

JORDAN (Tier 2)

Jordan is a destination for women and men subjected to trafficking in persons, specifically conditions of forced labor and, to a lesser extent, forced prostitution.

Jordan

is possibly a source and transit country for women and men subjected to conditions of forced labor and forced commercial sexual exploitation. There were also reports

of Jordanian child laborers experiencing conditions of forced labor. Migrant workers may be rendered vulnerable

to forced labor in Jordan due to indebtedness to recruiters,

legal requirements mandating foreign workers rely on employers to renew work and residency permits, and negative societal attitudes toward foreign workers.

Women

from Sri Lanka, Indonesia, and the Philippines voluntarily

migrate to Jordan for employment as domestic workers;

some are subjected to conditions of forced labor after arrival, including through such practices as the unlawful

withholding of passports, restrictions on movement, nonpayment

of wages, threats of imprisonment, and physical or sexual abuse. At the conclusion of the reporting period,

approximately 400 Filipina, Indonesian, and Sri Lankan

domestic workers, most of whom had fled some form of

forced labor, were sheltered at their respective embassies

in Amman.

Moroccan and Tunisian women are reportedly subjected

to forced prostitution after migrating to Jordan to work in

restaurants and night clubs. In addition, a few Chinese, Bangladeshi, Indian, Sri Lankan, and Vietnamese men and women encountered conditions indicative of forced

labor in a few factories in the garment sector, including

factories in Jordan's Qualifying Industrial Zones, such as

the unlawful withholding of passports, delayed payment

of wages, and, in a few cases, verbal and physical abuse.

Instances of forced labor reportedly continued to decline

due to enhanced labor inspections and other recent

measures undertaken by the government within the garment sector. During the year, NGOs and the media

also reported the forced labor of Egyptian workers in the construction, agriculture, and tourism sectors.

Jordan's airports may be transit points for South- and Southeast-Asian men and women *en route* to employment

opportunities in other Middle Eastern countries, where they experience labor exploitation after arrival. Some Jordanian children employed within the country as street

vendors, carpenters, painters, mechanics, domestics, restaurant staff, or agricultural laborers may be exploited

in situations of forced labor.

The Government of Jordan does not fully comply with the

minimum standards for the elimination of trafficking; however, it is making significant efforts to do so.

During

the year, the government continued to demonstrate a strong commitment to combat human trafficking. Law

enforcement authorities began to implement the 2008 anti-trafficking law by increasing investigations into

suspected cases, resulting in several prosecutions. The government also finalized a national anti-trafficking

action plan; instituted bylaws providing standards for employing domestic workers and operating

recruitment

agencies; drafted a plan and guidelines for opening a long-term shelter; and designed a public awareness

strategy. Nevertheless, victim assistance, public awareness

raising, punishment of traffickers, and active cooperation

with source country embassies remained limited.

Recommendations for Jordan: Using the antitrafficking

statute, increase efforts to investigate, prosecute, and sentence trafficking offenses, especially

those involving the forced labor of domestic workers; increase penalties for forced labor offenses; jointly

train

labor inspectors, police, border officials, judges, and prosecutors to enhance anti-trafficking law

enforcement

cooperation; implement a comprehensive awareness campaign to educate the general public, as well as

foreign

migrant workers in all sectors, on the nature of human trafficking, particularly forced labor and the proper

treatment of domestic workers under Jordanian law; enhance protective services available to trafficking

victims

to include the availability of adequate shelter;

strengthen

efforts to proactively identify victims of forced labor and forced prostitution and ensure identified victims

are

not punished for unlawful acts committed as a direct result of being trafficked; ensure identified trafficking

victims are promptly referred by law enforcement, social

services, and labor officials to protection services

using a

standardized procedure; and where appropriate, increase bilateral partnerships and systematic information sharing with governments of source countries to better protect migrant workers from abuse and resolve cases of alleged exploitation.

Prosecution

The Government of Jordan made improved efforts to criminally punish trafficking offenders during the reporting period. The Anti-Human Trafficking Law of 2008, which became effective in March 2009, prohibits all forms of trafficking and prescribes penalties of up to ten years' imprisonment for forced prostitution and trafficking involving aggravating circumstances, such as trafficking of a child or with the involvement of a public

official; these penalties are sufficiently stringent, but not commensurate with those for other serious crimes, such as rape. Penalties prescribed for labor trafficking offenses not involving aggravating circumstances are limited to a minimum of six months' imprisonment and a maximum fine of \$7,000 – penalties that are not sufficiently stringent. Jordan's labor law assigns administrative penalties, such as fines of up to \$1,400, to labor violations committed against Jordanian or foreign workers, including forced labor violations; these penalties also are not sufficiently stringent. Over the last year, the government investigated and prosecuted a number of cases involving forced labor and forced prostitution. The government convicted two trafficking offenders for forcing two Tunisian women into prostitution; it did not provide information on the sentence imposed. Using the anti-trafficking statute, an Amman court began the prosecution of the employer of a Sri Lankan domestic worker who allegedly confined the worker to the house and did not pay her for over 10 years, conditions highly indicative of forced labor. In February 2009, an Amman criminal court began the prosecution of a Jordanian man charged with the sexual assault of his domestic worker under Penal Code Article 76, 296, 300, 301, and 304; the victim also alleged physical abuse, non-payment of wages, and confinement to the household, but charges under the anti-trafficking statute were not brought due to authorities' limited understanding of trafficking crimes.

Administrative courts heard at least 20 cases of wage

non-payment and awarded some level of compensation to the foreign worker in each case; however, no criminal penalties were attached to these cases. In 2009, labor inspectors issued at least 41 fines for forced labor violations in garment factories. The government failed to provide information on the status of two prosecutions pending at the close of the previous reporting period. The government provided anti-trafficking training to some officials through the police training academy and a training program for labor inspectors. In addition, the Public Security Directorate's (PSD) Borders and Residency Department trained 300 border guards to recognize and interview trafficking victims.

Protection

The Jordanian government made improved but inadequate efforts to protect victims of trafficking during the last year. Although Jordanian law enforcement authorities did not employ systematic procedures to proactively identify or refer victims of trafficking for assistance, some victims were identified by the PSD and referred to NGOs for assistance. While Article 7 of the anti-trafficking law contains a provision for the opening of shelters, the country continued to lack direct shelter services for victims of trafficking. A working group under the National Committee for the Prevention of Human Trafficking, which was established in June 2009 and is chaired by the Minister of Justice, drafted bylaws to serve as the legal framework for operating such shelters. In addition, the Ministry of Social Development (MOSD) developed a detailed management and resource plan for operating a shelter in conjunction with NGO service providers; at the close of the reporting period, the National Committee had not yet approved the plan. A government-run shelter for abused Jordanian women housed and provided psychological and medical services to a small number of foreign domestic workers who had been sexually assaulted by their employers and subsequently referred to the shelter by PSD's Family Protection Department; these domestic workers may have been trafficking victims. Another government-funded organization provided limited legal advice and assistance to domestic and textile workers in 2009. Most detained foreign domestic workers, however, even those who claimed abuse or forced labor conditions, were not referred for assistance. The government did not

adequately ensure identified victims were not penalized for unlawful acts committed as a direct result of being trafficked; victims continued to be vulnerable to arrest and detention if found without valid residency documents and some foreign domestic workers fleeing abusive employers were incarcerated after their employers filed false claims of theft against them. The government did not actively encourage victims to pursue the investigation or prosecution of trafficking offenses committed against them. In order to limit the opportunities for exploitation, labor regulations prohibit the transfer of a migrant worker from one sponsoring employer to another without prior approval from the Ministry of Labor (MOL). The threat of detention due to expired residency documents and the lack of special work permits and visas to allow trafficking victims to remain legally in Jordan make it difficult for abused workers to leave their employers, thereby leaving them vulnerable to prolonged situations of human trafficking. The fining of foreign workers without valid residency documents – including identified trafficking victims – on a per day basis for being out-of-status served as a disincentive to remain in Jordan and pursue legal action against traffickers. Nevertheless, during the year, the Ministry of Interior often waived the accumulated overstay penalties levied against “runaway” foreign domestic workers in order to repatriate them.

Prevention

The government made increased efforts to prevent trafficking during the reporting period. In March 2010, the National Committee for the Prevention of Human Trafficking officially launched its National Strategy and Action Plan to Combat Human Trafficking (2010-2012)

during a ceremony attended by the Deputy Prime Minister and Justice Minister. This plan includes provisions for a specific visa for human trafficking victims to allow victims to receive residency and work permits while they pursue a legal case. In August 2009, the cabinet endorsed and made effective two new sets of bylaws to the Labor

Law. The first protects the rights of foreign domestic workers by providing for a standard work day, paid leave, entitlement to family contact, freedom of religion, and protection from being sent to work in homes other than the sponsoring employer’s. These bylaws, however, require the worker to obtain the employer’s permission to leave the house; if a domestic flees the premises, the employer is neither bound to fulfill any financial obligations toward the worker nor bear the expense of returning her to her home country. The second set of bylaws governs the work of domestic worker recruitment agencies by strengthening licensing requirements and giving the MOL greater monitoring and enforcement authorities. These bylaws have not been fully implemented, partially due to some regulations in need of additional instructions. During the reporting period, the government ordered the closure of nine recruitment agencies for failure to comply with the labor law or domestic worker bylaws, or for complaints filed against them. Six agencies had their closure order suspended after resolving the problems, and three were closed permanently. In addition, the MOL inspectorate issued 17 fines and 48 warnings against recruitment agencies for failure to comply with the labor law or recruitment agency regulations. In June 2009, the government signed a memorandum of understanding with the Government of Indonesia to strengthen the regulation and oversight of the recruitment process for domestic workers and clearly delineate protection responsibilities. The MOL continued operation of a hotline to receive labor complaints, some of which included indicators of forced labor, such as the withholding of workers’ passports; the inspectorate did not maintain complete records of calls received, but contends every complaint was investigated. It also carried out over 176,000 planned or on-the-spot investigations covering all labor sectors except agriculture. It did not conduct any information or education campaigns beyond the labor inspectorate’s brief awareness raising workshops for workers in garment factories. To address exploitative child labor, the inspectorate fined 33 businesses in 2009, but handled most other cases informally with the employer and family; no criminal charges were filed against employers illegally utilizing

child labor, though 375 identified children were referred to educational and other services. The government did not undertake any discernible measures to reduce the demand for commercial sex acts during the year. Jordan's Peace Operations Training Center provided anti-trafficking training as part of their standard training regimen for peacekeepers being deployed abroad as part of international peacekeeping missions. The government ratified and published the 2000 UN TIP Protocol in April 2009.