in its ideological sense, has been modified and has paradoxically grown and coincides with the rise of capitalism, which understood as a system of inequality (Marshall, 1949, p.34). The substance of inequality represents the fundamental factor for capitalistic survival and development. Since the power of capitalism has grown extensively and globally with the help of the most influential political systems, it might not come as a surprise that the concept of citizenship has been modified according to global, economic-political system's changes and the global societal process of globalization, multiculturalism and migration.

The neo-liberal phase of globalisation started in the 1980s in the Arab region. Today, the directional change is a part of a global process. Globalization caused significant shifts in political and economic power, both within states and between them. The consequences of this can be identified as restructuration of the state and its environment (Guazzone and Pioppi, 2007, p.521). Therefore, the Arab region is no exception to the trend of different political contexts, towards a gradual dismantling, and loss of efficacy of mass-based political organisations, such as parties and trade unions, coupled with a marked decline in the political ideologies, in favour of a purely technical economic discourse and a revival of religious-ethnic identities. There has been a decline of post-independence state ideologies, such as Arab socialism and nationalism. On the other hand, there has been a growing transnational flow of information and ideas along with increased external intervention into domestic politics, through democracy promotion and regime change policies, and international pressure for economic reform (Guazzone and Pioppi, 2007, p.511).

5.2. Citizenship and global labour market effect

One's place on the planet frames the availability of food, of basic goods and broader economic opportunities, of personal security and health care, of social connections with other members of one's family as well as of the possibility for ties to larger communities, and of legal recognition as a property owner, a worker, a recipient of social services, health care, and education, a family member, a voter, an office holder, a lawful resident, and a citizen (Benhabib and Resnik, 2009, p.1).

As described previously, a full member of a community is a citizen that is residing in a given nation-state and is in a reciprocal relationship with that particular country, where this person is entitled to the country's rights, protection, material, support and political loyalty. While on the other hand, noncitizens are not entitled to these rights and obligations (Benhabib and Resnik, 2009, pp.1-2).

Today, at the summit of globalized capitalism, the social inequality gap between rich and poor is widely recognized. Furthermore, "class interests and conflicts have been globalized rather than reconciled or abolished." (Jordan, 2006, p.53) As Colquhoun stated, "Without poverty there could be no riches, since riches are the offspring of labour, while labour can result only from a state of poverty." (Marshall, 1949, p.34) Despite the global battle combating poverty, this statement justifies, the existence of poverty. *Can to some extent also justifies*

modifications of citizenship that will be explained later on? Was (modified) citizenship one of the instruments used to obtain the existence of poverty in modern society?

In the 1990s, the Third Way regime in the United States and United Kingdom influenced a transformation of the citizenship concept. As stated previously, the new citizen's primary responsibility, was to become an active individual on the labour market with economic rationality, looking for market utility and economic market success, in order to receive state benefits. However, citizenship remains the main indicator when analyzing the level of social policies in a particular country. Nevertheless, the transformation of citizenships' conditional rights, in addition to the spread of capitalism, was a worldwide phenomenon (Jordan, 2006, pp.155-157).

The global spread of capitalism affected the rise of international corporations, where the new global division of labour appeared as the main reason for the corporations' highest profits. In practice, the new division appeared when the international corporations started outsourcing manufacturing to developing countries for cheap labour, far away from where the products were being consumed. This created a new division between societies who draw income related to credit and those who have to pay interest on debt (Jordan, 2006, pp.68-69).

In the Arab region, structural adjustment policies were not able to create enough jobs in order to cope with the steady increase in the work force. Because the Arab region joined the WTO and the EU Mediterranean Partnership, the obligation for liberalised trade and reduced customs duties noticeably exposed local industries to unequal competition. This resulted in increased closure of some of the industries and in the further informalisation of the labour market itself. Furthermore, as a result of the competitive pressure of globalisation, governments in the Arab region started implementing measurements to favour capital at the expense of labour. This trend can be noticed in the Arab countries' attempts to create free trade zones providing tax exemptions and some other incentives to foreign companies. In the late 1990s, most of the Arab countries started revising labour laws in order to implement more flexibility on the labour market. On the other hand, in order to minimise social conflict at times of high unemployment and increased social tension, the states also re-configured labour relations. As a result, trade unions lost ground everywhere in the Arab region (Guazzone and Pioppi, 2007, p.517).

This new division of labour has also influenced a fundamental reconstruction of the First World economy. Indeed, its' government agencies and the role of the public sector, where all

social partnership's arrangements with their social policies' negotiations and deliveries has been transformed (Jordan, 2006, pp.68-69). This is also a modification process in developing countries and is taking over the problematic context of local and national social policies on a global level, where the concept of citizenship is as well relevant. "There is a new dialectic of global and local question which do not fit into national politics" (Beck, 1998 cited in Vertovec, 2009, p.10). Where do they fit then?

They fit into trans-national level of politics. The term trans-nationalism is recognized as a condition where specific types of relationships have been globally developed, intensified and been accepted by the global community, despite international borders (Vertovec, 2009, p.3). Globalization manifests itself through trans-nationalism (Vertovec, 2009, p.2), mainly by global, economic interests. Since the 1990s, the trans-national switch has provided a new tool to analyze the increased circulation intensity of people, goods and information, triggered by labour international migration (Vertovec, 2009, p.14).

The new dialectic of global and local which does not fit into the national politics thereby fits into a transnational one. In that case, we must discuss transnational politics and transnational actions of politicians. In the field, this describes the practice of the politicians in the home countries to engage emigrants to stay in contact with them. Stronger connections, communication and new activities are being created among these two stakeholder groups. These are actions in development, which abolish the static notion of nation-state, attempting to influence the impact of a "de-territorialized" nation-state. In practice this can be seen when political parties establish offices abroad for the immigrants canvass purposes, meanwhile immigrants are organized in order to lobby the home government. Emigrants are often able to maintain their citizenship rights in the their home country, while also gaining access to health care, education, welfare benefits, property and voting rights or citizenship in more than one country. This depends on transnational political agreements between particular countries' governments (Vertovec, 2009, p.11). If there is no agreement between specific countries, this might create a situation where migrants have no membership, and therefore no rights. They might live in a country, having a few rights and simultaneously, unable to participate in their native culture (Pecoud and De Guchteneire, 2009, p.19).

As a broader range of transnational social formations, migrant trans-nationalism has become one of the core ways to understand contemporary migrants' practices across the full range of social sciences (Levitt and Jaworsky, 2007 cited in Vertovec, 2009, p.13). Specifically, Castle

and David (2000, cited in Pecoud and De Guchteneire, 2009, p.19) point out the exact contemporary problem of the classic citizenship concept in which membership and rights are based on nationality is inadequate, since it does not reflect a society of globalization and mobility. For that matter, Turner (1997, p.5) argues that an adequate understanding of the definition of the concept of citizenship in modern societies needs to be defined well beyond the Marshallian framework. Thus, Benhabib and Resnik (2009, p.130) argue that concept of citizenship is becoming primarily an issue on behalf of economic justice and much less an issue of political or civil domains. Furthermore, Turner (1997, p.5) sees citizenship as a particular, contemporary case of tension, between social and human rights.

Nevertheless, as a ticket to a national freedom and a chance for social prosperity, contemporary citizenship seems more of a battle than ever when applied to the poorest in the society. A globalized society with fairly strong objectives for state-citizenship pursues the battle, for it as a natural notion when citizenship is applied to marginalized groups. This concern of tension among social and human rights can be seen in examples of marginalized groups, in this particular case, immigrants.

5.3. Citizenship and migration

The notion of migration has been launched into the global economies, societies and politics. With the extension of the labour market on the global level, migration has affected the question of global society, as well as global politics. The affect of migration has developed and added a new paradigm called trans-nationalism into the prism of globally organized society.

Migration, in relation to human rights, creates inequality between people and countries and is globally unevenly distributed among people from developed and developing countries (Pecoud and De Guchteneire, 2009, p.9). One of the very obvious problems of trans-nationalistic politics is also that is not equally serving for emigrants and immigrants, although as Pecoud and De Guchteneire (2009, p.5) argue, most of countries both sending and receiving, depend on migration to the large extent. One of the main reasons for this is economic. Today, some national economies depend on monetary transfer of emigrants' to their families. Although these are relatively small amounts, they represent an easy source of foreign exchange to national governments (Vertovec, 2009, pp.8-9).

However, if both the sending and receiving countries join to promulgate new legal commitments that transcend sovereign boundaries, they do so through conventions. With or without the transnational conventions, it is not necessary that sovereign states function equally. The power of national sovereignty varies, specifically depending upon recourses and political organization, where neither countries nor their residents are all in the active, mobile market in the same way. Migrants stand under the factors of a *pull and push* structure. Some of the migration patterns were created through economic interdependencies between sending and receiving countries and competition of skilled migrants, others are so in need of work they do not choose the best opportunity (Benhabib and Resnik, 2009, p.4). As Pecoud and De Guchteneire (2009, p.9) argue, different states look for trained workers who enjoy a higher level of mobility in comparison with unskilled, unqualified workers.

Moreover, the recognition of trans-nationalism and the level of acceptance vary between countries and continents, because there is no general, global agreement on the subject. There is a need for the framework of transnational governance dealing with the problem of equality between emigrants and immigrants rights and responsibilities, and the rights of those between the home and guest countries. As Sane (Sane in Pecoud and De Guchteneire, 2009, p.X) states, “We must come up with innovative social transformations to make human movement compatible with welfare states, citizenship rights and democratic institutions”.

Only emigration is recognized as a fundamental right, which raises the issue of the actual meaning of this right in the absence of immigration possibilities, and points to the necessity of envisaging a more comprehensive right to mobility. In today's world, most people are free to leave their country. But only a minority of them have the right to enter another country of their choice (Pecoud and De Guchteneire, 2009, p.1).

Looking from the basic human rights point of view, immigration is an incomplete situation since not everyone has a right to immigrate, only to emigrate. It might not be hard to understand that the international migration concept has become one of the most challenging concepts for modern politics (Sane in Pecoud and De Guchteneire, 2009, p.X) to develop and agree upon since it probably will not provide enough equal incentives for both home and guest country politics. This applies especially when referring to developed and developing countries, again between rich and poor.

Human rights are based on personhood and not nationality. For that matter they do protect both migrants and state-citizens. According to a basic ethical principal put forth by the United

Nations International Convention on Migrant's Rights, all people should have the same access to fundamental rights. The problems arising between citizenship and migration is that all the people who reside in one country should have the equal access to a minimal set of those selected, fundamental rights. The question is, which rights are defined as fundamental, as a minimum standard set? Minimal is defined with civil and specific selection of social rights, a right to education, health care and housing. When minimal is defined with political rights, minimal is not easily accepted in every country. When civil, social and political rights are applied in combination with migrants' access to those rights, this issue raises many questions for a debate and topic of important discussion, since it is commonly acknowledged that no migrant can have full access to all citizenship rights. Therefore, migration challenges the borders of democracy as well as the development of democratic institutions (Pecoud and De Guchteneire, 2009, pp.18-19) to better serve a non-static, nation-state organization. When defining the borders of democracy, the gender question is one of those that need to be defined and analyzed, especially for the purposes of this discussion.

5.4. Citizenship and female, migrant domestic worker

As has been demonstrated, the citizenship concept can be analyzed according to civil, political and social rights, as well as between these rights, political participation and power (Andersen, et al., 2005, p.170). This is because the term citizenship conventionally serves to describe both the quality of relationships among members of a political community as well as the rules associated with the constitution and maintenance of community membership in the first instance. As seen in the case of transnational domestic labour, citizenship implicates that both of these modalities are often brought up with tension from both sides (Benhabib and Resnik, 2009, p.129).

The citizenship framework seen from a gender perspective, confronts feminist rethinking of the discourses and politics of women's citizenship in the interplay between political, social and civil rights, and the relations between social citizenship, political participation and power (Siim, 2000, p.1). The feminist critique argues that one of the implications of citizenship has shown a tendency to exclude motherhood, care work and issues connecting with it from everyday life from the citizenship framework and from the public dialogue. Consequently, their critique focuses on reproduction of paternalism because it is based on a split between the citizen-worker and citizen-mother (Siim, 2000, p.2). The key concepts under contention and the discussion about gender and citizenship by Siim (2000, p.2) should be discussed taking

the following issues into account: (a) equality and difference, (b) work and care, and (c) participation and power.

In the society espousing democratic values, based upon social equality and the universal citizen-worker model on paper and in practice, the comparative approach, that has constructed different gender logic and gender politics, argues on a dynamic interconnection between family, state and civil society. This fact justifies the lack of a universal story of gender and citizenship and an universal vision of the common good or for the good citizen. Therefore this *asymmetry* of power, growing upon the interconnection among gender, class and ethnicity, is one of the crucial challenges when applied on a gender and citizenship formation (Siim, 2000, p.4).

“Since the early 1980’s female labour migration has increased along with a growing stratification between different migrant groups, according to qualifications and skills.” (Koffman, et al., 2005 cited in Lister, et al., 2007, p.77) Why it came to this phenomenon?

As stated previously, the transfer of women’s domestic labour from poor to rich parts of the world came about because women in Western countries have increasingly become a part of an active labour market, affecting the increasing need for paid domestic workers and caretakers to replace them. For women from poorer countries, this was recognized as an economic incentive factor and a reason for migration to come from absolute to relative poverty. A described deficit for domestic workers and caretakers has emerged in richer countries when women enter the workforce, *pulling* migrants from Third World countries, where poverty *pushes* them (Ehrenreich and Hochschild, 2002, pp.7-8).

This phenomenon became commercialized out of common practice and it seems to be *in favour* of both employer and employee. MDWs are more willing to live with their employers because, for them it presents an accommodation, which also means minimal expenses so they work longer hours for low pay in comparison with locals. On the other hand, for the employer it is less expensive to employ migrant workers. They also appreciate live-in MDWs because they cannot leave, even if they have their own family obligations in their home country (Ehrenreich and Hochschild, 2002, pp.106-107). A fact that arises from this phenomenon is that now women from poor countries take on the traditional women’s role in the family. Feminists critique this as a division of labour, which went from *local* to *global* (Ehrenreich and Hochschild, 2002, p.12).

This brings us to the simple, yet concerning assumption, as well as to an important question highlighted by Benhabib and Resnik (2009, p.128) “Why does it mean that whatever equal citizenship some women in wealthy countries may achieve through market-sphere work, it is often facilitated by the employment of people from poorer countries who themselves lack status citizenship in the country in which they labour?”

Commodification, as the acceptance of the economic value of domestic work and transnationalization, as the factor of global reorganization of domestic work, have paradoxically complicated the conventional feminist story about women’s work and citizenship. The reason for this is because the consequence of it brings another type of citizenship into consideration, that is citizenship in the exclusive, limited sense. Now the conversation of concern is concentrated on women’s work and citizenship, or democratic citizenship or economic citizenship, made from universalist terms, and also about citizenship and an exclusive national state (Benhabib and Resnik, 2009, p.128).

“Feminist scholarship indicates that there is no universal story about gender and citizenship. In modern democracies, gender relations and welfare systems are dynamic concepts embedded in national histories, institutions and cultures.” (Siim, 2000; Hobson, Lewis & Siim ed., 2002 cited in Siim, 2003, p.3) However, the fact is that the trend today is going into direction where more children and elderly are being taking care of or live in homes cleaned by immigrant maids, which should be of more concern to politicians and anti-globalization or feminist activists. It seems these actors are aware only of the worst abuses, namely trafficking and female enslavement (Ehrenreich and Hochschild, 2002, p.12). Perhaps there is no need for a universal story, the obvious question is “How can we improve the lives and opportunities of migrant women engaged in legal occupations such as maids and nannies?” (Ehrenreich and Hochschild, 2002, p.13)

To sum up, this chapter highlighted some of the most important, contemporary dilemmas, which are referred to as citizenship and migration. It was demonstrated how the extended global labour market affected the flow of global migration, which, in turn, modified and opened doors to the further question of a modern citizenship concept. Within the modern citizenship concept, the thesis focuses on the problems of MDWs. The concepts presented above will help to explain in the analysis part the effects labour market regulations on MDWs’ status in Jordan. In the next chapter, a method review explains which methods were used as a tool in order to conduct the analysis.

6. Method review

Each academic field must have its methodology to draw conclusions. As such, methods are the key tool for producing and analyzing data (Haralambos and Holborn, 1999, p.816) in social science within the chosen sensitized concepts or theories which are being used in the research (Flick, 2009, p.12). Within the social science field, qualitative and quantitative methods serve as a tool to work with primary and secondary collected data. Haralambos and Holborn (1999, p.836) state that the most important factors influencing the choice of selected research methods to produce and analyze data is the topic of the research and its theoretical and practical framework, where Flick (2009, p.15) adds this should not be turn the other way around. This thesis' topic is the effect of labour market regulations on female, migrant workers' status in Jordan and the research questions are: *How do MDWs experience the labour market regulations in Jordan? How do Human Rights Watch and the International Organization for Migration perceive the labour market regulations in Jordan in relation to human rights and migrants' rights?* As stated in the theory section, the collected data findings will be merged into the citizenship concept as a theoretical framework.

For the purpose of this thesis, qualitative methods will be used to collect and analyze primary and secondary data. The decision to conduct *only* qualitative research was chosen firstly, because qualitative research is of significant relevance to study social relations with the postmodern fact of pluralization of life-worlds, which implies *old* social inequalities set into *new* diversity of subcultures, lifestyles etc. (Flick, 2009, p.12).

Old social inequalities between female citizens and domestic workers have been acknowledged for decades. Women gained their citizenship by entering the labour market, while domestic workers have lost theirs for the sake of earning money abroad working as domestic workers. In this case, the old social inequality between female citizens and domestic workers remains, however it must be put into a new context. The feminist citizenship theory paradox has a new twist. In a *new* context in Jordan most female citizens are not a part of the labour market, however the families chose to hire migrant domestic workers.

In addition, Flick (2009, p.14) argues that one of the essential features of qualitative methods is the recognition and analysis of different perspectives. The thesis deals with one of the specific societal problems of the life-world of pluralized society, where viewpoints of

different perspectives on the chosen topic problem need to be collected and analyzed. This represents an essential feature in research outcome. The analytic part of thesis will analyze two different perspectives. Firstly, analyzes the question from an expert's perspectives from international organizations, and secondly is the MDWs perspective. Both viewpoints are of great importance in this research topic.

Two elements, pluralization of life-worlds and recognition of significance of different perspectives, broadly but significantly justify the chosen type of research, qualitative research. In comparison with quantitative methods, qualitative methods provide richer, in-depth data, which should represent a picture that is *closer to reality*, and reflect individuals' personal experiences, values and believes (Haralambos and Holborn, 1999, p.823). The latter statement explains in a more narrow sense why qualitative methods were chosen. It is essential to obtain rich, in-depth data, which can only be produced by qualitative methods and later on, to test them within the theoretical framework of citizenship.

Only some qualitative methods were chosen for analysis. As noted, (Haralambos and Holborn, 1999, p.836) methods were chosen due to a practical framework. In this case, technical problems, such as availability and feasibility of data, were the main reason for the selecting the following methods. Document analysis and interviews were chosen as methods because these competently analyze the data, which was possible to collect with limited time and contacts. Given the limited sources, selected methods appear as the most suitable, considering the aims, research questions, and time spent for data collection and analyses. Indeed data collection was time consuming and because of time constraints I was only able to collect data in limited quantities.

6.1. Document analysis

Document analysis can draw from historical documents, laws, declarations, statues, annual reports, case reports, contracts, diaries, drafts, statistics and pictures (May, 1999, p.159; Flick, 2009, p.255). This analysis will focus on case reports. Not only do documents represent facts or reality they are also produced for a specific purpose and for some form of use and may be seen as a means of communication (Flick, 2009, p.257). Documents are a reflection as well as the means to constructing social reality in an institutional context, for example, a specific version of an event, process or making a specific case out of life process (May, 1999, p.164; Flick, 2009, pp.261-262). This method gives a very specific, albeit limited approach to experiences or processes. It is most useful as an instructive addition to interviews or

observations, which is another reason the second chosen method is interviews. When analyzing documents the main problem is how to conceptualize the relationship between *explicit* content and *implicit* meaning and the context of function and use of documents (Flick, 2009, p.261). In practice, analyzing process limitations and relations between explicit and implicit will most probably find its place.

6.1.1. Document analysis of case reports from Tamkeen

As is the case with most research, this was very much dependent on what was possible given time constraints and other factors (May, 1999, p.113). Due to geographical distance, limited time and finance, and as has been stated in other reports, these female, migrant domestic workers are afraid to talk to anyone. The language barrier adds to the difficulty, as interviews are hard to obtain. These obstacles are the main reason that Tamkeen was asked for help and assistance in this part in order to reach MDWs personal experiences and their personal stories on the Jordanian labour market. Tamkeen provided 20 summarized domestic worker's case reports, sent through email on 3 April 2012. Credibility and reliability of the data is high, since it was provided by an official organization. Although interviews with MDWs would provide important data, it was still possible to gain an inner view on issues with which these women are faced using case reports.

For research purposes, 18 out of 20 cases were used. One case was excluded because the report was much older than the others and the second case was excluded because the case report was not about a MDW, but a female migrant who worked as a secretary. The 18 case reports on MDWs that were provided by Tamkeen are summarized, individual experiences, stories of MDWs who have or are still living and working in Jordan. All the stories were recorded between 2004 and 2010. Each summarized story is around a quarter to half a page in length, explaining each MDW's situation and the problem with which she was faced, which required assistance and legal help from Tamkeen. Most of the stories contain the nationality of each MDW and starting dates from when the MDW began working in Jordan. In Appendix 5, each MDW belongs to one letter, which is indicated next to MDWs nationality and arrival day to Jordan.

Document analysis of case reports is depended on the framework of citizenship. Case reports will be analyzed by citizenship concept and global processes that were presented in the theory section, which challenge the Marshall's citizenship concept. Thereby this part serves as an

inside on living and working conditions of MDWs and represents the first part of an in-depth view into the research topic. With this method I aim to search and answer: *What are the most frequent problems that female, migrant domestic workers struggle with?*

6.2. Interviews

This thesis will attempt to emphasize the importance of different perspectives with conduction of the interviews, representing a second part of an in-depth view into the topic.

With interviews, a researcher has a high possibility to obtain quality data with insights into the topic at hand (May, 2001, p.120). For that reason, interviews were chosen to collect data for analysis. Generally, in social research, there are four types of interviews commonly used. These are a structured interview, a semi-structured interview, an unstructured or focused interview and a group interview. A structured interview was selected as the most appropriate, due to practical framework of method conduction. The use of this interview type is most often linked with survey research (May, 1999, p.110).

Surveys are used to ask the same questions to different people to look for differences in opinion of those questioned. Variations result from a *true* difference of opinion rather than as a result of how the questions were asked. For that reason, surveys concentrate on replies of respondents within a structured interviewing situation (May, 1999, p.84). The rules of a standardized interview are standardization of explanations and leaving little room for any deviation from what has been asked, since this method is set to permit comparability between responses (May, 1999, p.110).

When describing interviews, the main limitation that needs to be emphasized and cannot be ignored nor denied in any case is the influence of the examiner. Unconsciously or consciously, respondents might rather answer in a way that he or she thinks the examiner would like to hear, or their answer may be dependent on the identity of the interviewer or the interviewer's purpose (Haralambos and Holborn, 1999, p.850). Therefore the major limitation of a constructed interview is that the interview leaves little room for deviation on the part of the interviewee. This is a clear limitation of this method, especially in my case, where interviewees provided written responses.

Structured written interviews through email clearly were the best choice, given the circumstances. The reason for this is that there were difficulties reaching the experts from the chosen international organizations and it was not possible to conduct interviews with

international organizations located in Jordan on Skype due to technical problems. The interviews were conducted through email with two international organizations, Human Rights Watch and the International Organization for Migration (IOM) and can be found in Appendix 2 and Appendix 3.

Initially, I chose to interview Amnesty International, Human Rights Watch, the International Organization for Migration, UN Women and the International Labour Organization. The main reason these organizations were chosen is that each of them is very active in Jordan, and would provide different viewpoints directly connected to the research topic. For this research, it was best to collect viewpoints from the perspective of human, workers, migrants and women's rights that is why it seemed logical to interview these organizations. I formulated four questions and asked each organization to answer those questions from their point of view Human Rights Watch, from a human rights point of view, IOM, from migrants' rights perspective, ILO, from workers' rights point of view and UN Women, from a women's rights perspective. This approach provided me with a thorough, more complex view into the research topic.

In relation to limitations, it must be emphasized that only two organizations, Human Rights Watch and IOM, answered the questions. In addition IOM also provided the Jordanian legal framework which can be found in the Appendix 4. The fact that only two interviews were conducted this strongly affects the analysis of each organization's answers as well as the following analysis's comparison in relations to different aspects of rights. Indeed, it was only possible to compare human and migration rights. UN Women did not have time to answer due to the demanding nature of the questions. However I did receive more information and documents on my research topic, which helped my research. In addition, Amnesty International did not answer the questions but they provided relevant links to reports related to the topic.

These interviews serve as the second part of the in-depth view of labour market regulations' implications on female, migrant domestic workers. I aim to explore and answer on *the importance of labour market regulations in practice. What kind of tools are labour market regulations in regards to human and migrant rights? Are they oppressing or developing possibilities for improvement? If possible, I wish to define the regulations role from a human and migrant rights point of view.* The questions can be viewed in Appendix 1.

Document analysis and interviews are meant to present the other side of the story which shows what is happening in practice and how labour market regulations apply in practice. Document analysis is dependent on the citizenship concept, while interviews add to the overall result and conclusion of the effects of labour market regulations' research on the MDWs' status in Jordan.

7. Analysis

As mentioned previously, when examining social rights in Western society, the citizenship concept proposed by Marshall (1949) is the most appropriate way of indicating and analysing citizens' rights in relation to non-citizens' rights. The MDW situation is more complex so MDW rights' in regard to labour market regulations must be analysed on further concepts which influence the modern citizenship concept. In this case, Marshall's concept serves as a fundamental background to understanding the lack of MDW rights in relation to citizens' rights in a clear way. The effects of Jordanian labour market regulations on MDW status in Jordan is rooted in and analysed by the citizenship concepts in connection to the global labour market, migration and gender problems. Document analysis is based on the case reports of 18 MDWs, provided by Tamkeen (3 April 2012). As a result, the analysis was done in awareness regarding the limitations of selected cases which were possible for me to use for the purpose of this thesis. Interview analysis is based on interviews, where the effect of labour market regulations specifically referred to human and migrant rights.

7.1. Document analysis

7.1.1. Citizenship and global labour market effect

In general, transnationalism created many types of global relationships, as a manifestation of predominantly global economic interests through global labour market expansion, (Vertovec, 2009) whose consequences are interesting to analyze on the country level. For the purpose of this analysis, two types of relationships are most important the global relationship between the receiving countries of MDWs and the relationship between receiving families that is employers of MDWs and MDWs. At the macro level, the relationship can refer to state laws that form the official part of relations between the state and MDWs. In this case, Jordanian labour market regulations were introduced and explained in order to understand the official aspects of the relationship between the Jordanian state and MDWs. On a micro level, the relationship between MDWs and their employers can refer to the practical use of MDWs rights. Overall, the main question pertaining to these global relationships is the type and level of rights held by MDWs, not only on the macro level, but also on the micro level. In Jordan, according to MDWs 18 reported cases, document analysis revealed many violations at the micro level. The analysis exposed numerous violations of basic rights, including physical,

mental and sexual abuse, non-payments, freedom of movement violations, failure to surrender passports upon request, denial of medical care, enormous workloads and problems with work permits.

There are a number of indicating factors that explain reasons for reported violations. Firstly, it must be explained what are the initial problematic factors which indicate the reasons why reported violations happen in the first place. Global relationships depend on transnational political agreements between countries (Vertovec, 2009). In case, there is no specific agreement migrants have a few rights in guest country as well are not able to participate in home country (Pecoud and De Guchteneire, 2009). Based on reported cases, 13 MDWs emigrated from Sri Lanka, three from the Philippines and two from Indonesia. The reported cases do not illustrate the uncertain relationship between embassy of Sri Lanka and Jordan. In particular, 8 out of 13 Sri Lankan MDWs looked for help at the embassy. According to this analysis, the embassy commonly referred them back to the recruitment agencies which are agencies are in many cases abusive towards MDWs.

F: *Sri Lankan worker worked for a family for 27 days and then she ran away, because the employer's brother was beating her. Then the embassy returned her to the agency, where she was beaten. She was beaten in the agency and she was locked up in the bathroom and then they beat her again and cut her hair, so she ran away and went to the embassy, and told them what has happened and she does not want to go back to the agency without their knowledge. She went to the police station, the police told her that they will repatriate her, but they returned her to the agency, and she was beaten again.*

K: *Sri Lankan worker came to Jordan in 2004. When the worker asked for her salaries, she (employer) hit her, so the worker escaped from the home and went to the embassy, where they talk to the agency and the agency came and took her back and beat her.*

M: *Sri Lankan worker came to Jordan in (January) 2009. In June 2009, she escaped to the embassy and stayed there for 2 days, and then they called the agency and took her back and withheld her passport and made her to work in houses without payments.*

P: *Sri Lankan worker came to Jordan in 2008. The employer tried to harass her, and he used to abuse her and he did not give her the wages. So she went to the embassy, but they did not do anything.*

If the concept of citizenship in the Western World is becoming a matter of economic justice (Benhabib and Resnik, 2009), this is not the primary issue in developing countries like Jordan when applied to MDWs rights. However, it can be seen as an economic benefit to both countries, which brings back one of the main motivations of transnationalism, economic motivation.

It is evident from case reports that the rights of MDWs are violated, when one considers the Universal Declaration of Human Rights, ratified by Jordan in 1991. Among the human rights violations already emphasized, it must be emphasized that physical abuse and uncompensated work are common occurrences. In particular, 11 out of 18 MDWs were physically abused and 7 out of 18 did not receive payment. For that matter, it can be agreed upon that the concept of modern citizenship is an issue between social and human rights (Turner, 1997), although human rights must be emphasized in this case. The reported complaints of MDWs are serious, citing abusive employers and private recruitment agencies.

7.1.2. Citizenship and migration

Human rights are not based in nationality. They protect both citizens and non-citizens. In practice however, this is not always the case. If all people living in one country have the right to fundamental, basic rights, these rights need to be identified. In the analysis process, the citizenship concept illuminates the problem of minimum rights in relation to MDWs.

D: *After two days from her arrival, the employer took her to do a medical check up. ...the employer was harassing her from the day she entered the house.*

G: *Doctor, came and examined her but did not treat her. She was detained in the room for one month and she has not got enough food and water, in addition to the house chores. ...she tried to run away, but the doors were locked...*

H: *...the madam (employer) was mistreating her, and broke her leg and they let her to sleep near the bathroom.*

J: *The agency sent her to a family where she was prevented from the food and they gave her only one meal and that was in the night.*

R: *...they did not feed her well, and they used to lock the fridge door and she was eating bread every day...*

O: *When she was sick they do not take care of her.*

As cited earlier, MDWs are abused, starved, have virtually no freedom of movement, and are denied medical treatment. According to this analysis, it is evident that the level MDW rights is, in practice quite low, even when comparing them to the generally accepted minimum of civil and social rights, including education and health care. Clearly, these women have no social rights.

Jordanian law does not specify a provision for health care for MDWs. However, 2009 regulations for domestic workers mandate that the employer is responsible for providing health care for the employee (Human Rights Watch, 2011, p.38). Yet, this analysis showed the majority of employers are not providing healthcare for MDWs.

E: *One day, the worker asked the madam to leave the work, but the madam told her "you are punished and if you are thinking of leaving me, you have to pay 2000 JOD as compensation."*

F: *She was beaten in the agency and she was locked up in the bathroom.*

R: *The family where she worked they did not feed her well, and they used to lock the fridge door and she was eating bread every day. The madam cut her hair and prevented her from calling to her family in Sri Lanka. She prevented her from transferring money to Sri Lanka, so she ran away.*

In Jordan most of MDWs live in with their employers. This applies to a serious problem. Article 6 of the 2003 Unified Standard Contract specifies that “the (worker) shall not leave Employer’s residence or be absent from work without the Employer’s approval. The Regulation on Domestic Workers, Cooks, Gardeners, and their like, from 2009, states in article 5.5 that domestic workers are obliged “not to leave the house or to be absent from it unless with the permission of the employer and knowledge her whereabouts (Human Rights Watch, 2011, p.33). “There has yet to be a prosecution for unlawful deprivation of liberty by forced confinement or legal challenges to the 2009 MDW Regulation” (Human Rights Watch, 2011, p.34).

B: *She worked from morning until evening in the house, and then she used to make hand crafts to her employer until three in the morning.*

C: *She has worked in some homes through the agency, but she found that she has to work in two houses instead of one house, and she asked her employer to work only in one home, but he refused.*

E: *The madam made her to work in many houses; one of them was her uncle.*

R: *She used to work from 5 am till 12 mid night, there was too much workload and the house was huge. They obliged her to work in the house and in the house of employer's mother's house and in the saloon and in employer's brother's saloon, and she was sleeping in the bathroom.*

Furthermore, MDW worker's rights are also being violated. The most common problem is non-payment, sub-minimum wage payment, and excessive workload. In the case reports, MDWs expressed complaints about over work and unrestricted working hours. There are also examples of MDWs who had to clean more than one house. Human Rights Watch (2011, p.45) notes that this violates the Unified Standard Contract issued in 2009, and ignores the instructions for recruitment companies issued in 2010.

K: *...she has worked there for 6 months without salary...*

S: *...she worked for 2 years and 2 months but she only got 8 months' salary, where her monthly salary was \$150 (106 JOD).*

R: *...where she worked for 4 months without getting any of her wages...*

P: *The employer did not give her the wages... So she went to the embassy, but they did not do anything.*

MDWs who received salary, the salary was according to their rights however the majority did not receive salary. Both international standards and Jordanian labour laws specify that salaries must be paid in full, on time, without deductions. However, employers even if they do not do so, they do not pay any fines (Human Rights Watch, 2011, p.41). Non payment complaints is important to recognize for two reasons. First, non-payment complaints and partial or insufficient payment complaints are the second most reported grievance after abuse. Furthermore, it is important to consider non-payment because MDWs immigrate to earn money. From this analysis it is obvious that MDWs are not paid for months or even years. MDWs are caught in a cycle by their employers, of insufficient or non-payments, while at the same time the recruitment agencies take their passports so they cannot leave the country. In

addition, if the employer does not pay for the agency to issue work permits, MDWs have to pay over stay fines.

A: *Indonesian worker, worked since 2004 without a work permits. As a result of not issuing a work permit the worker accumulated over stay fines. As a result of the situation, she went to the recruitment agency. It obliged her to work for 10 days without issuing any official papers.*

B: *Her passport was withheld by her first sponsor in 2005.*

L: *Sri Lankan worker came to Jordan in 2008. The recruitment agency made her to work in part-time every day for 3 months without wages and they took her cell phone, so she escaped from the agency and she needs her passport and the passport still in the agency and she has over stay fines.*

When civil, social and political rights are applied in combination with migrants' access to those rights this issue raises a lot of questions for a debate and topic of important discussion since it is commonly acknowledged no migrant can have full access to all citizenship rights. (Pecoud and De Guchteneire, 2009, pp.18-19)

The above quote has been used in this thesis, however it can be strongly argued that it is globally recognized that migrants most often do not have full access to citizenship rights. According to the analysis, MDWs rights in practice do not reach when the minimum set of rights and therefore as well basic citizenship rights. Despite labour market regulations which provide a number of human, civil, worker, migrant and social rights it is evident that these are not being applied in practice. It is evident that MDWs human rights, workers and migrants' rights are violated.

7.1.3. Citizenship and female, migrant domestic workers

Commercialization explains the global care chain practice, in favour of both employer and employee. As presented in this analysis, MDWs work long hours for little or no financial compensation, which favours employers. On the other hand, majority of MDWs do not seem to benefit from the employer-employee relationship. There are a few of examples in favour of employee.

B: *...she has worked in a family for two years, they were treating her very well and gave her salary regularly, and they gave her some gold jewellery as a gift.*

J: *...the monthly salary was \$120 (85 JOD) and she got all her salaries.*

L: *...worked for her employer for 8 months and her monthly salary was \$ 150 (106 JOD) and she got them all.*

The citizenship concept is criticized by feminists because it excludes motherhood and care work. The feminist critique goes further suggesting the reproduction of paternalism through the citizenship concept as citizen-worker and citizen-mother (Siim, 2000). Women in Jordan are still fighting for their rights therefore the generally inferior position of women to men also refers to the status of MDWs in Jordanian society, although no problematic gender specific case reports have been noted. Immigrants that take over the duties of the citizen mother do not enjoy equal rights. They are discriminated against because of the nature of their work and for their migrant status.

From this analysis specific problems are evident that MDWs are facing within the labour market in Jordan. Findings suggest that MDWs are victims of physical, mental and sexual abuse, followed by non-payment and workload. Their basic human rights are violated, as well as their workers and migrants' rights, although no particular women's rights violations were reported. According to data presented in this analysis, before 2011 MDWs lacked any social rights. Analysis indicates MDWs status in Jordan is not equal to minimum set of rights which could be compared with basic citizenship rights. Overall, it appears that the poverty of these women is manifested as explained above. Indeed, it can be argued that the tools for the manifestation of poverty remain in the labour force.

In relation to limitations, the validity of the cases as representative of all MDWs must be discussed at this point. This analysis takes into consideration the small amount of the total number of MDWs. Considering this fact could indicate that this is actually not a common problem where MDWs rights are being violated and where employers break the rules of a contract. It could also be seen as an invisible problem. Furthermore, if it is an invisible problem, the question can be raised as to how many cases exist. Overall, further research is needed as to whether there are more or less complaints made through the years in order to see if the situation has become better or worse.

7.2. Interview analysis

Interviews (Appendix 2 and Appendix 3) contribute to better understanding of labour market regulations from human and migrant rights. As seen in the document analysis, to a large extent, in practice labour market regulations do not reach MDWs. Consequently it is important to know the main advantages of labour market regulations in Jordan from a human rights perspective regarding MDWs. These are “*positive, including for the first time in law limits on working hours, specifying annual leave, and describing the nature of domestic work among other provisions.*” (Human Rights Watch, 19 March, 2012) On the other hand the biggest disadvantages are “*most prominently the provision that domestic workers were not allowed to leave the house without their employer’s permission, a clear violation of the freedom of movement. This has now been amended.*”(Human Rights Watch, 19 March, 2012)

When examining the differences among labour market regulations in Jordan from a human rights’ point of view, those rights are first compared with those rights enjoyed by any other worker. On the labour market, the main “*...differences include longer permissible daily working hours (10 for DWs, and 8 for other workers) and differences in annual leave. Because they work inside the house, DWs cannot complain about labour violations as easily as other workers, because labour inspectors do not visit homes. Last, as migrants, they face obstacles in returning home because of accumulated fines for every day without a valid residency permit, even if they are not at fault for falling out of documented residency status.* (Human Rights Watch, 19 March, 2012) It is evident that MDWs do not experience equal treatment, when compared with other workers. Furthermore, when comparing these differences among different migrant worker groups to the rights of MDWs, the main difference is that rights of MDWs are more specifically stated. However, *during the past year, the Jordanian Government has also been enforcing regulations restricting garment sector employers from withholding their workers’ passports, responding to labour complaints made by factory workers, and waiving migrant domestic workers’ accumulated overstay fines*” (IOM, 29 March, 2012).

From a human rights perspective, there are no differences between labour market regulations in Jordan for female citizens versus female, migrant domestic workers, “*however, the special regulation for domestic workers issued in 2009 makes clear that it is intended only for non-Jordanian domestic workers.*”(Human Rights Watch, 19 March, 2012) When this question is applied from a migrant’s point of view, the differences are vital. “*Highly vulnerable therefore*

to exploitation during recruitment, travel and employment abroad, many migrants become trapped in an nationally-defined 'illegal' situation which exposes them to the risks of irregular migration, and in particular to human trafficking and smuggling. This is particularly the case of young female migrant workers, many of whom are forced to accept vulnerable employment as domestic workers and have little to no rights as a consequence of exploitative work practices." (IOM, 29 March, 2012) it can be recognized that in relation to female-citizens, MDWs have a noticeably lower status in Jordanian society.

As a result, it is significant to ask about the overall consequences of labour market regulations in Jordan regarding MDWs. From a human and migrant rights point of view, the consequences are highly important *...because they are the foundation and first step to improving the situation.*"(Human Rights Watch, 19 March, 2012) Furthermore both perspectives emphasize that *"more needs to be done to ensure that these commitments are operationally realised through the provision of migrant-centred and gender-sensitive assistance and policy and legislative change, which is not yet the case."*(IOM, 29 March, 2012) The Human Rights Watch (19 March, 2012) also criticizes *"their lack of consistent application and urge improvements over the existing regulations, but they also show that it is possible and feasible to regulate the domestic work labour market."*

The importance of labour market regulations in practice seems significant, as has been shown in this analysis. Not only do the labour market regulations maintain differences between female citizens and female migrants, they maintain differences among migrant workers, which affect the social status of MDWs. In regards to human and migrant rights, labour market regulations appear as a tool, setting working conditions and to a much larger extent, the living standards of MDWs.

Interviews suggest that regulations are on the right track to develop more possibilities for MDWs, however in practice they still seem to oppress MDWs more than the help. Overall, when defining regulations from a human and migrant right point of view according to Human Rights Watch and IOM, it can be concluded that through labour market regulations, MDWs are provided with some basic human rights, workers and migrants' rights. However, those rights have not been fully applied in practice and can be criticized for the significant gap between the rights of MDWs and labour market regulations on paper and in practice. Thus, it can be concluded that labour market regulations do not significantly add to the basic civil, social or political citizenship rights of MDWs in Jordan.

8. Conclusion

It is evident from this thesis topic that globalization is not only about the global mobility of capital and the ascendance of information economies but also about specific places and work processes (Ehrenreich and Hochschild, 2003, p.273). In this analysis, the specific place was Jordan and specific work processes were labour market regulations in relation to MDWs. The thesis tried to embed the citizenship concept into the case of MDWs, in order to understand their rights and consequently, their status in Jordan.

Overall, the analysis demonstrated a large gap between theory and when looking at the rights of MDWs. What does this tell us about their status in Jordanian society? This indicates the low level of rights experienced by MDWs, as well as their significantly unequal status, according to a migrant rights perspective, or female citizens in the Jordanian society. It is evident although labour market regulations are also a result of Jordanian international legal framework, the regulations do not provide substantial minimum of rights in practice. The development of MDWs rights should be directed into setting minimum set of rights with rights and not ambiguous regulations especially for employers and recruitment agencies.

Further research should examine recruitment agencies, as they are an important part of this chain of employment of MDWs. Their perspective is needed in order to draw conclusions based on more actors involved in this issue. In addition, further research should also examine data within citizenship and female, migrant domestic workers, which will provide us with a greater understanding of the status of these workers. As explained in the theory section Anderson argues (2005, p.170), citizenship concept can also be analyzed according to civil, political, social rights as well between those rights, political participation and power. It is important to research on relationship among political community members within and outside of country. In other words relationships among receiving and sending countries, Jordan as receiving and Sri Lanka, Indonesia, and Philippines as sending countries. For the expanded transnational domestic work process in Jordan this tends to be an important contribution to a better status of MDWs.

The main limitations of this thesis in the theory section are primarily the insufficient number of academic work that was found, especially on MDWs in the Arab Region outside of the Arab Gulf. However the work that was found provided significant data. In the analysis section, I faced more limitations while looking for specific data on MDWs in Jordan, however the data that was provided was sufficient to understand MDWs problems, and the nature of the analysis was adjusted to this. Consequently the empirical material is sufficient to draw conclusions based on the fact that I do not have complementary perspectives due to limited time and sources. For the same reason, the scope of this work is limited by omitting the role of recruitment agencies, Ministry of Labour and Ministry of Justice, secondly the role of governments of Sri Lanka, Indonesia and Philippines and, thirdly the role of international organizations.

However, it is noticeable not only from the interviews with Human Rights Watch and IOM, but also from the reports of different international organizations, mentioned in the section on previous research and case reports from Tamkeen that the MDWs problems are becoming more visible. This may be a sign that MDWs will not accept such conditions and/or that the state is trying hard to find ways to handle the cases where MDWs rights are being violated.

“When rights are cast in terms of access to citizenship rights, the implication is that if a person is not a citizen, it is legitimate to deny her certain rights, even if those rights would be considered basic human rights by citizens. So while citizenship rights guarantee that citizens’ basic human needs are met, these rights do not derive from humanity but from the membership of the community.” (Anderson, 2000, p.195)

Clearly, even human rights and basic human needs are a matter for membership of the state. The living and working conditions of MDWs turned out to be in significantly dependent on their employers and recruitment agencies. This is an important factor, which is crucial when applied to citizenship and immigration status, since these concepts contain some space for change and offer improvement and unifying organising principles (Anderson, 2009, p.196).

“Immigration status is not the only reason that migrant women are in domestic work, and it is not the only factor in their abuse and exploitation. The treatment of migrant domestic workers and the “demand” for them in the first place is symptomatic of fundamental contradictions and tensions with capitalism which is both racist and patriarchal. (Anderson, 2000, p.196)

On the whole, the following question must be considered, “How to apply the universal principle implied in concept of citizenship, when different people have such different access to resources in different societies” (Jones, 1990 cited in Anderson, 2000, p.195). It is clear that this is one of the most important question of the contemporary time we live in especially considering the fact as Anderson (2000, p.197) argues that the expansion and racialisation of paid domestic work is one of a function of the expansion of global capitalism.

Bibliography

- Abimourched, Rola., 2011. *Migrant Domestic Workers in the Mashriq: Towards a Rights-Based Regulatory Framework*. CARIM Research Reports 2011/03. Robert Schuman Centre for Advanced Studies, San Domenico di Fiesole (FI): European University Institute, 2011.
- Amnesty International., 2011. Annual report. Available at: <http://www.amnesty.org/en/region/jordan/report-2011>. (Accessed 24 January 2012).
- Amnesty International., 2010. Annual report. Available at: <http://www.amnesty.org/en/region/jordan/report-2010>. (Accessed 24 January 2012).
- Amnesty International., 2008. *Isolated and abused. Women Migrant Domestic Workers in Jordan Denied their Rights*.
- Andersen, Jorgen Goul, Anne-Marie Guillemard, Per.H. Jensen and Birgit Pfau-Effinger., 2005. *The Changing face of Welfare. Consequences and Outcomes from a Citizenship Perspective*. Bristol: The Policy Press.
- Anderson, Bridget., 2000. *Doing the Dirty Work. The Global Politics of Domestic Labour*. London and New York: Zed Books.
- Baylouny, Anne Marie., 2008. *Militarizing Welfare: Neo-liberalism and Jordanian Policy*. Middle East Journal. Vol. 62, No.2. 277-302.
- Benhabib, Seyla and Judith Resnik., 2009. *Migrations and Mobilities. Citizenship, Borders, Gender*. New York University Press: New York and London.
- Center for American Progress., 2008. Available at: http://www.americanprogress.org/issues/2008/10/women_poverty.html. (Accessed 1 May 2012).
- Cohen, Mitchell., 2010. *T.I. Marshall's "Citizenship and Social Class"*. Reconsiderations. 4, 81-85. Dissent: New York.
- Department of Statistics Jordan., 2010. Available at: http://www.dos.gov.jo/dos_home_e/main/index.htm. (Accessed 16 April 2012).
- Ehrenreich, Barbara and Arlie Russell Hochschild., 2002. *Global Women. Nannies, Maids, and Sex Workers in the New Economy*. Henry Holt and Co.
- European Training Foundation Report., 2005. *Unemployment in Jordan*. Office for Official Publication of the European Communities: Luxemburg.
- Flick, Uwe., 2006. *An introduction to qualitative research*. London: SAGE Publications.

- Guazzone, Laura and Daniela Pioppi., 2007. *Globalisation and the Restructuring of State Power in the Arab World*. The International Spectator: Italian Journal of International Affairs. 42: 4, 509-523.
- Gee, John., 2008. *Gradual Steps Forward for Migrant Workers in the Middle East*. Washington Report on Middle East Affairs. Available at: <http://www.wrmea.com/component/content/article/5228-gradual-steps-forward-for-migrant-workers-in-the-middle-east.html>. (Accessed 30 January 2012).
- Haralambos, Michael and Martin Holborn., 1999. *Sociologija, teme in pogledi*. Ljubljana: DZS.
- Hochschild, Arlie Russel with Anne Machung., 1989. *The Second Shift: Working Parents and the Revolution at home*. New York: Viking Penguin.
- Human Rights Watch., 2011. *Jordan. Domestic Plight. How Jordanian Law, Officials, Employers and Recruiters Fail Abused Migrant Domestic Workers*. United States Of America.
- International IDEA and ANND (Institute for Democracy and Electoral Assistance and the Arab NGO Network for Development)., 2005. *Building Democracy in Jordan: Women's Political Participation, Political Party life and Democratic Elections*. Sweden: Publication Office International IDEA.
- Isin, F. Engin., 2009. *Citizenship in Flux: The figure of the activist citizen*. Subjectivity. 29, 367-388. Palgrave Macmillan.
- Isin, F. Engin and Bryan S. Turner., 2007. *Investigating Citizenship: An Agenda for Citizenship Studies*. Citizenship Studies. 11:1, 5-17. Routledge.
- ILO (International Labour Organization)., 2012. Available at: http://www.ilo.org/global/about-the-ilo/press-and-media-centre/insight/WCMS_075619/lang--en/index.htm. (Accessed 15 May 2012).
- ILO (International Labour Organization)., 2010. *Regional Workshop of Trade Unions in Promoting Decent Work for Domestic Workers in Arab countries*. Beirut, 11-12 November 2010.
- ILO (International Labour Organization)., 2004. *Gender and Migration in Arab States. The Case of Domestic workers*. Regional Office: Beirut.
- Ismael, S. Jacqueline and Shereen T. Ismael., 2008. *Social Policy in the Arab World: The Search for Social Justice*. ASQ, Vol.30: 2, 23-44.

- ITUC (International Trade Union Confederation)., 2008. *Internationally Recognized Core Labour Standards in Jordan*. Report for the WTO General Council Review of the Trade Policies in Jordan.
- Jordan, Bill., 2006. *Social Policy for the Twenty-First Century*. Cambridge: Polity Press.
- Jordan Center for Social Research., 2009. *The Impact of Foreign Domestic Workers on the Economic Participation Jordanian Women. Final Report*.
- Lister, Ruth, Fiona Williams, Anneli Anttonen, Jet Bussemaker, Ute Gerhard, Jacqueline Heinen, Stina Johansson, Arnlaug Leira, Birte Siim and Constanza Tobio., 2007. *Gendering Citizenship in Western Europe*. Bristol: The Policy Press.
- Majcher-Teleon, Agnieszka and Olfa Ben Slimène. 2009. *Women and Work in Jordan. Case study of Tourism and ICT Sectors. Working Paper*. European Training Foundation.
- Marshall, T.I., 1949. *Citizenship and Social Class*. In: Pierson, Christopher and Francis G. Castle., 2006. *The Welfare State Reader*. Cambridge: Polity Press.
- May, Tim., 1999. *Social Research, Issues, Methods and Process*. Berkshire: Open University Press.
- Pecoud, Antoine and Paul de Guchteneire., 2009. *Migration without Borders. Essays on the Free Movement of People*. UNESCO Publishing Paris: Berghan Books.
- Siim, Birte., 2003. *Gender Equality, Citizenship and Globalization*. Revised version of the keynote speech "How to Achieve Gender Equality?" For the COST A 13 Conference Social Policy, Marginalization and Citizenship Aalborg University Denmark 2001.
- Siim, Birte., 2000. *Gender and Citizenship. Problems of Exclusion and Inclusion in Europe*. European Citizenship: Beyond borders across identities, April 23-24, Brussels.
- Tamkeen., 2011. *Until When ...???*. (pdf) Tamkeen Center for Legal Aid and Human Rights. Available at: <http://www.tamkeen-jo.org/publications.htm>. (Accessed 7 February 2012).
- Tamkeen., 2010. *Breaking the Silence!!*. (pdf) *Irregular migrant workers in Jordan: between marginalization and integration*. Tamkeen Center for Legal Aid and Human Rights. Available at: <http://www.tamkeen-jo.org/publications.htm>. (Accessed 7 February 2012).
- Tamkeen., 2009. *Doubled Alienation. Report on the migrant workers situation in Jordan - 2009*. (pdf) Tamkeen Center for Legal Aid and Human Rights. Available at: <http://www.tamkeen-jo.org/publications.htm>. (Accessed 7 February 2012).
- Turner, S. Bryan., 2009. *T.H. Marshall, social rights and English national identity*. *Citizenship studies*, Vol.13, No.1, 65-73.
- Turner, S. Bryan., 1997. *Citizenship studies: A General Theory*. *Citizenship studies*, Vol.1, No.1.

- U.S. Department of State., 2010. Human Rights Report. Available at: <http://www.state.gov/j/drl/rls/hrrpt/2010/nea/154464.htm>. (Accessed 12 March 2012).
- UNDP (United Nation Development Programme)., 2009. *Human Development Research Paper: Migration and Gender Empowerment: Recent Trends and Emerging Issues*.
- UNDP (United Nation Development Programme) Regional Bureau for Arab States., 2006. *The Arab Human Development Report 2005*. Towards the Rise of Women in the Arab World.
- UNIFEM (United Nation Entity for Gender Equality)., 2009. *Final Evaluation Report of Phase II*. Regional Programme on Empowering Women Migrant Workers in Asia.
- UNIFEM (United Nation Entity for Gender Equality)., 2004. *Progress Arab Women* (pdf). Available at: https://docs.google.com/viewer?a=v&q=cache:z6cFWbzF_MJ:www.unifem.org/attachments/products/Progress.Arab.Women__Summary.pdf+progres+arab+women+summary&hl=sl&gl=si&pid=bl&srcid=ADGEESgZhEPw92rTAFNEmStMHuVkJfoOIL8xb9xHsut4PC5i37AtBIDA3dxOm8rs5qZthesH3Ps6jzSpO5OT2AUfWnk7QD1ToVXWVjXD_24a30MJfx0IJSaqBcuKDsFDSLprxskWs&sig=AHIEtbTTQdE3KJRS9gW2C8jXJh4UI_rLdg. (Accessed 19 January 2012).
- Vertovec, Steven., 2009. *Transnationalism*. New York: Routledge.
- Yeates, Nicola., 2007. *Globalization and Social Policy*. 21, 627-653. Available at: SP3eC21. (Accessed 13 March 2012).
- Yeates, Nicola., 2004. *Global Care Chain*. International Feminist Journal of politics, 6: 3, 369-391.

Appendix 1: Interview questions

1. Taken from a - point of view, what are the major advantages and disadvantages of labour market regulations in Jordan regarding female migrant domestic workers?
2. Again taken from a - point of view, what are the main differences among labour market regulations in Jordan when comparing different migrant worker groups to female migrant domestic workers' rights? (Do female migrant domestic workers have less or more rights in comparison to other migrant workers groups?)
3. What are the main differences between labour market regulations in Jordan for female citizens' rights versus female migrant domestic workers' rights (taken from - point of view)?
4. From a - point of view, how significant are the consequences of labour market regulations in Jordan regarding female migrant domestic workers?

Appendix 2: International organization for Migration. 2012. Interview by Urska Kovse. Email/Microsoft Office Word. 29 March 2012.

1. Taken from migrants' rights point of view, what are the major advantages and disadvantages of labour market regulations in Jordan regarding female, migrant domestic workers?

IOM has not produced a legislation review of the regulations regarding female, migrant domestic workers in Jordan yet, but the attached documentation stipulates the rights of this population as per the Jordanian law. IOM is also in the process of producing a national campaign to raise awareness among migrant workers, including domestic workers, about their rights and obligations as they are presented in the Jordanian legislation.

2. Again taken from migrants' rights point of view, what are the main differences among labour market regulations in Jordan when comparing different migrant worker groups to female, migrant domestic workers' rights? (*Do female migrant domestic workers have less or more rights in comparison to other migrant workers groups?*)

As per the Jordanian legislation, the rights of domestic workers are more clearly stated than the rights of other migrant workers, through the specific regulations in place. The rights of the labor migrants in general are presented in the country's Labor Code.

During the past year, the Jordanian Government has also been enforcing regulations restricting garment sector employers from withholding their workers' passports, responding to labor complaints made by factory workers, and waiving migrant domestic workers' accumulated overstay fines.

3. What are the main differences between labour market regulations in Jordan for female citizens' rights versus female, migrant domestic workers' rights (taken from migrants' rights point of view)?

Many migrants are employed in marginal, low status, inadequately regulated/irregular sectors of economic activity with little security.

Exploitation is multifaceted: denial of salary/overtime allowances, undertaking of risky work, lack of rest and vacation days, poor or no compensation, ill treatment, physical torture, denial of medical help and reduction of benefits, such as home-leave, accommodation, air fare, even cancelling visas before the termination of the contract period against which the workers have no access to legal redress. Highly vulnerable therefore to exploitation during recruitment, travel and employment abroad, many migrants become trapped in an nationally-defined 'illegal' situation which exposes them to the risks of irregular migration, and in particular to human trafficking and smuggling. This is particularly the case of young female migrant workers, many of whom are forced to accept vulnerable employment as domestic workers and have little to no rights as a consequence of exploitative work practices.

4. From migrants' rights point of view, how significant are the consequences of labour market regulations in Jordan regarding female migrant domestic workers?

Significant steps have been taken by the target governments to better protect the rights of migrant workers and Jordan has ratified the core international conventions that provide basic human rights to all migrants. However, more needs to be done to ensure that these commitments are operationally realised through the provision of migrant-centred and gender-sensitive assistance and policy and legislative change, which is not yet the case.

As part of future projects and pending funding allocation, IOM will continue its work to improve the management of such migratory flows in Jordan with a focus on prevention and control of smuggling and trafficking in human beings through increasing national capacity to better protect the rights of migrants, and particularly domestic workers in recognition of the gendered dimension of this phenomenon.

Appendix 3: Human Rights Watch, Christoph Wilcke. 2012. Interview by Urska Kovse. Email/Microsoft Office Word. 19 March 2012.

1. Taken from a human rights point of view, what are the major advantages and disadvantages of labour market regulations in Jordan regarding female migrant domestic workers?

Jordan is a regional leader in reforming the laws governing domestic work. In 2008 it became the first Arab country in the region to include domestic workers under provisions of its labor law, and in 2009 issued a special bylaw only for domestic workers. Also in 2009, the kingdom issued its first law to combat trafficking in humans, which can apply to domestic workers held in servitude. The labor law changes and regulations were positive, including for the first time in law limits on working hours, specifying annual leave, and describing the nature of domestic work among other provisions. There were of course shortfalls in the laws, most prominently the provision that domestic workers were not allowed to leave the house without their employer's permission, a clear violation of the freedom of movement. This has now been amended.

2. Again taken from a human rights point of view, what are the main differences among labour market regulations in Jordan when comparing different migrant worker groups to female migrant domestic workers' rights? (*Do female migrant domestic workers have less or more rights in comparison to other migrant workers groups?*)

One should compare first the rights of domestic workers to those of any other worker, before looking at the fact that domestic workers in Jordan are almost all non-Jordanian. Differences include longer permissible daily working hours (10 for DWs, and 8 for other workers) and differences in annual leave. Because they work inside the house, DWs cannot complain about labor violations as easily as other workers, because labor inspectors do not visit homes. Last, as migrants, they face obstacles in returning home because of accumulated fines for every day without a valid residency permit, even if they are not at fault for falling out of documented residency status.

3. What are the main differences between labour market regulations in Jordan for female citizens' rights versus female migrant domestic workers' rights (taken from human rights point of view)?

None that I know of. However, the special regulation for domestic workers issued in 2009 makes clear that it is intended only for non-Jordanian domestic workers.

4. From a human rights point of view, how significant are the consequences of labour market regulations in Jordan regarding female migrant domestic workers?

They are very significant, because they are the foundation and first step to improving the situation. We criticize their lack of consistent application and urge improvements over the existing regulations, but they also show that it is possible and feasible to regulate the domestic work labor market.

Appendix 4: International Organization for Migration. 2012. Interview Request by Urska Kovse. Questions regarding The Effect of Labour Market Regulation (LMR) on Female, Migrant Domestic Workers (FMDW) in Jordan. Email/Pdf. 3 April 2012.

Legal framework regulating the FMDW in Jordan:

- International Instrument

- i. International Bill of Rights

- 1. 1948: Universal Declaration of Human Rights (UDHR)

- 2. 1966: International Covenant on Economic, Social and Cultural Rights (ICESCR), Jordan ratified this convention in 1975

- 3. 1966: International Covenant on Civil and Political Rights (ICCPR), Jordan ratified in 1975

- ii. 1965: International Convention on the Elimination of all Forms of Racial Discrimination (ICERD), Jordan ratified in 1974.

- iii. 1979: Convention on the Elimination of all forms of Discrimination against Women (CEDAW), Jordan ratified in 1992.

- iv. 1984: Convention against Torture (CAT), Jordan ratified in 1991.

- v. 1989: Convention on the Rights of the Child (CRC), Jordan ratified in 1991

- vi. *1990: International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW), Jordan has not signed or ratified this convention.

- vii. 2006: Convention on the Rights of Persons with Disabilities

- viii. 2011: International Labour Organization Convention No. 189 (2011) on Decent Work for Domestic Workers. Jordan voted in favour for this Convention during 100th session of the International Labour Organization. However Jordan has not taken any further step to ratify this Convention. UN recommends Jordan to accede to this Convention¹.

- National Instrument-Jordan

- i. Labour Code, No. 8 of 1996

- 1. Law No. 48 of 2008 Amending the Labour law

a. Section 3(b) lifted the exemption on domestic workers. Therefore DWs are protected by the Jordan's Labour Code. Jordan is the first Arab country to include DWS in its labour in order to protect DWs' rights.

2. Act No. 26 of 2010 Amending the Labour Code

a. Section 10 (1) (i) authorize the private employment offices to employ migrant domestic workers in Jordan.

ii. Regulation No. 90/2009 of Domestic Workers, Cooks, Gardeners and Similar Categories.²

¹ See the *Concluding Observations of the Committee on the Elimination of Racial Discrimination-Jordan*, CERD/C/JOR/CO/13-17, March 2012, Pg 4, Article 14.

² See the Official Gazette No. 4989 on October 1st, 2009, Pg. 5348.

1. Regulates the employment conditions on domestic workers, including the obligations of employers and domestic workers, hours of work, leave and termination of the employment contracts.

2. Unfortunately this regulation reiterates that, without the permission of employer, the migrant domestic workers are restrained from leaving the houses of their employment.

iii. Anti-Human Trafficking Law, 2009. Jordan government endorsed the Anti-Human Trafficking Law. It adopts the international definition of trafficking, prohibits human trafficking in the kingdom and provides legal protection for trafficked migrant victims. Jordan is the first Arab country to criminalize the human trafficking and forced labour for exploitation.

iv. Since 2003, Jordan has been using the Unified Standard Contract for all migrant domestic workers. It has been the first Arab country, followed by Lebanon in 2009, using the Unified Standard Contract.

v. Organizing Regulation for Specialized Offices Operating in Recruiting and Employment of Non-Jordanian Domestic Workers³, 2009

vi. The Temporary Social Security Act in 2010. It extends the coverage to women domestic workers.

³ See the Official Gazette No. 4989, October 1, 2009, Pg. 5342.

The condition of forced labour exists in other groups of migrant workers too, including unlawful confiscation of passports or other identification documents, late or non-payment of wages, and excessive working hours. Migrant workers are in vulnerable positions because of their migration status. Jordanian female workers are protected by the Jordan's Constitution while migrant female workers are not. While migrant workers are tied up with employers in order to keep their legal status in Jordan, Jordanian female workers are not. Jordanian female workers are more empowered to negotiate better employment conditions and as well as enjoy more rights and options provided by laws.

Jordan is a leading Arab country to set up good practice model for others. You may read the reports and papers I listed below to get more information:

1. US Human Rights Report: Jordan 2010

<http://www.state.gov/j/drl/rls/hrrpt/2010/nea/154464.htm>

2. Concluding Observation from CEDAW, mentioned migrant women,

CEDAW/C/JOR/CO/5, <http://www2.ohchr.org/english/bodies/cedaw/cedaws51.htm>

3. <http://www.unhcr.org/refworld/docid/4c1883e8c.html>

Appendix 5: Case Reports

A: Indonesian worker has worked in Jordan since 7/6/2004.

B: Filipina worker, entered Jordan in 2005.

C: Sri Lankan worker, entered Jordan in 2005.

D: Sri Lankan worker, came to Jordan on 15/11/2007.

E: Filipina worker, came to Jordan on 2004/03/07.

F: Sri Lankan worker, entered Jordan on 2009/01/20.

G: Sri Lankan worker, came to Jordan on 2009/02/03.

H: Sri Lankan worker.

I: Sri Lankan worker, entered Jordan in 2009.

J: Sri Lankan worker, came to Jordan in 1999 and worked for two years and then went back to Sri Lanka, and came back to Jordan on 2004/11/29.

K: Sri Lankan worker, came to Jordan on 2004/08/24.

L: Sri Lankan worker, came to Jordan on 2008/08/12.

M: Sri Lankan worker, came to Jordan on 2009/01/19.

N: Filipina worker, came to Jordan in 2009.

O: Sri Lankan worker, came to Jordan on 2010/06/22.

P: Sri Lankan worker, came to Jordan on 2008/11/30.

R: Sri Lankan worker who entered Jordan on 2009/05/22.

S: Indonesian worker, came to Jordan on 2009/08/24.