



Trafficking in Persons Report 2016 - Country Narratives - Jordan

JORDAN: Tier 2

Jordan is a source, destination, and transit country for adults and children subjected to forced labor and, to a lesser extent, sex trafficking. Jordan relies on foreign migrant workers in several industries, including construction, agriculture, textiles, and domestic work. Jordan's sponsorship system prevents foreign workers from switching employers or receiving adequate access to legal recourse in response to abuse. Some migrant workers from Egypt—the largest source of foreign labor in Jordan—experience forced labor in the construction, service, and agricultural sectors. There are an estimated 53,000 foreign female domestic workers in Jordan, primarily from Southeast Asia and East Africa; some are subjected to forced labor and experience withheld or non-payment of wages, confiscation of identity documents, restricted freedom of movement, long hours without rest, and verbal and physical abuse. Many of these workers are unable to return to their home countries, while some remain in Jordanian detention, due to pending criminal charges against them or due to their inability to pay overstay penalties or plane fare home. The publicized case of a recruitment agent's beating of a Bangladeshi domestic worker, which was caught on camera in December 2015, exemplifies the abuse suffered by some domestic workers in Jordan. Men and women from throughout Asia migrate to work in factories in Jordan's garment industry, where some workers experience withholding of passports, unsafe living conditions, verbal abuse, and restricted movement; in addition, workers in 47 percent of the factories in this industry pay unauthorized fees to recruitment agents in their country of origin, making them vulnerable to debt bondage.

Syrian refugees in Jordan are increasingly vulnerable to trafficking, in part due to their financial circumstances. Women and children—in particular—among the refugee population often work illegally and informally in the Jordanian economy, which puts them at risk of trafficking; however, the Jordanian government enacted new policy in March 2016 that allows Syrian refugees legal work permits. NGOs have observed an increase in child labor and potential forced child labor among Syrian refugee children working alongside their families in agriculture and service industries, as well as peddling goods and begging. In previous years, Jordanian law enforcement, NGOs, and the media reported instances of Syrian refugee women and girls sold into "temporary" or forced marriages to Jordanians and men from the Gulf for the purpose of forced prostitution; however, Jordanian officials did not report similar incidents in 2015. International organizations and NGOs reported an increase in early marriages among Syrian refugees in 2015, which may place girls at risk of sexual exploitation and forced labor. Syrian, Lebanese, North African, and Eastern European women may be forced into prostitution after migrating to Jordan to work in restaurants and nightclubs; some Jordanian women working in nightclubs may also be forced into prostitution.

Some out-of-status domestic workers from Indonesia, the Philippines, Bangladesh, and Sri Lanka were reportedly forced into prostitution after fleeing their employers. Jordanian children employed within the country as mechanics, agricultural laborers, and beggars may be victims of forced labor. There are reports of organized child begging rings involving Jordanian and Syrian children. Some Jordanian girls are forced to drop out of school to perform domestic service in their families' homes; some of these girls are vulnerable to trafficking.

The Government of Jordan does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, the government continued robust efforts to investigate, prosecute, and convict trafficking offenders, including complicit officials and alleged offenders in the garment industry. Despite serious budget and resource constraints, the government sustained progress in its proactive identification, referral, and provision of protective services to victims. The government opened its first shelter dedicated solely to victims of all forms of trafficking, with a three-year operating budget of 750,000 Jordanian dinars (JD) (\$1,056,264) and ensured shelter staff was trained to provide appropriate care. The government also adopted a national victim referral mechanism—developed in consultation with civil society organizations—for authorities to systematically identify and refer victims to protection services. Nevertheless, authorities continued to lack screening procedures in detention facilities to identify trafficking victims among illegal foreign migrants who were arrested and imprisoned.

RECOMMENDATIONS FOR JORDAN:

Amend the anti-trafficking law to ensure that penalties for sex trafficking and forced labor of adults are sufficiently stringent and commensurate with other grave crimes; amend the anti-trafficking law to restrict the ability of judges to impose fines in lieu of prison time when sentencing convicted traffickers; continue to prosecute, convict, and punish sex trafficking and forced labor offenses with adequate jail time and investigate and punish individuals for withholding workers' passports under Jordan's passport law; increase training for law enforcement and prison officials to proactively screen for trafficking victims among detained foreign migrants, and improve proactive identification of victims of all forms of trafficking among vulnerable populations and regularly cooperate with NGOs in these efforts; ensure victims are not punished for unlawful acts committed as a direct result of being subjected to trafficking, such as immigration or prostitution violations or escaping from an abusive employer; fully implement and train law enforcement, prison, and judicial officials on implementation of the national victim referral mechanism; continue to allocate adequate funding for operation of the government's trafficking shelter and continue to train shelter staff to identify and provide specialized care to victims; issue regulations governing work in the agricultural sector, and regulate fraudulent labor and recruitment practices; and continue to implement anti-trafficking awareness campaigns.

PROSECUTION

The government maintained strong anti-trafficking law enforcement efforts. The 2009 anti-human trafficking law prohibits all forms of sex and labor trafficking. Penalties for sex trafficking and forced labor of adults are a minimum of six months' imprisonment and/or a fine ranging from 1,000-5,000 JD (\$1,400-7,000); these penalties are neither sufficiently stringent nor commensurate with those prescribed for other grave crimes, such as rape and kidnapping. As stated in Jordan's criminal code, penalties for rape are not less than 10 years' imprisonment and penalties for kidnapping range from two to 10 years' imprisonment. The law also prescribes penalties of not

more than 10 years' imprisonment for the sex trafficking and forced labor of children, which are sufficiently stringent and commensurate with those prescribed for other grave crimes. Jordan's labor law assigns administrative penalties for labor violations committed against Jordanian or foreign workers, yet these penalties are not sufficiently stringent to deter the crime of human trafficking. The withholding of passports is a crime under Jordan's passport law, which prescribes six months' to three years' imprisonment, as well as financial penalties.

The Public Security Directorate and Ministry of Labor (MOL) joint anti-trafficking unit continued robust efforts to investigate potential trafficking crimes. In 2015, the joint anti-trafficking unit investigated 206 potential trafficking cases, among which 28 were determined to be forced labor cases and referred for prosecution; 26 of these cases were related to domestic servitude and two were related to the agricultural and construction sectors. The Ministry of Justice reported it initiated the prosecution of 55 potential trafficking cases and convicted 12 offenders under the anti-trafficking law in 2015. Three of these convictions involved sexual exploitation and nine involved forced labor offenses; penalties applied to the offenders ranged from six months' imprisonment to 10 years of hard labor and fines. Eight alleged trafficking offenders were acquitted and the government dropped two cases by general amnesty, which the King announced by Royal Decree. The government's prosecution efforts in this reporting period increased slightly from 53 trafficking cases in 2014, yet convictions decreased from 28 in 2014. In one case in December 2015, an NGO reported an incident involving a Bangladeshi domestic worker beaten and forced to work by a recruitment agent. The police immediately investigated and referred the case for prosecution for alleged trafficking crimes; the case was ongoing at the end of the reporting period, and the recruitment agency was closed. The anti-trafficking unit conducted 57 inspections of recruitment agencies and 35 at work sites to investigate reports of mistreatment of foreign workers. Unlike in the previous reporting period, the government proactively took steps to investigate and refer for prosecution potential trafficking crimes in the garment industry. In January 2016, the anti-trafficking unit investigated forced labor allegations in a garment factory where more than 100 migrant workers experienced confiscation of passports, withheld pay, physical abuse, and unsafe living conditions. The anti-trafficking unit promptly referred the case for expedited prosecution and trafficking charges were reportedly filed against the factory's manager and owner in February 2016; however, at the end of the reporting period, an NGO reported the factory administration was pressuring the victims to dismiss the charges. In addition, in November 2015, the government reported two members of the General Intelligence Directorate were charged with trafficking crimes and scheduled to be tried in front of a military court; the case was ongoing at the end of the reporting period.

The government also continued to settle an unknown number of labor disputes during the reporting period, which included cases involving non-payment of wages, withholding of passports, breaches of contract, inappropriate work conditions, and excessive work hours. Though some of these cases involved conditions indicative of trafficking crimes, the government did not categorize them as such. NGOs and foreign embassy representatives continued to report the government preferred to settle potential cases of domestic servitude through mediation, rather than referring them for criminal prosecution. NGOs also raised concerns that the long litigation process for trafficking cases gave employers time to pressure victims to drop their cases. The joint anti-trafficking unit held a number of trainings and awareness-raising workshops for government officials in 2015, some of which were held in coordination with civil society organizations. For example, the anti-trafficking unit and a local NGO jointly held three trainings for 74 government officials on the protection of migrant workers.

PROTECTION

The government continued to take proactive measures to identify trafficking victims and made progress in its efforts to provide protection services to victims despite budget constraints. Authorities proactively screened for potential victims during trafficking investigations and labor inspections conducted throughout the year. Through these efforts, the government identified and referred 124 trafficking victims to government and NGO-run shelters in 2015; this was on par with the number of victim referrals in 2014. The government also offered protection services to 100 forced labor victims identified in a garment factory in January 2016. Though the victims reportedly chose to continue working in the factory instead of receiving assistance, an NGO reported in February 2016 the factory administration was not providing the victims adequate food and was pressuring them to drop the charges against their perpetrators. The anti-trafficking unit received referrals from a wide range of entities, including the MOL-operated hotline, law enforcement and labor officials, NGOs, and foreign embassies. In November 2015, the government finalized and signed into effect its first national victim referral mechanism, which was drafted in consultation with various government ministries and civil society organizations. The referral mechanism outlines a broad range of institutions that can identify and refer trafficking victims and details a wide range of protection services available for victims, including shelter, medical, psychological, legal, translation, rehabilitation, and reintegration services, as well as training programs for all trafficking victims, both Jordanian and foreign. The referral mechanism, however, does not explicitly state that a victim can receive protection services regardless of whether they file charges against his or her perpetrator.

In September 2015, the government officially opened a shelter solely dedicated to protecting trafficking victims with a three year operating budget of 750,000 JD (\$1,056,264). The shelter's 20 staff members were trained with specialties to care specifically for trafficking victims. The facility had the capacity to serve 60 male and female victims, including children, with a separate wing and entrance for male victims; it was the only shelter in the country that was accessible to men. The shelter was available to all potential trafficking victims referred by the attorney general's office or the anti-trafficking unit. Between September and January 2016, the shelter served 18 female victims of forced labor. The government also continued to provide protection services to trafficking victims in a shelter for gender-based violence victims, which could house up to 50 female victims of violence and offered medical, psycho-social, educational, and legal assistance. In addition, during the reporting period the government drafted bylaws to operate a shelter that would provide protection services specifically to domestic workers; however, the bylaws were not enacted at the end of the reporting period. At the end of the reporting period, the government was seeking additional funding to renovate and furnish the shelter building, which will have the capacity to serve as many as 300 women.

Though the government made progress in its efforts to identify, refer, and protect victims, some foreign trafficking victims—including domestic workers—remained vulnerable to financial penalties, arrest, and detention if found without valid residence documents if they left their place of employment, or if their employers or recruitment agencies filed false claims of theft against them. NGOs reported law enforcement and prison officials were not sufficiently trained to effectively screen for, identify, and refer victims among foreign migrant workers in administrative detention or those charged with crimes. To address this problem, the Public Security Directorate (PSD) signed an agreement with a local NGO in January 2016 to work in partnership to identify and assist victims at police stations and prison rehabilitation centers, as well as to train PSD personnel and assist in the

repatriation of victims. Similarly in January 2016, the joint anti-trafficking unit signed an agreement with the Prison Directorate that grants the unit permission to screen all detainees for indicators of trafficking and refer victims to appropriate services; under this agreement, the unit will also provide anti-trafficking training to prison personnel. The fining of foreign workers—including identified trafficking victims—for not maintaining valid residence documents served as a strong disincentive for victims to remain in Jordan and pursue legal action against their traffickers. Additionally, the government did not allow foreign trafficking victims to work while receiving shelter services, which led many victims to forego the litigation process altogether. Foreign female domestic workers continued to seek refuge at their respective embassies, which provided shelters for workers who fled abusive employers. Many of them were waiting for the return of their passports, back pay for unpaid salaries, or resolution of labor disputes or criminal charges. Following an amnesty period that ended in April 2015 for migrant domestic workers to rectify their immigration status in the country, the government continued to cooperate with foreign embassies to waive overstay fines for workers who wished to return to their home countries. Foreign embassies reported positive cooperation with the government in these efforts. However, an international organization reported that once the amnesty period ceased, it was difficult to obtain waivers for workers' overstay fines; as a result, the organization was unable to repatriate 80 domestic workers.

PREVENTION

The government sustained strong prevention efforts. The inter-ministerial anti-trafficking committee and its technical committee continued to meet regularly during the reporting period. The government continued to draft a new national anti-trafficking action plan and strategy, but it was not finalized at the end of the reporting period. The government distributed anti-trafficking brochures to foreign migrants at border crossings, police stations, airports, in the garment sector, and at the MOL unit in charge of domestic worker issues. It conducted media interviews to raise awareness about trafficking and resources for victims. The government took measures to reduce the demand for commercial sex acts and forced labor. The government made efforts to address and prevent forced marriages among the Syrian refugee population, which put women and girls at risk of abuse and exploitation; it conducted awareness campaigns on the dangers of forced marriage, established Shariah courts in Syrian refugee camps, and required Ministry of Interior approval for all Syrian marriages to people of other nationalities, including Jordanians. In addition, in March 2016, the government announced a new policy that eased restrictions on Syrian refugees' legal work status and allowed them to receive work permits in most sectors. MOL hired 66 new labor inspectors in 2015, increasing the total number to 226 inspectors responsible for enforcing the labor code, including child labor violations; this continued a steady increase of inspectors over several years. In 2015, MOL conducted 94,136 labor inspections, found 13,908 labor violations, and closed 1,635 workplaces. MOL also inspected 65 recruitment agencies and closed four, including the agency allegedly responsible for the abuse and forced labor of a Bangladeshi domestic worker in December 2015. MOL continued to operate a hotline that received labor complaints and included interpretation services in some source-country languages; this hotline continued to provide referrals to the anti-trafficking unit for investigation of potential trafficking crimes. A 2011 decree issued by the labor minister, which required employers to pay their domestic workers by direct deposit to a bank account, was not fully implemented or enforced in 2015. In August 2015, the government prohibited the recruitment of Kenyan domestic workers due to significant numbers of labor disputes and trafficking cases. The government provided human rights training to junior diplomatic personnel, but it did not provide specific anti-trafficking training. The Ministry of Foreign Affairs continued to report its finance department directly paid locally-hired domestic staff of Jordanian

diplomats posted abroad, in accordance with labor laws and wage rates in the host country. The government did not provide specific anti-trafficking training for its peacekeepers before their deployment abroad.