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Trafficking in Persons Report 2018 - Country Narratives - Jordan

JORDAN: Tier 2

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. The government demonstrated increasing efforts compared to the previous reporting period; therefore Jordan remained on Tier 2. The government demonstrated increasing efforts by identifying and providing care to an increased number of victims and demonstrated strong efforts to investigate, prosecute, and convict traffickers. It also continued to improve the standard operating procedures (SOPs) within the national victim referral mechanism for authorities to systematically identify and refer victims to protection services. 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, and a lack of sufficient resources hindered victim identification and care. Victims—including victims of domestic servitude—continued to be vulnerable to arrest, imprisonment, and deportation for acts committed as a direct result of being subjected to trafficking, such as immigration violations and fleeing abusive employers.

RECOMMENDATIONS FOR JORDAN

Amend the anti-trafficking law to ensure penalties for sex trafficking crimes are commensurate with those prescribed for other serious crimes; 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; significantly increase training for law enforcement, prison officials, and labor inspectors throughout the country to proactively screen for, identify, and refer to protection services trafficking victims among vulnerable populations, such as detained foreign migrants, domestic workers, workers in the agricultural sector, and women in prostitution; fully implement the national victim referral mechanism, and finalize and distribute to all relevant officials the revised SOPs for the mechanism; 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; 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; and regulate and investigate fraudulent labor and recruitment practices.

PROSECUTION

The government maintained strong anti-trafficking law enforcement efforts. The 2009 anti-human trafficking law criminalized sex and labor trafficking. The law prescribed penalties of a minimum of six months imprisonment and/or a fine for sex and labor trafficking involving adult victims. 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 rape. The law prescribed penalties of up to 10 years imprisonment and a fine for the sex trafficking and forced labor of children, as well as for the sex trafficking of adults and other forms of adult trafficking involving aggravating circumstances. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other grave crimes, such as rape. 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, in part because the Minister of Finance rejected funding the victims' fund through the national budget.

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. The unit had national jurisdiction and included 18 criminal investigators, three labor inspectors, as well as interpreters and researchers. In 2017, the anti-trafficking unit investigated 310 potential trafficking cases. Additionally, in 2017 labor inspectors gained access to the residences provided for foreign garment workers to investigate potential labor violations and potential trafficking crimes. NGOs reported labor inspectors did not adequately investigate potential trafficking crimes (or other labor violations) in the agricultural sector. The Ministry of Justice reported it initiated the prosecution of 52 trafficking cases in 2017 and continued prosecution of additional trafficking cases initiated in previous years. The government convicted 10 traffickers under the anti-trafficking law, while 33 perpetrators were either acquitted or convicted of other crimes or violations of the labor law. 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); some of these sentences were not sufficiently stringent to deter the crime. Efforts in 2017 were on par with the 58 total prosecutions and 10 convictions in 2016. Nevertheless, legal experts suggested courts 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. 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.

The anti-trafficking unit continued to place specially trained officials in cities outside the capital, including Aqaba, Irbid, and Ramtha. Resources were primarily concentrated in Amman, Jordan's capital and largest city. Jordan's overcrowded and underfunded judicial system reduced the availability of trained judges and prosecutors who could specialize in trafficking cases. However, during the reporting period, the anti-trafficking unit reported conducting several anti-trafficking training workshops for officials, in coordination with international organizations and NGOs. The government also provided training to 51 labor inspectors around the country on victim identification, victim protection, and

trafficking prosecutions.

PROTECTION

The government increased efforts to protect victims; however, some victims remained vulnerable to punishment. The government continued to utilize formal written procedures to guide officials in identifying trafficking victims, and it continued to receive referrals of potential trafficking victims from NGOs, an international organization, and police stations in Amman. In 2017, the anti-trafficking unit identified 75 trafficking victims, which was an increase from the 65 victims the government identified in 2016. The government continued to utilize formal written procedures to refer identified victims to care; however, civil society organizations reported that labor inspectors, police, and detention center officials lacked the specialized training to proactively identify and refer victims to protection services. The PSD continued to work in cooperation with a local NGO 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. Government and NGO officials noted some field officers and inspectors were not well-informed of the SOPs within the existing victim referral mechanism to refer victims to care. To address these deficiencies, the government continued to work with an international organization to develop more detailed victim referral procedures to better guide officials; the revised procedures were pending approval at the end of the reporting period.

The Ministry of Social Development (MOSD) continued to operate and provide assistance to victims at a shelter solely dedicated to protecting trafficking victims, which provided a wide range of services, including psycho-social care, medical treatment, legal assistance, vocational training, and specialized services for children. The shelter's staff included specialists in psychology, social work, nursing, and education. The facility had the capacity to serve 40 male and female victims, both citizens and foreign nationals, including children, with a separate wing and entrance for male victims; it was the only shelter in the country available for men. The provision of shelter services was not conditional upon a victim's cooperation with law enforcement or judicial authorities. During the reporting period, shelter staff also coordinated with the MOL to waive fees for victims' lapsed labor permits and assisted victims to find new employment if they chose to continue working. The government allocated an operating budget for the shelter through 2018; it did not report budgeting information beyond 2018. In 2017, the shelter served a total of 99 trafficking victims, the majority of whom were female victims of forced labor, domestic servitude, or sexual exploitation; this represented an increase from 56 victims assisted at the shelter in 2016. The anti-trafficking unit referred the majority of the victims to the shelter, but NGOs and foreign embassies also referred some victims. The MOSD, through the trafficking shelter, was responsible for coordinating with NGOs and foreign embassies to assist in the repatriation of foreign trafficking victims, but it did not provide such assistance during the reporting period. Other facilities that served female victims of gender-based violence also served potential trafficking victims. Victims were not able to file civil suits against their traffickers for restitution. However, the government encouraged victims to assist in the prosecution of their traffickers by providing legal and reintegration assistance; victims also had the option to provide a deposition prior to being repatriated. The government provided foreign victims with legal alternatives to their removal to countries where they faced retribution or hardship.

Despite the government's victim identification and protection efforts, some foreign trafficking victims remained vulnerable to financial penalties, arrest, detention, and deportation if found without valid residence documents. Jordan's sponsorship system prevents 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 accrued fines for their illegal presence in the country and risked detention. According to an NGO, even if a worker left an employer because it was an exploitative situation, bureaucratic and financial barriers and detention prevented some victims from repatriation. Furthermore, 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. 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. In April 2017, the media reported the government initiated a crackdown on domestic workers who fled their employers—a population highly vulnerable to trafficking—and violated the labor law and residency regulations, which resulted in the arrest and deportation of 11 foreign domestic workers; the government did not report utilizing identification measures to screen for potential trafficking victims during this crackdown.

PREVENTION

The government maintained strong prevention efforts. The inter-ministerial anti-trafficking committee met regularly during the reporting period. The government continued to draft a new national anti-trafficking action plan and strategy, but it was not finalized by the end of the reporting period. The government continued to raise awareness about trafficking crimes. Authorities continued to distribute anti-trafficking brochures to all foreign migrant workers entering Jordan, and labor inspectors distributed brochures in multiple languages at inspected work sites. 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.

The government continued to take efforts to reduce the demand for forced labor and commercial sex acts. In 2017, the government improved measures to reduce the vulnerability of Syrian refugees to trafficking. The government continued to make 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 issue work permits to Syrian refugees during the reporting period; in 2017, it issued 46,717 work permits to Syrians. The government also remained committed to formalizing access to the labor market for 200,000 Syrians from host communities and refugee camps. For example in August 2017, the government began issuing a new type of flexible work permit to Syrians in the construction sector, which it estimated would benefit at least 20,000 laborers; the permit legalized the status of these workers in the sector and allowed Syrians to work for multiple construction sector employers in a 12-month period. In 2017, the Ministry of Education (MOE) increased Syrian refugees' access to public education by doubling the number of schools that could accommodate an additional 50,000 Syrian refugee children. The MOE also established 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 MOL reduced the total number of labor inspectors from 237 in 2016 to 200 in 2017; inspectors were responsible for enforcing the labor code, including inspecting child labor violations across the country. In 2017, MOL conducted 79,589 labor inspections in the formal and informal sectors. In 2017, it also conducted 6,337 inspections focused on child labor, opened 420 child labor cases, and issued

328 warnings to employers for child labor violations. The government continued to conduct labor inspections in the agricultural sector in 2017, but found no labor violations or potential trafficking crimes; nevertheless, MOL officials continued to report that there was not a clear regulatory framework for inspections of this sector, while it also lacked sufficient resources to monitor this sector. The MOL reported 36 instances of labor violations committed by recruitment centers in 2017. In 2017, the MOL implemented new regulations that required labor recruitment companies to maintain insurance policies for workers, which provided repatriation costs, health care, and death benefits. 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 diplomatic personnel, nor troops or police before their deployment abroad as peacekeepers.

TRAFFICKING PROFILE

As reported over the past five years, Jordan is a source, transit, and destination country for adults and children subjected to forced labor, domestic servitude, and sex trafficking. Trafficking victims in Jordan are primarily from South and Southeast Asia, East Africa, Egypt, and Syria. 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. 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 2017, domestic and agricultural workers in Jordan are the most vulnerable to trafficking because of informal work agreements and frequently changing employers. Some migrant workers from Egypt—the largest source of foreign labor in Jordan—experience forced labor in the construction, service, and agricultural sectors. In 2015, the government estimated there were 53,000 foreign female domestic workers in Jordan, primarily from Southeast Asia and East Africa. Men and women from throughout Asia migrate to work in factories in Jordan’s garment industry, some of whom may be vulnerable to trafficking. As of 2017, instances of workers paying unauthorized recruitment fees to labor recruiting agents in their country of origin reportedly declined.

Refugees from Syria, the Palestinian Territories, and Iraq are highly vulnerable to trafficking 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. 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.

Some Syrian and Jordanian 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 children employed within the country as mechanics, agricultural laborers, and beggars may be victims of forced labor. 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. As reported by an NGO in 2016, some Egyptian women are forced to beg or forced into prostitution by their Jordanian husbands. Some out-of-status domestic workers from Indonesia, the Philippines, Bangladesh, and Sri Lanka have been reportedly forced into

prostitution after fleeing their employers.

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