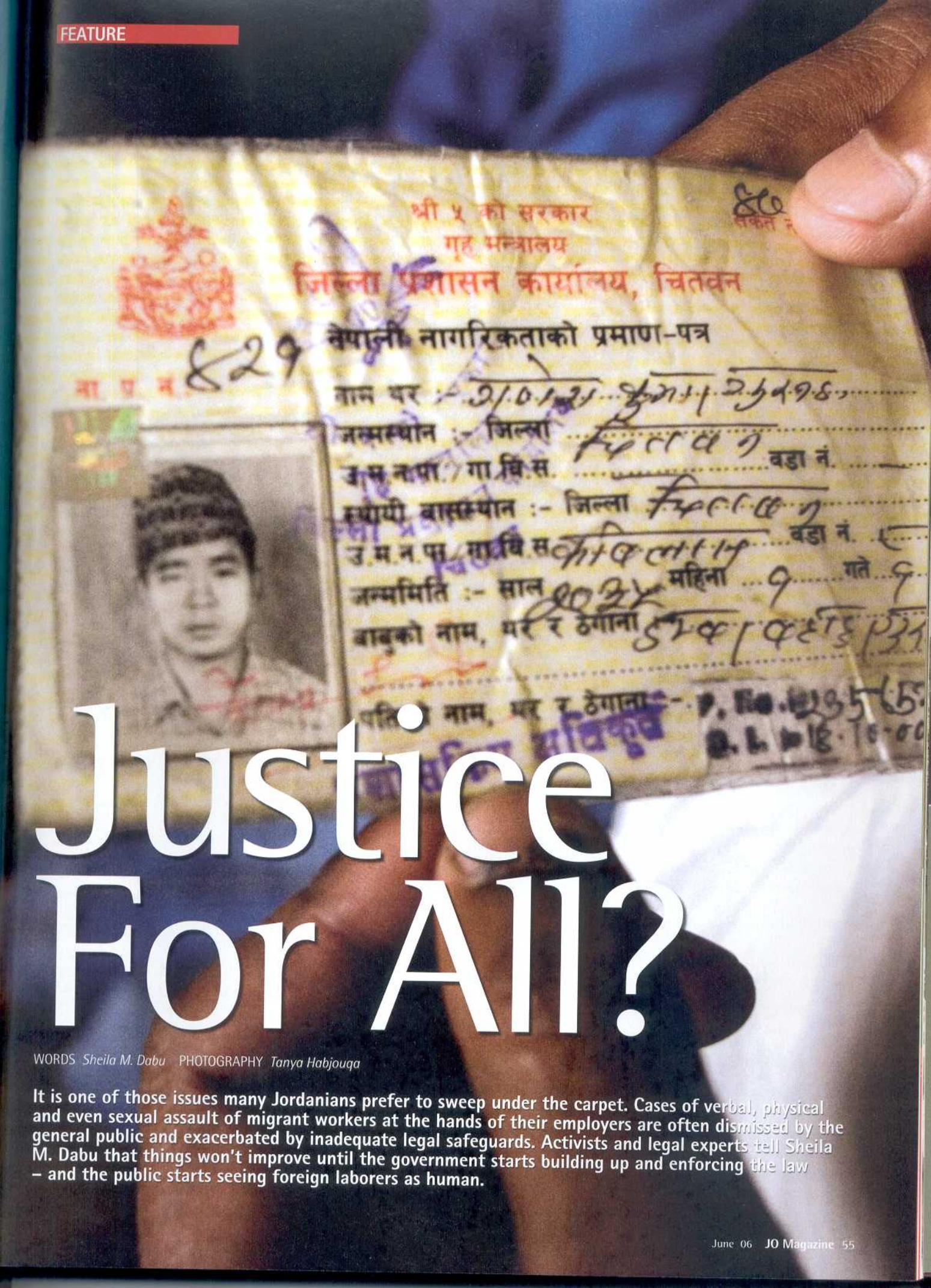


Justice For All?

WORDS *Sheila M. Dabu* PHOTOGRAPHY *Tanya Habjouqa*

It is one of those issues many Jordanians prefer to sweep under the carpet. Cases of verbal, physical and even sexual assault of migrant workers at the hands of their employers are often dismissed by the general public and exacerbated by inadequate legal safeguards. Activists and legal experts tell Sheila M. Dabu that things won't improve until the government starts building up and enforcing the law – and the public starts seeing foreign laborers as human.

Lying on a hospital stretcher, Jennifer Perez waited. Her eyes danced with excitement and anticipation as a team of nurses carried her fragile, waif-like figure onto the ambulance headed for the airport. It was her last day in Jordan, nine months after the alleged assault by her employer, which left the 23-year-old teacher's college graduate permanently paralyzed.

On May 17 at 6:30am, less than three weeks since her return home, Jennifer died surrounded by her family. According to an embassy official, the trial of Jennifer's employer continues. But her unexpected death marks the end of an important phase of the saga that catapulted her story onto the headlines in her home country and sparked a dialogue about migrant worker abuse in Jordan.

No doubt some will interpret the outcome as a verdict on how Jordan views migrant workers' rights.

JO met Jennifer while she was hospitalized in Jordan. The domestic worker told of how she was injured when a struggle over her cell phone led to her employer throwing her from the second-storey kitchen balcony. Her employer said the fall was attempted suicide.

At the time, Jennifer's physical recovery was limited. But her emotional healing over the past few months had been remarkable.

"Before, I was angry...Now, I'm not, because I forgive her. People from church advised me that after I forgive my employer, I will be healed from the pain of the tragedy," Jennifer said during her last interview.

While Jennifer said she had forgiven her alleged attacker, activists argue that migrant worker abuse must also be addressed with justice.

THE TABOO OF MIGRANT WORKER ABUSE

Jennifer, like the estimated 300,000 documented migrant workers of various nationalities in Jordan (including close to 100 runaways at the Philippine embassy as of early May), came with hopes of finding better work opportunities abroad to help support her family back home. But for some, the quest for a better future exposes them to a very different and harsh reality: abuse at the hands of their employers or recruiting agent.

According to a 2005 UNIFEM report, the most common reason why migrant women leave Jordan is due to human rights violations.

UNIFEM's sample study found 50 percent of live-in domestic workers were being abused by their employers, with some alleging physical and sexual assault.

While experts agree there is an absence of statistics documenting the overall problem of migrant worker abuse, migrant worker expert and American University of Cairo sociology professor Ray Jureidini says the problem is "invariably larger than expected" since not all abuse cases are reported by workers who are too scared to tell their story.

Even so, anecdotal evidence can be equally powerful.

A recent New York Times exposé put the global spotlight on migrant worker abuse in Jordan's Qualified Industrial Zone (QIZs) factories where Bangladeshi workers complained of 20-hour days and physical assault.

Some might not welcome such reports, saying they damage Jordan's reputation. But activists like Atef Majali, a lawyer at the National Center for Human Rights, are eager to defend migrant workers' rights, including those of twelve Nepalese and Indian workers who were part of a group of 280 foreign workers illegally trafficked into Jordan about nine months ago. Majali calls this an "unprecedented" national case of human trafficking.

XENOPHOBIA?

In this affluent neighborhood of Amman, no one would have guessed that 118 men, less than half of the larger group illegally trafficked last year and moved to the capital in February, were living in cramped, filthy apartments without adequate food or running water until April, when most of the workers borrowed enough money to pay the agent for their passports and plane tickets home. Moreover, the workers' spokesperson alleged that twelve workers remained until early May, while their agent and embassies provided no food or help with repatriation. NCHR took over representation of the Nepalese workers, who do not have an embassy in Jordan, after they asked for help.

"Someone working in the building told me, 'I'm ashamed that as Jordanians, we are treating them like animals,'" said Dr. Barbara Burgan, who previously visited the 118 workers and donated food through a church group.

To what extent do certain beliefs about particular nationalities lead to maltreatment and abuse?

In a 2003 UN report, Jureidini identified an interesting irony: "It seems ironic that, while anti-Arab and anti-Muslim racism, vilification and stereotyping is widespread in many Western countries [and possibly elsewhere], there is also Arab racism and xenophobia against others in the Middle East."

But regarding domestic workers, Jureidini says their treatment resembles "xenophobia," not "racism," because racism means "hostility based upon beliefs about biological differences," while xenophobia is "hostility based upon beliefs associated with cultural differences or hostility against foreigners." Xenophobia can lead to "the attitude of disdain and abuse towards those who are visibly different, particularly Sri Lankans, Filipinas and Africans," Jureidini reported.

Most foreign laborers work in so-called "unskilled" sectors like construction, factory and domestic work. It is their perceived position of "servility," said Jureidini, which can result in abuse.

Rights activists are calling for "a change in perspective." "They are domestic workers, not 'maids'," said Afaf Jabiri, V-Day Karama's Regional Coordinator at a February conference including high-level government officials and leading NGOs. "Many Jordanian employers regard migrant women workers as nothing more than machines who can perform any sort of work, not taking any of the workers' rights into consideration," UNIFEM reported.

Even with these challenges, Jureidini said negative social behavior can change if the laws that protect migrant workers have teeth.

LEGAL SHORTCOMINGS

Regarding current labor legislation, experts warn that not only is there a problem

with the enforcement of existing laws but there is, first and foremost, an absence of a solid legal framework.

For Taleb Rifai, former Director of the ILO Regional Office for the Arab States, violations of migrant workers' rights are symptomatic of the plight of all workers in the region. "The Middle East has the lowest rates of ratification of workers' rights," said Rifai, during a telephone interview from ILO headquarters in Geneva. He said minimum wage, the right to organize and other labor rights are not yet universally recognized. "[The region's record] is even more challenging when it comes to migrant workers," he added.

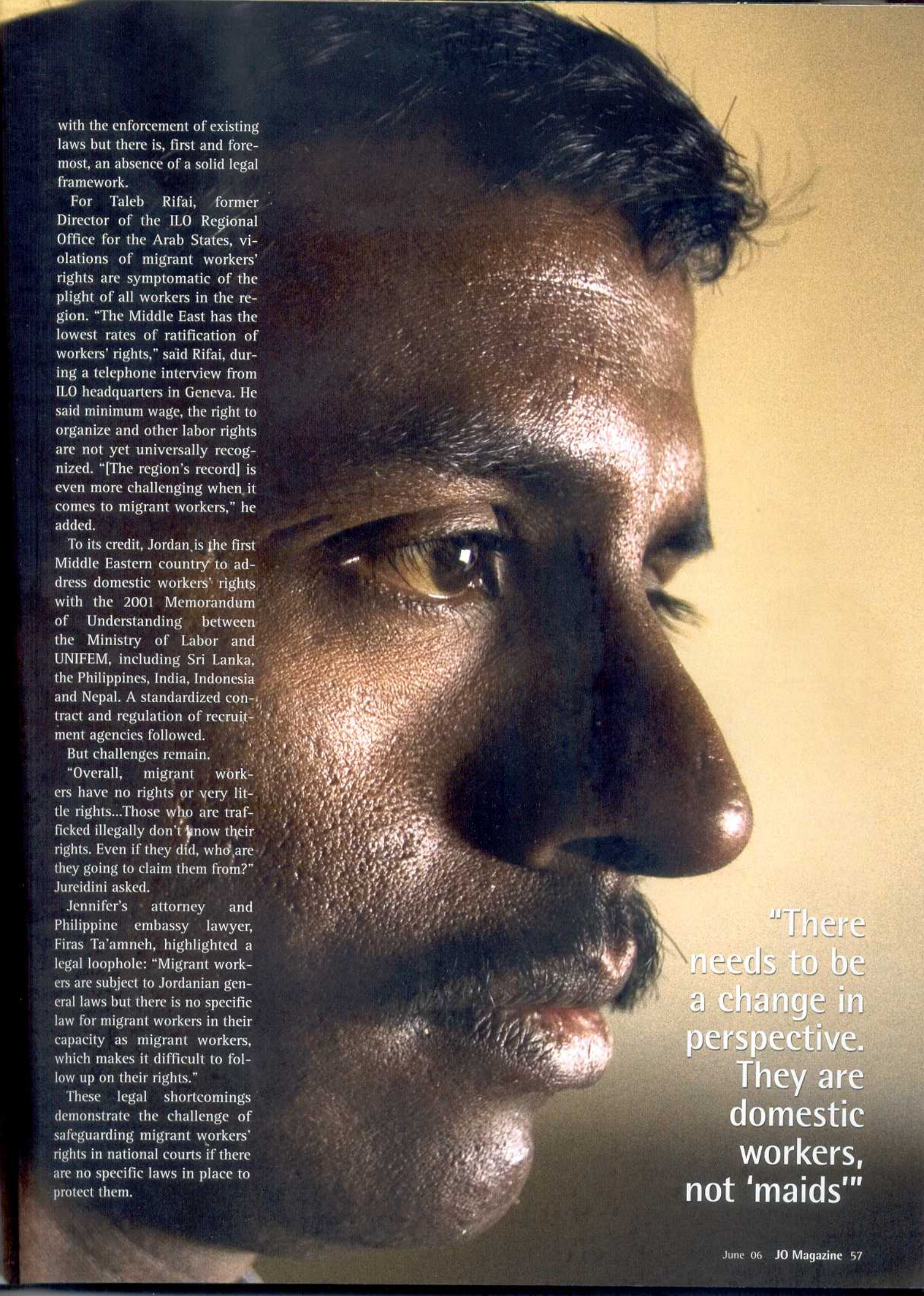
To its credit, Jordan is the first Middle Eastern country to address domestic workers' rights with the 2001 Memorandum of Understanding between the Ministry of Labor and UNIFEM, including Sri Lanka, the Philippines, India, Indonesia and Nepal. A standardized contract and regulation of recruitment agencies followed.

But challenges remain.

"Overall, migrant workers have no rights or very little rights...Those who are trafficked illegally don't know their rights. Even if they did, who are they going to claim them from?" Jureidini asked.

Jennifer's attorney and Philippine embassy lawyer, Firas Ta'amneh, highlighted a legal loophole: "Migrant workers are subject to Jordanian general laws but there is no specific law for migrant workers in their capacity as migrant workers, which makes it difficult to follow up on their rights."

These legal shortcomings demonstrate the challenge of safeguarding migrant workers' rights in national courts if there are no specific laws in place to protect them.



"There needs to be a change in perspective. They are domestic workers, not 'maids'"

SOLUTIONS AND CHALLENGES

To end the cycle of abuse, migrant workers need to know their rights and speak out. And authorities with the power to enact change need to act. But first, social and legal barriers to justice for migrant workers need to be overcome. Majali says heightened public awareness about human rights will lead to greater respect for such rights.

In addition to improved legislation, activists suggest a more "user-friendly" court system. Migrant workers see the process as slow and unfavorable to them, with many afraid to report abuse to the police because "they feel they will not win the case," says Caritas-Jordan social worker, Sister Ursula Hopfensitz.

But where do workers turn to if their own embassies are unable or unwilling to help? NGOs like Caritas-Jordan and NCHR provide free legal assistance. .

However, outside assistance is not always welcome. Majali said that NCHR's efforts to defend the rights of the remaining illegally trafficked workers dismissed by an Indian embassy official after Majali negotiated the return of the workers' passports from their agent. The passports were later returned to the agent – the last place to which they should have gone.

Such cases have others pointing the finger at host governments who they allege only exacerbate the problem by turning a blind eye to allegations of abuse with their policy decisions.

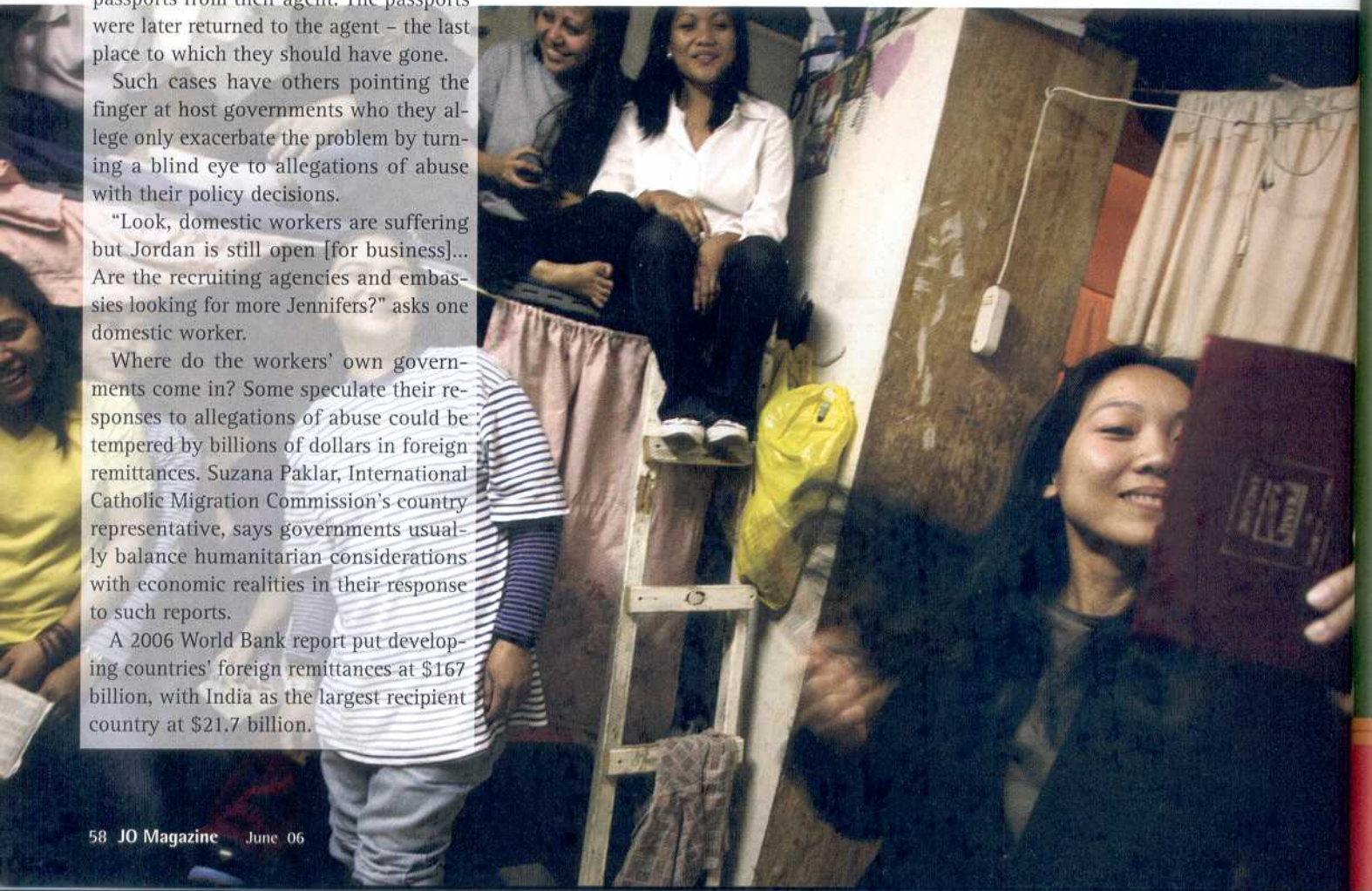
"Look, domestic workers are suffering but Jordan is still open [for business]... Are the recruiting agencies and embassies looking for more Jennifers?" asks one domestic worker.

Where do the workers' own governments come in? Some speculate their responses to allegations of abuse could be tempered by billions of dollars in foreign remittances. Suzana Paklar, International Catholic Migration Commission's country representative, says governments usually balance humanitarian considerations with economic realities in their response to such reports.

A 2006 World Bank report put developing countries' foreign remittances at $167 billion, with India as the largest recipient country at $21.7 billion.

Meanwhile, Jordan's swift response to the *New York Times*' report suggests progress in safeguarding migrant workers' rights. The Labour Ministry introduced a "binding code of practice [that] obligates employers to pay wages, allows workers to keep their passports and establishes maximum working hours." It also sued and fined one of the companies in the illegal trafficking case of Indian and Nepalese workers. But after most of these workers were repatriated, twelve stranded drivers received no help from any officials and the main company allegedly responsible for trafficking has escaped prosecution, underscoring the reality that legal, political and social change doesn't happen overnight.

Even so, the struggle for Jennifer and migrant workers' rights continues. JO



Letter from JO

JO Magazine

Nine months after the alleged assault that left Filipina domestic worker Jennifer Perez completely paralyzed, Sheila Dabu returned to visit her. Her employer's trial – for throwing her off a second floor balcony – was still unresolved, but Perez had undergone a remarkable level of emotional healing, and found it within her to forgive her former employer.

But last month, a mere three weeks after her return home to the Philippines, Jennifer died unexpectedly.

Her case has sparked an important dialogue about migrant worker abuse in Jordan, and the outcome will affect how Jordan views migrant worker's rights. Activists and legal experts tell Dabu that the situation of migrant workers' abuse at the hands of their employers will not improve until the government starts building up and enforcing the law – and the public starts seeing foreign laborers as human.

On the cover this month is a woman who has just hosted a New York gala dinner, under the patronage of Her Majesty Queen Rania, to lure the major US television networks and get them interested in the animated Jordanian-raised series: *Ben & Izzy*. Randa Ayoubi started up Rubicon, an educational multimedia company in Jordan, 12 years ago, when the decision to do so seemed like insanity.

Today, Randa and her Rubicon brainchild are in their element, as Razan Nasser reports. With major projects in the horizon, including what will become Jordan's first TV cartoon export, Randa is on a role.

Also in this issue, Hamza Jilani investigates the reasons behind the widespread assaults on doctors. The field of medicine is becoming an increasingly hazardous occupation, and Jilani wonders, where did things begin to go so wrong for dedicated individuals simply trying to do what's right? JO

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JO MAGAZINE WINS THE INQUIRER AWARD FOR THE SECOND YEAR RUNNING

The Inquirer Award is an annual competition organized by the British Embassy as part of a larger program to support the Jordanian media in general, and investigative journalism in particular. Mutaz Mango won the award in 2003 for his article Ghost in the Machine (October 2003) dealing with the issue of computer hacking in Jordan and the question of Jordan's preparedness for the move into full e-government. Mango won it again in 2004 with an in-depth look at the state of Jordan's laws on abortion, an area that involves religion, sexuality and social taboo in his article entitled Abortion: Truths Untold (December 2004).

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