

# **Combating Trafficking in Persons in Jordan**

Gaps between Legislation and  
Implementation

2016



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## Executive Summary

This assessment, conducted by Tamkeen Fields for Aid, is an important step in the self-assessment process on the success of governmental legislation policies and practices which are in place to combat human trafficking in Jordan and address its remaining gaps. Moreover, it evaluates the compliance of Jordanian laws with international standards which present the reference framework for Combating human trafficking.

The first chapter of the assessment will highlight Jordan's commitment to the international standards related to Combating human trafficking. It will also flag out the national legislation and policies related to Combating human trafficking. In the second chapter, there will be a discussion on Combating the crime of human trafficking, the National Committee for Preventing Human Trafficking, and the related National Strategy. It analyses the current status of the strategy's implementation and summarizes activities which were carried out and sheds the light on the remaining gaps. Furthermore, the assessment will talk about the Anti-Trafficking Unit and the need for a new law to tackle the crime. In addition, the chapter will explore the national practices related to the crime of human trafficking.

In addition, the evaluation will elucidate the practice of alternative care and what is offered to the victims of human trafficking as well as statistics and indicators related to the crime of human trafficking in Jordan. It will also include statistics of accommodation, welcoming and sheltering of victims, deportation, and discuss the mechanism of exploiting and trafficking children. The study will allocate space to discuss the judicial practices and the impunity in the crime of human trafficking. It will present a number of judicial rulings and jurisprudence. It will also discuss the role of civil society and international organizations in Combating human trafficking and shed light on the US State Department report on human trafficking.

## Introduction

Trafficking in persons is one of the global phenomena affecting millions of people worldwide. While the crime is committed against people of both genders and all age groups, records show that the majority of victims are women. Trafficking in persons is the third most lucrative offence in terms of generating profits for the perpetrators, directly after arms dealing and drugs trafficking.

Human trafficking cases are sensitive cases in the field of human rights. All international conventions address the topic of human trafficking under various other names. Evaluating the prevention system and the efficiency of providing national protection to the victims are the major tasks required to assess the level of protection and the respect for human rights in any country.

Jordan, in light of its international obligations to the human rights system, to international human trafficking conventions; its adoption of the National Anti-Human Trafficking Law and the subsequent establishment of new strategies and structures, must examine its relevant commitments to this issue. It is currently an urgent matter to be addressed, particularly due to the growing number of migrant workers on the one hand and the huge influx of refugees to Jordan on the other. This makes tracking the extent of legal protection and the adoption of effective national policies to combat human trafficking a priority in the process of assessing Jordan's obligations.

Legislatively, Jordan has taken significant steps in the protection of migrant workers. Indeed, Jordan has committed to combat human trafficking by ratifying a large number of human rights conventions and International Labor Organization (ILO) conventions, in addition to the Protocol to Prevent, Suppress and Punish Trafficking in Persons. The Kingdom has also amended its national legislation, particularly the labor law, thus becoming the only country in the region to include domestic and agricultural workers within the labor law. It is also worth mentioning that Jordan is the third Arab state to enact the law to combat human trafficking.

Therefore, Tamkeen Fields for Aid, in the framework of its competence in monitoring and following up on the extent to which migrant workers enjoy their rights in Jordan and given the overlapping issues concerning migrants and human trafficking and as part of a reviewing process on the progress Jordan has made in Combating such crimes, has deemed it important to conduct a comprehensive evaluation on the crime of human trafficking and the level of effectiveness of the effort to combat it since Jordan's issuance of the Anti-Human Trafficking Law of 2009 and the subsequent national policies and practices.

The importance of this evaluation lies in the fact that it monitors and clarifies the adopted national measures to combat this crime as well as the practices of implementing the relevant procedures. In addition, it tracks the extent of the cooperation between governmental and non-governmental bodies in this field, and evaluates the progress to promote the prevention, protection of victims and the prosecution of offenders.

### **Tamkeen Working Team**



## Methodology

The evaluation based its methodology on the use of a descriptive and analytical approach to the national legislation, policies and practices in light of Jordan's obligations under international law by working on;

- Conducting a comparative analysis between the law, national legislation and international standards related to the topic of trafficking in persons
- Collecting and analyzing official statistics data and complaints received by Tamkeen Fields for Aid in addition to analyzing human trafficking cases and the judicial provisions

## **Jordan's obligation to the international standards on combating human trafficking**

There is a connection between migrant workers and trafficking in persons' cases as the former are considered one of the most vulnerable categories subjected to trafficking. The issue of migrant workers in Jordan constitutes an important focus of the prominent human rights themes, particularly if we consider the increasing number of migrant workers on the one hand and the extent of the growing abuses and complexities facing this group in Jordan on the other. Here we will shed light on the nature of Jordan's obligations under international law to combat human trafficking.

### **International Law**

International and national laws regulate migrant workers' rights in Jordan. However, there is a fundamental challenge in dealing with the reference of international human rights law and ILO conventions, despite the wide availability of references for these conventions which can be joined under a number of ratified international conventions.

Jordan has obligations under the international conventions and treaties that it ratified, to protect the rights of migrants and labor migrants who are staying within its territory. The provisions of these conventions include all the individuals within the territory of the concerned state and who are subject to its jurisdiction without any form of discrimination, whether based on sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status, as stipulated by the two international conventions. These commitments must be implemented in good faith based on the provisions of article 26 of the Vienna Convention on the Law of Treaties. It is also not permissible to invoke provisions of national law as an excuse for the non-implementation of these conventions.

## **The International Human Rights Conventions**

Jordan joined many international conventions and treaties starting with the Universal Declaration of Human Rights which stipulates the basic rights which must, not might, be enjoyed by everyone. These rights include the right of each person to life, liberty and personal security; as well as the right to not be subjected to torture, or to any penalty or cruel or inhuman treatment or that could offend his or her dignity; the right of recognition before the law, of equality before the law and the entitlement of equal protection without discrimination before it. The Universal Declaration also stipulates that each individual has freedom of movement and residence within the borders of each state, as well as the right to leave any country including his/her own and to return to it.

Jordan also ratified the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). These two covenants together with the UN declaration on Human Rights provide the international framework of human rights. Moreover, Jordan joined the United Nations' Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child (CRC), and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), with all of these conventions published in the Official Gazette.

In the field of Combating human trafficking, Jordan acceded to the International Convention against Transnational Organized Crime (CTOC) of 2000 and its protocols, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.

The protection stipulated or mentioned in the various fore mentioned international human rights conventions constitutes the minimum level of protection which state parties including Jordan are not allowed to derogate from whether through its national legislation, administrative, executive or judicial practices. Under its obligations to these covenants, state parties

should adopt appropriate measures to protect human rights within its private relations as well or otherwise it carries the international responsibility in this regard, with these matters being clearly emphasized by the High Commissioner for Human Rights in his report on this subject in 2007.

Since Jordan has not signed the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990, which entered into force on 1 July 2003, the legal framework of protection for migrant workers has lost one of its most important foundations as this convention is considered fundamental in the protection of their human rights. The Covenant affirms in its preamble the interdependence between it and the other core United Nations human rights instruments and points out the principles and criteria provided in the relevant instruments approved by the ILO.

The convention also includes a number of fundamental legal provisions in the field of human rights protection for migrant workers and members of their families. Although the number of state parties to this covenant do not exceed 43 states to date, it can be argued that some of the guaranteed rights became part of customary international law, as these rights and provisions are similar to what has been previously stipulated in other human rights conventions in addition to the rights and provisions mentioned in the ILO conventions.

The judgment on the reality of irregular migrant workers in any country must be based on the principles and the criteria established by the convention, since many of these principles and standards are considered a part of the customary international law which obliges state parties as well as non-state parties to the convention to abide by them.

Due to the circumstances the Arab region is going through in terms of political turmoil and armed conflict, particularly in Syria and Iraq; the growing threat of terrorism; and the resulting high influx of refugees to Jordan, the risk of human trafficking has also increased as this category is considered to be at a higher risk to be subjected to this violation, the UN Security Council issued resolution number 2331 during its 7847<sup>th</sup> meeting

on 20<sup>th</sup> December 2016. The resolution focused on Combating human trafficking, as it condemned in the strongest terms all instances of this practice, especially in areas affected by armed conflict and the resulting growing case of sexual exploitation particularly the incidents where women and children were used by the conflicting parties including terrorist groups.

Moreover, the resolution discussed the emergence of cases of exploitation and trafficking committed on refugees, stressing the importance of providing aid and services that would cover their physical, psychological and social recovery, as well as their rehabilitation and integration. The resolution calls in its conclusion for inter alia; the need for states to ratify UN conventions against trafficking, especially the Protocol to Prevent, Suppress and Punish Trafficking in Persons and work to implement its provisions. It also stresses the importance to work on creating robust mechanisms to identify actual and potential victims and provide them with the needed assistance and protection, especially in case of being refugees, and/or displaced persons. Furthermore, the resolution calls for the fair treatment, in a way that does not subject them to punishment or stigma due to the illegal activities they were forced to endure or under duress to commit. It also encourages the establishment of strong relations with civil society organizations in order to provide these services.

## **International Labor Organization (ILO) Conventions**

Jordan is committed to a number of ILO conventions including: The Freedom of Association and the Right to Collective Bargaining, the Elimination of All Forms of Forced or Compulsory Labor, the Abolition of Child Labor, and the Elimination of Discrimination in Employment and Occupation. Jordan is also bound to the Declaration of Principles as a member of the ILO as its one of its state parties. The Kingdom has also ratified 24 ILO conventions, 14 of which were published in the Official Gazette.

It should be noted that Jordan has not ratified a number of important international labor conventions in the field of migrant workers' protection, namely; Convention number 87 on the Freedom of Association and Protection of the Right to Organize of 1948; Convention number 129 on Labor Inspection (Agriculture) of 1969; Convention 181 on Private Employment Agencies; and Convention 97 on Migration for Employment. Additionally, Jordan did not join Convention 189 on Decent Work for Domestic Workers passed in 2011.

Despite these obligation, the implementation of international human rights law in national courts or the process of amending national legislation or practices are still far from being invoked in spite of Jordan acknowledging in several international forums or official reports the reference and supremacy of international conventions over the national conventions in their judicial implementation. These assertions were also mentioned in the second, third and fourth periodic reports of Jordan that were submitted to the Committee Against Torture, as well as their third periodic report to the Civil and Political Rights Committee on the 12 of March 2009.

The issue of the supremacy of international covenants and conventions has been clearly stipulated in a number of international conventions including the International Covenant on Civil and Political Rights 1966 which states in its second article:

## Article 2

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.

The Jordanian constitution did not address the legal value of the ratified international conventions and treaties, nevertheless the Jordanian judiciary referenced them on more than one occasion. However, reviewing the practices of the court, it can be said that the Jordanian judiciary system has given the international conventions and treaties their duly higher status over their domestic counterparts, meaning that their provisions shall be implemented even if they are in conflict with the national legislation. For example, the Kingdom's Court of Appeals has ruled that "international conventions prevail over domestic law in Jordan." In another decision, the same court also ruled that "all jurisprudence and judiciary of all world states including Jordan agree on the supremacy of international treaties and conventions over domestic laws. It is not permissible to apply the provisions of the domestic laws if it is inconsistent with these international conventions and treaties. Domestic laws are only considered if they do not conflict with these international conventions and treaties. In that case, they could be implemented together with the international provisions; which is the common practice currently agreed upon by our judiciary with no difference of opinion."

Based on the above, we can undoubtedly say that the Jordanian judiciary is devoted to the principle of supremacy of the international conventions and treaties over the rules of domestic law, as supported by Jordanian jurisprudence (Alwan, 2003)<sup>1</sup>. Some legal jurists highlighted the importance of the need of the treaties and conventions to enjoy supremacy over that of domestic law in order to stabilize the treaties and conventions and adhere to international obligations and as maintenance of individual rights which are stipulated by international conventions signed by the states of their own free will (Al Kaswani, 1983).

## **National legislation and policies relevant to Combating human trafficking**

### **The Constitution of the Hashemite Kingdom of Jordan**

The Jordanian constitution stipulated in article 13 that “compulsory labor shall not be imposed on any person, but pursuant to law, work or service may be imposed on any person.” Moreover, article 7 states “personal freedom shall be guaranteed and every infringement on rights and public freedoms or the inviolability of the private life of Jordanians is a crime punishable by law.”

Regarding the conditions of personal detention, article 8 provides “No person may be seized, detained, imprisoned or have their freedom thereof restricted except in accordance with the provisions of the law. Every person seized, detained, imprisoned or the freedom thereof restricted should be treated in a manner that preserves human dignity; may not be tortured, in any manner, bodily or morally harmed; and may not be detained in other

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<sup>1</sup> Also look at Ghassan Al Jundi’s Principles of Public International Law (Wael Publishing, 2005) and Salah El Deen Amer: An Introduction to Studying Public International Law (Arab Dar Al Nahda Publishing 2002)



than the places permitted by laws; and every statement uttered by any person under any torture, harm or threat shall not be regarded.”

In terms of the right to litigate, it is guaranteed to all human beings, and not exclusive to Jordanians, as article 101 states: “The courts shall be open to all and shall be immune from interference in their affairs.”

The Jordanian Constitution in article 23 also guarantees the standardisation of proper work. However, these guarantees are stipulated under the Jordanian’s rights and duties section, which states “The State shall protect labor and enact legislation therefore based on the following principles:

- a. Giving the worker a wage that commensurate with the quantity and quality of his work.
- b. Defining weekly work hours and granting workers weekly and annual paid leave days.
- c. Specifying special compensation to workers supporting families and in the cases of dismissal, illness, disability and emergencies arising out of work.
- d. Establishing special conditions for the work of women and juveniles.
- e. Subjection of factories to health safeguards.
- f. Free trade union within the limits of the law.”

## **The National Strategy of Human Rights**

In term of the national policies to combat human trafficking it thus far encompasses The Comprehensive National Plan for Human Rights (2016-2025), which uses the International Bill of Human Rights and the various international human rights treaties and conventions ratified by Jordan as a reference point.

The axis of the economic, social and cultural rights of the plan also provides all relevant matters to the development and protection of workers’ rights as

stipulated in their first goal of the Enhancement and Protection of the Rights to Work, with its first objective stating its intention to prepare the legislations and adopt the policies needed for organizing the labor market in both the public and private sectors, whereby cementing the principle of equal opportunities and enhancing equal wages and all rights for the workers.

The axis also specified several activities under this objective, which are:

- Its endeavor to issue a unified system for health and social insurance for the workers in all fields;
- To reconsider the legislations regulating the affairs of domestic workers; to implement the instructions related to their work that would ensure the availability of legal protection for them;
- To enable the private sector workers to establish unions; to issue the necessary legislation for creating unified forms for the labor contracts in the multiple fields according to the professional and sectorial classification, in order to ensure the nonexploitation of workers by the employers;
- To reconsider the minimum wages, pensions and insurances and linking them to inflation;
- To review the legislative framework for working in the agricultural sector to enable the workers in this sector to enjoy the rights stipulated in the labor law and amendments;
- To reconsider the legislation regulating the structure of the public sector to ensure the implementation of the principles of equality and justice while maintaining the financial rights of the workers on the structured departments.

In the plan's axis on civil and political rights, strategic goal number five, The Right to Nationality, Residency, Asylum and Freedom of Movement is stipulated. Under the first specific objective, it states to align the national legislations and policies with the constitution and international conventions to the extent endorsed by Jordan. Within the related activities, it recommends the unification between the references related to granting these rights and restrict the prohibition and exclusion to the judiciary.

In spite of the ambitious objectives and activities mentioned in this plan, which aims at protecting workers' rights within the jurisdiction of the Kingdom, and ensure that deportation is exclusively executed by the judicial authority, the plan fails to mention any goals related to Combating human trafficking and the right to social security for these workers; which is considered a serious omission in the protection of migrants' rights and trafficking victims.

## **Labor Law**

In spite of the amendments made to the law, it is still devoid of some of the core provisions that require consideration due to their importance and close connection to the crime in human trafficking, forced labor and servitude. In addition, the practical implementation and application of its provisions presents clear deficits in addressing the incurred violations of labor rights. Since the majority of the workers are still exposed to a number of violations in terms of wages being lower than the minimum rate; being denied legal holidays and leave; deprivation of medical care, not to mention the physical, sexual abuse that they are subjected to by some employers without any legal deterrent.

Unfortunately, work-related violations laws are expected to persist due to the limitations and infrequencies of the Ministry of Labor's inspection process conducted, and does not reach the required level of effectiveness. It is also worth noting that such violations are currently being committed against a large segment of wage earners in Jordan, both national and migrant and include them receiving a monthly salary less than the minimum wage of 110 JOD for domestic workers and 190 JOD for other workers.; huge numbers of them receiving their monthly wages with a delay exceeding the maximum permissible period of 7 days as stated by labor law article 46. Furthermore, there are large numbers of workers who do not receive annual and sick leave. There are also violations related to working hours, with many workers being subjected to working hours which exceed the daily working hours defined as eight working hours by Jordanian labor

law article 56. In addition, health and safety conditions are not provided to huge sectors of paid workers in Jordan.

Such violations continue to occur despite the Jordanian legislation stipulating in labor law 8 of 1996 article 77, that The Employer in any establishment shall be penalized for recruiting any worker by force or under threat or fraud or duress; or for the confiscation of his or her passport and a fine of not less than 500 JD and not exceeding 1000 JD and the same punishment shall be given to the instigator and the accomplice in this application. The penalty shall be doubled in the case of repetition.

Nevertheless, the sanctions decided by the legislator under the labor law for such acts do not correspond with the gravity of such acts on the individuals and on society. Consequently, it is important to clearly criminalize these acts in the Penal Code and include dissuasive penalties proportionate to the impact of the crime on the individual and wider society, in order to provide penal protection to the workers from the practices which became widespread.

## **Residence and Foreigners' Affairs Law**

By reviewing the Residence and Foreigners' Affairs Law, a number of observations can be made in relation to the victims of human trafficking, as the current law is devoid of the basic principles and cornerstones of the law.

First: Respect for the principle of non-refoulement which stipulates the inadmissibility of the forced return of any person of whom it is believed they will be subjected to torture or any other human rights violations.

Second: Ensure the compatibility of the law with the general principles of international humanitarian law, including ensuring that it does not contain any text that may hinder any rights of foreigners, particularly migrant workers, regardless of their status or means used to arrive in the country. In particular, the law is not allowed to subject migrants or foreigners to

further risks of violations from the moment of their arrival until their departure.

Third: Ensure that the procedures of forced deportation are implemented with procedural guarantees insuring the minimum judicial references to appeal the decision for deportation as well as the existence of a cause behind the decision, acquiring a competent translator and legal assistance until the execution of the deportation.

Many provisions of the Residence and Foreigners' Affairs Law subject foreigners to further risks and violations during their residency in Jordan, making them vulnerable to human trafficking and forced labor. Perhaps the most prominent forms are represented in;

The Lack of protection for workers or foreigners in case of the confiscation of passport or travel document. This is reflected in provisions of article 15 of the law, which contains a discrepancy between what is stated in the law, the submitted draft and other enforced legislation. Despite the intention of the Ministry of Labor to remove this conflict and protect this category of victims. Some of these notable conflicts are;

- As stipulated in article 12 of Labor Law and article 34 of Residence and Foreigners' Affairs Law, every foreigner entering the Kingdom legitimately, and does not obtain a temporary residency, exceeds the duration of that residency granted to him, or does not submit a request of annual residency permit renewal within a month of its expiry, shall be fined forty-five JD for every month that is in violation, or the part of the month, by one and a half JD for every day of that part.

- The Minister, on the recommendation of the Ministry's Secretary General, may exempt the foreigner from these fines if they do not exceed two hundred fifty JD. If they exceed this amount, the exemption must be through a decision of the Prime Minister on the recommendation of the Minister.

The Residence and Foreigners' Affairs Law article 34 also contains a clear contradiction to article 12C of the Labor Law, as the later places the responsibility to obtain a work permit on the employer and requires that

he/she cover its issuance fees. Since the issuance of the work permit is a duty of the employer on behalf of the worker, it is illogical for the worker be liable for any punishment for a mistake he or she did not commit in the case where the employer has not fulfilled his legal obligation to obtain a work permit and pay the legal fees. As the fine imposed on the (migrant worker) comprises a penalty, it is not permissible for the worker to be punished due to the employer's violation.

In this context, the penalty is personal (the principle of personal punishment) and it is not permissible to extend it to impact others. As a general rule, it is not possible to punish any person if he or she has not committed a violation of the law. Consequently, it is important to add the following provision to the article 12 of the Labor law: "taking into account what has been stipulated in provision C of article 12 of the Labor law to exclude from its provision, the worker whose employer failed to obtain a work permit for him or her must inform the directorate within a week from the end of the residency permit".

In addition, the fore mentioned issue of contradiction, this fine has the potential of causing a barrier to many migrant workers, preventing them from returning to their home countries, particularly if the reason of this delay is due to the employer neglecting to obtain a work permit. We noticed also that this fine hinders the facilitation of the deportation process for migrant workers who have received such a decision. These delays are regularly occurring due to the accumulated financial fines, thus leaving the worker stuck in the country, especially if the worker cannot find someone to cover his or her fines. In this context, it is notable that the issuance of this decision is followed by a decision to detain and deprive the worker of his or her liberty. Such a practice needs to be reviewed by the authorities; to see whether arresting or detaining a worker subject to deportation and/or who is unable to cover his or her fines is providing a solution to the problem.

Based on our research and case load, it is clear that this practice is in fact exacerbating the problem, as well as creating new ones as well. For example, the cost of maintaining a detained worker, in preparation for his deportation, is much higher than that of his fines at 1.5JD per day

(according to the new amendments, 3JD); as the cost to the state of any detained person exceeds 22JD per day. As a result, this person becomes a burden on the state. Thus, it is preferable to exempt the workers with deportation/repatriation decisions issued to them from paying the overstay fines unless it is proven that they are capable of doing so and withholding the money.

Article 22/A identifies the length of residency as one year, subject to renewal. This issue contradicts what has been stipulated in Instructions for the Conditions and Procedures of Bringing and Employing Non-Jordanian Workers, which indicates in article 10: “Bringing, employing or renewing the employment permits of the non-Jordanian workers is carried out according to the needs of the work market sectors, taking into consideration the list of closed professions.”

Moreover, the Residence and Foreigners’ Affairs Law allows for the issue of residency a discretionary matter for the employer without considering any privileges pertaining to the nature of the employment contracts and their duration. It is also noteworthy that many employers’ issue long-period employment contracts, due to the high cost of employing foreign workers,

Furthermore, the law and the amended draft law neglects any regulations related to temporary residency, whether for victims of trafficking, potential victims or human rights victims in general. Legislators are supposed to work on adding a provision to obtain temporary residency free of charge for these categories, due to the urgent need for such legislation.

Another problem is that the law and amended draft of the legal framework lack any legal text which sets specific legal regulations in cases of deportation that are the result of the foreign workers committing criminal offences. Even though such deportations are permitted under international standards permit the deportations, it is important to note this is only in the case of committing of serious criminal offences in the state in which they are residing.; and that the deportation process should be done taking into consideration the procedural legal guarantees. The absence of such text from the law opens the way for the deportation of foreigners and workers as a result of committing minor offences which do not require deportation.

Additionally, the law completely lacks any text including the principle of non-refoulment which states that it is not permissible to deport any person in any manner to the country where they might be at risk of torture or other dangerous violations of human rights; including the text which explicitly states not to turn away people on borders who are seeking international protection in accordance with provisions of article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or

Punishment.

And finally, the law and amended draft kept the deportation without guarantees (or contrary assurances) in contradiction to all international standards, stipulated in article 37/19 of the law in the amended drafted article 19 which states: “The Minister, after seeking the opinion of the Director, may accept or reject a foreigner’s request for a residency permit or cancel the resident permit granted to him, and mandate him with leaving the Kingdom without giving reasons.” The text of article 19 violates almost all legal rules on this issue. Also, if compared to the principle of the rule of law, the provision violates these standards and further confirms the absolute power granted to the minister in the face of general legal rules. Furthermore, it contradicts international conventions which stipulate that if all conditions to grant a foreigner a residence permit are met, and if there are no security, social or economic constraints, it is not permissible for the Minister to be free to decide as long as the conditions and requirements of obtaining residency permits stipulated are met. It is also not permissible according to general legal laws that the minister is granted the authority of cancelling a residency permit, deport a foreigner or ask him to leave the country if the conditions and the security reasons are not breached. This renders the minister’s decisions which are taken in this way, to be abusive of his power as an authorise figure as well as grant them a license to abuse his power arbitrarily.



## Crime Prevention Law

The Crime Prevention Law constitutes one of the most problematic national legislation, in terms of respecting and protecting individuals from being subject to trafficking, particularly what is stipulated in article 4:

“if any person receives a note to appear before the district administrator and does not present themselves in a suitable time, it is permissible for the district governor to obtain an arrest warrant against the person under the condition that their trial should take place within a week of their arrest.”

Even though the application of this provision only applies to foreigners who are accused of criminal charges or those who commit violations to Residency and Foreigners' Affairs Law, this article has caused a number of issues as many migrants do not obtain their full rights of the procedures when they are presented in front of the authorities, especially when they are placed under administrative detention, which is the most common practice.

At the moment, there are several reasons which could lead to the administrative detention of a migrant; the most important two being the above-mentioned law, as well as arresting them in the case that authorities have sufficient evidence that would indicate them committing a crime such as theft. However, it should be noted that in practice the majority of migrants are actually detained or arrested due to the employer's submission of an 'escape notification' to the police stations when they leave their employer's work. This may be accompanied by an accusation of theft, despite the fact that no investigation takes place to check its validity of the accusation prior to any detention. Once the notification is recorded, the migrant is immediately arrested by the authorities almost instantly the deportation procedures start, which might last days or months. While this process lasts, the detained migrant may remain incarcerated while awaiting the decision of deportation or repatriation; with no contact with family or friends.

In addition, no migrant with accumulated residency fines is deported until these fines are covered. As previously mentioned, although renewing a residency permit is the responsibility of the employer, often the worker is

administratively arrested due to the neglect of the employer and/or the lack of any means to cover the overstay fines accumulated; with many of these migrants remaining under administrative detention indefinitely.

According to the Crime Prevention Law, detainees are granted less rights and protection than those guaranteed to them under the Jordanian Code of Procedures Act, in addition to other matters as well. Under that law also, the authorities are obliged to present the suspect to the prosecution within 24 hours after his/her arrest to be charged; this goes with the provisions of international law, which justify such detentions “for a period of time” in cases of people entering the state illegally but dictates that if this period is longer than the standard detention time, then the detention is illegal.

In addition to the previously mentioned cases, there are individuals who cannot be deported to their countries due to either the refusal of the sending country to receive them or to the absence of diplomatic relations between Jordan and said country. Therefore, these individuals are usually detained indefinitely representing a clear human rights violation. Regarding cases which do not pose a significant risk, such as people married to Jordanian women, deportation should not take place until the issuance of a deportation order, or for cases that cannot be deported.

The Crime Prevention Law provides the authorities the full freedom to determine the bail or the cash component of the bond or collateral. On many occasions, the authorities set bails that outweigh the financial capacity of the migrant. Moreover, the law grants the authorities the right to reject the third party- the bailer or bondsman- to take responsibility of the defendant, making it difficult for the migrant to find a bondsman since the majority do not have friends, family members or employers who can bail them out. With the absence of a third party to take the responsibility of these individuals now and the dim possibility of finding one in the future, these people usually remain under detention.

Moreover, in most cases the absence of an effective mechanism for judicial review makes migrants unable to challenge their detention or deportation decision. Even the Crime Prevention Law itself does not indicate any such mechanism of administrative or judicial review for such case. Despite these

gaps, some cases are now receiving judicial review. Another issue with the law is that while the law grants detainees the right to submit a petition to the High Court of Justice, the costs of such petitions are usually very high and over their own limited financial capacities.

In their report on the issue, Human Rights Watch highlighted three main constraints that migrants face in their attempts to appeal effectively the court's decision. First, the absence of free legal assistance available for such cases and the high expenses of hiring a lawyer. Secondly, the issue of judicial review court fees which range between 30 and 300 JD. Finally, there is no protocol that provides detainees of the necessary information about their right to appeal the court's decision, or of their rights under Jordanian and international law. Thus many detainees remain unaware of such rights or their ability to challenge their detention.

Tamkeen Fields for Aid meets yearly with cases of migrants whose rights were violated either by their employers or by the official authorities and who were later subjected to administrative detention. Additionally, Tamkeen team has also encountered many cases of suspected human trafficking, with some of these cases reported to the Anti-Human Trafficking Unit to carry out the necessary procedures.

## Combating human trafficking

The international conventions and treaties constitute a comprehensive and integrated system to prevent and punish human trafficking. These covenants include the International Covenant on Political and Civil Rights (1966), which stipulates in article 8<sup>2</sup> the obligations of states to take measures to prevent any practice leading to slavery and trafficking in all their forms, including slavery, servitude, forced labor and compulsory labor. The article also dictates that the signatory parties should have a comprehensive policy that would include beside the ban of such actions, should be focused on protecting the most vulnerable categories from trafficking or any violations that might lead to it

In the same context, article 13<sup>3</sup> of the same covenant legally protects the rights of resident foreigners from arbitrary deportation as it dictates that

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<sup>2</sup> **Article 8 of the ICCPR**

1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.
2. No one shall be held in servitude.
3. (a) No one shall be required to perform forced or compulsory labour;  
  
(b) Paragraph 3 (a) shall not be held to preclude, in countries where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court;  
  
(c) For the purpose of this paragraph the term "forced or compulsory labour" shall not include:  
  
(i) Any work or service, not referred to in subparagraph (b), normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention;  
  
(ii) Any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors;  
  
(iii) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community;  
  
(iv) Any work or service which forms part of normal civil obligations.

<sup>3</sup> **Article 13**

An alien lawfully in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion

states should provide guarantees for the foreigner to defend himself or herself and his or her rights according to the law in front of all relevant authorities. The importance of such protection should be highlighted as multiple studies have shown that a large percentage of victims of human trafficking are foreign workers; therefore, this article forms the foundation of protection for the workers to defend their rights in case of being exposed to human trafficking. One of the cornerstones of the International Anti-Human Trafficking strategy is the Preventing and Suppressing Human Trafficking protocols, which pays special attention to women and children, as stated in article 2. Article 5 also requires the state party to take legislative measures to criminalize human trafficking or initiate the process.

As previously mentioned, Jordan joined the International Convention Against Transnational Organized Crime (2000) and the Protocols on the Prevention of Human Trafficking, especially women and children, and on Combating the Smuggling of Migrants.

Jordan issued the Anti-Trafficking Law 9 of 2009 as one of the protocol's requirements. The law defines the crime of human trafficking in article 3 as "A. For the purposes of this Law "Human Trafficking Crimes" shall mean:

1. Transporting, moving, lodging, or receiving of people for the purpose of abusing them, whether through using or threatening of use of force, or through any form of coercion, abduction, fraud, deceit, abuse of power, abuse of vulnerability, or through giving or receiving financial gifts or any other privileges to secure the consent of a person who has control over those people; or
2. Transporting, moving, lodging, or receiving of people who are under the age of 18 for the purpose of abusing them, whether through using or threatening of use of force, or through any of the means stated in item (1) of this paragraph.

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and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.

B. For the purposes of paragraph (A) of this article, “Abuse” shall mean; abusing people by forcing them to work without charge and under coercion, slavery, servitude, removal of organs, prostitution or any other form of sexual abuse.

C. A crime shall be deemed “transnational” in any the following cases:

1. Committed in more than one country.
2. Committed in a country but the preparation, planning and direction take place in another country.
3. Committed in any country by an organized gang that has criminal activities in more than one country.
4. Committed in a country and its effect extends to another country.

We note that the Jordanian legislators used the same wording in the protocol despite some of these phrases having different meanings and connotations in Public International Law which do not exist at the national level. For instance, the term ‘forced labor’ used in the protocol has its definition in article 2 of the ILO Labor Convention number 29 of 1930 which states it as all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.

Meanwhile slavery was defined in article 1 of the Convention on the Abolition of Slavery of 1926, as “the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.” Therefore, when the terminology of this crime was transferred to national law it was characterized by a broad and vague nature, thus lacking in precision due to the absence of clarification of its terms. The reason behind the abovementioned discrepancies is that while the protocol was set in the context of international law as it was built on several international conventions related to international standards for labor and rights approved by the international community; some countries have not mended their legislations to be on the same level or contain the same definitions.

While many states have adopted these conventions and amended their legislation as part of the ratification process, thus adopting the same definition of the protocol into their national legislations; other countries have not done so, one of these countries is Jordan. This inaction has caused many acts, must be criminalized based on international conventions and treaties previously ratified by Jordan, not to be included in the national legislation including the case of forced labor, servitude, slavery, and compulsory labor, despite these acts having clear definitions and implications in international law.

It is notable here that the definition of human trafficking is almost copied verbatim from the protocol with only slight differences which might cause confusion in its application. These minor alterations by the Jordanian law makers include the term ‘with the purpose of exploitation’ before the phrase ‘through the threat of force’; reflecting that these are conditions of exploitation as soon as they occur. However, the definition in the protocol clearly states that these means are in facts ways of recruitment and mobilization.

Additionally, the protocol emphasizes this meaning especially when it comes to those under 18 years of age as illustrated in article 3/C which states that the recruiting, transporting, lodging or receiving of children for the purpose of exploitation is considered ‘trafficking in persons’ even if it does not involve any of the means said in subparagraph A of this article. The article further explains this point by adding that the transportation of children for the purpose of exploitation is considered trafficking even if this does not include recruitment or transportation. These clarifications are not made in the Jordanian law, thus leaving the possibility “for the purpose of exploitation” to be interpreted as only a contesting phrase.

Although these points regarding this vulnerable group are clearly shown in the international protocols, the Jordanian counterpart is full of ambiguities in its articles. These ambiguities include limiting the ways in which children under 18 could be exploited by only mentioning only “transporting, harboring, receiving those who are under 18 years of age whenever the purpose of exploitation exists, even if this exploitation is not accompanied

by the threat of use of force or coercion as mentioned in article 1 of this paragraph.

In addition, adding the article “the” in front of exploitation resulted in another breach, this time in the legal connotation of the phrase, as it limited the scope of the crime by only linking the threat of use of force to the exploitation element of the crime and not including the criminality of its use in either recruitment or transportation stages.

This frank and blatant error in wording and meaning makes it difficult to prove the crime as it indicates that the purpose of exploitation is one of its material elements and should be present in order to prove that the crime of trafficking has actually occurred.

Such an obstacle goes against the spirit of the protocol or what the signatories intended when they formulated it, as their intention was the criminalisation of trafficking whether it occurs with an exploitation element or prior to its occurrence; especially since exploitation with its many forms has been already criminalized in articles existing in other covenants.

We would also like to indicate here that Jordanian law limits the concept of exploitation and exclusively links it to the concepts mentioned in the text of the law after it deleted the phrase “at a minimum” that is mentioned in the UN protocol; thus limiting the scope of exploitation to only the forms mentioned in the law.

Due to these facts, the following section will flesh out the elements of the crime, according to the general standards of the law and the Jordanian jurisprudence divided into its material and moral elements.



## **First: Material element**

### **Represented in its three components:**

#### **1. The act**

It is represented in the offenders' committing acts that would eventually lead to the resulting offence criminalized in the Anti-Human Trafficking Law.

These acts involve but not limited to: the threat of use of force or use of force; the use of other forms of coercion, abduction, fraud, deception, abuse, abuse of power, exploitation or exploitation of vulnerability; the giving or receiving of financial gifts to achieve the consent of a person who has control over these individuals.

We note here that some forms for the act's elements constitute a crime that law punishes. Others on the other hand do not constitute a crime by themselves, but only represent a misdemeanour or a wrong behaviour.

#### **2. The result**

The result is the second component of the material aspect of the Trafficking crime. In this particular crime, this component is represented in the recruiting, lodging, receiving of individuals. In contrast to what comes to mind, exploitation is not an element of this component but is actually placed under the moral element of the crime in its private intent section.

#### **3. The causation between the act and the result**

Here it simply means that the recruitment came as a result of fraud and that lodging was a result of vulnerability or threat.

However, it should be clarified that in case of the occurrence of a crime on victims who are under 18 years of age, then the causality element could be not taken into consideration. Instead, the legislator placed his focus on proving the act component of the crime, adding that the exploitation element is already proven due to the victim being under the legal age, which also affirms the causality component as well.

## Second – Moral element

Here, the moral element indicates the general criminal intent represented by knowledge and intent. For the Public Prosecutor office to prove that the offender committed the crime, it must be proven that he/she committed the crime in his/her free will and with the knowledge of its subsequent result.

However, in the crime of human trafficking, we find that there is another component that also should be available to prove the occurrence of the crime as stipulated by the law. The component of private intent, as explained by the legislators, is the intent of exploitation, that is that the perpetrator's main intention behind committing his criminalised acts is the exploitation of the persons whom he trafficked either in forced labor, compulsory labor, slavery, servitude, removal of organs, prostitution or any form of sexual exploitation addressed in the general rules of Jordanian law under motive in its article 67 of the Penal Code which defines motive as:

1. The motive is the reason which makes the perpetrator commit the act or the ultimate result he / she intends to achieve.
2. A motive is not an incriminating element except in instances stipulated by the law.

From the fore mentioned definition, it would be logical to conclude that the motive or the purpose of exploiting the victim is an integral element of the crime of human trafficking and considered to be an important element in proving that such crime actually took place or criminalised in a court of law.

Consequently, when it comes to proving the crime of human trafficking, it is not enough to include the general criminal intent to commit the crime, but also it requires the existence of private intent of exploitation as defined by the law as well.

It is also noteworthy that the forms of exploitation mentioned earlier constitute as distinct crimes punishable by law, once committed and proven.

There is another notable issue that should be highlighted as well, that the law does not require the actual occurrence of exploitation in order to consider the existence of the crime of human trafficking; it is sufficient just to have the will and the intent of the perpetrator and the specific intent-exploitation of victims in order to prove it, even if the act of exploitation did not come to fruition. In such cases, the crime may be prosecuted not as the intention to do a crime but a full crime, completely prosecuted by law once it is proven that the perpetrator had the intention to exploit his victims. The clarification of this point is very important for law makers who gather the evidence, charge the crime and issue their judgements.

For example, the mere request of an employer to his employee to work without receiving any payment, even without the worker complying or working, is considered on its own an offence that constitutes an exploitation. In this case, the offence could be prosecuted as a case of human trafficking, not the intention of it; especially if the other pre-mentioned elements of the crime are available.

The distinction between exploitation as a special element embedded within the moral element of the crime of human trafficking and separating it from the scope of its material element has a huge impact on proving the evidence related to the crime; as both the general criminal intent and the specific intent are proved by the overall circumstances of the case. It is then the duty of the judge to develop his/her own convictions based on the overall circumstances and the collected evidence presented the availability of this intent. In light of this, It is our opinion that making this distinction will contribute dramatically to preventing the impunity of the perpetrators as opposed to including it within the scope of the material element as it was previously perceived to be.

Thu, it is advised that the investigations conducted by the Anti- Trafficking Unit and subsequent indictments and decisions that are decided by the prosecutor should be done in a way that lists the elements of the crime in a detailed way, as in element by element and component by component. In addition, the evidences of the case should be clearly listed and demonstrated. Following such procedures would have a major impact in preventing any possible impunity for the perpetrators, as well as presenting

the case in a structured and concise way, thus helping the governing body to highlight the crime's different elements when it is presented to them.

Moreover, the continuation in concluding all of the ongoing investigations, facts finding, evidence gathering and witness statements, without presenting the significance of these evidence and their impact on proving the elements of the crime will lead to what may be called "a crime with hidden elements" for law enforcement. Such crimes would result in the continuation of the impunity currently enjoyed by the perpetrators and the failure to effectively activate the law, thus ensuring that it remains in a state of suspension in terms of being practically enforced.

Based on the foregoing, it can be said that the legislative environment in Jordan does not fit with the protocol it was set to implement. Therefore, certain steps need to be enacted to solve this issue. These steps include the ratification of the definition from the international convention into the national law in a manner that will not cause any ambiguities.

As previously shown, the previous transfer occurred without any customization and contextualization to the local environment. This has caused many problems in its interpretation and implementation; as it happened in a manner that did not provide the needed period of time that is needed to stabilize the provisions of the national judiciary in a way that is consistent with international law. Unfortunately, because of the way that the transfer actually occurred, the currently agreed upon definitions are incompatible with international law and their application.

In addition, the rules of interpretation at the international level are different from those at the Jordanian national level. For instance, the Vienna Convention on the Law of Treaties, which addressed the mechanism of treaties' interpretation, pointed out any agreement related to the treaty or took place between all state parties on the discussed matter should be considered.

When applying this rule to the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, we notice that it is supplementary to the UN Convention against Transnational Organized

Crime; thus its interpretation is combined with the convention according to article 1 of the protocol. The same rule also applies to the interpretation of the Protocol against the Smuggling of Migrants by Land, Sea and Air, which is again complementary to the Convention against Transnational Organized Crime.

The importance of following the rules of interpretation is that the provisions that came in the convention and the two pre-mentioned protocols have a significant importance in the applications of the law to prevent human trafficking and the application of its provisions. Its neglect will lead to a breach by the states of their commitments particularly in the field of witness protection; assisting and protection victims; criminalizing obstruction of justice; or any special means related to jurisdiction or other things that facilitate the committing of such crime. In addition, the Protocol against the Smuggling of Migrants has another significance as it provides a distinction between human trafficking and smuggling which often accompanies the crime of human trafficking. Therefore, it is not surprising that the Jordanian judiciary considers this definition to be odd or even ambiguous as some of the judges indicated “the crime definition should be specific and comprehensive, adding that “we interpret the laws without compatibility with the national legislation.”

Another issue is the neglect of phrases by the Jordanian legislator such as ‘acts similar to slavery’ which we find in the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956, which provides that Each of the States Parties to this Convention shall take all practicable and necessary legislative and other measures to bring about progressively and as soon as possible the complete abolition or abandonment of the following institutions and practices, where they still exist and whether or not they are covered by the definition of slavery. Although the definition in Jordanian law is similar to that of the protocol, the Jordanian legislator limited exploitation to certain limited forms, despite the protocol stating that the mentioned forms are ‘minimum’ meaning the possibility of other forms as well.

Examining this particular issue at a regional level, we find that the Egyptian Law No. 64 of 2010 regarding Combating Human trafficking is considered as

one of the best laws in the region in terms of its definition as it included in article 2: “A person who commits the crime of human trafficking shall be considered one who deals in any manner in a natural person, including: the sale, offer for sale, purchase, or promise thereof; or the use, transport, delivery, harboring, reception, or receipt, whether within the country or across its national borders; if this occurred through the use of force, violence, or threat thereof; or through abduction, fraud, deception, abuse of power, or exploitation of a position of vulnerability or need; or through a promise to give or receive payments or benefits in exchange for obtaining the consent of a person to traffic another having control over him; or if the purpose of the transaction was exploitation in any of its forms, including: exploitation of acts of prostitution and all forms of sexual exploitation, exploitation of children in such acts and in pornography, forced labor or services, slavery or practices similar to slavery or servitude, or begging or removal of human organs, tissues or a part thereof.”

it should be mentioned that some acts mentioned in the definition constitute separate offences under the Penal Code such as kidnapping, fraud, and forcing women into prostitution; thus encouraging the judiciary to legally characterize the complaint as human trafficking based on more evident or prosecuted crimes such as molestation, deprivation of liberty and other crimes.

It should also be noted that the Protocol to Prevent Human Trafficking does not only include the definition of the crime but also includes many of the rights and benefits that the victims or even potential victims of human trafficking should have; whether when submitting the complaint or at any other stage of investigation as victims are unusual in that they are subject to the worst forms of exploitation and violation of their fundamental rights. Since the victims are often foreigners with limited education, they are faced with many obstacles even after their release or in their quest to get compensations such as their ignorance of the host country’s language, ignorance of the Residence and Foreigners’ Affairs regulations, in addition to other legislation and the lack of money to hire a lawyer as well as the state of shock and the psychological impacts of these violations that the victim was subjected to.

Due to these circumstances, the protocol developed a set of obligations on the state party in order to allow the victims to resort to the available remedies in the state. For the implementation of these commitments, the state must amend a set of regulations governing the penal, labor, social and foreign affairs within the state party, and not only a matter of passing a law that criminalizes human trafficking. And while the state party has the freedom to take the appropriate legislative measures to fulfil its international obligations under the convention whether that is done through one or several laws; this freedom is not absolute as the final result should be the implementation of these commitments.

## **The National Committee to Combat Human Trafficking**

The National Committee to Combat Human Trafficking was formed based on article 4 of the Anti -Human Trafficking Law 9 of 2009. In article 5 of the law, the tasks of the committee are defined. Even though the tasks assigned to the committee are essential to the issue of Combating Human Trafficking, it should be noted that when the committee was established, it lacked the membership of any of the civil society organizations concerned with Combating human trafficking. Despite this, when examining what the committee has accomplished, we find that their results are positive in terms of helping both individual cases and the wider community.

The National Committee to Combat Human Trafficking carries out a number of tasks represented in the following:

- Drawing public policies to combat human trafficking and setting required plans to be implemented in addition to supervising their implementation and revising legislation related to Combating human trafficking and submitting the required proposals and recommendations
- Coordinating all official and unofficial entities related to preventing trafficking in persons, including carrying all the procedures required to facilitate the repatriation of the victims and those affected by the crime to their homeland or any other country of their choice who will accept to receive them.
- Issuing a national guide that includes guidance and educational articles related to the committee's work and its launching and publishing.
- Raising awareness among employers and those working in the field of migrant workers' recruitment on issues related to Combating



human trafficking by holding forums, seminars, training programs, education, and other related means.

- Cooperating with all official and unofficial authorities to implement physical, psychological and social recovery programs that the victims and those affected by trafficking require, in addition to supervising their housing in established shelters or places certified for this purpose.

For the committee to enhance its role, it is important to add new tasks related to prevention in order to reduce the incidence of crimes; to search for victims of human trafficking and specify to who the definition of victim applies. The committee should also work on having a continuous and close monitoring strategy by starting to issue quarterly and bi-annual reports, setting preventative strategic plans and programs to reduce the incidence of the crime in addition to assigning a monitoring team to combat human trafficking crime in cooperation with civil society organizations. This team should obtain judicial police identities to enable them to identify the victims and set standards to eliminate the spread of this crime; intensify the exerted efforts for the premonitory of possible human trafficking violations; and promote the training in the field of awareness-raising on the topics of forced labor and crimes of human trafficking for the prosecutors and judges in order to enhance the powers of investigation and prosecution.

## **The National Strategy to Combat Human Trafficking**

**The 2010-2012 National Strategy to Combat Human Trafficking seeks to achieve its main objectives, including:**

1. Working to prevent human trafficking;
2. Ensuring the protection of victims and those affected by human trafficking crimes;
3. Harmonizing legislation on the prevention of human trafficking and international conventions and instruments in such regard;
4. Adopt awareness education and cultural training programs appropriate to each category involved in trafficking and work to implement them;
5. Activating the Anti Trafficking Law and enforce and enhance the efficiency of the investigation and prosecution authorities
6. Train and enhance the capacity of the employees of human trafficking enforcement entities including judges and prosecutors
7. promote regional and international cooperation in terms of human trafficking prevention.

Although the objectives of the plan are clear and fundamental to protect victims in Jordan from trafficking, in reality the plan is far from achieving these objectives due to the gaps that the current Anti-Trafficking Law has in comparison with international law. Additionally, the protection of individuals subjected to trafficking is still limited and even deficient. It is also viewed that the main efforts have been focused on certain issues more than other; such as exerting their main efforts on holding training courses and workshops. Such workshops have been organised by the civil society organizations and international NGOs, targeting various sectors working on this issue. And while these efforts are commendable, more action is still urgently needed to build more capacity to reach real effective prevention for these vulnerable categories.

**The following points are the most prominent observations that can be used to evaluate the strategy**

### **The first pillar – Prevention**

**The first strategic objective – Develop comprehensive policies to prevent human trafficking**

### **Achievements**

Establishing an electronic link between the Ministry of Labor and the Ministry of Interior and issuing the necessary instructions to implement the bylaw of domestic workers' recruitment agencies and campaigns to prevent child labor.

### **Gaps**

There are still some deficiencies in the National legislation such as the Anti-Human Trafficking Law in comparison with the Protocol to Prevent, Suppress and Punish Trafficking in Persons. Moreover, the Labor Law, Penal Code and Residence and Foreigners' Affairs Law are still qualitatively below the requirements for Combating human trafficking.

In the same context, we indicate that child labor in the Kingdom is becoming widespread and the national efforts of the official institutions do not reach the level of effective combat for human trafficking crimes despite the existence of a national strategy to combat child labor. Noting that this phenomena is showing signs of increase especially due to decline in the economic status of many families, which might lead to child labor or begging.

## The second strategic objective – Raising Awareness

### Achievements

The Anti-Trafficking Unit issued a number of publications, including the announcement of the establishment of a hotline in the Directorate of Criminal Investigation for this. The Unit also published awareness-raising brochures in Arabic as well as printing some for domestic workers in their languages in cooperation with Tamkeen, Directorate of Public Security and Ministry of Labor, as well as conducting “police friends<sup>4</sup>” training sessions. It also carried out awareness raising activities in cooperation with International Organization of Migration (IOM), the American Bar Association (ABA) and the International Labor Organization (ILO).

### Gaps

In general, we find that the synergies of cooperation are available, though the initiative usually comes from civil society organizations and international NGOs. In spite of this, none of these organisations were invited to the committee meetings and none of the meeting contents or decisions were circulated to them either. Also, despite the NGOs calling for the establishment of an Anti- Human Trafficking Day, there is still no response from the Unit on this regard.

In terms of including the Anti-Trafficking Law in the Faculty of Law curricula, the Unit has thus far not taken any practical steps to implement such a step; resulting in high numbers of law students who do not know the existence of this law.

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<sup>4</sup> Police Friend; a person who assists the police in their work and explains the importance of having police presence

## **The third strategic objective - Specialized training in the field of Combating human trafficking targeting institutions concerned with Combating human trafficking.**

### **Achievements**

A considerable amount of work on this objective has been done due to the collaboration with National and International civil society organisations.

These training courses are often conducted in collaboration with nongovernmental and international non-governmental organizations (INGOs). They are derived from training plans set by these organizations. From another perspective, training of trainer (TOT) courses were conducted with the American Bar Association (ABA) in 2016, Tamkeen Fields for Aid conducted a TOT in cooperation with IOM. A national training team was also established in cooperation with IOM in 2010. In 2016, IOM implemented four training courses with border guards in humanitarian operations on how to treat refugees and trafficking cases in addition to conducting a TOT. This is in addition to efforts from the civil society organizations, particularly by Tamkeen Fields for Aid.

### **Gaps**

No coordinated training plan from the government has been circulated. The governmental initiatives in implementing training programs are weak, considering that the capacities of governorates outside of Amman are also poor. Governorates in the north or south of Jordan are hardly targeted.

## **The second pillar – Protection**

### **The first strategic objective – recognizing the victims and those affected by human trafficking**

#### **Achievements**

Many awareness programs have been held to identify victims for law enforcement authorities by NGOs. However, most of the efforts are concentrated in the Kingdom's capital Amman.

#### **Gaps**

The process of identifying victims still faces many challenges including;

- Weakness in invoking the law of anti-trafficking by members of the judiciary. Most cases are characterized based on the Penal Code with cases connecting it to violations related to abuse or rights issues based on the Labor Law. Even though the Anti-Trafficking Unit characterized many of these as trafficking cases.
- Poor access to the different areas of the Kingdom and to the areas with suspected trafficking cases such as work areas and border stations. The reasons for these limitations are limited staff numbers in the Anti-Trafficking Unit and the Ministry of Labor and the concentration of their work in the capital.
- The inadequate capacity building which was conducted to different security institutions and judicial police in terms of how to identify potential and suspected victims, border and Ministry of Health officials do their jobs mechanically.
- The established mechanism in cooperation with IOM is still under discussion and negotiation by the concerned institution as the national field team was established to investigate the suspicion of trafficking in persons. The team is still young and requires support in order to develop its capacity and to reach the sought results for which it was established. This team has to date had no results and

has not been evaluated, and no one has assessed the team's readiness to identify victims. It is normal that there is a space to evaluate the performance of this team and promote its capacity as required. It has been noticed that the shortage of female members which is critical to dealing women and children victims of trafficking. Generally speaking, the concerned governmental institution achieved a considerable result although these remain theoretical.

## **Second strategic objective – To protect and support victims and those affected by human trafficking**

### **Achievements**

The establishment of Al Karama House in 2015, which is add to the other centres including Al Wifaq Al Osari, established in 2014, which began receiving cases in 2014. And while the opening of these centres is considered an important step, there is a need to create special shelters in other governorates as well. We should also add that the Jordanian Women's Union has been providing shelter to trafficked victims for years.

With regards to hotlines, they are practically non-existent with the exception to the one operated by the Public Security, which is the only active line, though it lacks translators. In terms of other related departments, the Ministry of Labor also has a hotline, it only works during the working hours of the Ministry, during the after-hours it resorts to voicemail, meaning that it requires to be provided with high technical capacity as well as effective technical equipment in order to function properly during these hours. The National Centre for Human Rights on the other hand has no hotline to report human trafficking crimes.

In terms of providing social, legal and psychological assistance, many NGOs such as Jordanian Women's Union, Al Adeleh Center for Human Rights Studies and Tamkeen Fields for Aid, in addition to the efforts of IOM, work to rehabilitate the victims.

In regard to providing of passports and supporting documents, this is done in cooperation with the embassies of sending countries which play a key role in issuing passports or travel documents to the migrant workers; which are then used to issue work permits and residency for the victims.

## **Gaps**

Reporting on human trafficking crimes is still limited. Additionally, the inspection is not up to standards. Increasing the efforts to raise awareness and inspect these issues is still needed, especially in the other governates of the Kingdom. Additionally, more efforts should be placed on the field of training for technical staff, as most current efforts are still focused on the provision of legal aid services mainly through civil society organizations.

Furthermore, the legislations and regulations on this matter still lack provisions covering the rights of the victim to residency and to obtain a new work permit. Such an omission is considered a significant shortfall in the protection of victims. No steps were also taken to improve the service of obtaining work permits and residency in one card. In addition, no programs were conducted to introduce the media journalists to the critical nature of the crime of human trafficking.

## **Third Pillar – Prosecution**

### **The first strategic objective – promoting or strengthening the rule of law and working to establish specialized judicial spaces**

In spite of holding multiple training programs by many institutions for officials in the judiciary, the judiciary still bases most of its decisions on the Labor Law and the Penal Code; and do not characterize any cases based on the Anti-Trafficking Law. To date, there is no general prosecution specialized in investigating trafficking cases. In addition, the Anti-Trafficking Law does not provide witnesses with protection.



## **Second strategic objective – Creation of an executive body qualified and specialized in Combating human trafficking**

### **Achievements**

The establishment of a special department within the Criminal Investigation Unit that is focused on Human Trafficking; as well as the establishment of the Anti-Trafficking Unit in 2013, the only entity that works seriously to investigate cases of human trafficking.

### **Gaps**

There is a lack of female staff members in the Anti-Trafficking Unit to interview and follow up cases and a general shortage of personnel in the governorates.

Thus, we recommend the establishment of other branches of the Anti-Trafficking Unit in the northern and southern governorates and increase the number of trained female staff members.

## **Fourth Pillar - Building partnerships locally, regionally and internationally and building domestic, regional and international cooperation in promoting transparency**

### **First strategic objective to promote transparency and participatory and cooperative approach**

### **Achievements**

There is a level of cooperation between governmental and non-governmental international organizations. They also cooperate in terms of providing information on human trafficking. It is also noteworthy that a draft referral system was prepared illustrating the authorities' mechanism and the cooperation that should take place for human trafficking issues.

Moreover, relevant stakeholders were linked to the national Anti-Trafficking Unit.

### **Gaps**

The website of the national Anti-Trafficking Unit still needs to be developed in terms of making information available in relation to private data of victims, particularly in the cases referred to the judiciary and their decisions, in addition to the lack of publishing of some international reports.

Although the plan indicates that it's the Ministry of Justice responsibility to carry out this mission, the victims' data is still not sufficiently known or clear for cases of human trafficking.

## **Second strategic objective – Local and regional cooperation**

### **Achievements**

In this field, Jordan participated in many meetings and conferences in the field of Combating human trafficking. In addition, a comprehensive Arab strategy to combat human trafficking was issued.

### **Challenges**

There is a lack of coordination and cooperation with diplomatic missions inside and outside the country to disseminate information on the prevention of trafficking in persons and relevant legislation. Moreover, there is a lack of bilateral agreements with the countries of origin for the victims of human trafficking to combat human trafficking. It should be noted here that the strategic plan expired in 2012. Until now, no alternative national plan has been drafted which constitutes a gap in policy making in the country in terms of Combating human trafficking.

## **Anti-Human Trafficking Unit**

The Anti-Trafficking Unit was established in 2009 according to a Memorandum of Understanding signed between the Ministry of Labor, the Public Security Directorate, and Tamkeen for the purpose of implementing

the Anti-Trafficking Law. The unit is placed within the structure of the Public Security Directorate, as part of the Criminal Investigation Department based in Amman. The Unit includes a Department for Labor Inspection, a Department for Studies, one for Statistics, Investigation and a Department for administration and manpower.

The unit aims to directly implement the legal procedures related to Combating human trafficking, tracking it and arresting the perpetrators and sending them to the competent judicial authorities to take the necessary legal actions. It is also in charge of studying the international, regional and local reports on Combating human trafficking and taking the necessary procedures related to human trafficking. It is also in charge of cooperating with competent entities to protect and support victims; housing, repatriation; legal assistance, etc.

In addition, it conducts, investigations and field visits to private institutions, and facilities to monitor abuses, like recruitment agencies, factories, among others; and supporting preventive practices by spreading awareness and knowledge on the dangers of human trafficking crimes, methods of Combating the crime, the importance of maintaining records, statistics and database of crimes, that reflect the important outputs of the unit's work.

## **The need for a new law to combat human trafficking**

Due to the several legal loopholes we have previously mentioned that exist in the current Anti-Trafficking Law; as well as the emergence of other loopholes in relation to the legal practices when referring cases to the judiciary; and after the criticism by civil society organizations of the national legislation, there is a need to work on issuing a new law to combat human trafficking.

Currently, the government is preparing a study on the possibility of issuing a new law to combat human trafficking as an alternative to the current

version<sup>5</sup>. The study is being made by a special committee that was established, and presided over by the Minister of Justice. Its membership consist of academics, judges, and members of the technical committee to combat human trafficking as well as the National Centre for Human Rights. A seminar was also conducted and attended by governmental entities, civil society organizations and the members of the committee in charge of reviewing the law to discuss the proposed law.

Some of the most prominent features of the draft would include additions to address the deficiency in the current law as follows;

- Reformulate the order of provisions with similar themes to be classified under the same chapters.
  - Create a fund to protect and assist victims of human trafficking. The fund will be established based on a system that would define human resources and financial issues. An amount of money from the general budget will be allocated to this fund.
  - Enhance the role of the Ministry of Foreign Affairs, through its embassies abroad, in the topics of protection, care and follow up of cases in the context of strengthening international cooperation.
  - Introduce new categories of crimes such as: begging as a form of trafficking and sexual exploitation of minors in the purpose of underage marriage.
  - Take into account the specificity of the cases for people with disabilities, children and women.
- Toughen penalties for crimes to the level of a felony and not to include offenses.
  - Review the system of reviewing the case so that the cases be reviewed by the Court of Appeal instead of the Court of Cassation in order to speed up process of trying the case and issuing of judgements.

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<sup>5</sup> An interview with Doctor Mohammed Nsour from the Ministry of Justice on 17<sup>th</sup> November 2016.

In spite of the general positive feeling among civil societies organisations and INGOs in regard to this step, they still have some reservations because while the committee held discussions with them about the new draft, these discussions did not include the articles of the new proposed law. In addition, not providing the full draft is considered a weakness in the field of cooperation and coordination between all parties concerned in the issue<sup>6</sup>.

The project draft still faces several other challenges as it still does not offer any alternatives or solution for the problem of deportation of suspected trafficking cases. As abovementioned, the current Crime Prevention law allows the authorities to deport people who have violated the Labor Law by not issuing work permits, in the case that they have fulfilled their monetary fines. This practice is still implemented despite it being the responsibility of the employer to cover the cost of such permits and not the worker. It is also worth mentioning that in some exceptional cases, the fines against the worker are nullified, but these cases are limited.

Another issue is related to the judges, who face a problem in terms of defining forced labor. The ambiguity of the definition has resulted in many cases being classified as labor disputes a labor conflict and not as a crime of forced labor<sup>7</sup>.

In addition, there are several laws which are connected or related to this provision which have not been modified either, constituting an interference and contradiction within the law in terms of criminal description, as these articles still stipulate that the other codes should take precedence over the Anti- Trafficking laws. It is thus imperative that the police and judges should be trained on the uses of Anti-Trafficking laws and the ways it should be legally adapted into the current laws and provisions.

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<sup>6</sup> An interview with Ahmed Al Adarya, the Director of the National Program in the United Nations Office of Drugs and Crime

<sup>7</sup> An interview with Ruba Al Aboushi, The IMO on 14<sup>th</sup> November 2016

## **National practices related to the crime of human trafficking**

A referral system was developed for the purposes of coordination in terms of dealing with cases. A draft of the system was formulated by the National Committee to combat human trafficking and passed to the cabinet to be accredited as law. However, until now this mechanism was not issued in a legal form, posing the question of whether would it be adopted as law and if it could be enforced in case it was not<sup>8</sup>.

Generally, the cooperation between the relevant institutions has been focused on following up of cases. However, the level of cooperation has been weak, particularly in cases of delay in following up these cases and the negative impacts it leaves on the victim, especially on a psychological level. Additionally, coordination levels between the various entities is still limited on the issue of prevention.

Meanwhile, coordination efforts between institutions have been focused their training and awareness-raising programs. Tamkeen Fields for Aid has conducted many trainings, workshops, seminars and awareness-raising sessions. In addition, the UN Office on Drugs and Crime implemented programmes to build the investigation capacities of security agencies to follow up and prosecute human trafficking cases and build the capacity in the field of judicial prosecution.

Moreover, the IOM has also implemented a project to raise awareness and build capacity to combat human trafficking and protect its victims.

### **The following are the most important observations on the referral system:**

**First:** Identifying and reporting on victims and potential victims of human trafficking

- Not restrict/exclude the identification profile of potential victims of human trafficking to only certain categories of people, but consider

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<sup>8</sup> An interview with Ahmed Al Adarya, the Director of the National Program in the United Nations Office of Drugs and Crime

all individuals in general (ordinary people). Additionally, the institutional bodies and people should generally be capable to identify and report potential victims and people affected by human trafficking.

- There is a necessity to expand the scope of responsibility of the security agencies in general when related to addressing human trafficking cases and not restricting it to the police stations which requires setting security agencies instead of police stations.

**Second:** The institutions or bodies mentioned in the referral system should be shortened into the following bodies: -The governmental body, the security system, the civil society, the diplomatic entities and citizens or residents, media or the victims themselves.

### **Third: Procedures**

- After identifying the potential victim, the relevant bodies should be reported to.
- The importance of adding a paragraph “the potential victim is to be set free and be referred to the concerned authorities to provide the case with assistance according to the nature of the case” to the (rescue and reference “response”).

**Fourth:** Adding the following definitions:

Protection and assistance, voluntary repatriation, rehabilitation and training due to the importance of defining these terms as it would help in the process of recognizing the desired mechanisms of action as follows;

- **Protection:** Enjoying the rights and obtaining assistance that is stipulated in national and international conventions. Protection also means that individuals enjoy rights which includes shelter and all other services.

- **Assistance:** the measures, programs and services which aim to repatriate the victim of human trafficking to their normal status.
- **Voluntary repatriation:** returning to the country or community of origin that the individual belongs to. Not only the physical transportation the victims but this includes ensuring the return of the victim safely with dignity and assistance.

**Fifth:** Providing legal assistance from the time of recognition of the victim (potential victim) and not just during the process of investigation and litigation.

**Sixth:** Providing legal protection to the witnesses and victims as there are no legal guarantees to protect witnesses.

**Seventh:** The need to give a sense of urgency to the cases related to human trafficking.

**Eight:** Providing official accredited interpreters subjected to qualifying exams and obtaining certification to practice the profession.

**Ninth:** Provide the victims whether male, elderly, minor or disabled with special shelter that are equipped with the needed professional requirements.

**Tenth:** Adding the UNHCR to the competent bodies if the potential victim is a refugee.

## General recommendations

- Adding an annex that lists the names of the competent organizations, as well as the responsibilities and missions of each entity.
- This mechanism should be passed based on a decision issued by the cabinet and to be officially circulated.
- There is no need to mention all the international conventions (in three pages), as some of them have not even been ratified by



Jordan. Or at least add the related conventions that Jordan has ratified, adding their significance.

We suggest that the Unit for Combating Human Trafficking to be the body in charge and overseer of the cases, while also adding liaison officers from the ministries directly involved in such cases or which deal directly with the victims to the Unit, which would facilitate the implementation of the procedures. The suggested Ministries would include: The Ministry of Development, Ministry of Health and the Ministry of Labor. Such a step would be in hopes of adding the position of a General Prosecutor who would be available in the unit. Furthermore, liaison officers should also be identified in the other competent bodies.

Identify the desired specifications of the future liaison officer that each body should appoint, keeping in mind that this person will be granted decision-making powers.

There must be foundations to the pillars, either by setting basics and definitions for each pillar or setting standards to identify all the pillars. What we mean by definitions here is defining the terms mentioned in the mechanism and not just their legal terminology.

- Develop guiding annexes to be placed in a distinct document, separated from the mechanism.

## Alternative care

The alternative care process for the victims of human trafficking is a multifaced process that includes providing them with protection through the provision of shelter; offering them legal, psychological, medical and social support; and helping them integrate into society through programs and capacity building.

In Jordan, working on the protection pillar started on 23 August 2014 in Al Wifaq Al Osari House, with part of the house allocated to temporarily welcome human trafficking victims until the opening of a specialized house for victims of human trafficking (Al Karama House).

In Al Wifaq Al Osari House, 43 cases were received from the 23 August 2014 until 14 September 2015. One of these cases was for a Syrian minor and an 8-month old infant accompanied by his Bangladeshi mother. The most prominent cases were two sexual exploitation cases of “sexual slavery” of women of Syrian nationality while the rest were forced labor cases.

It is important to indicate here that Jordan has three protection homes for women; they are Al Wifaq Al Osari House in Amman, Al Wifaq Al Osari House in Irbid, Al Karama House.

Al Karama House was established to welcome victims of human trafficking on 14 September 2015. It is an institution affiliated with the Ministry of Social Development and its mission is to provide a full recovery package to the victim<sup>9</sup>, including the following services:

### First: Social service

This is conducted through interviews with the victims to establish the roots of the problem and learn their priorities and needs, as well as establishing a social prevention plan. After identifying the risks or potential risks that the victim might encounter, a reintegration program is set. A security plan is

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<sup>9</sup> Interview with Dr. Zain Al Abadi, Director of Karama House on 22th December 2016.

also set that includes post-care and the roles of the partnering bodies, the executives, the timeline and the type of program which will be presented.

The security plan is implemented on an inclusion ground which encompasses all the victims of human trafficking in Jordan regardless of their nationality.

## **Second: Psychosocial services**

Usually, victims of such crimes are suffering from psychological trauma and needs psychological treatment. The female staff working in the service have a variety of experiences; as they are specialized in many fields including: Criminal Psychology; Sociology; Psychology; Special Education; Counselling; Mental Health and Nursing.

Meanwhile, the staff in the men's department provide this service through a number of specialities in various fields including psychology and social work. These specialities are available on-demand in the Ministry building in case there are male victims arriving to The Karama House, which is also prepared to accommodate males as it has 5 dedicated spaces for them and a separate entrance.

The psychological service system is focused on building the concept of self, and increasing self-worth and empowerment to the victims. The service is provided through psychodrama programs, the orthographic approach, body ownership programs, role-playing, fantasy enacting and a crazy room. In addition, assessments and psychological tests for anxiety, aggression and personality disorders are also provided.

In some cases, resorting to the use of psychiatrists is needed, especially with cases of mental disorders in coordination with the Ministry of Health (psychiatric clinic) and the National Centre for Psychological Health. Other services include an intelligence test (IQ) to the residents and a Behavioural Observer who is tasked to monitor victims who are either under 18 or who have mental disabilities.

### **Third: Medical Services**

In this aspect, the following services are provided: health awareness, the impact of illicit relationships, the impact of sexual abuse on health, performing medical examinations to detect contagious diseases and provide medical services (teeth, eyes, etc.). This is conducted in cooperation with the Ministry of Health and in partnership with the Italian Hospital and Caritas clinic which provides all of these services for free.

### **Fourth: Legal services**

In this field, there is a partnership with Tamkeen Fields for Aid in order to submit legal consultation and litigation in the courts, as well as conducting training courses and working on developing procedural manuals.

### **Fifth: Economic empowerment and self-empowerment service**

This service is linked to the psychological side as the victims choose one of a number of occupations to perform, thus enabling them to generate income and increase their self-worth and productive capacities, with these tasks being carried out in special laboratories inside the house.

### **Sixth: Location and cultural service**

This service aims to make the beneficiaries change the negative stereotypes and image they have formed about Jordan due to their traumatic exposure to human trafficking, which includes a program to visit touristic sites and markets.

### **Seventh: Prevention programs**

Awareness raising-programs in human rights are conducted in order to teach victims ways that would prevent them from being subjected to exploitation again. Victims are also allowed to leave the house at a later stage, though this happens under supervision of the house, knowing where they are going and whom they are meeting, and in some cases even accompanying them in their outing for protection purposes.

## **The following are the challenges and recommendations for the work of Al Karama House;**

- The importance of providing an advanced system to enhance the capacity of the psychological staff working in the house to provide a special system for residents in order to be able to submit services in an appropriate psychological environment.
- The importance of providing a victim support fund as some of them have no money and they desire to return to their countries.
- The lack of appropriate translation in some languages and dialects which constitutes a challenge in communication with the victim.

## **Statistics and indicators**

According to the Ministry of Labor's statistics on the number of migrant workers obtaining work permits for years 2013, 2014, 2015 and 2016, it was found that the number of workers with permits is low in comparison with the number of migrant workers present in the country whose number is around 1,400,000. This indicates a huge gap in the workers' enjoyment of legal protection as the employers neglect to obtain work permits for them, putting them in a position of weak legal protection. Consequently, this exposes them to the risk of labor right violations and human trafficking.

When considering the statistical indicators related to work permits and the type of economic activity, figures show that the majority of workers are registered to be working in the agricultural sector. However, verifying these numbers on the ground result in discovering that while a large number of workers obtain work permit to work on that sector, they are actually working in other sectors; and that a percentage of them have been previously exploited or had their rights violated.

These work permit related violations raise questions regarding the efficiency of the labor inspection of these sectors at one hand; and the

worker's reception of the required protection including his right not to be subjected to labor rights violations or be trafficked, at another.

## **Deportation**

According to the statistics of the Ministry of Labor, the number of workers being deported is increasing. Data show that the number of deported workers increased from around 2,613 cases in 2013, to 6,467 in 2014, reaching 5,735 in 2015 and finally 8,139 workers were deported to in 2016. Most of the abovementioned deportation cases are related to the nonrenewal of work and residency permits.

Punishing the worker for a violation committed by his employer is not only a legal breach, it is an added violation to his rights. The continuation of such practice may create an environment where violating workers' rights becomes easy and makes the worker a potential human trafficking victim.

Thus, it is required that the enacting of the deportation process should be stopped and to start holding the actual culprit- the employer- accountable for his mistakes. Also, on the other side, required procedures need to be taken in order to identify whether the workers are victims of human trafficking or not.

It should be noted that the statistics mentioned above are only for workers whose deportation was recommended by the Ministry of Labor, and do not include the people who were deported based on recommendations of governors and provincial governors.

## Exploiting and trafficking children

Trafficking in children includes any practice or act that would lead to the recruitment or enslavement of children for the purpose of exploiting them sexually or in servitude. In spite of the attempts to combat this phenomenon, it continues to occur as the law fails to protect this vulnerable segment in many countries.

As stated in the Protocol to Prevent, Punish and Suppress Trafficking in Persons, the recruitment, transportation, transfer, harboring or receipt of a child for the purpose of sexual exploitation, servitude, forced services or slavery shall be considered 'trafficking in persons'. The protocol on the Convention of the Rights of the Child issued by The United Nations International Children's Emergency Fund (UNICEF) defines it as "any act or transaction whereby a child is transferred by any person or group of persons to another in exchange for a reward or a form of compensation."

UNICEF emphasizes that no country in the world is devoid of trafficking in children with 2.2 million children being sold each year. Child-trafficking organizations earn an estimated 9.5 billion dollars per year; thus, making Trafficking in children the third most lucrative business worldwide, after drugs and arms dealing.

Moreover, many legal provisions prohibiting the trade of children were passed including the International Slavery Convention (1926), the International Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prosecution of Others (1949), and the Supplementary Convention on the Abolishment of Slavery and Slave Trade (1956). In addition to these conventions, two world congress meeting were held on this issue: The First World Congress against Commercial Sexual Exploitation of Children was held in Stockholm, Sweden, in 1996 and the Second World Congress against Commercial Sexual Exploitation of Children was conducted in Yokohama, Japan in December 2001.

When discussing children in Jordan, it is important to indicate that child labor is widespread and the efforts of the official national institutions do not reach the adequate level to minimize child labor. In spite of the existence of a national strategy to combat child labor, the number of working children increased, even in begging as a result of the hard-economic conditions in many families.

It should also be noted, that a new trend in Child Trafficking has recently emerged, this time using religion. This new trend was registered in Syria where children were recruited to join the so-called Jihadist groups in the war while attending Quran Recitation and Memorizing Centres.

Many such cases were reported of children similarly exploited in conflicts and wars using centres for memorizing Qur'an where recruiters then indoctrinated them on the concept of Jihad and the importance of joining in its movements<sup>10</sup>.

## **Statistics on Human Trafficking in Jordan**

To date, there is no precise statistics that cover the crime of human trafficking. The statistics of the Anti-Human Trafficking Unit represent cases that have been investigated and referred to the courts. There are also some figures from the Ministry of Justice but these are not entirely accurate.

However, looking at the available statistics on human trafficking in Jordan<sup>11</sup>, it is clear that the number of cases is increasing. The data indicates that while 27 cases were registered in 2013, the number rose to 58 cases in 2014. The numbers then register a decline as 8 cases were registered in 2015 and 26 cases in 2016.

In 2015, there were no cases reported on the trade, removal of organs and sexual exploitation. In 2016, five cases of sexual exploitation were arrested,

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<sup>10</sup> News Article in Arabic: Quran Centres produces Children Jihadis- Amman Net <http://ar.ammannet.net/news/281157>

<sup>11</sup> Statistics provided by the Anti- Human Trafficking Unit on 4<sup>th</sup> December 2016



causing the decrease in the total number of human trafficking victims as a result of the last two factors.

In the same context, the Ministry of Justice said that in 2015, it has characterised 37 cases as human trafficking, while reopening 23 other cases and characterising them as trafficking in persons; while 33 cases were characterized as trafficking in persons' cases with 15 cases reopened in 2016<sup>12</sup>.

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<sup>12</sup> Hanan Al Khalayle, the representative of the Ministry of Justice during her participation in a Discussion session organised by Tamkeen Fields for Aid on December 2016.

## Human trafficking statistics for 2013

Perpetrators		Victims		Number of cases	Type of offence
Females	Males	Females	Males		
0	6	0	3	3	Organs removal (kidney)
6	23	32	2	17	Domestic workers
0	9	0	49	4	Workers
1	8	6	0	3	Sexual exploitation
7	46	38	54	27	Total

## Human trafficking statistics for 2014

Perpetrators		Victims		Number of cases	Type of offence
Females	Males	Females	Males		
7	26	42	1	10	Sexual exploitation
-	8	-	4	5	Organs removal (kidney)
16	50	72	30	34	Forced labor (domestic workers)
1	15	7	9	9	Forced labor (workers)
24	99	121	44	58	Total
123		165		58	Overall total

## Human trafficking statistics for 2015

Perpetrators		Affected		Victims		Number of complainants	Number of cases	Type of offence
Females	Males	Females	Males	Females	Males			
-	-	-	-	-	-	-	-	Sexual exploitation
-	-	-	-	-	-	-	-	Organs removal (kidney)
14	28	-	4	44	-	5	26	Forced labor (domestic workers)
-	2	-	-	-	10	-	2	Forced labor (worker)
14	30	-	4	44	10	5	28	Total
44		4		54		5	28	Overall total

## Human trafficking statistics for 2016 (as of 31/10/2016)

Perpetrators		Affected		Victims		Number of complainants	Number of cases	Type of offence
Females	Males	Females	Males	Females	Males			
6	11	-	-	9	1	-	5	Sexual exploitation
-	-	-	-	-	-	-	-	Organs removal (kidney)
7	16	-	6	31	5	-	19	Forced labor (domestic workers)
-	3	-	-	6	2	-	2	Forced labor (workers)
13	30	-	6	46	8	-	26	Total
43		6		54		-	26	Overall total

## Human trafficking statistics, per governorate<sup>13</sup>

Other governorates	Amman	Year
1	26	2013
15	43	2014
4	24	2015
<b>20</b>	<b>93</b>	<b>Total</b>

Within this context, it is notable that most of the cases were concentrated in the capital, despite its high level of security, its commercial momentum and the high presence of numerous workers. Other large spaces for economic activities in which human trafficking cases can occur are the agricultural activity areas and the Qualified Industrial Zones (QIZ), which are outside the capital widespread.

Such a geographic widespread of where these crimes might occur calls for the Anti-Human Trafficking Unit to change its strategy and spread further

<sup>13</sup> All the statistics in the tables are provided by the Anti-Trafficking Unit

its activities beyond the capital and conduct procedures of supervision and inspection, along with labor inspectors to inspect cases.

While Labor violation statistics did not reach the level of human trafficking cases, higher number of them were registered as follows:

Victims		Number of cases	Year
Female	Male		
147	13	154	2013
254	28	258	2014
235	61	260	2015
277	52	286	2016 (un l 31.10.2016)
913	154	958	Total

It is notable that the number of arrests made has registered an increased on a yearly basis, as well as a surge in the number of female victims (86% of the total cases) which confirms that they are more likely to be trafficked and that there is a crucial need for more following-up, monitoring and remedies.

Most violations were in the fields of deprivation of liberty, confiscation of passports, non-payment of wages, labor violations and labor disputes.

## Shelter statistics

It is noteworthy that the number of those in need of shelter is increasing, as the number of recorded cases in 2013 rose from 52 to 185 cases in 2016. The people in need were received by the Jordanian Women's Union and Al Wifaq Al Osari House, hotels, and Al Karama House. In spite of this development, there is still a crucial need to strengthen the role of shelter in terms of the number of people they can receive, its distribution in the provinces and the quality of services provided.

Total		Nationality		Year
Males	Females	Non-Jordanian	Jordanian	
52	46	51	1	2013
122	122	116	6	2014
124	115	124	0	2015
185	169	181	4	2016

The Ministry of Justice is currently working in coordination with the Anti-Human Trafficking Unit and the Ministry of Social Development in order to make the Ministry the main reference body in terms of publishing human trafficking statistics based on peremptory judicial decisions<sup>14</sup>.

## **Judicial Practices: Impunity in the crime of human trafficking**

Through hundreds of cases received by Tamkeen Fields for Aid, and from analyzing the violations that migrant workers are subject to, which are either still under consideration or non-peremptory or peremptory decisions were issued on them; a conclusion was reached that a study in the judicial practices currently implemented needs be conducted to discover the reasons leading to the impunity when it comes to these cases.

To begin with, we would like to point out that Tamkeen's policy has always been and continues to be to alert the authorities once a case is suspected to have been the victim or attempted victim of human trafficking; or in the case of suspicion that such a crime might occur. In cases where sufficient evidence and data are available on a possible victim, we fill a report on this case, adding the circumstances that led us to the conclusion that this victim is at risk of being trafficked.

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<sup>14</sup> An interview with Dr. Mohammed Nsour from the Ministry of Justice.

These procedures are part of our strategy that aims at reducing the possibility of the occurrence of such crimes and is based on prevention, protection and prosecution.

Despite the high number of cases dealing with abuses or violations of migrant workers' rights, and that they are considered as one of the most vulnerable segments to be potential victims of human trafficking; deterrent impunity or evasion from punishment by the culprits while not providing victims with the appropriate protection were the dominant features in the cases studied and analysed.

When considering the types of protection needed for victims in the investigation or trial stages, law makers setting these strategies need to keep in mind the social, cultural and economic status and all other elements surrounding the victim in these conditions; as well as the expected protection methods that ought to be provided by the supporting entities, whether government bodies or civil society organisations, for example the needs of the migrant worker victims would differ from the needs of citizen or refugee victims; the nature of the protection needed in cases of sexual exploitation is different to that of forced labor cases; and the protection needed for a huge number of victims is different to that of a limited number of victims.

**To come up with effective and specific results, three pillars were divided to flesh out these issues:**

**First pillar- Reporting and primary investigation stage in front of the criminal investigation department, the antitrafficking unit and the investigating judge (prosecutor general)**

### **1 – Language**

Communicating with the victim and enabling him/her from expressing her complaint to the investigators or judicial bodies is one of the main issues that need to be highlighted as it could result in escape of the culprit.

Accordingly, the plaintiff who does not speak the local language is an easy target in principle that accepts the situation in practice and often does not take initiative to open an investigation. Therefore, he or she is an ideal victim for human traffickers. This lingual problem does not just affect the outcome of the investigation but her life in general depending on his/her level of knowledge in the language as the victims could:

- lack total knowledge or proficiency in Arabic
  
- Minimal knowledge of Arabic and/or English phrases to follow up daily tasks by using basic language
- Good knowledge of Arabic and the victim’s assumption of knowing Arabic language well, in addition to the victim’s understanding and recognition of the questions directed at them
- The victim’s proficiency in Arabic
- The victim’s proficiency in broken English
- The victim’s proficiency in a third language other than Arabic and English, with the availability of a qualified translator to translate directly to Arabic

- The need to translate from the victim's native tongue, to another language and then to Arabic

It has been noticed that cases of mistranslation generally occurs when the investigators presume the level of the victim's knowledge of Arabic or attempt to communicate with them using basic English.

It has also been noted that the victims' possible exposure to the crime of human trafficking or the initiation of the crime decreases when the intended target's language proficiency in Arabic or English is at a good level. Indeed, it has been shown that such people are usually more familiar with their rights and legal status, they seek to amend their situation in case of a problem and are generally at a lesser risk to be exploited.

This is evident in the case of Kenyan domestic workers as attempts to control them have been less successful in comparison to other domestic workers, due to their knowledge of their rights and their capacity to use English as their first language.

In this context, our work in Tamkeen has enabled us to meet with suspected victims, either for one meeting or several depending on the severity of the case and when quick reporting is not required.

These meetings have been focused on increasing their awareness regarding the upcoming stages of the process, discuss what they have been exposed to and the effects on their legal status. It also helps us to verify the facts of the crimes they were subjected to before filing the report with the competent authorities. In order to achieve this, we use interpreters of the same nationality of the victim as much as possible and whom we have confidence in their performance and behavior.

To get an accurate testimony from the victim in the cases where he or she does not master Arabic, it is important to have a trustworthy translator to undertake this task in front of the investigation bodies. There should be no dependence on the victim's knowledge of some Arabic or English. It is also preferable to translate from his/her language to Arabic directly whenever possible.



In addition, investigators should abstain from asking similar questions, as we have noticed is done especially during the first stage of investigation, as this leads in most cases to the confusion of both the worker and translator. Such similar questions include asking the victim whether she wants to submit a complaint, go to court or the reasons behind her delay in filing the complaint. We concur that asking such questions is justified. However, the way that these question is formulated and the language should be considered as they might carry a tone of suspicion and accusation towards the victim, which would intimidate and pushes him/her to withdraw their complaint.

Due to the problems that might arise from translation accuracy, legislative treatment is required and should be detailed in a specific bylaw. It cannot be left to the discretion of the investigation body, particularly in cases where the translator is changed during the investigation or trial, resulting in differences in the testimony of the victim or its details. Such acts benefit the perpetrator, as such contradictions in the statement of the main witness (the victim) weaken the case; and might even escalate to the perpetrator claiming that the testimony is fake.

Some of the possible suggestions in this aspect are the utilization of video recording of the victim giving his/her testimony, or in cases where the victim is able to write to provide a written deposition in the language he/she is proficient in, and using this in parallel with the translated Arabic version during the trail.

Moreover, prevention measures related to minimum lingual proficiency either in Arabic or English, in addition to the mastering her/his official mother tongue would be highly beneficial. Such measures would not just provide preventive benefits but also protective ones as perpetrators would not be able to use the language barrier as means to control the victim. Furthermore, such lingual knowledge would facilitate the work of security forces and judicial bodies in cases where violations occurred, or when testimonies need to be given.

## **2 – The status of the victim and of the offender during the investigation and the trial**

The majority of those who exploit workers or victims start by looking at people with high vulnerability factors. The most common of these factors is being wanted by the security authorities to be detained or deported, either because of a report indicating he/she escaped or missing from place of work; overstayed residency, not owning a passport, having a complaint filed against her (usually theft); or a combination of these charges.

In many other occasions, the offender himself would seek to create a status of vulnerability by confiscating the identification documents of the victim or forcing them to sign financial documents (cheques) with the intention to trap them in debt. Therefore, the legal status of the victim usually starts off much weaker than that of the offender when the investigation begins.

The official procedure in such cases, except severe ones, is to arrest and detain the victim in the police stations where the escape complaint or charge was filed before notifying the suspected offender to come for questioning.

This adopted procedure usually is carried out by the Anti-Trafficking Unit, even though it results in the plaintiff remaining in custody or even placed under arrest due to the charge submitted against her either at the police station or the governor of the area.

The only way for the victim to be then released is if the judicial body agrees for her/ him to be released after the paying of a monetary bail by a Jordanian bondsman. Such cases are extremely rare as one of the conditions set in the bail, beside the money, is the fixing of the conditions of the worker. As a result, even in clear cases of severe violations committed by the employer, the police merely ask the employer to withdraw the notification, which is not automatically withdrawn as a result of the victim's presence in the Anti-Trafficking Unit.

In most cases, the investigations are limited to listening to the plaintiff's testimony and the offender's statement, before sending the two parties to the police to transfer them to the competent prosecutor. The victim then remains under arrest except in cases where the Unit decides to classify the case as a trafficking cases or when victim is not accused of committing a felony such as theft for example. In such cases, the Unit usually requests returning the victim to the Unit so they could provide her with protection and shelter.

During our research, it was noticed that in most cases, the General Prosecutor depends his investigation on the same ones carried out by the unit, with no extensions taken. Instead, the same testimonies are taken again of the involved parties.

Additionally, in many cases, the General Prosecutor does not listen to the testimonies of the parties but only reads the reports prepared by the unit and classifies the case based on them without making his own investigation. Therefore, the role of characterising the crime is usually placed upon whomever investigated the crime in the unit, who is usually an officer in the

Public Security Directorate.

Due to the confidentiality of investigations at the General Prosecutor Office, plaintiffs deliver their testimony there without the presence of their lawyer, unless otherwise approved; while offenders do have the right to have a lawyer present during their testimonies. Such a contradiction causes confusion to the victim, as they feel they are in a weaker status compared to the offender. Thus, it might be appropriate in this context to clearly stipulate the right of trafficking victims to have their lawyer with them throughout the investigation phases as well as during the trial even if there is no claim of personal right, as It would increase the level of assurance in the victim.

Returning to the matter of the victim's detention, it should be noted that offenders usually resort to threatening the victim with imprisonment or deportation in in case they thought to file a complaint, especially when the victim is a migrant worker. Thus, the practice of actually detaining the

worker during the entire process of investigation until the case is finalised only works to affirm such threats. This matter needs to be addressed legislatively as it makes the victim feel that the offender is still in control of them.

There is no legislation that gives the victim any rights in terms of obtaining legislative residence or work permit during the consideration of his/her case; which means that under the current legislation, these would remain at jeopardy of being detained or deported at any time. While the Anti-Trafficking Unit tries to assist them by requesting that the victims return to the unit r by offering them shelter is not sufficient, especially in the post-sheltering stage or in cases where the worker is accused of theft.

It has also been noted that unless the case is seriously severe, the investigative bodies do not priorities the Public Rights of prosecuting the offenders in cases where reconciliation occurred between the two parties, despite the law not containing any provision for reconciliation in the crime of trafficking. In fact, it stipulates that in such cases the withdrawal of personal right should not be considered.

### **3 - The victim's knowledge of his/her rights; trust in the system and its impact on the victim's acceptance of reconciliation**

Most trafficking victims come from poor, almost destitute, backgrounds from the Third World where countries are on the verge of economic collapse. Therefore, it is expected that these victims have also been subjected to violations in term of their basic rights even in their countries of origin such as oppression by their employers or various forms of verbal or physical abuse.

Such conditions might make the victim accept violations he or she considers average, and continue to work in order to receive the money that she/he desperately needs. Additionally, the victim's limited knowledge of rights and education plays a huge role in their lack of understanding of their being subjected to human rights violations.

For instances, workers who receive 200 USD as a monthly salary, which she/he then send periodically send to their family, can lead her/him to accept forms of work-related exploitations such as long working hours, loss of labor rights, or working in a place different to what was agreed upon; first due to their lack of knowledge that these things constitute a violation to their rights and because of being unaccustomed to demanding or even receiving their rights, thus not realising that they are being violated.

Therefore, we have noticed in many cases where reconciliation took place between the worker and employer that although the workers' dues are much bigger as a result of the violations that they suffered, the worker accepts the reconciliation conditions stipulated as long as they guarantee the receiving of the salary they are usually deprived from, in order to continue working for another or even for the same employer. Such reconciliations usually occur verbally, with the employer pledging to pay the monthly salary on time.

Even in cases where the victim is informed of her rights, beside the promised salary, the long and difficult nature of the trials, as well as their fear of imprisonment or deportation play a crucial role in making them accept reconciliation with incomplete rights.

An example of this is the case of 16 domestic workers of different nationalities who have been found detained in an apartment, after the Kenyan domestic workers refused to abide by the rules or extra work set by their recruitment agency. After the majority emphasized they wished to complain against the recruitment agency and its owner to the Anti-Trafficking Unit, they later on redacted their wishes in front of the unit, adding that they only require their passports and to return to their home countries. As result, they were repatriated and when the case was referred to the court, the agency was found innocent due to the withdrawal of their complaints.

It is noted that the matter of them submitting a legal complaint or not should not actually affect the case. However, the act of not filing one usually causes the judge to doubt whether any wrongdoing actually took place and the intention of the workers behind lodging the complaint

We would also like to indicate that it has not been noticed through the investigation procedures of either the unit, or the general prosecutors any attempt to determine whether the crime is transnational or the existence of organized networks within or between the Kingdom and other countries, which on itself is an issue that warrants an independent study.

### **Third, conjecture, accusations, and decisions taken after finalizing the investigations in front of the general prosecutor from the legal perspective and the factual perspective**

The previously mentioned assumption by the General Prosecutor Office that the Anti-Trafficking Unit has finalized all possible investigations and evidence collection, since the unit is specialized and dedicated to this purpose, has resulted in the General Prosecutor to rely on the evidence and build on them without widening the scope of the investigation and gathering additional evidence.

Because of this assumption, most accusations and indictments are usually based on these information alone, with no further questioning, with the case then directly sent to court.

### **Indicators of human trafficking crime occurrence and evidence**

It has been noted when collecting data from the Anti-Trafficking Unit or from the General Prosecutor, that the collected evidence is not based in accordance with establishing the pillars and elements of the crime, as law requires it as to prove the existence of each criminal element.

In most cases, the submitted evidence is not valid except as proof -most of the time incomplete- for separate punishable offenses such as abuse, harsh treatment or deprivation of liberty. However, these evidences are not presented as part of connected data of suspicion or accusation that proves the occurrence of the human trafficking crime pillars.

It has also been noticed that there is confusion between the proof of a crime's existence indicators, which requires starting an investigation either

by the Anti-Trafficking Unit or the General Prosecutor or even reporting it; and the proofing of the crime pillars that are required by law for the issuance of a guilty verdict. Therefore, such confusion needs to be clarified in the conjecture or accusation decision.

For instance, while the proof that a worker was subject to ill treatment or physical abuse would be enough to consider it as a crime of its own, it would also be valid to use it as an indicator to open an in-depth investigation into the offender to ascertain whether human trafficking was carried out against the same worker or others.

Another example would be if a video depicting workers being subjected to beating, threats and verbal abuse in one of the recruitment agencies falls into the hands of the investigation bodies, it would necessitate opening an investigation into this incident that would encompass all the employees and customers of said agency, looking into its assets, as well as their working procedures and personnel backgrounds. If during that investigation, a large number of confiscated migrant workers' passports is found, then this warrants the opening of another investigation or the verification of the legality of these passports being in the office, without relying on the owner's claims that these passports are only there to finalise the last procedures of these workers' transfer without asking the workers themselves.

Failure to expand the investigation perimeters or providing the evidence in a coherent manner that illustrate their connectivity and connection the crime's pillars enables the offender to escape punishment.

The same process should also be followed in the case that workers were subjected to other violations such as deprivation of wages, passport confiscation, physical and verbal abuse, threats, insulting religion (cursing god), long working hours over the legally permissible limit, among others; as these violations are also considered pillars of the crime of human trafficking and could indicate that such a crime has occurred.

Furthermore, some of these violations are also considered as forms of exploitations. For example, deprivation of wages and working for long hours

could be seen as a form of exploitation that could lead to unpaid forced labor or even partial servitude, with other forms including: passport confiscation, threats and abuse, which are also ways used by the perpetrator to enforce his control as well. Harsh treatment, insult of verbal abuse are also means to exert control, as well as means of exploiting the vulnerability of the workers through their continued use by the perpetrator, which can later be used during the investigation to prove the authoritative criminal mentality of the offender.

Yet, in spite of the requirement of looking at the combined pillars of the crime together, these crimes continue to be referred to separately, thus allowing for the perpetrator to escape punishment and only be sentenced to pay fines either for each crime separately or a combined fine for all of them.

Even in cases where a valid employment contract exists between the employer and his violated workers, it should be considered as means to recruit victims, and not as a justification to claim that the case is only a labor dispute.

In this context, there are various questions that the offender needs to answer and justify during the investigation of a human trafficking case which are for example;

- The existence of a high number of passports in the possession of the employer, or even just one passport.
- The reason behind sheltering a number of victims in an inappropriate place. In this case, the investigator should verify the reason behind the workers' acceptance and silence of the situation.
- Non-payment of workers' wages for long periods of time if the offender is the employer.
- The offender asking the employer to pay the wages to him or her, and not the workers.



- Not correcting the status of the worker in terms of residency and work permit.

It is true that the defendant is not obliged to answer the questions directed at him/her but the inability to justify the repetition and variety of violations constitutes an accepted proof to be used as evidence accepted by the court later on, if this proof consolidates other evidence.

Moreover, duly searching and investigating relations between people lodging the complaints could provide another source of information.

High level of scrutiny should also be practiced upon the offenders' backgrounds, not just in any other criminal cases but also in human rights and labor rights violations that they were also part of. Furthermore, finding a linkage between the relations involved in these crimes could be a catalyst in revealing the existence of organized crime networks.

Another issue that was highlighted by Tamkn Fields of Aid is the extensive violations committed at factories operating in the QIZ. One factory was particularly mentioned in a report received by Tamkeen , which mentioned that it recruits its workers through means of fraud, depriving them of food and sheltering them in inappropriate dorms which constitute a danger to them. They were also forced to work more than the stipulated hours by law, not provided neither work nor residency permits; thus making them remain under the control of the owner as well as being subjected to constant physical and verbal abuse.

The Anti-Trafficking Unit and the Ministry of Labor investigated the case and referred it to the General Prosecutor to establish human trafficking crime pillars. Unfortunately, some issues ensued, leading to a deficiency which may bring impunity for the perpetrators:

- No precautionary procedures were taken except the arrest of the factory manager and the owner though they were later released on bail.
- The workers remained in the dorm belonging to the factory under the supervision and control of factory management, although it was

possible and preferable for the Anti-Trafficking Unit or the General Prosecutor to take over the supervision of the dorms to remove the factory control of the workers.

- Not all factory workers were considered plaintiffs as there were 150 workers and affected. Thus, 8 of them were selected to be plaintiffs in order to accelerate the investigation procedures.
- The manager, of foreign nationality, was repatriated by the decision of the district governor in spite of him being a criminal offender.
- All the workers expressed a desire to remain in the country to work for another factory. However, the owner of the factory was able to obtain work and residence permits for almost all workers.
- The employer was and is still able to travel out of the country after his bail even though the case is still under investigation without restrictions.
- No serious procedure took place to change the situation of the workers; they still live in the same dorm which is described as untenable.
- Even though the Prosecutor decided to only use a small number of plaintiffs in order to speed up the procedures of the case, the complaint is still under consideration, no witness statement was listened to, and two of them left the country.

to make matters worse, the pillars of the case were not looked at or classified in a detailed manner, nor were the evidence; instead the facts of the case were narrated, followed by the phrase that the committed acts constitute pillars and elements of the human trafficking crime. In such a detailed case, it would have been better to have all the pillars explained connectively as to clearly show the extent of the committed crime and maybe even expand the scope of the investigation as much as possible.

In another case, a prosecutor that was responsible of a case involving farm workers as plaintiffs and one Jordanian citizen and two legal individuals

from Egypt as offenders; there were no attempts to contact the Egyptian authorities and instead the case referred as a transnational trafficking crime M9/B8 to the Court of Magistrates even though it is an Accusatory case in the Criminal Court.

Another case regarding a complaint against a woman working in the Governmental Security Body was considered in a private court and the victim's lawyer was not allowed attend the session as the court is located inside a security department. Until now, we have not been able to obtain a copy of the decision. It is noteworthy to mention that the prosecution law is prevented from using civil rights in front of military tribunals.

In conclusion, we need to affirm that in cases where all pillars and elements of the human trafficking are available, the conjecture or accusation decision should illustrate them in a detailed manner by following the framework provided in the Anti-Trafficking law.

According to the law, the elements of the case were clearly defined and divided as; Act, Means and Purpose. It is necessary to have all three components to verify that the crime took place and could be prosecuted.

However, this division has resulted in a state of confusion for the judiciary who consider these cases, as it is seen by them as ambiguous and general. It is our opinion that this confusion is the reason why almost all verdicts given, either of guilt or innocence, in human trafficking cases have been limited to being done in a narrative manner, without mentioning their details or components.

## Judicial judgment and jurisprudence

Extrapolating the issued decisions, whether convictions or innocence, in human trafficking, we have not found any court decisions that would help us in building a judicial diligence base that clarifies the pillars and components of the crime or the indications to the acceptable evidence needed to prove it.

Moreover, the issue of competence remains disputed as different decisions are still made in cases dealing with this crime even after the issuance of a special law dedicated to it. For example, there are a number of cases that are under consideration by the Court of Magistrates even though the victim is female and thus ought to be referred to the Criminal Court.

The issue of female victims in human trafficking is particularly complicated as some of them were referred to the Court of Magistrates at times, while others were sent to Lower Criminal Court at other times. Surprisingly, when raising the issue of competency, the appealing provisions supported that the competence should go to the Penal Court as it is stated explicitly in the law, while other provisions stated that the Magistrate Court should continue considering such cases.

Another matter that we noticed during our research is that in some cases, the Court of Appeal took the decision to drop the Public Interest litigation in human trafficking cases due to its inclusion in the General Amnesty Law, even though the same law explicitly stating that the law should not cover this crime. The decision was later overturned by the Court of Appeal.

It was also noted in one of the cases which resulted in the conviction of two perpetrators with the crime of human trafficking, the presence of many names with links to perpetrators who were not referred to the prosecution. A number of them were also acquitted in spite of evidence of their role in transporting, harboring and recruiting the victim. Despite referring all accused people primarily as an organized case and in spite of the gravity of the acts carried out by the convicted individuals, the sentence was only three years (the minimum) This minimum sentence is particularly glaring due to a number of aggravating circumstances linked to the case which

include the victim being female, underage at 16 year of age, subjected to sexual exploitation and exploited in prostitution, and threatened by the offender.

In the same case, some pieces of information were received, indicating addresses, as well as a story regarding a lady who was subjected to being traded and sold between prostitution networks. There is no indication that any investigation was carried out into this case or referred to another body.

In addition, one of the accused was acquitted despite being previously convicted of the offence of sexual intercourse with a female minor, as well as being previously charged multiple times of rape and managing brothels.

We indicate here that it is extremely easy for the offender to provide multiple pieces of evidence proving their good treatment of the victim or his other workers. These evidences are then used to challenge the prosecution, since the prosecution evidence is usually individualised and consist mainly of the victim's testimony. The result is that most of the offenders of these cases receive a verdict of innocence.

Another case we looked at involved a husband exploiting his wife by recruiting her into prostitution. The evidence presented in the case were confined to the testimony of the victim, which resulted to problems during the trial as the Defence Attorney was able to confuse the victim, resulting in contradicting herself at the stand. Such an incident could have been avoided if the prosecutor took the state of the victim's state into consideration or if their office supported the case with more evidence or expanded the scope of the investigation.

One other case highlighted the dangerous environment that domestic home workers might fall into. In this particular case, a domestic worker was subjected to exploitation by four different people. Each time she was able to escape the clutch of one offender, she would fall into the hands of another who would exploit her illegal status and not having a passport due to it being confiscated by her initial employer. Even though the offenders were each convicted, an amendment took place, changing the crime from

being a felony to an offence, with the verdict resent in order to be rectified accordingly.

It is clear to any observer of these issues that the investigation and judicial staff are in need to be provided more training and awareness- raising about the crime of human trafficking and its pillars, due to the continuous treatment of the staff with the crime as being legally unfamiliar, an issue that needs to be overcome as soon as possible.

The fore analysis of cases of human trafficking provide thee many ways that perpetrators of such crime continue to have impunity in front of the Jordanian Court System. This impunity is the result of the deficiencies still being practiced during the two phases of investigation, whether the preliminary one and the Crime Investigation of the case by the general prosecution; as well as the lack of highlighting for pillars of the crime and providing all sufficient evidence related to the case.

At the same time, we perceive a lack of estimation of the severity of the offenders' acts in front of all competent bodies at all levels. This is particularly evident when the exploitation is sexual, as there are traces of victim-blaming found within the decisions, as well as giving of minimal penalties to the offender. Additionally, in cases where the exploitation is focused on forced labor or servitude we find they tend to consider it a wages dispute nothing further.

## A table clarifying court decisions in some human trafficking cases

Verdict	Number of people	To be tried for	Abstract	Case number
<p>1. Convicted of molestation</p> <p>2. Convicted of human trafficking.</p> <p>3. Dropping of public interest litigation for the defendants for criminal management of a brothel</p>	<p>Defendants: 2</p> <p>Victims: 1</p>	<p>1. Human Trafficking</p> <p>2. Molestation</p> <p>3. Managing a brothel</p> <p>4. Profiting from prostitution</p>	<p>The victim suffers from mental disorders. She left her house to go to Mukhtar Mall, and feeling tired, left the mall and sat on the opposite sidewalk. A taxi driver came and heard her story and told her that he will take her to his sibling nearby place so she could rest. Instead he took her to the home of the second offender, who used to run a prostitution ring, exploiting women who left their family homes. The victim met other girls and one gay person who also exploited the victim. After that, the offender took the victim to a nightclub, where she met a woman and told her story. The woman offered her assistance.</p>	2013/240

<p>1. Convicted of abuse and sentenced to a week's imprisonment and payment of court fees.</p> <p>2. Convicted of deprivation of liberty offense.</p> <p>3. Convicted of confiscating the victim's passport.</p> <p>4. Convicted for human trafficking.</p>	<p>Defendants: 2</p>	<p>1. Human trafficking</p> <p>2. Abuse</p> <p>3. Deprivation of liberty</p> <p>4. Illegal confiscation of passport</p>		2012/1047
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<p>1. One accused found not guilty of the crime of human trafficking.</p> <p>2. The verdict against suspects to drop the public right to trade organs.</p> <p>3. One accused convicted of human trafficking</p>	<p>Defendants: 3</p>	<p>1. Being an accomplice in human trafficking</p> <p>2. Trading organs for money</p>		
<p>1. Both defendants convicted of human trafficking.</p> <p>2. Convicted for complicity in trafficking for three accused.</p> <p>3. Fraud in partnership for two of the defendants.</p> <p>4. Convicted for complicity in fraud for 3 accused</p>	<p>Defendants: 5</p>		<p>This case involves domestic workers who ran away from the home of the employer. They resorted to the two offenders and informed them of their story. The offenders exploited the workers they recruited in more than one house and trafficked them.</p>	2012/1410



<p>1. Convicted of being an accomplice to crime of human trafficking, and sentenced to three years hard labor and a fine of 5,000 JD.</p> <p>2. General right dropped on one offender.</p>	<p>Defendants: 3</p>	<p>Human trafficking</p>	<p>The defendants worked as organ traders. They recruited one person and convinced him to sell his kidney for five thousand dollars in Egypt. They issued him with a passport and he travelled to Alexandria where he stayed for a month. There they confiscated his passport to prevent him from traveling due to his change his mind and his desire not to sell his kidney. But he was forced to go to the hospital and undergo the operation. He was given a thousand dollars and refused to give him the rest.</p>	<p>2014/1822</p>
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<p>1. Offender convicted with six months' imprisonment for crime of exploiting vulnerability.</p> <p>2. Non-payment of wages</p> <p>3. Recruiting a foreigner without obtaining a residence permit. A decision to stop the execution of the penalty in place for three years starting from the day of the final judicial decision and returning the documents to its</p>	<p>Defendants: 1</p>		<p>A domestic worker was recruited to Jordan in 2009 through a recruitment agency. She worked for seven months in Aqaba, then ran away. She resorted to the defendant, but he exploited her situation so she continued to work for him for three and a half years without wages and he did not obtain a residence permit for her.</p>	<p>2015/4575 5</p>
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source.				
<p>1. A verdict of innocence for one of the accused of rape for lack of evidence.</p> <p>2. Three convicted of rape with imprisonment of 15 years with fees</p>	Defendants: 4	<p>1. Rape</p> <p>2. Repeated offence of rape</p> <p>3. Deprivation of liberty</p> <p>4. Employment of workers without a permit</p> <p>5. The</p>		2015/581
Verdict of innocence of the accused for the crime assigned due to lack of convincing legal evidence.	Defendants: 1	<p>1. Human trafficking based on Article (9 / B / 3 + 6) of the Anti-Human Trafficking law.</p> <p>2. Offense of abuse according to Article 334 of the Penal Code.</p>	The facts can be summarized as: the accused is the husband of the complainant. Due to poor economic conditions, he asked his wife to have sex in exchange for money under threat of deportation in front of their son, as the wife is of Syrian nationality. He took her to a brothel in Ras Al Ain run by a lady.	2016/565

			The victim practiced sex with a person for one	
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			hundred dinars. Then the offender started sending his wife to various brothels for the same purpose. When she stated her unwillingness to work in this field, he beat her. She obtained a medical report and the investigation began.	
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<p>1. Dropping claim of public interest litigation for all the defendants in terms of running brothels and incitement to fornication.</p> <p>2. Declaring innocence of two of the defendants of all the accusations against them.</p> <p>3. Declaring innocence of the accused for complicity in rape.</p> <p>4. One convicted with complicity in molestation.</p> <p>5. One convicted of human trafficking.</p>	<p>Defendants: 5</p>	<p>1. Crime of complicity in rape</p> <p>2. Crime of complicity in molestation</p> <p>3. Human trafficking</p> <p>4. Running a brothel</p> <p>5. Crime of inciting fornication</p>	<p>All the defendants form a criminal group, and run prostitution ring, practicing sexual exploitation, running brothels. They recruit girls who left their family homes and take advantage of their vulnerability, and exploit them sexually.</p>	<p>2014/1133</p>
<p>Innocence due to insufficient evidence</p>	<p>Defendants:</p>	<p>1. Human trafficking complicity in violation of the provisions of articles (9/B/2) and (76) of the Anti-Human Trafficking Law and the Penal Code.</p> <p>2. Deprivation of liberty violating the</p>	<p>The details state the defendants agreed to bring girls from the Philippines to their home and then to recruit them as domestic workers through the defendant putting announcement in the newspaper in this regard. In March 2015 the female offender brought the complainant to her home after</p>	<p>2015/4096 2</p>

		<p>provisions of Article (346) of the Penal Code for the offender Walija.</p> <p>3. Threat through the means of communications based on the provisions of Article (75/A) of the Communications Law for the accused Mohammad.</p>	<p>convincing her to leave her work. There the accused confined the complainant inside the house for three days. She used to lock the door from outside. When the witness requested a worker from the accused and after contacting her through the number listed in the newspaper, the offender took the witness to the Sweifieh area where he brought the victim and handed her over to the witness. After the witness arrived, the victim contacted the offender to return the victim to their former place of work. But he threatened over the phone and subsequently made a complaint and began the prosecution.</p>	
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<p>Convicted of fraud and found innocent of the crime of human trafficking.</p>	<p>Defendants: 3</p>	<p>1. Crime of human trafficking in accordance with the provisions of Article (9 / b / 2) of the Antitrafficking law in Article (3 / A / 1) for all defendants.</p> <p>2. Complicity in fraud, according to the provisions of Articles (417 and 76) of the Penal Code.</p>	<p><b>First incident:</b> the defendants recruited a number of foreign domestic workers by urging them to flee the homes where they worked, after convincing them that they will earn higher wages through self-employment with the defendants. The domestic workers were harbored in the house of the accused, and were exploited by the defendants due to their vulnerable status.</p> <p><b>Second incident:</b> the defendant forced the complainant to pay a</p>	<p>2015/3014 0</p>
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			<p>sum of money claiming to be the owner of the agency. He convinced her that he will bring a domestic worker but she ran away after two weeks and returned to the defendant who exploited her for his own gain.</p> <p><b>Third incident:</b> the defendant forced the complainant to pay a sum of money on the grounds that he is the agency owner bring a worker and he did so, but she escaped and returned to the accused and he exploited her and seized her wages.</p> <p><b>Fourth incident:</b> the defendant forced the complainant to pay a sum of money in exchange for working for him for a month. He brought a domestic worker for him but she then ran away and returned to the accused mentioned.</p>	
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<p>1. Pursuant to Article 236/2 of the Criminal Procedures Code, the innocence of the accused from the crime of human trafficking supported by Article 9 of the law to prevent human trafficking, with indication of Article 76 of the Penal Code was announced due to</p>	<p>Defendants: 3</p>	<p>1. Crime of rape in accordance with Article 292/1 of the Penal Code. 2. Crime of rape in accordance with Article 292/1 repeated three times. 3. Crime of molestation in accordance with Article 296/1 of the Penal Code. 4. Crime of</p>	<p>The facts of this case are summarized as one of the defendants ran the Office of General Services and Maintenance. The two defendants were working for him. The offenders exploited the conditions and circumstances of Indonesian domestic workers to exploited them by sending them to work in houses and take their wages. They</p>	<p>2011/1341</p>
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<p>the lack of unequivocal and convincing evidence against him.</p> <p>2. Pursuant to Article 236/2 of the Criminal Procedures Code, the declaration of non-responsibility of the accused for the following crimes: -Rape in accordance with Article 292/1 of Penal Code assigned to one of the accused. -Crime of rape in accordance with Article 292/1 of Penal Code repeated three times assigned to one of the accused. -Crime of molestation in accordance with Article 296/1 assigned to the defendants' penalties. 3. Pursuant to Article 236/2 of the Criminal Procedures Code, one of the accused was declared innocent of the crime of complicity in rape in accordance with Articles (292/1, 301/1/A and 80/2) of the Penal Code due to the lack of</p>		<p>complicity in rape in accordance with Articles 292/1, 301/1/A and 80/2 of the Penal Code.</p> <p>5. Crime of trafficking in human beings in accordance with Article 9 of the anti-trafficking law, in terms of Article 76 of the Penal Code.</p>	<p>also exploited them in prostitution and sent them to other people to have sex with them for money. They brought women victims (M) 24-year-old (N), age 28 years, (S) 18-year-old and (Y) 26-year-old (Indonesian domestic workers) and exploited their circumstances and lured them to run away from their employers' homes and housed them in an apartment in Abu Naseer area and sent them to other homes for service for a daily fare which they would then take from them. Sometimes they would give them a part of the money and the forms of exploitation escalated to sexual assault.</p>	
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<p>legal evidence against him. 4. Pursuant to Article 234 of the Criminal Procedures Code, amended the charge of complicity in rape, according to the provisions of Articles (292/1, 301/1 and 80/2) of the Penal Code to an offence of leading a female to become a prostitute according to article 310/2 of the Penal Code.</p> <p>5. Pursuant to Article 327/1 of the Criminal Procedure Code, dropping public interest for one of the defendants according amended its description to be included under the General Amnesty Law No. 15 of 2011.</p> <p>6. Pursuant to Article 236/2 of the Criminal Procedures Code to convict one accused of the crime of human trafficking, according to the provisions of Article 9 of the An Human Trafficking Law.</p> <p>7. Pursuant to Article 234 of the</p>				
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<p>Criminal Procedure Code amending the description of the charge assigned to one of the accused of human trafficking, according to Article 9 of the An Trafficking Law on the and Article 76 of the Penal Code of the offence of complicity in human trafficking according to the provisions of Article 9 of the law to prevent human trafficking, in terms of Article 80/2 of the Penal Code. 8. Pursuant to Article 236 of the Criminal Procedure Code, one defendant convicted with complicity in human trafficking with amended description according to Article (9) of the An - Human Trafficking Law and in terms of Article 80/2 of the Penal Code.</p>				
<p>Confiscation of passport</p>	<p>Defendants: 5</p>	<p>1. Confiscation of passport 2. Fraud 3. Deprivation of liberty</p>		<p>2010/1282</p>
<p>The employer convicted of human trafficking and confiscation of passport (in</p>	<p>Defendants: the Employer</p>	<p>Human trafficking</p>	<p>The domestic worker came to Jordan in 2010, where she was</p>	

			received by the representative of the recruitment agency.	
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absentia)			<p>The same day the employer came too for who she worked for 3 years, she worked from 6 am till 9 pm, and was working two hours at the home of the employer's son every day, and she did not get on any day off per week during the period of their work, and was only allowed to contact her family once a month which she would pay for on alternating months. The worker was only permitted take out "dogs" of the house. Her passport was with the employer. After the expiration of the contract which lasted for two years, the worker asked the employer to return to her country but the employer refused, and she remained working for another year. When the third</p>	
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			<p>year expired, the employer told her that they will renew residency for her. The worker asked for a vacation for three months to visit her family but the employer refused. She asked for these 4 months, but the employer kept refusing. So the worker decided to leave the house and moved in with a friend and became a freelancer. In October, the police arrested the worker and contacted</p>	
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			<p>the employer who asked her what she wants. They said to her that someone would come to her, and the agency took her from the police station. She was transferred from one house to another of the friends of the owner of the agency.</p>	
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<p>1. The decision was issued condemning the employer for the crime of human trafficking.</p>	<p>Defendants: 1</p>	<p>Human trafficking</p>	<p>The domestic worker came to Jordan one year and a half ago through an intermediary in Bangladesh. A representative of the recruitment agency in Jordan collected her from the airport straight to the office and began work the same day. She worked in a house of which she cannot remember the address, from 6 am to 10 at night, and the food was just bread, and she was beaten by her employer, and was forced to work in the employer's father's house once a week free of charge, in addition to the home of her son and her sister. The worker did not receive her salary worth 130 dinars, and there was work pressure. The worker was subjected to verbal abuse, and the employer would call her "you animal". One day, the employer slapped her face, so she asked to be returned to the agency, where she was beaten and returned her</p>	<p>2015/615</p>
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			to the same house. She then escaped the home as the employer slept and went to Raghadan and worked part-time for a period of three months. One day while she was on her way to work she was arrested and was transferred to the Women's Union.	
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<p>The decision was made against the accused in absentia and sentenced to 1,000 dinars</p>	<p>Defendants: 1</p>	<p>Human trafficking</p>	<p>The domestic worker came to Jordan on 06/01/2015 through a recruitment agency of which she cannot remember the name, where she was greeted at the airport by a representative of the agency. She was then taken to the agency. The employer came and she began working in his house. She worked for a year and seven months with a salary of \$ 250, and was working from 6 am until 10 pm with periods of rest during the day. She used to eat two meals a day only, did not obtain weekly vacations while working for the employer. When she was sick they did not take her to the doctor for treatment, and she adds that she was working at the home of the sister of the employer, in addition to work at the home of the mother in law without pay. She says she was forced to work for the employer's neighbors without pay in exchange</p>	<p>2016/2923</p>
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			<p>for the neighbor teaching the employer's son by Hanna. The passport is in possession of the employer, and confirmed that she asked the employer to renew her work permit and residence permit and pay the overstay fines but they refused to do so. The worker says the employer cursed her and made threats that if she escapes that the uncle and brother in law working in the security department would bring her back.</p>	
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<p>1. In accordance with article 177 of the Criminal Procedures Code convicted the suspect with crime of harboring people in order to exploit them through threat in accordance with the provisions of Article (3/A/1) of the Act on the antihuman trafficking and in terms of Article 8 of the same law to be sentenced with six months' imprisonment and fees.</p> <p>2. Based on provisions of Article 177 of the Criminal Procedure Code convicting the suspect of deprivation of</p>	<p>Defendants: 2</p>	<p>Human trafficking</p>	<p>The worker came to Jordan on 20 June 2015 through a recruitment agency. The next day she started working for the employer for a month and then sent her to the hospital returned her to the agency because her leg was swollen. The worker says she stayed in the agency for a week and was then sent to work for another employer. She worked for 10 months for a salary of 155 dinars, but did not receive the final month's salary. She said that the employer used to scream at her and indicated that she was star ng work from 7 am until 11 pm, and says she did not take any vacations for the duration of the work.</p>	<p>2016/1764</p>
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<p>liberty based on the provisions of Article 346 of the Penal Code and sentenced to imprisonment for a period of one month and fees.</p> <p>3. Pursuant to the provisions of Article 72 of the Penal Code, executing the harshest sentence against him to become six months and fees.</p>			<p>She clarified that she was working in four houses (the sister of her employer, her two brothers and her mother). Every time she worked in those houses without pay.</p> <p>She says she was not allowed to go out at all. The worker had no allocated place to sleep, and would sleep in the living room. She said that in one occasion her employer asked her to go to work for her mother, but the worker refused to do so as she was tired. So the employer returned her to the agency with her belongings. They told her she cannot work in another house while having money that she must keep it in the agency, a sum of 630 dinars.</p> <p>The worker says she was sent to work in Khalda home where he worked for them for a month and one week where she had to take care of a woman with cancer. She had to treat her body with cream and her skin would peel off and had many wounds and the worker could not bear it and so she left the house.</p>	
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## **Civil Society and Combating Human Trafficking**

Many international and national non-governmental organizations such as the Adaleh Center for Human Rights Studies, ILO, the Jordanian Women's Union, Tamkeen Fields for Aid, IOM and the United Nation Organization to Prevent Organized Crime all have active roles in combating human trafficking in Jordan. These activities have included conducting raising awareness campaigns, publishing studies, building capacities and providing training courses, or providing victims with direct assistance.

For instance, the Jordanian Women's Union (JWU) was established in 1945. It represents one of the most engaged civil society activist organizations in Jordan, calling for protecting human rights, particularly women's rights in the work place and the public sphere. In terms of prevention, JWU works, as part of its activities, on organizing training courses and awareness campaigns on specific legislation related to the woman and her status in society from a perspective of elimination of all forms of discrimination against women.

JWU has been particularly focused on Combating trafficking in women and protecting female trafficking victims. Moreover, the Family Counseling Program in the organization has been working on issues related to the protection of female workers by providing legal, social and psychological services to them.

Additionally, four coalitions were established in Jordan, Lebanon, Egypt and Morocco by CSOs. These four coalitions are led by one regional coalition of the four countries and include in their membership 76 NGOs, lawyers, judges, representatives of Ministry of Labor and Ministry of Interior. The coalition was established in the aim of unifying all exerted efforts to combat the phenomenon of human trafficking, as well as solving the problems of rehabilitating, protection services offered to women victims of trafficking after being sent back to their home countries.

The JWU has indicated that it received 254 cases of trafficking victims between 2011 and 2016. These victims were provided with a number of services including shelter, social, psychological and medical care. In addition, they received services that trafficking victims need due to the ordeal they just went through. In regard to the distribution of these victims based on nationalities, the victims received were nationals of Bangladesh, Egypt, Morocco, Kenya, Ethiopia, Tunisia, Jordan, Lebanon, Philippines, Syria, Sri Lanka, Ukraine, Indonesia, Uzbekistan and Guatemala.

Another prominent Jordanian NGO is the Adaleh Center for Human, which besides collaborating with the JUW on human trafficking cases, also offers other services such as organising regular workshops on a national and regional level about the rights of migrant workers and to discuss policies aimed at strengthening their protection mechanisms<sup>15</sup>

The Centre also been implemented training programs on international human rights law instruments, in order to build the capacities of the judges and prosecutors working in the Military Justice Directorate, the General Intelligence Department, and particularly the General Security Directorate. The main purpose of the training was to familiarise them on the uses of the essential international, regional and national conventions used to ensure a fair trial, and the forms of compensations offered to victims of human rights abuses. Also, special sessions were allocated to alleviate standards of international human rights in Jordan, in order to eliminate the practice of torture and to protect the rights of migrant workers.

Tamkeen Fields for Aid is a non-governmental, independent and neutral organization, founded on 10 October 2007. It aims to promote the exercise of fundamental rights for all segments of society and safeguard the liberties of all citizens, especially the marginalized segments of society: children, women, refugees, workers, people with disabilities, and others, in accordance with national legislation and international conventions.

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<sup>15</sup> For example, Adaleh organised a regional discussion about Migration Workers Rights on March 2012, with the collaboration of the Swiss Agency for Development and Cooperation.

In addition, Tamkeen specializes in strengthening the protection of migrants, workers, combating against human trafficking and enhancing social protection and the rule of law.

Tamkeen seeks to achieve this through capacity building of government and non-governmental agencies and the provision of consulting services to those in need, as well as offering them sessions covering ways of empowerment, informing them of their rights and duties.

The Centre also offers special programs in the field of human rights to the general public, works on raising public awareness on the rights and obligations that belong to all parties, in addition to issuing reports and studies on topics related to its area of expertise.

Tamkeen also works on Combating human trafficking and the endemic human rights violations in the society through the implementation of a three-steps programme of: prevention, protection and prosecution. The Prevention step is worked on by educating migrant workers, government officials, and the general public about the possible violations of human rights, especially in the labor sector. Meanwhile, Tamkeen works on reducing human rights violations through legal advocacy on issues related to police reform; as well as raising the levels of knowledge among migrant workers about their rights and duties; and the publishing of appeals and brochures on the topic, targeting the general public



## Complaints Received by Tamkeen Fields for Aid

Tamkeen registered receiving 3,727 complaints in the period between 2009 and 2016, with the table below illustrating the distribution of complaints according to each year.

Regarding cases of suspected human trafficking, the center sent 281 reports to the Combating Human Trafficking Unit in the period between 2013-2016 about such cases that the centre suspected has occurred against migrant workers,

In regard to cases revolving about violations committed against migrant workers, the list of violations included deprivation of liberty, passport confiscation, unpaid wages, deprivation of food, deprivation from contacting the worker's family, being subject to verbal and physical abuse, deprivation of medical care, not allocating a place for sleeping, long working hours, deprivation of vacations, working in more than one house and sexual abuse.

**Number of complaints submitted by migrant workers to Tamkeen 2009-2016 illustrated in the table below**

<b>Year</b>	<b>Number</b>
2009	221
2010	321
2011	613
2012	800
2013	464
2014	510
2015	366
2016	429

**Reports Sent to the Combating Human Trafficking Unit**

<b>Year</b>	<b>Number of Reports</b>
2013	3
2014	33
2015	86
2016	159

## Training

Tamkeen Fields for Aid conducted many training programs over the years. The programmes targeted various governmental officials with different specialties, roles, and institutions all related to labor rights and human trafficking cases., with 1540 people benefiting from these courses.

In spite of the varied and high number of the benefited categories, there is still a valid and urgent need for other sessions to be conducted with other personnel from these institutions. Additionally, it is important to target people working at the Ministry of Interior, Ministry of Education, Civil Society Organizations and other institutions.

Categories Trained un l 2016	Number
Employees of Ministry of Social Development	117
Employees of Ministry of Health	94
Employees of Ministry of Labor	140
Recruitment Agencies	44
Employees of Ministry of Justice	67
Employees of Public Security	800
Lawyers and Judges	250
Journalists	21
Employees of Ministry of Agriculture	7
<b>Total</b>	<b>1540</b>

## **International organizations and the fight against human trafficking**

### **International Labor Organization (ILO)**

The ILO is a specialised United Nation agency, focused on developing standards and policies that promote the advancement of decent work conditions worldwide. It is the only organization within the United Nations system which is characterized by their threefold composition of governments, labor organizations and employers.

In the region, the organization works to promote decent work, which embodies within it the aspirations of individuals in their professional lives and their hopes in relation to the opportunities they are offered, their incomes and rights, family stability and personal development, justice and gender equality as well as the desire to voicing their message and recognize their role.

The organization also works to support decent work, sustainable growth and recovery, and to establish adequate social protection and the protection of individuals, as well as to promote international labor standards, workers' rights, social dialogue and enhancing the sustainability of projects in order to create and maintain job opportunities.

The ILO works in partnership with the Ministry of Labor to develop the capacity of workers as well as to assist in the adoption of labor policies in line with international labor conventions.

### **International Organization for Migration (IOM)**

The International Organization for Migration (IOM) is a leader in the field of migration, intergovernmental organization, working closely on these issues with governmental and international organizations and non-governmental

partners. The organization is committed to the principle that human and orderly migration is useful for migrants and society.

IOM was established in 1951, and today has 156 Member States and 10 other countries as observers along with many international organizations and NGOs. IOM works with its partners in the international community to:

- Preserve human dignity and the well-being of migrants
- Provide support in the face of growing operational challenges of migration management
- Improve the understanding of migration issues
- Encourage social and economic development through migration

IOM established its office in Amman in 1994, with Jordan joining as a member state in 1999. In the region, the IOM activities have been mainly focused on preparing the applications originating from the Middle East and North Africa region for the resettlement of refugees in the US, Canada, Australia, and Europe by supporting the Resettlement Center (RSC).

Since 2004, the regional office expanded its activities to include conducting Jordanian government capacity building programs; improving the migration and direct assistance management to migrants in need, and more recently, as part of the United Nations Country Team (UNCT) regional Syrian crisis response, the IOM Jordan office has been assisting refugees in Jordan through the evacuation of urgent Syrians refugees cases from the border to the camps. They also provide them with primary healthcare, screening of tuberculosis and work on raising the awareness of the Syrians and the host society, as well as help refugees of other nationalities (TCNs) who fled from Syria to Jordan to return to their home countries.

Among the most important projects that the organisation has worked on during the years 2012 – 2016 are:

- JTIP: a project to raise awareness and build capacity to combat human trafficking and protect victims of trafficking, as well as providing voluntary repatriation to 246 migrant workers for women from different nationalities;
- DRL: A project focused on the Protection of vulnerable migrant workers residing in Jordan through voluntary return and reintegration, where they were to provided assistance for 95 migrant workers (domestic workers) from different nationalities such as Sri Lankan, Filipino, Indonesian, Bangladeshi;
- PAVE: a project to work on protecting vulnerable and exploited groups of migrants in the Middle East and North Africa. The project included different aspects including:
  - Providing voluntary repatriation and reintegration to 23 domestic workers (victims of trafficking and exploitation)
  - Broadcasting several short clips on the radio, with the number of them amounting to 100 ones; 50 in Arabic and 50 in English
  - Sending 25.000 messages
  - 31 beneficiaries of Capacity Building program, a government employee in addition to the 17 employees from civil society organizations
- Mafrqa: a project to promote awareness in the Al Mafrqa governorate about the crime of human trafficking.
  - The number of beneficiaries of the capacity building were 52 government employees
  - The number of beneficiaries of awareness sessions were about 170 students (school and university students)
  - The number of beneficiaries of direct aid was 100 Syrian and Jordanian families. Each family received the amount of 283 Jordanian dinars.

- Irbid: a project to promote awareness in the Irbid Governorate about the crime of human trafficking

- The number of beneficiaries of the capacity building was 35 government employees
- The number of beneficiaries of the awareness sessions was 463 students (students from schools and universities)
- The number of beneficiaries of direct aid was 198 Syrian and Jordanian families. Each family received the amount of 283 Jordanian dinars.

- Italian: a project to support law implementation bodies to combat migrant smuggling and human trafficking.

- The number of beneficiaries of the voluntary repatriation and reintegration is 82
- The number of beneficiaries of students from awareness sessions is 1119 (school and university students from various provinces)
- The number of beneficiaries of the advanced awareness sessions 93 (local community committees working as volunteers for international organizations)
- The number of beneficiaries of awareness sessions inside the Zaatari refugee camp and Al Azraq is 246 (sessions targeted age group between 12-17 years of girls and boys)
- The number of beneficiaries of the capacity building of 117 government employees (workshops, TOT and one exploration visit)

Other programs have also been carried out in cooperation with the border guards to train them on the inhuman operations and Combating the crime of human trafficking and smuggling, with 172 border guards trained during the years 2015 and 2016.

## **United Nations Office on Drugs and Crime (UNODC)**

UNODC is a global entity responsible for the fight against drugs and international crime. The entity is based in Vienna and has about 20 field offices, including a regional office in Egypt, as well as functional offices in New York and Brussels.

UNODC supports member countries to take action to combat drugs, crime and terrorism, and to intensify efforts to address transnational crime, drugs, and international terrorism as nations agreed in the Millennium Declaration.

The aim of founding the UNODC was to help the United Nations improve its systematic and comprehensive responsiveness to issues related to illicit trafficking, crime prevention, criminal justice, terrorism and political corruption.

The implementation of these goals is achieved through three basic functions: research, guidance and support for the governments to adopt and implement treaties and different protocols to combat terrorism, crime, drugs and corruption; as well as providing financial and technical support to these governments to deal with different situations and challenges that they might face in these areas.

The following are the main topics dealt with by UNODC: alternative development, political corruption, criminal justice, prison reform and combating crime, combating drugs, fraudulent medicine, HIV/AIDS, human trafficking, money laundering, organized crime and the smuggling of migrants, piracy and counter-terrorism.

In addition to the above, the Drugs and Crime Office works on:

- Conducting research to increase knowledge and understanding of the issues of drugs and crime, and to expand the information base upon which decisions, policies and processes are set.



- Facilitate states' ratification of the international conventions, their implementation, and the development of national legislative structures relating to the fight against drugs, crime, and terrorism.
- The provision of secretariat services to the treaty bodies.
- Implementing field and technical cooperation projects to support Member States in tackling drugs, crime and terrorism.

Concerning the fight against human trafficking, the office works in partnership with the United Nations Interregional Crime and Justice Research Institute (UNICRI), the UN Global Program Against Trafficking in Human Beings (GPAT) which began its work in March 1999, in order to shed light on the participation of organized crime groups in the human trafficking trade and to promote the development of methods of criminal responses. The program provides assistance to Member States to combat trade in human beings, and sheds light on organized crime groups that work on trafficking human beings, and promoting effective ways to crack down on the perpetrators.

## **Most prominent human trafficking cases in Jordan, according to international reports**

ILO released a report titled "Tricked and Traped: Human Trafficking in the Middle East"<sup>16</sup> in 2013 which identified several areas for violations related to human trafficking issues, according to the patterns detected by them related to human trafficking committed by professional groups in a number of countries, including Jordan. The most prominent violations that were noted are:

### **Domestic workers**

In spite of efforts to regulate them starting from the countries of origin, employment agencies and brokers are still operating without a permit and

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<sup>16</sup> Hélène Harroff-Tavel and Alix Nasri: Tricked and Traped: Human Trafficking in the Middle East, ILO report (Beirut 2013)

with impunity. They take advantage of workers who are in a hurry to find a job by having them pay fees. These agencies brought a large number of workers from the Philippines to Jordan despite the ban, using a visa valid for 60 days which they then turned into a work visa.

Recruitment agency offices in Jordan exploit the employers by charging high fees ranging between \$5000-7000 because the employers cannot recruit workers directly. This gives these offices high power and influence, that result in difficulties in terms of legally prosecuting them on any cases which the workers reports or in case of suspicion of human trafficking.

Domestic workers suffer from long working hours of more than 8 hours and up to 15 hours. A number of them live in degrading conditions and the recruitment agencies detain domestic workers in their offices before handing them over to the employer.

Jordanian legislation also restricts the freedom and mobility of the domestic worker, including going outside or their working hours, as workers are required to acquire the consent of the employer to leave the house and the employer must have knowledge of the worker's whereabouts.

Another endemic issue is the confiscation of passports by either the employer or recruitment agencies. According to a Tamkeen report, 530 workers' passports were detained out of 757 in 2011. This results in them becoming irregular workers and in some cases, forces them to flee from the employer.

Many workers are subjected to wage confiscation, either total or partial, with this issue affecting more than 60% of the workers according to Tamkeen. A difficulty that is related to this issue is that payments are generally made in cash, making the process of monitoring and verifying whether they were made or not very difficult.

Some of them also are exposed to psychological, physical and sexual violence, and are generally subjected to deception, exploitation and deprivation of their rights.

## Sex work

Generally, Sex workers suffer in Jordan and the Middle East due to the difficulty of reliable control and monitoring of their cases.

Workers in this area face multiple risks including arrest and deportation by the authorities in case of running from their traffickers, thus, making them more vulnerable to face repeated exploitations.

A number of women were exposed to deception and deceit when brought as workers into the field. Indeed, false advertising for certain professions such as nursing, waitressing and others were used to lure them. After their arrival, they get subjected to deception, exploitation and sex work.

With the regards to the nationalities that the sex workers are composed of in Jordan, the foreigners of them enter the country using an artist or touristic visas, while Eastern European nationalities do not require a visa prior to travel. The current sector in Amman currently include 30 Russian nightclubs and Arab 40 nightclubs, with its workers having the nationalities of Belarus, Moldova, Russia, Ukraine, and Uzbekistan working in the former; while from Egypt, Jordan, Lebanon, Morocco, Syria and Tunisia working in the latter, with sex practiced with customers taking place outside the clubs.

Sex workers are brought into Jordan through various means and the requirements are for them are to be beautiful women and of an age ranging between 25-35 years.

There are women who have been forced to work in this field by coercion at the hands of their husband or father. Most of this category of victims in Jordan are from Syria, Egypt or Iraq.

It is also clear that some of the sex workers are victims of human trafficking, due to them being subjected to degrading working and living conditions, coercion through threats of force and other penalties; or through forms of exploitation including the confiscation of their wages and passports, being detained after working hours in an apartment by a pimp or their employer,

especially Tunisian and Moroccan nationals, forcing them to participate in sexual acts or exposing them to beatings, particularly the foreigners.

Prostitution is prohibited in Jordan and thus informing the authorities leads to sex workers being arrested and deported, even if the act of prostitution itself is forced upon them.

Sex workers also suffer from deprivation of liberty and are exposed to shame and retaliation by the family should they try to leave the profession. Being ostracized by society and their general lack of professional experience in other fields makes it difficult for the sex worker to find another type of job.

Their access to judicial remedies is also limited because the perpetrators usually have power and influence.

## **US State Department report on human trafficking <sup>17</sup>**

The 2016 Jordan Annual Report rates the country as level 2 in the field of human trafficking and highlights the Kingdom as a country of both destination and transit for adults and children subjected to forced labor, exploitation or the sex trade.

The report also mentions the Jordanian (Kafaleh) sponsorship system, saying that it represents a challenge for foreign workers to change employers and deprives them of the possibility for recourse to the law when they are exposed to exploitation.

With regards to Egyptian workers, it says that they are exposed to conditions of forced labor in the construction, service, and agricultural sectors. The report also discusses the issues of the 53.000 domestic workers in the Kingdom, stating that they are exposed to conditions of forced labor, suspension of the payment of their wages, the confiscation of documents that prove their identity, and restrictions on their freedom of movement. They also suffer from long hours of work without breaks and face verbal

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<sup>17</sup> The US States Department Report on Human Trafficking 2016 <https://www.state.gov/documents/organization/258880.pdf>

and physical abuse. Many of these workers cannot return to their home countries, while others are still in detention in Jordan because of criminal charges filed against them or their inability to pay residency overstay fines or cover the costs of their air tickets.

Moreover, it noted that 47% of the factories in the country are paying illegal fees to the recruitment offices, which exposes them to the risk of debt bondage.

The topic of Syrian refugees was also touched upon, such as the increase in their risk to be exposed to human trafficking due to their deteriorating economic situation; women and children being forced to work illegally and informally in the Jordanian economy which also adds to their exposure and risk of trafficking; in spite of the Jordanian government enacting a new policy on March 2016 that allowed refugees to obtain work permits. Another issue mentioned is one that was detected by the NGOs concerning an increase in child labor and the high possibility of cases of forced labor among children refugees who work side by side with their families in the agricultural sector and the service sector in addition to the increase in the phenomena of hawking and begging.

In recent years, law enforcement agencies, NGOs, as well as media organizations have been reporting cases of Syrian women and girls being sold through temporary or forced marriages to Jordanian or Gulf men for the purposes of prostitution. However, until now reports on this matter have been issued by the Jordanian authorities happening in 2015.

The Jordanian government still does not comply with the full judicial standards related to the reduction or elimination of human trafficking. However, the government made strong efforts to investigate and condemn the perpetrators of the crime of trafficking and bring them to justice in 2015, including any government officials who were allegedly aiding or accomplished in the committing of these crimes.

The US State Department has issued a number of recommendations on their yearly reports on the issue. The most prominent of these recommendations in the years of 2012, 2013, 2014 and 2015 include:

- Increasing and continuation of efforts in the areas of investigating human trafficking crimes, prosecuting, convicting, and sentencing of the perpetrators through the use of the anti-human trafficking law.
- Amend the punishment for forced labor, and harshen the sanctions stipulated for forced labor crimes in addition to punishing the perpetrators.
- Provide the awareness campaign to educate the citizens and workers on human trafficking, forced labor and how to treat domestic workers.
- Issue regulations governing agricultural work.
- Enhance protection services to victims of human trafficking and the role of providing adequate shelter, and train a staff of service providers.
- Ensure not to punish victims of human trafficking in case they were force to participate in illegal acts.

## Conclusions and Recommendations

Jordan has taken important steps to combat human trafficking, particularly at the policy level. Some of these steps include

1. the ratification of the Palermo Protocol of 2009,
2. the issuing the National law to prevent human trafficking in 2009
3. the development of a national strategy to combat human trafficking,
4. the creation of an Anti-Human Trafficking Unit under the auspices of the Public Security,
5. the creation of shelters for victims of human trafficking including Al Karama House, Al Wifaq Al Osari House and the shelter in the Jordanian Women's Union,
6. and the establishment of a referral system with the aim of coordinating between the various stakeholders, and the exertion of many civil society organizations to combat human trafficking violations, whether by providing legal aid or shelter.
7. Cooperating with civil society organizations and international organizations in the implementation of several educational activities, and capacity building in this area.

All of these important efforts were made as part of the 2009-2016 National Initiative to improve the Approaches to Combating human trafficking

However, the impact of these efforts was marred by policy gaps which negatively affected obtaining tangible access to effective protection for victims of human trafficking and tackling it at its root; resulting in a discrepancy between the positive public perception of the policies and the challenge to transform them into reality on the ground through the activation of an effective procedural system.

Based on the findings of this study, a number of challenges at various levels were found. Thus, through its endeavour to assist in Combating human trafficking, Tamkeen has formulated a set of recommendations divided in three levels of: legislation, policy and implementation:

- 1) Amending to human trafficking law to correspond with the crime, especially with regards to: an effective and explicit criminalization of the crime of trafficking; expanding the definition of the crime of human trafficking; enhancing the protection of witnesses; setting up a fund for the victims; avoiding legislative inconsistencies between the prevention of human trafficking and other legislation including the Penal Code, Labor Law, the law of Residency and foreigners Affairs, and the Crime Prevention Law; and the issuance of regulations for workers in agriculture system.
- 2) The need for the national judiciary to implement international human rights conventions in general, and especially those related to migrant workers' rights and the related international standards for the control and prevention of forced labor and human trafficking.
- 3) Expedite the issuance of a new national strategy to combat and prevent human trafficking, which should be prepared in cooperation with all stakeholders, especially civil society organizations and be consistent with the observations that we have quoted in the body of this report, and to expedite the issuance of the legal referral system as well.
- 4) Develop the Unit for Combating Human Trafficking's capabilities by increasing its staff and setting up branches in the north and the south.
- 5) Paying attention to Combating human trafficking cases that only use Jordan as a crossing-country, as well as strengthening investigation and prosecution processes across states.
- 6) Supply Al Karama House with all human and material and logistical resources for the implementation of all its programs efficiently, and to open another house in the northern governorates.



- 7) Provide specialized and professional translators of different languages for migrant workers in Jordan, and regulate the translation process through clear legislative instructions.
- 8) Intensify the rehabilitation and training of the various government institutions, the judiciary, police and civil society organizations in the issue of Combating human trafficking, and raise the level of the means of investigation.
- 9) Promote community education on the issues related to preventing the occurrence of the crime of human trafficking, its risks, as well as encouraging them to report any suspected cases through the use of the various media outlets.
- 10) Eliminating the practices of administrative detention and deportation for those who are believed to be victims of human trafficking, and allow enough time to get their rights so that they do not have to make compromises affecting their rights and contribute to impunity of the perpetrators.
- 11) Promote cooperation between government institutions and civil society in their efforts to fight against human trafficking by involving them in policy-making, discussions on relevant legislations, and the means of implementing effective protection, as well as enabling them to become members in the committees and not just participate in joint seminars and workshops.
- 12) Form agreements between Jordan and the countries of origin of migrant workers in order to ensure that the fight against human trafficking takes place in both countries.
- 13) Providing a Specialised Prosecutor dedicated to human trafficking cases.
- 14) Ensure the right of the victim to have their lawyer present during all stages of the investigation, as well as during the trial, even if there is no claim of personal right, due to its significant impact in reassuring the victims

- 15) Avoiding unfair settlements and ensuring that the investigation and prosecution proceeds even in cases where the victim decides not to file a complaint.
- 16) Allocate a percentage of the financial support given by the international donors to the Jordanian government to working on increasing the efforts to combat human trafficking.

## Annex 1: Jordan's ratification of the United Nations Human Rights Conventions

Jordan's ratification	Entered into force	United Nations Conventions
30 May 1974	4 January 1969	International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
28 May 1975	23 March 1976	The International Covenant on Civil and Political Rights (ICCPR)
28 May 1975	3 January 1976	International Covenant on Economic, Social and Cultural Rights (ICESCR)
13 November 1991	26 June 1987	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
24 May 1991	2 September 1990	Convention on the Rights of the Child (CRC)
1 July 1992	3 September 1981	Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)
Not ratified	1 July 2003	International Convention for the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW)
Not ratified	23 December 2010	International Convention for the Protection of All Persons from Enforced Disappearance (CPED)
31 March 2008	3 May 2008	Convention on the Rights of Persons with Disabilities (CRPD)
Not ratified	23 March 1976	Optional Protocol on Civil and Political Rights, the International Covenant (ICCPR-OP1)

Not ratified	11 July 1991	Second Optional Protocol on Civil and Political Rights, the International Covenant (ICCPR-OP2)
Not ratified	22 December 2000	Optional Protocol to the Convention on the Elimination of All Forms of
		Discrimination against Women (OP-CEDAW)
23 May 2007	12 February 2002	Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (OP-CRC-AC)
4 December 2006	18 January 2002	Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OP-CRC-SC)
Not ratified	22 June 2006	Optional Protocol to the Convention against Torture and other cruel, inhuman or cruel, inhuman or degrading punishment (OP-CAT)
Not ratified	3 May 2008	Optional Protocol to the Convention on the Rights of Persons with Disabilities (OP-CRPD)
Ratified	2009	Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000

## Annex 2: Jordan's ratification of key Labor Conventions

Jordan's ratification	Entry into force	International Labor Organization (ILO) Conventions
6 June 1966	1 May 1932	C029 - Forced Labor Convention
Not ratified	4 July 1950	C087 - Freedom of Association and the Protection of the Right to Organize
12 December 1968	18 July 1951	C098 – the Right to Organize and Collective Bargaining
22 September 1966	23 May 1953	C100 - the Equal Remuneration Convention
31 March 1958	17 January 1959	C105 - the Abolition of Forced Labor
4 July 1963	15 June 1960	C111 - Discrimination (Employment and Occupation)
23 March 1998	19 June 1976	C138 - Minimum Age Convention
20 April 2000	19 November 2000	C182 - Worst Forms of Child Labor
Not ratified	5 September 2013	C189 - Decent Work for Domestic Workers