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Trafficking in Persons Report 2017 - 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 assisting an increased number of victims in 2016, compared to the previous year, including providing services at a shelter dedicated to victims of all forms of trafficking, including men, women, and children. It made efforts to improve implementation of a national victim referral mechanism for authorities to systematically identify and refer victims to protection services. The government also continued to work in cooperation with NGOs and international organizations to investigate potential trafficking crimes, identify and protect trafficking victims, and train officials. The government demonstrated continued strong efforts to investigate, prosecute, and convict traffickers. However, the government did not meet the minimum standards in a few key areas. In particular, under Jordan's anti-trafficking law, penalties for some trafficking offenses are neither sufficiently stringent nor commensurate with other grave crimes. During the reporting period, the government sought to improve this weakness and drafted amendments to the penal code to strengthen available sentences for trafficking offenses; these draft provisions remained pending review at the end of the reporting period. Additionally, victims continued to be vulnerable to arrest and imprisonment for acts committed as a direct result of being subjected to trafficking, such as immigration violations, while government efforts to identify potential trafficking victims among those in detention remained weak.

RECOMMENDATIONS FOR JORDAN

Enact and implement draft amendments to the anti-trafficking law to ensure penalties for sex trafficking and forced labor of adults are sufficiently stringent and commensurate with other serious crimes; 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; 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; 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 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 robust anti-trafficking law enforcement efforts. The 2009 anti-human trafficking law criminalizes 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 Jordanian Dinars (\$1,410-\$7,060). Penalties of less than one year imprisonment are not sufficiently stringent, and by allowing for a fine in lieu of imprisonment, the prescribed punishment is not commensurate with those for other serious crime, such as rape. The law imposes penalties of not more than 10 years imprisonment and a fine ranging between 5,000 and 20,000 Jordanian dinars (\$7,060-\$28,250) for the sex trafficking and forced labor of children, as well as for the sex trafficking of adults and other forms of adult trafficking in certain specified circumstances. Such circumstances include when the crime is transnational in nature or committed by an organized criminal group or a spouse, parent, guardian or public servant, if a weapon is used, or if the victim is a female with a disability or is injured. These penalties are sufficiently stringent and commensurate with those prescribed for other grave crimes, such as rape or kidnapping. In keeping with international law, means of force, fraud, or coercion are not required to prove a crime of sex trafficking of children. The withholding of passports by an employer—a potential indicator of trafficking—is a crime under Jordan's passport law with six months to three years imprisonment and financial penalties. During the reporting period, the government drafted amendments to the penal code that would enhance sentences for trafficking offenses and establish a fund to be used to protect trafficking victims. The draft amendments were submitted to the prime minister for review in January 2017 and remained pending at the end of the reporting period.

The government continued strong efforts to investigate potential trafficking cases and prosecute and convict trafficking offenders in 2016, on par with efforts in 2015. The Public Security Directorate and Ministry of Labor (MOL) joint anti-trafficking unit continued to investigate potential trafficking crimes. In 2016, the anti-trafficking unit investigated a total of 366 potential trafficking cases, 290 of which included labor violations involving domestic workers; the unit also inspected six recruitment agencies for mistreatment of foreign workers. Of the 366 investigations, the unit determined that 30 of these cases—involving 51 alleged traffickers—met the criteria for potential trafficking crimes, including sexual exploitation, forced labor of domestic workers, and other forced labor crimes. The government continued its effort from the previous year to investigate potential trafficking cases in the garment sector. For example, in July 2016, the MOL and an international organization jointly conducted inspections of two garment factories in the Qualified Industrial Zone in Irbid after allegations of abuse and other labor violations were reported by an NGO; although the investigations concluded labor violations took place, there was inadequate evidence to prove trafficking crimes occurred. Furthermore in February 2017, following allegations of labor abuses in another garment factory, the government ordered its immediate closure; it did not, however, investigate this factory for trafficking crimes.

The Ministry of Justice reported it initiated the prosecution of 39 new trafficking cases in 2016 and continued prosecution of 19 trafficking cases initiated in previous years. Of these 58 cases, 32 remained pending at the end of the reporting period. Of the 26 cases concluded in 2016, the government convicted 10 traffickers; in eight cases, offenders received sentences ranging from one to 15 years imprisonment, while offenders in two cases received sentences of six months imprisonment. Additionally, of the cases concluded in 2016, six resulted in full acquittals and three in convictions for lesser crimes, including fraud and passport withholding. 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; it did not report updated information on two members of the General Intelligence Directorate who were charged with trafficking crimes in 2015.

The anti-trafficking unit continued to place specially trained officials in cities outside the capital, including Aqaba, Irbid, and Ramtha, but resources were primarily concentrated in Amman. The anti-trafficking unit reported conducting 30 anti-trafficking training workshops for hundreds of police, border guards, and labor inspectors; some of these trainings were held in coordination with NGOs and international organizations.

PROTECTION

The government maintained efforts to proactively identify trafficking victims, provide protection services to victims, and work in partnership with civil society organizations in these efforts. During the course of investigations, the government identified and referred to protection services 65 potential victims of sexual exploitation, domestic servitude, and forced labor. This was a decline from the 124 victims the government identified in 2015. During the reporting period, the anti-trafficking unit continued to receive referrals of potential trafficking victims from NGOs, an international organization, and police stations in Amman. Government officials and civil society organizations acknowledged that labor inspectors, police, and detention center officials—particularly those outside of Amman—lacked the specialized training to proactively identify and refer

trafficking victims to protection services. Nevertheless, the government continued to use and improve the national victim referral mechanism, which it finalized and launched in 2015. In 2016, the government worked in cooperation with an international organization to develop detailed standard operating procedures for stronger implementation of the referral mechanism.

The government 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 35 male and female victims, including children, with a separate wing and entrance for male victims; it was the only shelter in the country available for men. In 2016, the shelter served a total of 56 trafficking victims, the majority of whom were women; this represents an increase from 18 victims in the previous reporting period. The anti-trafficking unit referred the majority of the victims to the shelter, but NGOs also referred some victims. Other facilities that served female victims of gender-based violence also served potential trafficking victims. Despite the government's protection efforts, some foreign trafficking victims—including domestic workers—remained vulnerable to financial penalties, arrest, and detention if found without valid residence documents, or if their employers or recruitment agencies filed false claims of theft against them. Many foreign workers were unable to return to their home countries, while some remained in Jordanian detention, due to pending criminal charges against them or their inability to pay overstay penalties or plane fare home. NGOs reported law enforcement and prison officials were not sufficiently trained to effectively screen for, identify, and refer to care victims among foreign migrant workers in administrative detention or charged with crimes. To address this problem, the Public Security Directorate (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. 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. The government did not provide foreign victims with legal alternatives to their removal to countries where they faced retribution or hardship.

PREVENTION

The government maintained strong prevention efforts. The inter-ministerial anti-trafficking 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 continued to raise awareness about trafficking crimes. For example, the anti-trafficking unit cooperated with the Ministry of Education and an international organization to raise awareness of trafficking in public universities and high schools in various cities in the country. In addition, the director of the anti-trafficking unit held awareness-raising discussions on three radio and television shows in 2016. The government distributed anti-trafficking brochures to foreign migrants at border crossings, police stations, in the garment sector, and at the MOL unit in charge of domestic worker issues. MOL continued to operate a hotline to receive labor complaints, which offered interpretation services in some source-country languages.

The government continued to take efforts to reduce the demand for forced labor and commercial sex acts. 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, by conducting awareness campaigns on the dangers of forced marriage, establishing Sharia courts in Syrian refugee camps, and requiring Ministry of Interior approval for all marriages of Syrians to people of other nationalities, including Jordanians. Since adopting a policy in March 2016 that eased restrictions on Syrian refugees' legal work status, the government issued 38,000 work permits to Syrian refugees. Under a policy initiated in February 2016, the government continued to allow Syrian refugees access to education in public schools during the reporting period, including an additional 50,000 Syrian refugee children. MOL hired 11 new labor inspectors in 2016, increasing the total number to 237; they are responsible for enforcing the labor code, including inspecting child labor violations across the country; this continued a steady increase of inspectors over the past several years. In 2016, MOL conducted 85,253 labor inspections in the formal and informal sectors. The government also conducted labor inspections in the agricultural sector in 2016, 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 inspected 2,681 recruitment centers in 2016, but it did not report how many it closed or suspended for labor violations. In January 2017, MOL raised the fees for work permits for foreign workers, which could increase workers' vulnerabilities to trafficking if employers attempt to charge workers the amount of the increased fees. 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 and destination country for adults and children subjected to forced labor and sex trafficking. Trafficking victims in Jordan are primarily from South and Southeast Asia, East Africa, Egypt, and Syria. Jordan relies on foreign migrant workers—many of whom are undocumented—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. In 2015, the government estimated there were 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. 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, unpaid or withheld wages, forced overtime, unsafe living conditions, verbal abuse and harassment, and restricted movement. As of 2015, workers in 47 percent of the factories in the garment industry pay unauthorized fees to recruitment agents in their country of origin, making them vulnerable to debt bondage.

Syrian refugees in Jordan continue to be highly vulnerable to trafficking. 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 adopted a policy in March 2016 that allows Syrian refugees legal work permits. Prior to adopting this policy, the government estimated 160,000 Syrians were working outside the formal labor market. 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 poorly regulated, children working in this sector may be susceptible to exploitation. There have been reported cases of Syrian refugee women and girls sold into "temporary" or forced marriages to Jordanians and men from the Persian Gulf for the purpose of forced commercial sex. For example, in 2016 the government reported a case involving three Syrian girls and one Syrian woman who were forced by their father into temporary marriages—for the purpose of sexual exploitation—with a national from Saudi Arabia. In addition, 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. 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. 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 and Syrian girls are forced to drop out of school to perform domestic service in their families' homes; some of these girls are vulnerable to trafficking.

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