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2019 Trafficking in Persons Report: Jordan

JORDAN: Tier 2

The Government of Jordan does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Jordan remained on Tier 2. These efforts included prosecuting a slightly increased number of potential traffickers than in the previous reporting period and providing a wide range of services to more victims in the government-operated trafficking shelter in Amman. However, the government did not meet the minimum standards in several key areas. Under Jordan's anti trafficking law, penalties for sex trafficking offenses were not commensurate with penalties prescribed for other serious crimes; Jordanian authorities did not enact draft amendments to the anti-trafficking law. Although the government continued to demonstrate political will to address trafficking, efforts were hampered by insufficient funding and personnel resources. The government identified fewer victims than in the previous reporting period, and victims continued to be vulnerable to arrest, imprisonment, and deportation for unlawful acts committed as a direct result of being subjected to trafficking, such as immigration violations and fleeing abusive employers.

PRIORITIZED RECOMMENDATIONS

Amend the anti-trafficking law to ensure penalties for sex trafficking crimes are commensurate with those prescribed for other serious crimes. • Proactively screen for and identify trafficking victims among vulnerable populations, such as detained foreign migrants, domestic workers, workers in the agricultural sector, street children, and women in prostitution. • Significantly increase training for law enforcement, prison officials, and labor inspectors throughout the country to screen for, identify, and refer to protection services trafficking victims. • Ensure victims are not inappropriately 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. • Finalize and widely distribute to all relevant officials the revised standard operating procedures (SOPs) for the victim referral mechanism. • Increase the number of specialized anti-trafficking “focal point” police officers throughout the country, including in Aqaba, and adequately train them on victim identification and referral procedures. • Continue to prosecute, convict, and punish sex trafficking and forced labor offenses with significant prison terms, and investigate and punish individuals for withholding workers' passports under Jordan's passport law. • Continue to regularly cooperate with NGOs to identify and refer victims to protection services. • Continue to allocate adequate funding for operation of the government's trafficking shelter, and train shelter staff to identify and provide specialized care to victims. • Issue (or apply) labor regulations governing work in the agricultural sector, and increase labor inspections in this sector. • Reform the sponsorship system by extending labor law protections to all workers in Jordan, including domestic workers, and allow workers to freely change employers. • Regulate and investigate fraudulent

labor and recruitment practices.

PROSECUTION

The government maintained its anti-trafficking law enforcement efforts. The 2009 Law on the Prevention of Trafficking in Human Beings criminalized sex trafficking and labor trafficking. The law prescribed penalties of a minimum of six months' imprisonment, a fine of 1,000 to 5,000 *dinars* (\$1,410-\$7,060) or both for trafficking offenses involving an adult victim. These penalties were sufficiently stringent. However, by allowing for a fine in lieu of imprisonment, the penalties prescribed for sex trafficking were not commensurate with the penalties prescribed for other serious crimes, such as kidnapping. The law prescribed penalties of up to 10 years' imprisonment and a fine of 5,000 to 20,000 *dinars* (\$7,060-\$28,250) for trafficking offenses involving a child victim. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other grave crimes, such as kidnapping. Jordan's passport law criminalized the withholding of passports by an employer, carrying penalties of six months to three years' imprisonment and fines. During the reporting period, the government did not pass draft amendments to the anti-trafficking law that would enhance sentences for trafficking offenses and establish a victims' compensation fund.

The Public Security Directorate (PSD) and Ministry of Labor (MOL) joint anti-trafficking unit—the national focal point leading anti-trafficking investigations—continued to investigate potential trafficking crimes. In 2018, the government investigated 402 potential trafficking crimes. Of these, the anti-trafficking unit investigated 307 cases, which included 287 cases involving domestic workers. Additionally, labor inspectors conducted 95 field visits to investigate potential labor trafficking cases in the textile and agricultural sectors; it was unclear if any of these inspections resulted in referrals for criminal prosecution. An NGO reported, however, that labor inspectors did not adequately investigate potential trafficking crimes in the agricultural sector. The Ministry of Justice reported it initiated the prosecution of 54 trafficking cases in 2018 and continued the prosecution of 26 trafficking cases initiated in previous years; this represented a slight increase from 52 prosecutions initiated in 2017. The government reported it secured convictions in 12 cases in 2018; in comparison, it convicted 10 traffickers in 2017. Traffickers convicted in 2017 received sentences ranging from a fine of 1,000 Jordanian *dinar* (\$1,410) to five years' imprisonment with temporary hard labor and a fine of 5,000 Jordanian *dinar* (\$7,060). Legal experts continued to report that judges were hesitant to convict perpetrators for human trafficking, preferring to pursue other charges such as labor violations that carried lesser penalties than the anti-trafficking law. For example, during the reporting period prosecutors referred two cases of domestic servitude, in which the victims were each forced to work without pay for 10 years, to the MOL for minor offenses rather than for criminal prosecution. 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 government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses during the reporting period.

Jordan's overcrowded and underfunded judicial system lacked a sufficient number of trained judges and prosecutors who could specialize in trafficking cases. However, in 2018, the Ministry of Justice established and funded a specialized court to handle human trafficking cases. Nevertheless, qualified investigators in the anti-trafficking unit were rotated into other assignments every two years or less, which hindered the work of the unit. During the reporting period, the anti-trafficking unit reported conducting at least 23 training workshops for officials, in coordination with international organizations

and NGOs. The PSD's Transparency and Human Rights Office also included anti-trafficking material in their mandatory human rights curriculum for its personnel. The Human Rights Department of the Ministry of Justice commenced a nationwide series of comprehensive trainings and awareness sessions for local government officials, NGOs, and students. Personnel from the government-run trafficking shelter also conducted 12 training sessions in coordination with the anti-trafficking unit—with funding from an NGO—for police and Ministry of Social Development (MOSD) staff.

PROTECTION

The government maintained mixed protection efforts. While it identified a decreased number of trafficking victims, it continued to provide essential protection services to an increased number of victims. The government continued to utilize formal written procedures to proactively identify trafficking victims, and it continued to receive referrals of potential victims from NGOs, international organizations, and police stations across the country. In 2018, the anti-trafficking unit identified 40 trafficking victims, including 24 male and 16 female victims, which was a significant decrease from the 75 victims the government identified in 2017. In 2018, the anti-trafficking unit visited a women's correctional center to proactively screen for and identify potential trafficking victims among female inmates; however, the unit did not report if it positively identified any victims during the visit. The government continued to utilize a national victim referral mechanism to refer identified victims to care, including an NGO-run shelter, and cases to the anti-trafficking unit for investigation. The government continued to work with an international organization to develop more detailed referral procedures to better guide officials; the government approved these procedures in March 2019. Nevertheless, the government and civil society organizations reported that labor inspectors, regular police officers outside of the anti-trafficking unit, and detention center officials lacked the specialized training to proactively identify and refer victims to protection services.

MOSD continued to operate and fund a shelter solely dedicated to protecting trafficking victims, which provided psycho-social care, medical treatment, legal assistance, vocational training, and specialized services for children. The shelter's staff included lawyers and specialists in psychology, social work, nursing, and education. In 2018, the shelter began offering computer classes, a book club, and religious services for both Muslim and Christian shelter residents; shelter staff also collaborated with a local NGO to host joint activities for children and victims to positively interact. The shelter had the capacity to serve a total of 40 victims, both Jordanian citizens and foreign nationals, with space for 27 women, three children, and 10 men. The shelter had a separate wing and entrance for male victims, and it was the only shelter in the country available for men. However, during the reporting period, an NGO reported male victims experienced difficulties receiving permission to stay at the shelter. In 2018, the shelter served a total of 153 trafficking victims; this represented an increase from 99 victims assisted at the shelter in 2017. The anti-trafficking unit referred most of the victims to the shelter, but NGOs also referred some victims during the reporting period. Shelter staff also reported cooperating with the embassies of Bangladesh, the Philippines, and Sri Lanka to provide assistance to their nationals. The majority of the victims that received assistance were adult female victims of forced labor, including domestic servitude, and a small percentage of victims of sex trafficking; the victims were nationals from Bangladesh, Cote d'Ivoire, Egypt, Ethiopia, Ghana, India, Indonesia, Jordan, Kenya, the Philippines, Sri Lanka, and Uganda. The government, through the trafficking shelter, was responsible for coordinating with NGOs and foreign embassies to assist in the repatriation of foreign trafficking victims; it helped facilitate the repatriation of 132 victims in 2018. The provision of shelter services was not conditional upon a victim's cooperation with law enforcement or judicial authorities. Victims could freely and willingly leave the shelter and were allowed to stay at the shelter for as long as two months; the

average stay at the shelter was approximately 40 days. However, an NGO reported shelter residents, whose cases were ongoing in the court system, were unable to obtain approval to extend their stay at the shelter beyond the two-month limit. During the reporting period, shelter staff continued to coordinate with MOL to waive fees for victims' lapsed labor permits and assisted victims to find new employment if they chose to continue working. The government provided foreign victims with legal alternatives to their removal to countries where they faced retribution or hardship. The government encouraged victims to assist in the investigation and prosecution of their traffickers; foreign victims also had the option to provide a deposition prior to being repatriated. However, victims were not able to file civil suits against their traffickers for compensation.

Despite the government's victim identification and protection efforts, authorities punished some foreign trafficking victims for unlawful acts traffickers compelled them to commit, such as fines, arrest, detention, and deportation if found without valid residence documents. However, the Ministry of Interior and MOSD reached an agreement during the reporting period to waive fees for residency violations of trafficking victims. Some trafficking victims still faced inadequate victim compensation from the government. Jordan's sponsorship system continued to prevent foreign workers from switching employers (without a letter of release from their sponsor) or receiving adequate access to legal recourse in response to abuse. Migrant workers, including potential trafficking victims, who left their place of employment prior to fulfilling their work contract, were considered illegal residents and subjected to fines and potential detention for their irregular presence in the country. Furthermore, bureaucratic and financial barriers and detention prevented some victims from repatriation, even if a worker left an employer because it was an exploitative situation. Some foreign workers remained in Jordanian detention, due to pending criminal charges against them or their inability to pay overstay penalties or plane fare home. NGOs reported that foreign labor trafficking victims were less likely to report abuses to the authorities due to fear of deportation or detention. Trafficking victims who opted to remain in Jordan for work were required to pay their overstay and lapsed labor permit fines before applying for a new work permit, which was a significant financial burden for victims.

PREVENTION

The government maintained strong prevention efforts. The government's inter ministerial anti-trafficking committee met on an ad hoc basis throughout the reporting period. In October 2018, the committee established a technical committee to meet monthly to oversee inter-ministerial coordination. The government enacted a new national anti-trafficking strategy in January 2019. The government continued to raise awareness about trafficking crimes throughout the country, including by distributing anti-trafficking information to all foreign migrant workers entering Jordan and at inspected work sites. The anti-trafficking unit conducted more than 200 lectures throughout the country, including at Za'atari refugee camp, to increase awareness of trafficking indicators. An NGO reported government-conducted awareness campaigns contributed to an increase in victim referrals. MOL continued to operate a hotline to receive labor complaints, which offered interpretation services in some source-country languages. However, due to overall budget shortfalls, the government was unable to consistently maintain interpreters of some Asian languages at the hotline, which led to difficulties identifying potential trafficking victims and referring them to protection services. Despite these efforts, Jordan upheld several bilateral labor agreements with other countries, which created greater vulnerabilities to trafficking. For example, a labor agreement between Jordanian and Egyptian governments specified that an Egyptian national cannot leave Jordan without permission from his or her employer, even if the employer was convicted of trafficking crimes. Similarly, though the Uganda government signed a labor agreement with Jordan, there was no Ugandan embassy or diplomatic

representation in Jordan for Ugandan nationals, including potential trafficking victims, to seek assistance.

The government did not make efforts to reduce the demand for commercial sex acts or child sex tourism but continued to make efforts to reduce the demand for forced labor. In 2018, the government continued to take measures to reduce the vulnerability of Syrian refugees to trafficking, including efforts to address and prevent forced marriages among the Syrian refugee population, which put women and girls at risk of abuse and exploitation. The government continued to formalize access to the labor market for 200,000 Syrians from host communities and refugee camps, and it issued 45,649 work permits to Syrian refugees in 2018, which helped to reduce this population's vulnerability to forced labor. For example in August 2017, the government began issuing a new type of flexible work permit to Syrians in the construction and agriculture sectors; the permit legalized the status of the workers in these sectors and allowed Syrians to work for multiple employers in these sectors in a 12-month period. The Ministry of Education (MOE) continued to increase Syrian refugees' access to public education by doubling the number of schools that could accommodate Syrian refugee children, reaching an additional 134,121 in 2018. The MOE also continued an accelerated educational program for Syrian refugee students who had not been in the formal school system for the last three or more years. The anti-trafficking unit conducted 13 inspections of recruitment agencies of foreign workers in 2018, but did not report the outcome of these inspections. The MOL continued to implement regulations that required labor recruitment companies to maintain insurance policies for workers, which provided repatriation costs, health care, and death benefits. In January 2019, the government also cooperated with an international organization to eliminate recruitment fees for workers in Jordan's garment sector, where some workers are vulnerable to trafficking.

The government did not provide specific anti-trafficking training for its diplomatic personnel. 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. In 2018, the Jordanian Armed Forces began providing specific anti-trafficking training to peacekeepers before their deployment abroad.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Jordan, and traffickers exploit victims from Jordan abroad. Trafficking victims in Jordan are primarily from South and Southeast Asia, East Africa, Egypt, and Syria. In 2018, an NGO reported a large increase in Ugandan trafficking victims following the implementation of a 2016 bilateral labor agreement between the Ugandan and Jordanian governments. Jordan relies on foreign migrant workers—many of whom are undocumented—in several sectors, including construction, agriculture, textiles, and domestic work; according to an NGO in 2018, workers in these sectors are the most vulnerable to trafficking because of informal work agreements and frequently changing employers. Some recruitment agencies fraudulently recruit victims from labor-source countries to Jordan, using false promises of money or other benefits. Forced labor victims in Jordan experience withheld or non-payment of wages, confiscation of identity documents, restricted freedom of movement, unsafe living conditions, long hours without rest, isolation, and verbal and physical abuse. For example, men and women from South and East Asia migrate to work in factories in Jordan's garment industry, some of whom experience withholding of passports, restricted movement, and unsafe living conditions. Some migrant workers from Egypt—the largest source of foreign labor in Jordan—experience forced labor specifically in the construction, service, and agricultural sectors. In 2017, the government estimated there were 82,643

foreign female domestic workers in Jordan, primarily from South and Southeast Asia and East Africa, who are highly vulnerable to trafficking. Some out-of-status domestic workers from Bangladesh, Indonesia, the Philippines, and Sri Lanka have been reportedly coerced and forced into prostitution while looking for an employer or after fleeing their previous employers.

Refugees from Iraq, the Palestinian Territories, Syria and are highly vulnerable to trafficking in Jordan. Syrian refugee children, in particular, remain acutely vulnerable to forced labor and child marriage, which could result in domestic servitude and sex trafficking. NGOs have observed an increase in child labor and potential forced child labor among Syrian refugee children working alongside their families in the agricultural and service industries, as well as peddling goods and begging. Because the agricultural sector in Jordan is inadequately regulated, children working in this sector may be susceptible to exploitation. There have been reported cases of Syrian refugee women and girls sold into forced marriages in Jordan. Syrian boys and young men—in particular—often work illegally and informally in the Jordanian economy, which puts them at risk of trafficking.

Some Jordanian and Syrian girls are forced to drop out of compulsory school to perform domestic service in their families' homes; some of these girls are vulnerable to trafficking. Jordanian boys employed within the country in the service industry, agricultural sector, and as mechanics, street vendors and beggars may be victims of forced labor. NGOs and an international organization reported in 2018, there are an estimated 3,000 children begging in the streets in Jordan, some of whom are highly vulnerable to trafficking. Traffickers force Lebanese, North African, and Eastern European women into prostitution after migrating to Jordan to work in restaurants and nightclubs; some Jordanian women working in nightclubs may also be forced into prostitution. As reported by an NGO in 2016, some Egyptian women are forced to beg or forced into prostitution by their Jordanian husbands.

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