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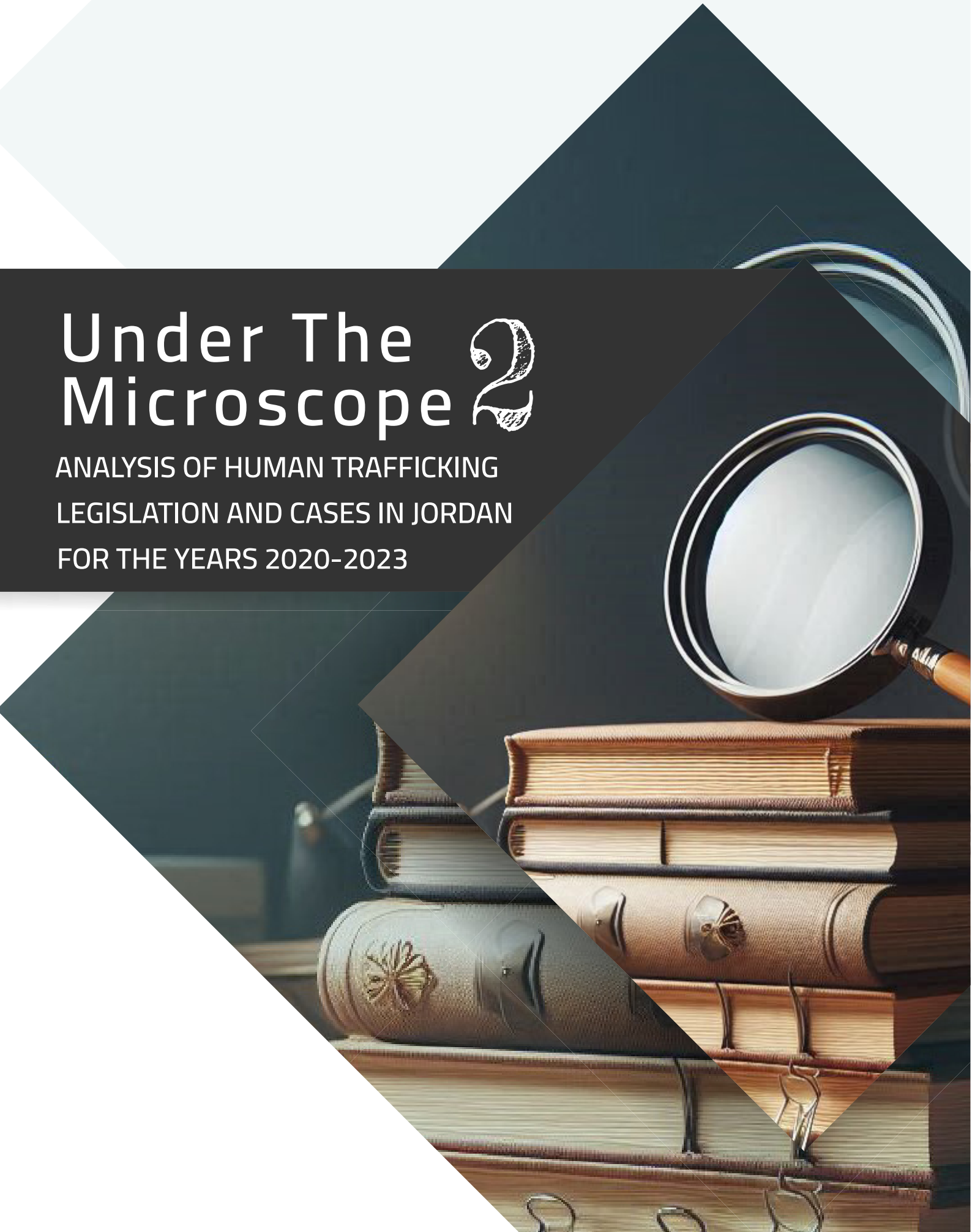
Under The Microscope 2

ANALYSIS OF HUMAN TRAFFICKING LEGISLATION AND CASES IN JORDAN FOR THE YEARS 2020-2023



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Introduction

The crime of trafficking human beings is a global crime that threatens human dignity and freedom, and human trafficking is the use of force, coercion, deception, or exploitation of a person's vulnerability or vulnerable position to exploit it, including sexual exploitation, forced labour, begging or organ removal.

The International Labor Organization estimates the number of victims of human trafficking in the world at 40.3 million people[1], with women and children constituting 71% of the victims of human trafficking[2]. The main reasons for the exacerbation of human trafficking crime are poverty, conflicts, lack of job opportunities, discrimination against some social groups, weak laws and legislation, and lack of awareness about this crime.

Jordan is making great efforts to combat the crime of human trafficking and has taken effective steps to strengthen its efforts in this area over the past years. These efforts included in response to the amendment of laws and the enactment of legislation, as well as the formation of relevant national committees.

Fourteen years since the promulgation of the Anti-Human Trafficking Law and its amendment nearly three years ago, along with the strides Jordan has taken to combat crime and its amendment to the law during 2021, **we must monitor and re-evaluate the combat against human trafficking for recent years to identify available capabilities and monitor legislative gaps and practice to combat human trafficking, if any.**

The first Amendment was made to the Prevention of Human Trafficking Law No. 9 of 2009, and it became effective on 1/6/2021, and within the framework of Tamkeen's mandate to support and assist in monitoring human trafficking cases and assisting victims of this crime, and in continuation of its previous monitoring of these cases from 2009 to 2019, this study came to complete the work of evaluation and analysis of judicial decisions issued during the year 2020 until the end of 2023 related to the crime of human trafficking, to identify the details of these decisions and highlight their strengths and weaknesses, especially since these years carry decisions before and after the amendment of the law.

1 https://www.ohchr.org/ar/stories/2018/01/how-train-cabin-crews-identify-trafficking-victims

2 https://news.un.org/ar/story/2019/10/1041392#:~:text=%71%20%D9%85%D9%86%20%D8%B6%D8%AD%D8%A7%D9%8A%D8%A7%20%D8%A7%D9%84%D8%A7%D8%AA%D8%AC%D8%A7%D8%B1%20%D8%A8%D8%A7%D9%84%D8%A8%D8%B4%D8%B1,%D9%81%D9%84%D8%A7%20%D8%A8%D8%AF%20%D9%85%D9%86%20%D8%AA%D9%88%D8%A7%D9%81%D8%B1%20%D8%A7%D9%84%D8%AD%D9%84%D9%88%D9%84

Objectives of the study

The study aims to analyze legislation and practices related to combating the crime of trafficking, by collecting and analyzing statistics related to decisions of human trafficking crimes, presenting and analyzing a set of cases, with the aim of monitoring legal gaps and practice, if any, and promoting and highlighting the positive practices in force in combating the crime of human trafficking.

Study Methodology

The study employed the descriptive-analytical approach to national and statistical legislation, policies and practices, in light of Jordan's obligations under international conventions, laws and legislations related to combating the crime of human trafficking through:

1. Presentation of international law and national legislation in combating the crime of human trafficking.

2. Present and analyze the application of the law, statistics and practices on the ground.

International and national legal framework in combating the crime of human trafficking:

Article (13) of the Jordanian Constitution stipulates that: "Compulsory labour shall not be imposed on any person, but pursuant to law, work or service may be imposed on any person." Additionally, the Jordanian Constitution guarantees decent work standards in Article (23), which states: The State shall protect labour and enact legislation therefore based on the following principles:

A. Giving the worker a wage commensurate with the quantity and quality of his work.

B. Defining weekly work hours and granting workers weekly and annual paid rest 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…"

International covenants have come together to form a comprehensive system for preventing and punishing human trafficking, establishing a clear international commitment in this regard. The International Covenant on Civil and Political Rights of 1966 guarantees, in Article 8, an obligation on States to take measures to prevent any practice leading to slavery and forced labour and to protect individuals from such practices, as the article stipulates: "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- No one shall be required to perform forced or compulsory labour"

In the same context, Article (13) of the Covenant guarantees the protection of a lawful alien from deportation in an arbitrary manner, as guarantees should be provided to defend himself and his rights in accordance with the law and before all authorities. Moreover, it is well known that a significant percentage of human trafficking victims are non- citizen "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"

Jordan acceded to the International Convention against Transnational Organized Crime of 2000 and the Protocols Thereto to Prevent and Suppress Trafficking in Persons, Especially Women and Children, and to Combat the Smuggling of Migrants, 1926.

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, is the first international instrument to define trafficking in a comprehensive manner. Article 3 defines trafficking as "the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs."

The Protocol also expresses the first international consensus on the definition of trafficking in persons and is the first step towards a coordinated international effort to combat the practice. By including recruitment as part of the business that could constitute human trafficking, the Protocol recognizes the way traffickers exploit mobility, economic and social crises and barriers to attract their victims.

As the secretariat of the Convention, the United Nations Office on Drugs and Crime (UNODC) has identified three basic elements of trafficking: act, means and purpose. UNODC emphasized that the crime of trafficking was defined by a combination of these three elements, rather than as an individual component as an offence, but noted that individual elements could constitute criminal offences independently in some cases as well.

It should be noted here that the Protocol does not contain a separate definition of offences such as sexual exploitation, forced labour or slavery-like practices, and signatory states are obliged to define these terms within the framework of their domestic legislation.

On the other hand, since its accession to the International Labour Organization (ILO) in 1956, Jordan has been bound by the ILO Declaration on Fundamental Principles and Rights at Work, which binds member states, that have ratified or not yet ratified the relevant conventions, as it has ratified 26 international labour conventions, of which only 14 have been published in the Official Gazette. **Important ratified conventions include** Convention No. 29 on Forced Labour and Convention No. 105 on the Prohibition of Forced Labour, and in this context, it is important to mention the 2014 Protocol to the Forced Labour Convention, supported by Recommendation No. 203, aimed at strengthening measures of prevention, protection and compensation, as well as intensifying efforts to eliminate all forms of forced labour, including trafficking in persons. Its purpose is to address gaps in the implementation of the Forced Labour Convention. of 1930.

The Protocol notes that an increasing number of workers are engaged in forced or compulsory labour in the sector, that some sectors of the economy are particularly vulnerable, and that certain categories of workers are at greater risk of becoming victims of forced or compulsory labour, in particular migrants. Recognizing the link between exploitative labour and forced labour, Article 2 of the Forced Labour Protocol elaborates on measures that can be taken to reduce forced labour, which includes the protection of persons from arbitrary and fraudulent practices during the recruitment process.

Therefore, article 2 states: Measurements for the prevention of forced or compulsory labour shall include:

(a) educating and informing people, especially those considered to be particularly vulnerable, in order to prevent their becoming victims of forced or compulsory labour;

(b) educating and informing employers, in order to prevent their becoming involved in forced or compulsory labour practices;

(c) undertaking efforts to ensure that:

(i) the coverage and enforcement of legislation relevant to the prevention of forced or compulsory labour, including labour law as appropriate, apply to all workers and all sectors of the economy; and

(ii) labour inspection services and other services responsible for the implementation of this legislation are strengthened;

(d) protecting persons, particularly migrant workers, from possible abusive and fraudulent practices during the recruitment and placement process;

(e) supporting due diligence by both the public and private sectors to prevent and respond to risks of forced or compulsory labour; and

(f) addressing the root causes and factors that heighten the risks of forced or compulsory labour.

Local legislation in combating the crime of human trafficking:

1. Abolition of Slavery Act of 1929:

The Abolition of Slavery Law in force on 18/3/1929 stipulates the annulment of any contract containing a condition or undertaking to buy, sell, enslave or give to another person as a mortgage or insurance for a debt in any other way, and the court in any proceedings under this law shall verify the circumstances of the case, and shall not be bound by the terms of any contract or agreement concluded by the plaintiff or any person who has been concluded on his behalf or on her behalf, whether for marriage, service or otherwise, if the court is satisfied that such contract or agreement is a contract in whole or in part with the intention of concealing the type of real transaction.

2. Law No. 9 of 2009 on the Prevention of Human Trafficking and its amendments:

According to the last amendment dated 02-05-2021 in force on 01-06-2021, a new form of the crime of human trafficking has been added, namely organized begging, without including a definition of the term "organizer", which made the adaptation of cases with suspicion of human trafficking by the Public Prosecutor as "organized begging" very rare, in addition to that the penalties for human traffickers were made more severe after the minimum penalty was imprisonment for a period of 6 months in normal circumstances or a fine that does is not less than 1000 dinars and not more than five thousand dinars, and the period of imprisonment became temporary labor and a fine of not less than three thousand dinars and not more than ten thousand dinars, i.e. the two penalties were included together (imprisonment and fine).

In the case of aggravating circumstances of the crime, the penalty shall be temporary labour for a period of not less than seven years and a fine of not less than five thousand dinars and not more than twenty thousand dinars (which is also a combination of the two penalties of imprisonment and a fine), in the event of the crime in any of the following cases:

1. If the perpetrator has established, managed, joined or participated in an organized criminal group.
2. If there are multiple perpetrators or victims, or if the victims include a female or a person with a disability.
3. If the offence is committed through exploitation in prostitution or any form of sexual exploitation or removal of organs.
4. If the crime is committed through threats of death, serious harm, physical or psychological torture, or by anyone who was carrying a weapon.

5. If, as a result of committing one of the crimes provided for in this Law, the victim suffers a permanent disability or an illness that cannot be cured.
6. If the perpetrator is the spouse of the victim or one of his ascendants, descendants, guardian or guardian or has authority over him.
7. If the perpetrator of the crime is a public servant or entrusted with a public service and commits it through the exploitation of his position or public service.
8. If the offence is of a transnational character.

The new law also stipulates that, wherever possible, the competent authorities shall ensure the protection of the victim and his psychological, physical and moral integrity, and shall work to create appropriate conditions for his assistance and health, psychological, educational and social care, rehabilitation and reintegration, as well as facilitate his safe and rapid return to his homeland, taking into account the best interests of the child.

Where possible, these competent authorities shall also ensure that the victim has the opportunity at all stages of inference, investigation or trial to establish his/her status, identification, classification and identification of his identity, nationality and age in order to ensure that the hands of the perpetrators are kept away from him. Temporary residence in the Kingdom until the completion of the necessary procedures for investigation and trial, obtaining the necessary legal assistance, providing appropriate translation, and legitimate means of obtaining just compensation for material and moral reparation in accordance with the provisions of the law, and it must abide by the confidentiality of information related to the crime of human trafficking within the limits of the law. Provide suitable places to shelter him/her and any of his/her relatives, provide the necessary security protection for him/her and his/her family to ensure that he/she does not affect him/her materially or morally whenever necessary, and secure contact with his/her relatives, if any, or the embassy of the country of which he/she is a national.

With regard to the provision of temporary residence in the Kingdom until the completion of the necessary procedures for the investigation and trial of the victim, the above-mentioned residence permit is not defined in procedures and is not based on a clear strength, and there is no case in which a temporary residence permit has been issued.

We highlight that if the victim wishes to remain in Jordan and work legally to recover the material and moral damages they have endured, they are required to pay work permit fees retroactively. As a result, they often feel compelled to return to their home country and family without receiving any wages. It is important to note that such a return cannot be considered voluntary, but rather forced.With regard to the provision of lawful means of obtaining just compensation for material and moral damage, the just compensation mentioned here is based on the general provisions of the Civil Code and has no other distinctive or specific procedures.

3. Labor Law

The Labor Law does not address the crime of human trafficking, but rather the image of forced labor, **and forced labor is mentioned in the Labor Law through Article (77),** which stipulates that the worker may not be employed forcibly, under threat, fraud or coercion, including the seizure of his travel document, and the employer shall be punished with a fine of not less than five hundred dinars and not more than one thousand dinars, and the partner, instigator and intervener in this employment shall be punished with the same penalty, and fines shall be doubled in The case of repetition, **and we find here the disproportion of the punishment with the act, as the employer achieves a higher benefit than the fine, in addition to the lack of a clear definition of forced labor in the law, which leads to confusion and inaccuracy in the criminal adaptation of the public prosecutor.**

4. Law on the Role of Victims and Victims of Human Trafficking Crimes of 2012 and its amendments

This system was issued in accordance with Article VII of the Prevention of Human Trafficking Law No. 9 of 2009, as amended, which allowed the National Committee for the Prevention of Human Trafficking to establish or approve one or more homes to house victims and those affected by human trafficking crimes, provided that the basis for entry and exit therefrom, the physical, psychological and social recovery programs provided to its inmates, the method of their management and the conditions related to their employees were determined under a regulation issued for this purpose. In 2015, it is the only specialized shelter to receive victims, Dar Alkarama receives men, women and children and has a capacity of up to 35 victims.

The period of accommodation in the home under the old system did not exceed two months, and the minister may, upon a recommendation from the director of the home, extend this period [3] , and after an amendment on 16-08-2023, and it became effective on 16-08-2023, one of its most prominent amendments was the addition of the definition of a potential victim, as it was defined as "a person who shows indications that he may be vulnerable to exploitation in accordance with the standard operating procedures to deal with cases of human trafficking." In addition to canceling the time period for shelter and replacing it by Accommodation in the home for the case shall be temporary until the completion of the investigation and trial procedures.

3 Article 12 Shelters for victims and victims of human trafficking crimes for the year 2012: Accommodation in the home shall be for the victim and the victim for a period not exceeding two months, and the Minister may, upon a justified recommendation from the director, extend this period.

Dar Alkarama aims to provide protection and temporary shelter for cases, and to provide social care and living, psychological, health, counseling, cultural and legal services necessary for the case. In order to achieve its objectives, the home is also responsible for accepting and sheltering the case, and providing appropriate food and clothing and support services for the case, including the library and gym. Providing training, rehabilitation, physical recovery, awareness, health, counseling, psychosocial rehabilitation, recreation and legal aid for the case and providing suitable job opportunities for the case through employment programs and small projects within the home according to the available capabilities, and building a database on the case and linking it electronically with the Anti-Human Trafficking Unit in the Public Security Directorate, including the date of entry and exit from the home.

We note here the weakness of the programmes provided to victims, especially children, and the lack of any job opportunities for them under this system, and there is great difficulty in reintegrating them into society.

5. Regulation of the Human Trafficking Victims Assistance Fund No. 6 of 2023:

Article (14) of the law stipulates that a fund called (Assistance Fund for Victims of Human Trafficking) shall be established in the Ministry to provide the necessary assistance to victims and those affected, and the financial resources of the fund consist of donations, grants, donations and any assistance received from it, provided that the Council of Ministers approves it if it is from a non-Jordanian source, and determines the management of the fund, the aspects of expenditure from it and all affairs related to it under a regulation issued for this purpose, and indeed the system of the Fund for Assistance to Victims of Human Trafficking No. (6) of 2023 has become effective Entry into force Since 1/2/2023, this fund has been a requirement since the amendment procedures to the law, and the law stipulates that the fund will be managed by a committee consisting of five people, namely: a member of the Public Prosecution nominated by the Judicial Council, the Director of the Human Rights Directorate at the Ministry of Labor, the Head of the Anti-Human Trafficking Unit in the Public Security Directorate, one of the competent employees of the Ministry of Social Development, and one of the competent employees of the Ministry of Health nominated by its Minister, and this committee undertakes the following tasks: Take the necessary decisions regarding the provision of assistance to victims, approve the disbursement of funds from the Fund's funds, accept donations, grants, donations and assistance provided to the Fund, subject to the approval of the Council of Ministers if they are from a non-Jordanian source, approve the annual budget, final financial statements and the annual report of the Fund, and discuss the financial report prepared by the Fund's accountant and submitted to the Minister, and the decisions of this committee shall be taken by a majority vote of its members,

The system specified the expenditures of this fund to be for the expenses of the voluntary repatriation of victims to their home countries or any other country of their choice and approval of their reception, urgent expenses received from the Anti-Human Trafficking Unit of the Public Security Directorate, interpretation expenses, legal advice, reintegration expenses for victims and any necessary expenses approved by the Minister on the recommendation of the Committee.

Looking closely at the provisions of the system, we find that the adoption of the main fund in its financial source will be donations, grants and, and must be approved by the Council of Ministers if they are from a non-Jordanian source, meaning that the adoption of this fund will be on donations, aid and grants only, and this is not enough to pay the value of the expenses mentioned in this system, and the committee's approval of this source is sufficient to speed up and simplify the procedures, especially as they represent several different parties, and it would have been better that the source of the fund be from the budget of the State, or from funds confiscated from offenders or fines imposed on them.

Also, how will we envisage how these expenses will be distributed in the event of multiple victims (victims), what are the priorities for paying these expenses, and whether the committee's decision is subject to objection or appeal or not? All these questions, to which no answers are answered in the system, will be clarified later with practical application.

We should also point out that the system only covered the expenses of legal advice for the victim, i.e. providing legal advice only, and that it should have provided for legal aid, which includes legal advice and legal representation for victims.

6. National Strategy for the Prevention of Human Trafficking:

The National Strategy for the Prevention of Human Trafficking for the years (2019-2022) was prepared in implementation of Article V of the Prevention of Human Trafficking Law No. 9 of 2009, which stipulates the roles and responsibilities of the National Committee to Combat Human Trafficking, and is responsible for developing the necessary strategies and policies to combat human trafficking and ensure the protection of victims. The Committee also has official functions related to monitoring the implementation of relevant laws and regulations. This strategy aims to define a common vision and basis for the Jordanian response to combating human trafficking, and includes the relevant authorities to combat human trafficking, such as: The National Committee for the Prevention of Human Trafficking, which was formed under Article IV of the Prevention of Human Trafficking Law No. 9 of 2009, headed by the Minister of Justice and the membership of representatives of official and non-official bodies concerned with combating human trafficking, including

the Secretaries-General of the Ministries of Justice, Interior, and Labor, the Commissioner-General of the National Center for Human Rights, and a senior public security officer. The Secretary General of the National Council for Family Affairs and the authorities related to combating human trafficking

According to Article 5 of the Law, the Committee is responsible for formulating public policy, reviewing legislation related to combating human trafficking, submitting the necessary proposals and recommendations thereon, developing plans and supervising their implementation, coordinating between all official and non-official bodies concerned with combating human trafficking crimes, facilitating the return of victims to their home countries, implementing the necessary physical, psychological and social recovery programs for victims and those affected by human trafficking crimes, providing them with shelter services, in addition to issuing a national guide that includes guidance. Educational materials, and raising awareness among employers and authorities related to the recruitment of workers and employees on matters related to combating human trafficking, through holding conferences, seminars, training and educational programs and other means.

The strategy was formulated based on 4 axes:

1- Prevention: According to the United Nations Protocol on Human Trafficking and the Prevention of Human Trafficking Law No. 9 of 2009 and its amendments, the role in prevention is to take preventive measures to address the causes of trafficking and address the weaknesses that facilitate vulnerability to trafficking through the adoption of the necessary precautionary measures by institutions related to combating human trafficking.

2- Protection: The protection axis based on the human rights approach represents the focus on the victim as the main axis of the current strategy and plan of action, and provides protection for victims and those affected by human trafficking crimes, provides rehabilitation mechanisms and enables them to reintegrate into society and obtain their rights.

3- Prosecution: The investigation, prosecution and conviction of those accused of human trafficking are essential elements in the fight against human trafficking, so the action plan aims to strengthen preliminary investigation procedures leading to a fair trial.

4- Partnership and International Cooperation: This axis represents the endeavor to enhance coordination to increase the activation of efforts to combat human trafficking locally, regionally and internationally.

Regarding the activities outlined in the strategy for reviewing and amending legislation and policies related to combating human trafficking, the following summarizes these activities and their implementation status:

Activities	Scope/ Responsibilities	Timeline	Financial and Human Resources	Indicators	Implemented
Conduct an initial assessment of national legislation related to human trafficking to determine its alignment with international conventions	The Technical Committee for Combating Human Trafficking in cooperation with civil society organizations and international organizations	Year 1: January to June	The National Committee for Combating Human Trafficking in cooperation with civil society organizations and international organizations	Assessment report, recommendations	Not implemented
Hold a workshop to discuss the results of the prepared assessment	The Technical Committee for Combating Human Trafficking in cooperation with civil society organizations and international organizations	Year 1: July	The National Committee for Combating Human Trafficking in cooperation with civil society organizations and international organizations	Workshop report, verification of recommendations	Not implemented
Prepare legislative amendment proposals related to combating human trafficking	The Technical Committee for Combating Human Trafficking in cooperation with civil society organizations and international organizations	Year 1: July to December	The National Committee for Combating Human Trafficking in cooperation with civil society organizations and international organizations	Amendment proposals	Not implemented

Conduct workshops with international organizations targeting decision-makers and legislators about international standards that have not been ratified, focusing on human trafficking and forced labor	The Technical Committee for Combating Human Trafficking in cooperation with civil society organizations and international organizations	Year 2: Months 13 to 15	The National Committee for Combating Human Trafficking in cooperation with civil society organizations and international organizations	Number of workshops held, number of participating parliamentarians	Not implemented
Prepare internal correspondence to exempt victims and affected individuals from human trafficking crimes from residency fines without deporting the victim, and to prevent penalizing workers due to employer non-renewal of their residency permits	Ministry of Justice, Ministry of Interior	Year 1: January to March from the date of approval	The National Committee for Combating Human Trafficking in coordination with the Ministry of Interior	Correspondence	Not implemented

Develop and prepare guidance manuals on best practices for law enforcement agencies, including international standards and the amended Anti-Human Trafficking Law	The Technical Committee for Combating Human Trafficking in cooperation with civil society organizations and international organizations	Year 1: July to December	The National Committee for Combating Human Trafficking in cooperation with civil society organizations and international organizations	Availability of guidance manuals	Not implemented

It is important to note that none of the above activities related to reviewing and amending legislation and policies on combating human trafficking have been implemented. Regarding the third strategic objective, aimed at ensuring workers' rights and protecting them from forced labor, the following activities also remain unimplemented:

Activities	**Scope/ Responsibilities**	**Timeline**	**Financial and Human Resources**	**Indicators**	**Implemented**
Exchange experiences and benefit from the experiences of other countries in best practices for wage protection	The National Committee for Combating Human Trafficking	Year 1	International organizations, civil society organizations, Ministry of Labor, Central Bank	Number of foreign countries that exchanged experiences with Jordan, ready database	Not implemented

Develop a proposal to unify wage protection procedures, requiring employers to open a bank account or other electronic payment method for domestic workers	The Technical Committee for Combating Human Trafficking in cooperation with civil society organizations and international organizations	Year 1: July to December	The National Committee for Combating Human Trafficking in cooperation with civil society organizations and international organizations	Draft of instruction list	Not implemented

7. National Referral Mechanism

In response to the provision of national mechanisms to combat this crime, the National Committee for the Prevention of Human Trafficking, formed on the basis of the text of Article IV of the Prevention of Human Trafficking Law No. 9 of 2009 and its amendments, and through its technical committee, has updated and developed the national referral mechanism and standard working procedures to deal with cases of human trafficking, with the aim of meeting the needs and ensuring access to justice for victims and those affected by human trafficking crimes, also with the aim of coordinating and strengthening the roles and responsibilities of all relevant authorities in The scope of identifying and protecting victims of human trafficking, including prosecuting the perpetrators of such crimes, and to ensure the provision of the best response to combat the crime of human trafficking in accordance with international standards and practices, and the provision of protection and better care for victims.

The Mechanism defined a victim (victim) as "any person who has been subjected to any form of human trafficking, and for whose case a final decision has been issued by the competent court."

Hence the problem, what is the status of the victim before a final decision is issued? Whether or not they will be provided with aftercare and reintegration, it seems that we need to define terms precisely, and if left without a better definition, defining terms without measuring them on the ground leads to unexpected effects that will occur later.

This mechanism consists of 5 stages as follows:

1. **The first stage:** identifying the victim of human trafficking.
2. **The second stage:** shelter, protection and assistance: At this stage, a- Shelter B- Legal advice and assistance C- Medical assistance D- Psychological assistance and social support E- Rehabilitation and training: Rehabilitation and training programs are provided, if possible, through the shelter, or through the liaison officer in the shelter in coordination with the liaison officer of the vocational training institution, civil society organizations, or collaborators from the community and relevant authorities.
3. **The third stage:** evidence collection, investigation and prosecution (formal and legal identification).
4. **The fourth stage**: the voluntary return of the victim, which aims to assist the victim and enable her to voluntarily return to her country of origin.
5. **The fifth stage:** reintegration, which aims to enable the victim to resume his life as an active member in all social, economic, civil, political and cultural aspects of society, and to strengthen the morale of the victims so that they are not exploited again as a victim of human trafficking.

Chapter Two: The Role of Official and Non-Governmental Bodies in Combating the Crime of Human Trafficking :

The executive authority plays an important role in combating the crime of human trafficking, and the Prevention of Human Trafficking Law has confirmed this, as it stipulates in its fourth article the formation of a national committee to prevent human trafficking headed by the Minister of Justice and the membership of senior officials from all relevant authorities. Through this section, these procedures will be highlighted separately and the most prominent characteristics of each party and its role in combating human trafficking.

First: Ministry of Interior

A. Public Security Directorate

The Public Security Directorate in the Hashemite Kingdom of Jordan is under the authority of the Ministry of Interior and is the agency responsible for security in Jordan, and the Security Directorate is affiliated with a unit specialized in combating human trafficking crimes, called the "Anti-Human Trafficking Unit", where the Anti-Human Trafficking Unit was established in 2009, based on a memorandum of understanding signed between the Ministry of Labor and Public Security for the purposes of implementing the Human Trafficking Prevention Law, so that the unit is affiliated with the Criminal Investigation Department in the Public Security Directorate based in Amman, so that The unit is a labor inspection department, a department of studies and statistics, a department of investigation, and a department of administration and manpower.

The unit aims to initiate legal procedures related to combating the crime of human trafficking, tracking it, arresting its perpetrators and submitting them to the competent judicial authorities for legal action, studying international, regional and local reports related to human trafficking and taking the necessary measures within the framework of addressing the crime of human trafficking, and coordinating with the concerned authorities regarding the protection and support of victims of human trafficking. Other institutions and activating the preventive aspect by spreading awareness and knowledge about the dangers of human trafficking crime and methods of combating it, and maintaining databases, records and statistics that reflect the work inputs and outputs of the unit [4]. **The next section will discuss in detail the measures taken by the unit with regard to human trafficking issues in Jordan.**

4 Combating Human Trafficking in Jordan: Gaps Between Legislation and Implementation 2016

B. Administrative Governor and Administrative Detention

Administrative detention in Jordan is based on the 1954 Crime Prevention Law, which authorizes the administrative governor to use detention continuously, despite facing numerous human rights criticisms for its unconstitutionality, and its violation of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, as it gives the executive authority judicial power.

In addition to the Residence and Foreigners Affairs Act No. 24 of 1973, which grants the administrative governor the authority to detain administratively without a specified period of time for the purpose of deporting foreigners, and the Residence and Foreigners Affairs Act empowers the administrative governor to issue a decision for the administrative detention of foreigners in cases of deportation, article 37 stipulates:

"The minister, upon the recommendation of the director, has the right to deport foreigners, and he may order the temporary detention of those who have been decided to be deported until the deportation procedures are completed, and the foreigner who has previously been deported is not allowed to return to the territory of the Kingdom except with special permission from the minister."

Article 39 also stipulates: "The **Minister may delegate all or some of his powers stipulated in this law to any of the competent officials."**

In its decision No. 150/2023, the Supreme Administrative Court affirmed [5]that "**Whereas the provisions of the above articles benefit from the provisions of the above articles** that the legislator has given the Minister of Interior, upon the recommendation of the Director of Public Security**, a discretionary power to deport foreigners from the Kingdom without having to state the specific reason for that**, and **has also given him the right to delegate his powers to any of the competent employees**, as well as granting the Director of Public Security the right to delegate his powers to any officer whose rank is not less than a lieutenant colonel, unless there is a provision to the contrary.

Whereas the Respondent (Governor of the Capital) issued its appeal decision (the complainant) in accordance with the powers vested in him by the Minister of Interior and under his discretionary authority based on the recommendation of the Director of South Amman Police to deport the Appellant outside the country and not allow him to return to it in the future in order to preserve the requirements of security and public safety, this makes the appealed decision (complained of) a valid administrative decision in accordance with reality and law and issued by a person with authority and competence."

5 Decision No. 150/2023 Supreme Court of Justice – Five-member body

According to the previous decision, under the Residence and Aliens Affairs Act, the administrative governor has the absolute discretion to arrest and deport foreigners, without indicating the reasons for this, and can delegate these powers to any of the competent officials. Also, the law here did not specify a ceiling for detention, and only stipulated that it should be (temporary) without specifying its duration, **which leads to the person remaining in administrative detention without review for a period of time that may last for several months, and perhaps years without there being a reason. In effect, he must be arrested or his liberty detained.**

At first glance, it may seem that there is no relationship between the PTA and the Human Trafficking Act, but from practical experience migrant workers are detained for long periods of time on the basis of an administrative decision without being brought before the judiciary and without being investigated and verified whether they are victims of human trafficking or not.

Second: Ministry of Social Development

The Protocol to Prevent Human Trafficking not only dealt with the definition of the crime, but also included many rights and benefits for the victim of the crime of human trafficking, or who may be a victim of this crime, whether at the time of filing a complaint or at the investigation stage, because the victim of this crime is an extraordinary victim who has been subjected to the most heinous types of exploitation and violation of her basic rights. Therefore, Article (7) of the Law on the Prevention of Human Trafficking stipulates the establishment or accreditation of a home for victims and those affected by human trafficking crimes and the determination of the basis for entry and exit. This was followed by the issuance of the Shelters for Victims of Human Trafficking Law in 2012 and its amendments, thus establishing the Shelter for Victims and Victims of Human Trafficking Crimes (Dar Al-Karama), which opened its doors to receive victims of human trafficking on July 14, 2015, and is affiliated to the Ministry of Social Development. Figures released by Dar Al-Karama indicate that until 6/2024, it received approximately 850 victims, including 681 females and 169 males.

This home receives victims and victims? and shelters them according to the conditions and principles stipulated in this system, provides them with food and drink, and provides them with training, rehabilitation, physical and psychological recovery, awareness, health, guidance and legal assistance, and this is stipulated in Article (5) of the same system[6] .

6 Shelters for Victims of Human Trafficking in 2012 and its amendments

Third: Ministry of Justice

The Ministry of Justice chairs the National Committee for the Prevention of Human Trafficking, which was formed under Article IV of the Prevention of Human Trafficking Law No. 9 of 2009 and its amendments, and the committee includes in its membership representatives of official and non-official bodies concerned with combating human trafficking, including the Secretaries-General of the Ministries of Justice, Interior and Labor, the Commissioner-General of the National Center for Human Rights, a senior public security officer, the Secretary-General of the National Council for Family Affairs and the relevant authorities to combat human trafficking. Membership of any civil society organization interested in preventing human trafficking.

Fourth: Ministry of Labor

Based on the provisions of Article (5) of the Labour Law No. 8 of 1996, the Ministry of Labour inspects establishments and workers alike to ensure compliance with the application of decent work standards, in addition to the existence of several departments in the Ministry specialized in following up certain categories.

The Ministry of Labour has a major role in preventing the crime of human trafficking and identifying potential victims through its inspections.

Fifth: Civil Society Organizations

Civil society organizations play a major role in helping to uncover suspicions of the crime of human trafficking[7] , as they refer suspicions of the crime of human trafficking to the competent authorities (Unit for combating the crime of human trafficking) through official news, through dealing with victims directly or indirectly, and these organizations also provide legal advice and assistance to victims by representing them legally in the courts, and demanding the necessary material and moral compensation. Organizations also hold trainings for official and informal bodies. On combating the crime of human trafficking, how to interview victims, and conducting legal awareness raising about the crime and its legal effects.

7 Tamkeen for support and assistance

Practical applications: Anti-Human Trafficking Unit:

The Anti-Human Trafficking Unit is one of the most important bodies that deal directly with victims of human trafficking, from identifying indicators of suspected human trafficking to accompanying victims to prosecutors and returning them to Dar Al-Karama.

The members of the Criminal Investigation are judicial officers and are charged with investigating crimes, collecting evidence and material evidence, arresting the perpetrators and referring them to the courts entrusted with punishing them, in accordance with article 8 of the Code of Criminal Procedure No. 9 of 1961, as amended, and that the Public Prosecutor is the head of the judicial police in his region, and all judicial police officers are subject to his supervision under article 15/1 of the same law.

The Department of Investigation and Studies employs approximately 50 military personnel on a rotating basis throughout the week, in addition to one interpreter who speaks only Arabic and English, while no other translators are available who are familiar with the other languages. The unit also has a nurse from the Ministry of Health to address the urgent medical needs of the victims, and if the victim needs advanced health services, she is referred to a government hospital.

The Anti-Human Trafficking Unit also has three inspectors from the Ministry of Labour who work in official working hours from eight in the morning until three in the afternoon.

At this stage, he listens to the victim's statements, and sometimes communicates with the employers to try to bring views closer and resolve the dispute through mediation, and in the event that an amicable solution is not reached between the parties, the parties are referred to the prosecutor.

The Public Prosecutor is the head of the judicial police in his region, and all judicial police officers are subject to his supervision, [8] and he has the competence and authority to adapt the facts of the case, whether it is a crime of human trafficking or not.

8 Law No. 9 of 1961 (Code of Criminal Procedure of 1961) and its amendments, Article 15

Case (1) [9]

The facts boil down:

The victim, a Sri Lankan domestic worker, worked for the employer of the defendant for (9) years, the victim did not receive any wages throughout her period of work, the employer did not issue work permits and residence permits for the victim, and he also sent her to work for his brothers without wages as well, the victim demanded that the employer return to her country, but he forced her to work, and confiscated her passport.

- On 21/9/2022, a notification of the previous incidents was sent through Tamkeen to the Anti-Human Trafficking Unit, where the Anti-Human Trafficking Unit heard the initial statements, and sent the papers to the Public Prosecutor.
- The employer confessed not to giving the worker her wages and his crimes.
- The Public Prosecutor charged the passport with illegal seizure in contravention of article 23 (b) of the Passports Act and failure to pay wages in contravention of article 46 and article 139 of the Labour Code, and referred the papers to the Amman Magistrate's Court.
- Tamkeen, through its lawyer, submitted a written memorandum to the court to return the papers to their source to change the criminal qualification.

Court decision:

By applying the law to the facts established in this case:

Our court, before examining the crimes attributed to the defendant and in response to what was stated in the written memorandum submitted by the plaintiff's agent, as a result of which he requested the return of the case file to His Excellency the Public Prosecutor of Oman for criminal reclassification, considering that the actions of the defendant, according to what was stated in the memorandum, constitute the felony of human trafficking, and for the reason that there are other crimes until they are attributed to the defendant, the court, in its response to that, finds that the court is bound by the principle of the limits of the case, a principle that emanates About a basic principle in criminal procedures is the principle of separation between the power of accusation and prosecution from the authority of judgment, which obliges the court to which the lawsuit is submitted to abide in its judgment with the persons against whom the lawsuit is filed and the facts assigned to them and may not be judged on other than the defendant against whom the lawsuit is filed and the court hearing the case to abide by the person of the defendant, which is

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known as the principle of the personality of the lawsuit and the court must also adhere to the facts or incident attributed to this defendant as the lawsuit is personal As for those against whom the lawsuit was filed and the court is restricted to the person against whom the lawsuit was filed and may not enter with him other persons on the grounds that they are defendants and since the lawsuit was in the possession of the Public Prosecution and was referred based on a referral decision from His Excellency the Attorney General of Oman and based on the facts contained in the investigative file, which requires paying attention to the request of the complainant's agent on the one hand to return the case file to the Public Prosecutor to assign other crimes and on the other hand the court finds with regard to the payment of the agent The complainant that the actions of the defendant constitute the felony of human trafficking, the court and its response to that, as previously mentioned, it does not have the authority to add crimes to the defendant other than those contained in the assignment of the Public Prosecution, but it has the authority to give a proper legal description to the facts and does not adhere to this case with the description of the Public Prosecution and all that restricts it is to abide by the limits in kind and the personality of the criminal case, and since this is the case, the court finds and in terms of adapting the crime, the defendant and In the light of the facts that I have found, they do not help to say that the crime to be attributed to the defendant is the felony of human trafficking, as the crime of human trafficking means the recruitment, transportation, harbouring or receiving of persons for the purpose of exploiting them by means of the threat or use of force or other forms of coercion, kidnapping, fraud, deception, abuse of power or exploitation of a situation of weakness, or by giving or receiving sums of money or benefits to obtain the consent of a person who has control over such persons. or recruitment, transportation, harbouring or receiving persons under eighteen years of age for the purpose of exploiting them, even if such exploitation is not accompanied by the threat or use of force or other methods. Exploitation means the exploitation of persons in forced labour, forced labour, slavery, servitude, removal of organs, prostitution or any form of sexual exploitation. Recruitment, transportation, harbouring or receiving of persons under eighteen for the purpose of exploiting them, and secondly, the use of specific means to commit acts through the threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power, use of a situation of vulnerability, or by giving or receiving advantages to obtain the consent of a person having control over such persons, and that the purpose of exploitation of persons is forced labour, forced labour, slavery, servitude or removal organs, in acts of prostitution or in any form of sexual exploitation and that our court, by reviewing the facts of the case, does not find that the means and effectiveness of the crime of exploitation of human beings are available...)

Accordingly, and on the basis of all of the foregoing, the Court decides as follows:

1. Pursuant to the provisions of Article (177) of the Code of Criminal Procedure, the defendant shall be convicted of the crime of non-payment of wages in violation of the provisions of Article (46/A) of the Labor Law and in accordance with Article (139) of the same Law and sentenced pursuant to the provisions of the same Article to a fine of (100) dinars and fees.

2. Pursuant to the provisions of Article (177) of the Code of Criminal Procedure, the defendant shall be convicted of the crime of illegally possessing a passport in violation of the provisions of Article (23/b) of the Passports Law and sentenced pursuant to the provisions of the same article to imprisonment for a period of one year, fees, a fine of (1000) dinars and fees.

3. Pursuant to the provisions of Article (72) of the Penal Code, the most severe penalty shall be executed against the defendant so that the penalty becomes enforceable against him imprisonment for a period of one year, fees and a fine of (1000) dinars and fees.

4. A judgment that serves as a face-to-face judgment against the defendant subject to objection issued publicly in the name of His Majesty King Abdullah II Ibn Al Hussein (may God protect him) on 29/5/2023

Appeal:[10]

Therefore, and on the basis of the foregoing, our Court decides:

First: - With regard to the crime of illegally seizing a passport in violation of the provisions of Article (23/b) of the Passports Law and pursuant to the provisions of Article (16) of the Magistrate's Courts Law and Article (269) of the Code of Criminal Procedure, we decide to accept the appeal on the merits and annul the appealed decision. Pursuant to the provisions of Article (178) of the Code of Criminal Procedure, the appellant is not responsible for the crime of illegally passport Contrary to the provisions of Article (23/b) of the Passports Law due to the lack of elements and elements of criminalization.

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Second: - With regard to the crime of non-payment of wages in violation of the provisions of Article (46) of the Labor Law and in accordance with Article (139) of the same Law and pursuant to the provisions of Article (16) of the Magistrate's Courts Law and Article (269) of the Code of Criminal Procedure, we decide to accept the appeal in substance and annul the appealed decision and pursuant to the provisions of Article (138/a) of the Labor Law and in accordance with Article 335/1.The Code of Criminal Procedure stipulates that the claim of the general right of limitation (due to the passage of time prevents it from being heard) and the papers shall be returned to their source.

Notes:

- The victim returned to her country after working for 9 years without pay with the employer.
- Her family abandoned her, as they thought that the worker was being paid and would not help them throughout her work.
- The victim's mother died without being seen.
- When the victim came to Jordan, she wanted to collect her dowry for the purposes of marriage, as she was deprived of her wages, as well as marriage.
- The employer was not punished for his acts committed against the worker.

Statistics according to the Anti-Human Trafficking Unit:

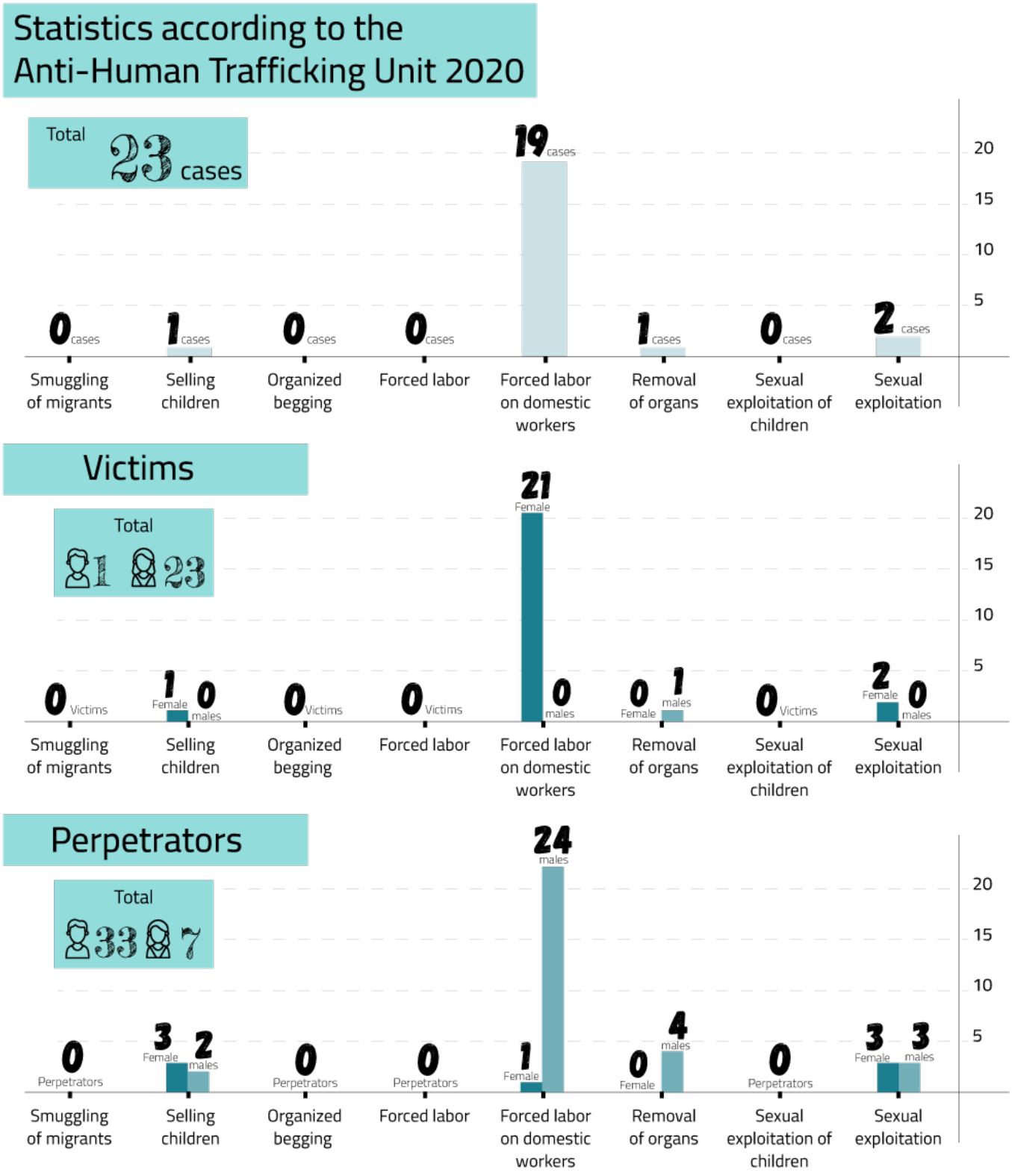
The Anti-Human Trafficking Unit issues statistics related to the cases they deal with, and accordingly, the statistics for the year 2020 indicate a decrease in the adaptation of human trafficking cases, due to the Corona pandemic, due to the presence of many problems, the most important of which is related to the possibility of inspection and the difficulty of accessing places to submit complaints, due to the comprehensive ban at the time.

When talking about the years 2020 and 2021, we note that the highest percentage of cases adapted to human trafficking, in the form of forced labor, and the incident on domestic workers in particular, which indicates the fragility of the protection provided to this category of workers in Jordan, as this category suffers from many violations, most notably: non-payment of wages for long periods of time, in addition to the deprivation of freedom and the seizure of official documents, and forcing them to work long hours of time, and depriving them of vacations, in addition to their exposure to psychological and physical abuse.

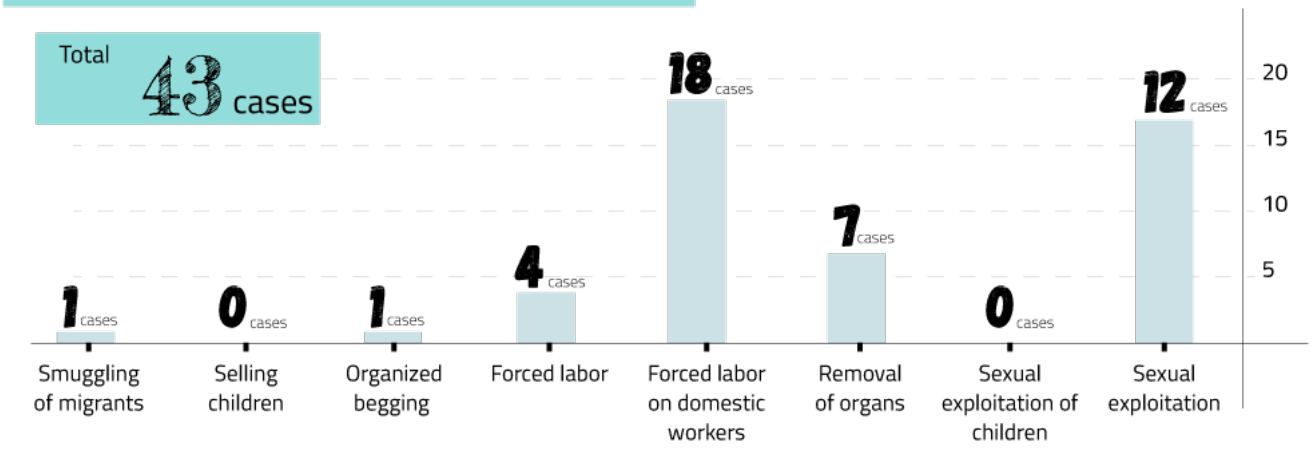
During the years 2022 and 2023, we notice an increase in the number of cases of organ removal compared to previous years, and this is also an indication of high rates of poverty and unemployment, in addition to the lack of legal awareness among members of society of the effects of this health crime and its legal consequences.

According to the statistics shown in the attached tables, we find that the percentage of cases of human trafficking in the form of forced labor is the highest during the last four years by (76) cases, followed by the removal of organs, which constitutes (36) cases, followed by sexual exploitation, constitutes (26) cases and organized begging by (3) cases only.

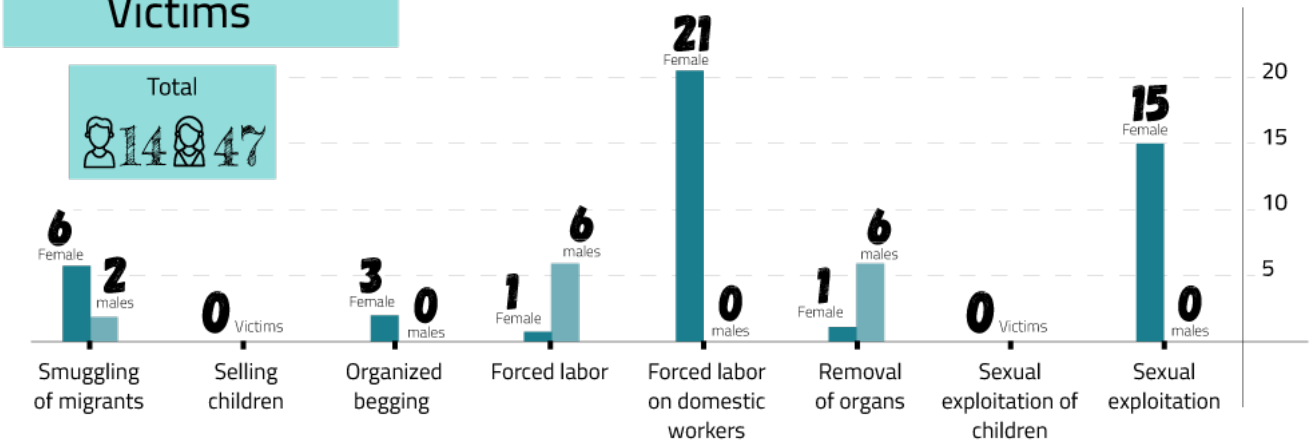
In more depth into the statistics, the figures confirm the great role of civil society organizations / Tamkeen in uncovering suspicions of the crime of human trafficking, as Tamkeen sent approximately 126 reports to the Anti-Human Trafficking Unit during the past four years.


Statistics according to the Anti-Human Trafficking Unit 2020
Total 23 cases
0 cases
1 cases
0 cases
0 cases
19 cases
1 cases
0 cases
2 cases
20
15
10
5
Smuggling of migrants
Selling children
Organized begging
Forced labor
Forced labor on domestic workers
Removal of organs
Sexual exploitation of children
Sexual exploitation
Victims
Total 21 23
0 Victims
1 Female 0 males
0 Victims
0 Victims
21 Female 0 males
0 Female 1 males
0 Victims
2 Female 0 males
Perpetrators
Total 33 7
0 Perpetrators
3 Female 2 males
0 Perpetrators
0 Perpetrators
1 Female 24 males
0 Female 4 males
0 Perpetrators
3 Female 3 males

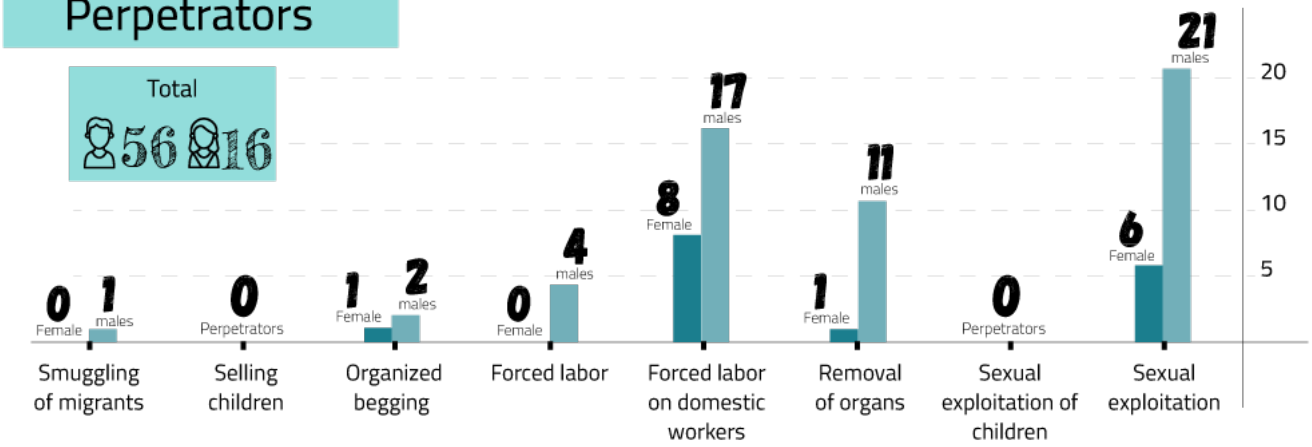
Statistics according to the Anti-Human Trafficking Unit 2021



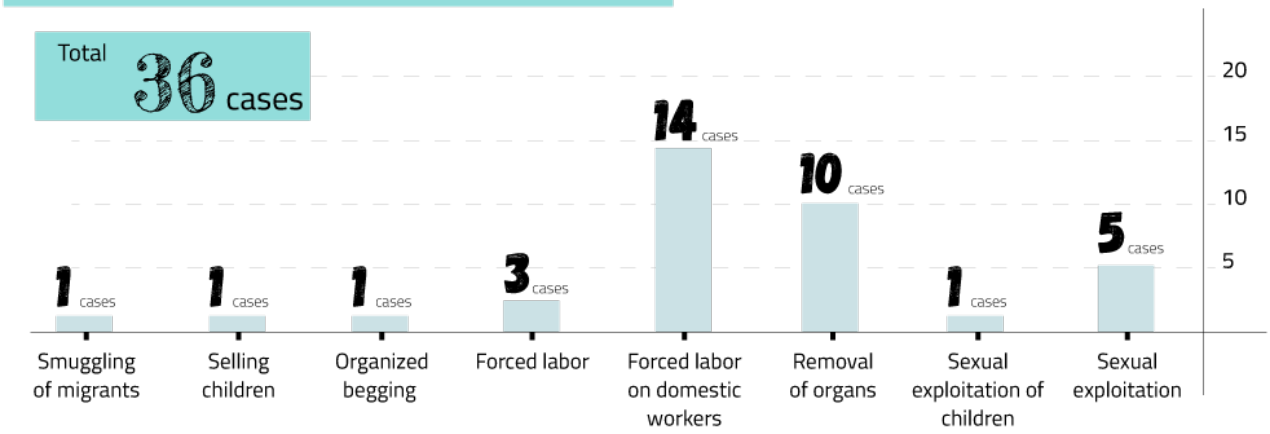
Victims



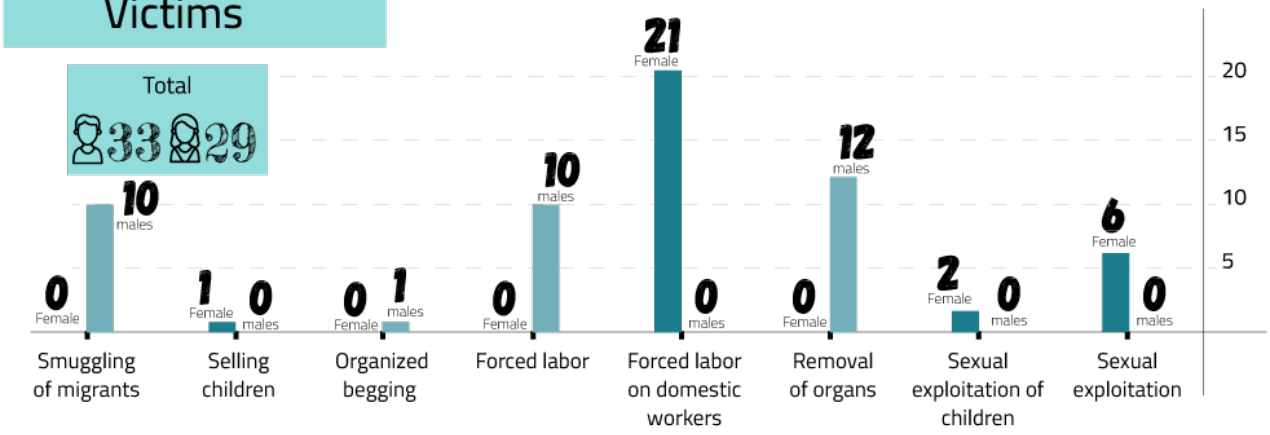
Perpetrators



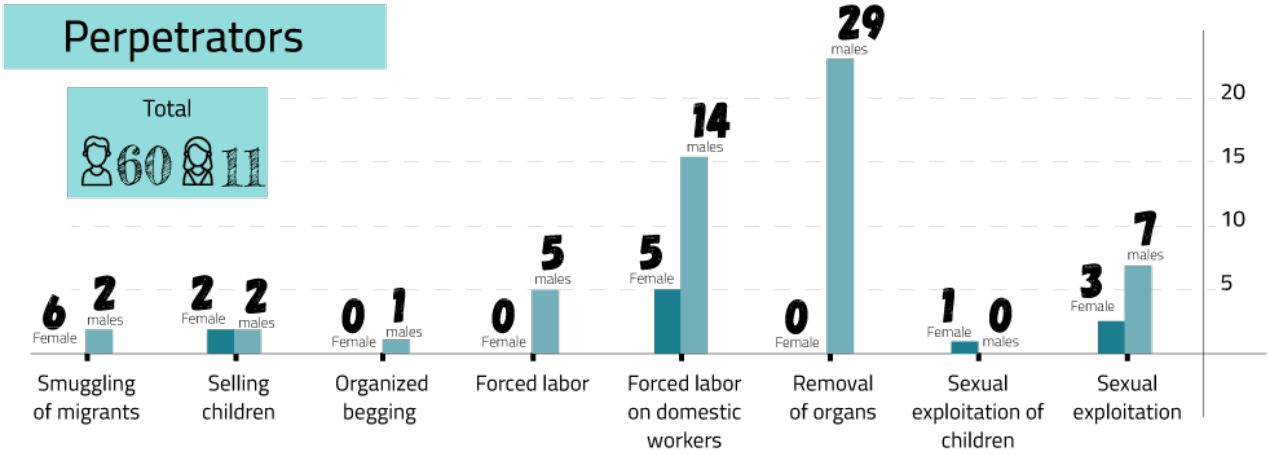
Statistics according to the Anti-Human Trafficking Unit 2022



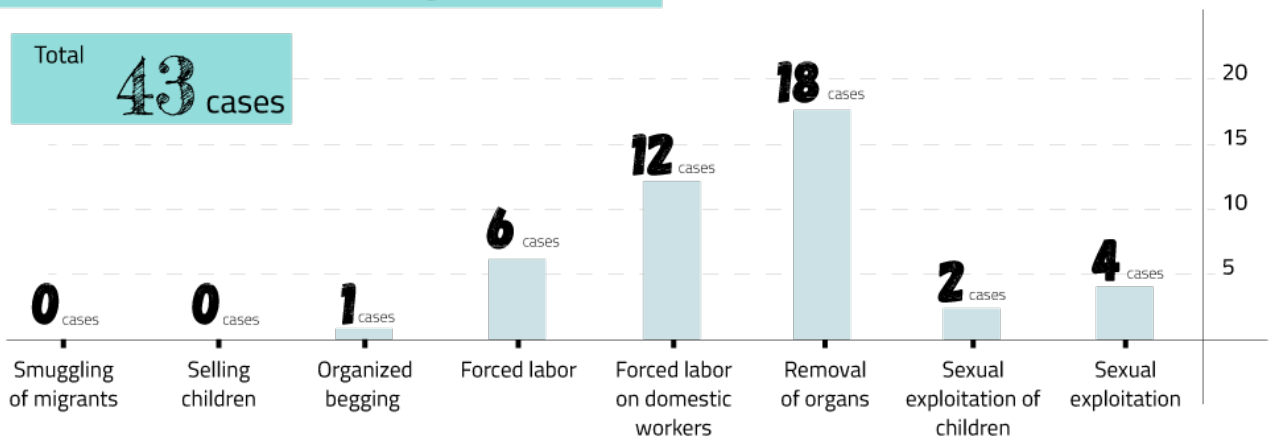
Victims



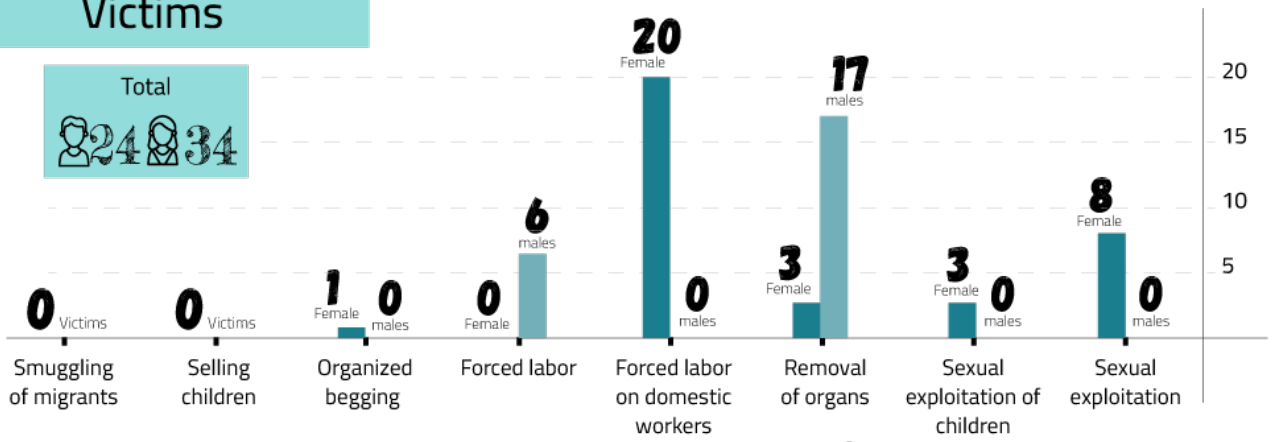
Perpetrators



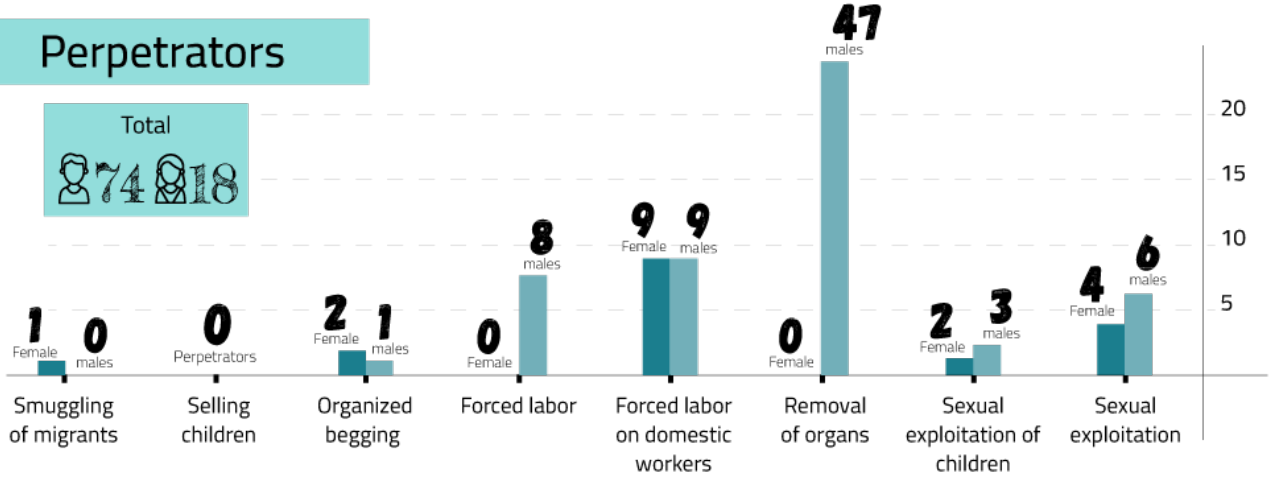
Statistics according to the Anti-Human Trafficking Unit 2021



Victims

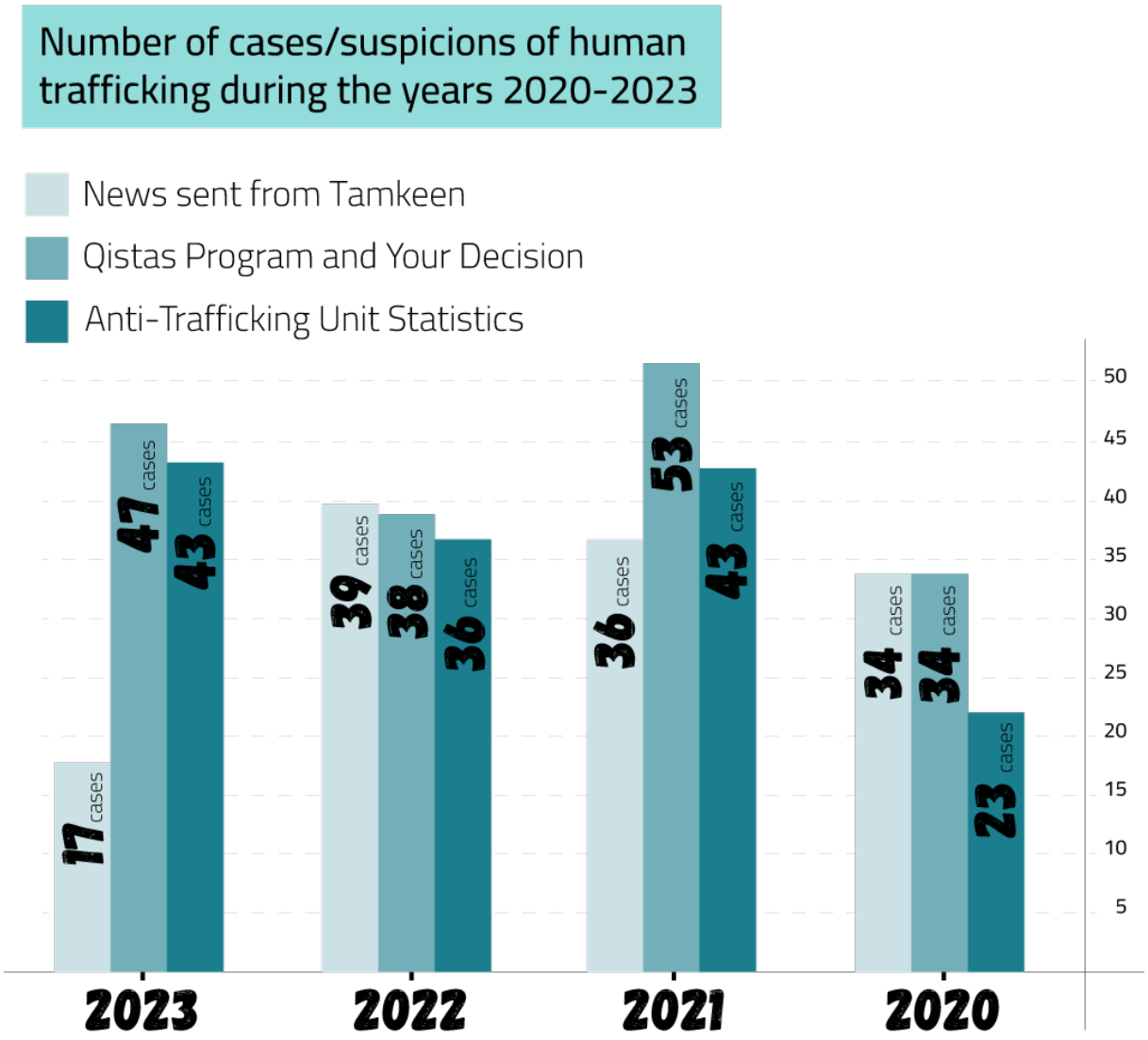


Perpetrators



During the search on the Qistas program, we found numbers that differ from those declared by the Anti-Human Trafficking Unit, due to the fact that the numbers authorized by the Anti-Human Trafficking Unit are the numbers sent by the unit to the Public Prosecutor, while those numbers on the Qistas program include cases that were sent to the Public Prosecutor directly without going through the Anti-Human Trafficking Unit.

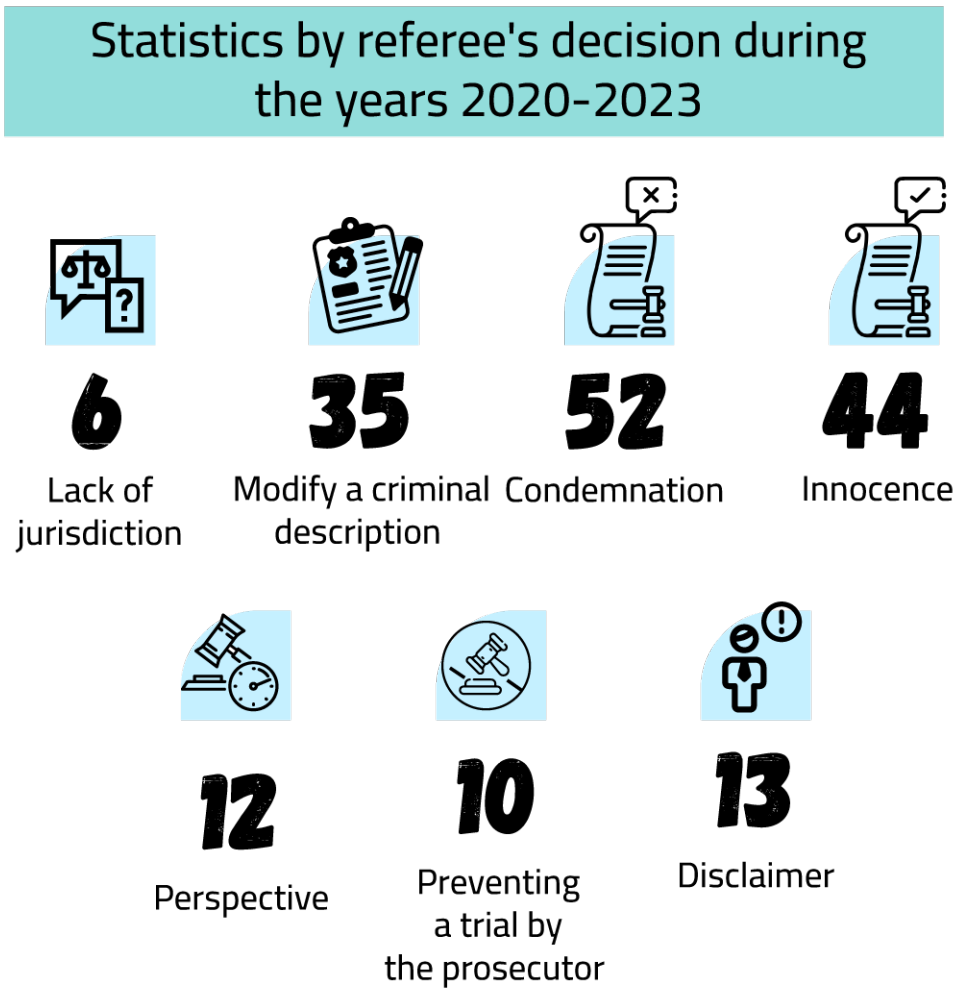
There are several problems during the receipt of victims' statements, including the inability to take sufficient information from victims, due to the large number of movements between criminal investigation personnel, after criminal investigation personnel are trained on how to conduct interviews for victims and indicators of the crime of human trafficking, they are transferred from one place to another, and one of the most prominent problems is also the use of an interpreter, when the victim does not master the Arabic language, for example, a member of the victim's nationality who speaks some words in Arabic may be used to perform the translation task, which leads The problem is usually the lack of certified legal translators to carry out the translation task, in addition to the lack of a mechanism to cover the translation expenses continuously.



Judicial applications:

Court decisions:

Through the study of judicial files, it was found that the number of judgments in which convictions were issued - the highest during the last three years - constitutes (52) judgment decisions, while (44) acquittal decisions were issued out of (172) cases, as for non-responsibility, (13) judgment decisions were issued to do so, and it is worth noting that there are (35) decisions issued to amend the criminal description of the crime, which is There are decisions that modify the criminal description from the crime of human trafficking with sexual exploitation to the crime of running a house of prostitution or practicing prostitution and prostitution, and there are decisions that modify the criminal description from the crime of human trafficking to minor labor violations, and these decisions are usually based on the evidence presented in the case, and because of the specificity of this crime from other crimes and because it is usually practiced in secret, it is difficult to prove, which leads to the impunity of the perpetrators, although they usually have a criminal record. This leads to the perpetrators escaping punishment and repeating their previous acts, but cautiously and in a way that exploits legal loopholes, as the offender usually tries to prove his conviction for labor violations or practicing prostitution to evade the crime of human trafficking and to escape the penalties imposed on them.



Case (2) Modification of the Criminal Description[11]

The facts are summarized:

The victim holds Ghanaian citizenship, and her employer recruited her through a domestic worker recruitment agency, for the purposes of working for him as a "domestic worker" and received and housed her. The victim worked for the defendant for two years and four months. The victim did not receive wages for (23) months.

The victim was subjected to several violations by the defendant, as she was forced to work long hours starting from 6 am to after 12 am, and did not have a private room to sleep on the floor in the children's room, and was only allowed to eat one or two meals during the day, and was kept hungry all the time.

The complainant was beaten and threatened by the defendant with a wire more than once during her work, leaving marks on various parts of her body, in order to force her to work. The complainant was constantly working long hours a day without any vacations, because she needed the work and the wage that was supposed to be paid for this work (waiting to receive her wages and return to her country where she came to Jordan in search of a livelihood).

The victim demanded that the defendant return to her country, but the defendant refused and forced her to work for the entire period. She was also deprived of communication with her family, and lived anxiety and fear for them.

- The above facts have adapted the offence of trafficking in human beings in contravention of the provisions of article 3/a/1 of the Prevention of Human Trafficking Act and in accordance with article 8 (b) of the same law.

Judgment Decision: Based on all of the above, the Court decides:

Accordingly, and on the basis of the foregoing, the Court decides the following:

First: Pursuant to the provisions of Article (234) of the Code of Criminal Procedure, amending the legal description assigned to the accused of the felony of human trafficking within the limits of Article (3/A/1) of the Law on the Prevention of Human Trafficking and the significance of Article (8/b) to the crime:

A. Misdemeanor of harm contrary to Article 334 of the Penal Code.

B. Delay in payment of wages in violation of the provisions of Article (46) of the Labor Law and in accordance with Article 139 of the same law.

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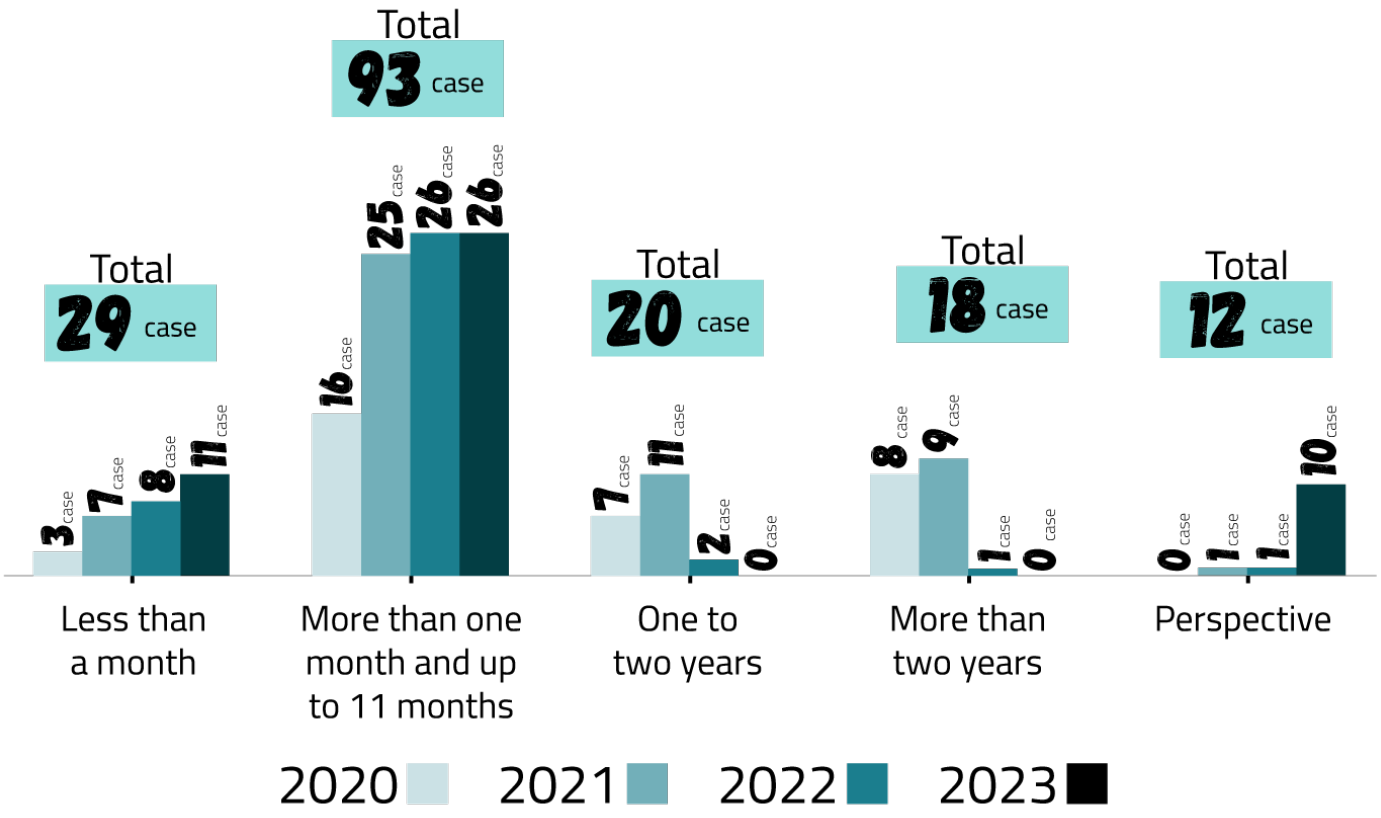
Second: - Pursuant to Articles (335 and 337) of the Code of Criminal Procedure and in accordance with Article (2) of the General Amnesty Law No. (5) of (2024), the public right lawsuit for the two crimes shall be dropped with the amended description to include them in the provisions of the general amnesty.

Third: Pursuant to the provisions of Article (45) of the Penal Code, the defendant shall include the judicial and administrative expenses of the treasury.

As for the trial durations, there is a large and clear difference in numbers, it is logical that the duration of the trial is more than a month and up to 11 months, which represents the largest number of cases with regard to the duration of the trial, and constituted (93) cases out of 172 cases, and with regard to the fact that there are 29 cases in which a ruling was issued in less than one month, we find that this speed may lead to the impunity of the offender, so will the prosecution's testimonies be heard, evidence collected with the Public Prosecutor, and the file referred to The Attorney General and then to the court and in the first session issues a verdict, and usually the lack of responsibility Is this period sufficient to issue a verdict for the crime of human trafficking?, while we find that there are 18 cases with a trial period of more than two years, and this is also an indicator of the length of litigation and the perpetrator's roaming and its danger to society throughout the trial period.

Statistics according to trial durations:



Sometimes translation can be a reason for the protracted litigation, as sometimes the victim is not fluent in Arabic, and the prosecutor or the court must elect an interpreter immediately. However, experience on the ground shows the problem of the subject of translation in particular if there is any party who does not master Arabic or English, and the problem begins if the victim speaks some Arabic words, she is considered proficient in Arabic, despite her lack of accurate and correct knowledge of the language, especially legal vocabulary or The context used to prove the crime, such as Arabic speakers, which naturally affects the testimony, leads the victim to use expressions that change the criminal description of the act, and sometimes elects an interpreter who is not qualified for legal translation, which leads to the loss of the case and a change in its criminal description as well. As for the translator himself, it is necessary to have an accredited certificate in the vocabulary, rules and etiquette of the language he translates, and a committee must be formed from the Ministry of Justice to study the appointment of translators with accredited certificates in translation, not only that, but translators with a great degree of competence and proficiency, by following up one of the cases we have, we find that when the court did not find a translator, it elected one of the lawyers after asking them if they spoke English, and deliberately appointed one of the The lawyers in the room are translators, and he has already translated in the absence of complete certainty whether he is qualified for legal translation or not. There is no full-time interpreter appointed by the Ministry of Justice residing in court. An interpreter may be elected, and the investigation postponed for long periods until he or she is present. The translator may attend without ascertaining his eligibility for legal translation or obtaining a certificate that qualifies him to do so. The change of translator - if any - is also considered at the various stages of investigation and litigation, which leads to the difference in the victim's testimony in some details, which benefits the offender, such as a contradiction in the statements of the main witness (the victim), and the matter may even be charged with false testimony against the victim due to the difference in translation.

Forced labour

Convention No. 29 on Forced or Compulsory Labour defines 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..

In domestic legislation, forced labor is not explicitly defined, but it is referenced in Labor Law No. 8 of 1996 through Article 77, which states that a worker cannot be employed through force, threat, fraud, or coercion, including the confiscation of their travel documents. Violations result in a fine ranging from five hundred to one thousand dinars. However, this punishment is disproportionate to the offense, as employers often gain more benefit than the imposed fine. Additionally, the absence of a clear definition of forced labor causes confusion among judges.The Jordanian Penal Code No. 16 of 1960 and its amendments also do not deal with forced labor except in the case of using a child under sixteen in begging [12,] and the Penal Code criminalizes in Article (222) anyone who conceals or destroys a document or document or any other thing of any kind, or distorts it to the point that it is illegible, or makes it impossible to know its truth, and this entails imprisonment for up to one year and a fine of up to fifty dinars or Both penalties combined.

Indications of forced labor

Among the most important indicators of forced labor are:

1. **Non-payment of wages,** this is a way to keep the worker in his work more than the agreed period in the hope that the worker will receive his wage in the end, or one day, and we point out that there are many cases that remain with the employer in the hope that they will receive their wages for several years, the Jordanian legislator has stipulated the right of the worker to receive his wage in a number of articles, it has stipulated in Article (45) of the Labor Law No. 8 of the year 1996 stipulates that "the amount of the wage shall be determined in the contract, and if the employment contract does not provide for it, the worker shall take the estimated wage for work of the same type, if any, otherwise it shall be assessed according to custom. As for the date of payment of wages, the employer must pay the worker's wage within a period not exceeding seven days from the date of its due, and this is stipulated by the Jordanian legislator in Article (46) of the Labor Law, but in the second paragraph of the same article, the legislator stipulates that "The worker's signature on any wage statement or record or on a receipt for the value of the amount registered therein does not mean forfeiture of his right to any increase over the amount received under the law or regulation." or contract", and here the legislator also protected the worker from any exploitation that may fall on him by the employer, but in Article (47) of the same law, the legislator protected the worker's wage from any deductions and limited them to certain cases in accordance with the law.

12 Penal Code No. 16 of 1960, as amended, Article 398/b

2. **Seizure of official documents,** employers seize the passports of their workers in the belief that the reservation of the passport of the worker who works for him protects him from the worker leaving his work, or the worker traveling without his knowledge, and that it is a safety rope for him, but this is not true, and the passports of migrant workers are usually withheld by employers upon their arrival or immediately after starting work to ensure that they do not leave work and when any problem occurs, they do not give these documents, and may be a barrier to identify their personalities when The Jordanian legislator has criminalized the seizure of workers' passports, considering it an example of forced labour, and criminalizing it in the Jordanian Penal Code No. 16 of 1960, as amended in Article 222, which stipulates that: "1. Anyone who intentionally conceals or destroys a document, document or any other thing of any kind or distorts it to the extent that it is illegible or makes it impossible to know its truth. 2. The penalty shall be imprisonment for a period of not less than six months and a fine of thirty dinars to two hundred dinars if the document, document or thing is in the possession of the Public Prosecution, the court or any government department or official or public institution." Article 23 (b) of the Passports Law stipulates that: "(b) Whoever is found in possession of a passport or travel document illegally shall be punished by imprisonment for a period of no less than six months and not exceeding three years or a fine of not less than five hundred dinars and not exceeding one thousand dinars, or both of these penalties."

Article 77 of the Labour Act No. 8 of 1996 also stipulates that a worker may not be employed forcibly, under threat, fraud or coercion, including the seizure of his travel document, with a fine of not less than five hundred dinars and not more than one thousand dinars.

3. **Deprivation of liberty:** The inability of the worker to separate from the employer and restrict his freedom of movement is one of the indicators of forced labor, as the worker feels that he cannot be independent from the employer, and feels that he belongs to him.

The Jordanian Penal Code No. 16 of 1960 punishes the deprivation of liberty in article 346, which stipulates that: "Anyone who unlawfully arrests a person and deprives him of his liberty shall be punished by imprisonment for a period not exceeding one year or a fine not exceeding fifty dinars. months to two years, and if such acts are committed against an employee during his employment or because of what he performed by virtue of his position, or against a person with a disability, regardless of his age, the penalty shall be from six months to three years."

4. **Failure to obtain a work permit**, Labor Law No. 8 of 1996, as amended, punishes the employer when employing a non-Jordanian worker in violation of the provisions of Article (12) with a fine of not less than five hundred dinars and not more than one thousand dinars, and this fine shall be doubled in case of repetition, and the fine may not be reduced from its minimum in any case or for any reason.

The employer of a worker shall be deemed to be in violation of the provisions of Article (12) of the Law when employing a non-Jordanian worker without obtaining a work permit, and when employing an employer who is not authorized to work for him unless he obtains permission to do so from the competent authority in the Ministry and employing him in a profession other than the one in which he is authorized to work.

Article (12) also gives the Minister the authority to deport any worker who violates the provisions of the article outside the Kingdom, when he does not have a work permit, and what should be noted is that the worker is punished when he is not issued a permit by the employer or his permit to deport is renewed, and this is an indicator of forced labor, as the worker who does not have a work permit is afraid to file a complaint against the employer, and remains under his command and control.

However, the Jordanian judiciary has established that if a worker does not have a work permit, this does not prevent him from claiming any of his rights granted to him by law, the work permit is only for regulatory matters between the worker and the employer.[13]

5. **Threats of violence or punishment (malicious accusations)** are malicious complaints filed by employers against migrant workers who leave their workplace, as a means of prosecuting them by security authorities in the kingdom, preventing them from leaving Jordan, and pressuring them to return to work.

Where the employer files a complaint at the security center, accusing the migrant worker of theft, and it is usually submitted on the same day that the worker leaves the workplace, and accordingly the security center issues a security circular against the worker, and prosecution procedures begin against him, and once he is arrested, he is detained and referred to the judiciary on charges of theft, and in most cases the employer drops his complaint or does not follow it up after the worker has been arrested, and he is punished for fleeing from the employer, which is possible There are employers who only threaten workers that they will complain about theft or work to deport or imprison them, so that the migrant worker remains subject to them and afraid of them, and works for them constantly.

13 Judgment No. 3705 of 2004 Court of Cassation

6. **Poor working conditions, long working hours and deprivation of food, The** Jordanian legislator stipulated the number of hours allowed to employ the worker, so Article (65) of the Jordanian Labor Law No. 8 of 1996 and its amendments states that the worker may not be employed for more than eight hours a day or forty-eight hours a week except in the cases stipulated in this law, and the time allocated for eating and rest is not counted, and the maximum limit of weekly working hours and rest periods may be distributed so that Their total is no more than eleven hours a day.

Article 57 of the Act stipulates that the employer may employ a worker more than the daily or weekly working hours in any of the following cases, provided that the worker in any of these cases receives the additional wage provided for in this law, and the Jordanian legislator has specified the amount of overtime wage that the worker must receive (125%) for the hourly wage on the working day and (150%) for overtime work on the day of vacations.

Article VI of the Domestic Workers, Cooks and Orchards Regulations, as amended, stipulates that the total times during which a worker actually performs domestic work shall be eight hours per day, and the times spent by the worker without work, rest or eating shall not be counted.

The Agricultural Workers Law No. 19 of 2021 stipulates in its fourth article that agricultural working hours shall be eight hours per day, provided that they shall not exceed forty-eight hours per week, distributed over six days a week.

With regard to deprivation of food, the Law on Domestic Workers, Cooks and Orchards, and the Like No. 90 of 2009, as amended, stipulates in its fourth article that workers must be treated with respect, provide all the requirements and conditions of decent work, and secure all his needs such as clothing, food, drink, a well-lit and ventilated room, means of sleep and comfort, and his right to privacy.

Article IX of the Agricultural Workers Law No. 19 of 2021 stipulates that the employer is obliged, at his own expense, to secure suitable housing and facilities for his workers.

Some practices that lead to forced labor and human trafficking

There are many practices that lead to the violation of workers' rights, up to forced labor and human trafficking, and when talking about these practices, it is necessary to address legislation related to migrant workers and the mechanism of their application on the ground.

Article (11) of these instructions stipulates that the non-Jordanian worker shall be granted no objection to the payment of his social security entitlements due to his desire to leave the country, within a period not exceeding three months from the date of expiry of the permit Article (11) of the instructions requires the employer to inform the Directorate of Labor immediately of the fact that the non-Jordanian worker left work or fled during the validity period of the work permit, provided that it is not accepted to report absconding during the last two months of the permit period, without the need to prove it, once the employer goes to its Directorate of Labor and fills out a form called "Notification" Although we refuse to call workers who leave their jobs "deserters" because the relationship between the worker and the employer is a purely contractual relationship, and any of them can terminate it under the Labor Law, where the term absconding is usually used for a person who is a fugitive from justice and commits a crime, this also contradicts the instructions of the General Security that allow any employer who has a migrant worker to report him as missing Article (12) of the instructions stipulates that when the worker leaves his job and wants to work for another employer, if he works in the agricultural or construction sector, his transfer must be by agreement of the worker and the original and new employer, subject to the approval of the Ministry, the cancellation of the original work permit and the issuance of a new work permit. And with new fees for a year, but if he works in other sectors, he is not allowed to move from one employer to another until six months have elapsed from the work permit with the employer, provided that the approval of the Ministry and the original and new employers, cancellation of the work permit and issuance of a new work permit, and it is allowed to transfer the worker employed from within the Kingdom from one employer to another, provided that a clearance is obtained from the original employer, the work permit is canceled, and a new work permit is issued for a period of one year and with fees. After the expiry of the work permit, the transfer is made without the requirement of obtaining a clearance from the original employer.

This puts the worker vulnerable to exploitation and forced labor by employers, as some employers refuse to go to the Directorate of Labor and sign a clearance form, which leads workers to either pay large sums of money to their employers, or to work forcibly.

In practice, whether the worker terminates his contract, or resigns and does not terminate the contract, the labor directorates request a clearance and release from the original employer contrary to these instructions, and no worker can transfer to another employer, despite the expiration of his work permit and contract, especially (Egyptian workers and workers in the field of pedicure and manicure), except by obtaining that form, which contains no objection from the employer from the worker moving to another employer or no objection to travel to his country of origin, Therefore, the worker remains at the mercy of the employer and exploited until he obtains that paper, and in the event that he does not obtain it, the worker remains working irregularly, and sometimes the employer asks the worker for money in exchange for giving him that paper, which is considered as a waiver of the worker to another employer (commodity).

Article (10) of the Instructions on the Conditions and Procedures for the Employment and Recruitment of Non-Jordanian Workers in the Qualifying Industrial Zones for the year 2007 also restricts the movement of migrant workers from one employer to another completely, so that workers in this sector are not allowed to move from one employer to another, which deprive the worker of the freedom to choose work, and leave the door wide open to subjecting the migrant worker to arbitrary and slavery-like working conditions. These instructions violate the principle of freedom of contract as guaranteed by the International Covenant on Economic, Social and Cultural Rights, and can also be considered, in some cases, a type of compulsory labor prohibited by the Jordanian Constitution in Article 13.[14]

Finally, Article (13) of the Agricultural Workers Law No. 19 of 2021 stipulates : "The following shall be considered a violation of the provisions of this Law:

A. The forced use of an agricultural worker under threat, fraud or coercion, including the seizure of his travel document;

B. Sexual or physical assault on an agricultural worker or a violation of any of his fundamental rights.

14 of the Jordanian Constitution, Article 13
Mandatory Operation
Compulsory employment shall not be imposed on anyone, except that under the law work or service may be imposed on any person:
1. In an emergency situation such as a state of war, or when a general danger, fire, flood, famine, earthquake, severe epidemic disease of humans or animals, animal, insect, plant or any other similar pest or in any other circumstances that may endanger the safety of all or some of the inhabitants.
2. As a result of the judgment of a court, provided that such work or service is performed under the supervision of an official authority and that the sentenced person is not rented to persons, companies, associations or any public body or placed at its disposal.

Judicial applications:

Case (3) [15]

The victim, a Sri Lankan national, came to Jordan to work for the defendant, and she is the employer of the profession of domestic worker, the victim worked for the employer for 15 years, without receiving any wages, and the victim was in the name of the employer's husband with a work permit, and the employer deprived the victim from communicating with her family throughout her work, so she did not know anything about her son, the employer did not renew the worker's work permits, which led to the accumulation of fines on her and the detention of her freedom and inability from returning to her country, and even exposed her to an irregular situation and risk arrest if arrested. The employer also failed to issue residency permits to the victim;

The defendant confiscated the victim's passport for the duration of her employment, was forced to work for the entire period, was deprived of her freedom and prevented from returning to her family.

- Send a notification through Tamkeen to the Anti-Human Trafficking Unit, where they investigated and collected information, and the papers were referred to the Public Prosecutor of Oman according to jurisdiction.
- The Attorney General of Oman has fully collected the evidence and referred the papers to His Excellency the Attorney General of Oman.
- The case of trafficking in human beings has been adapted, and the Public Prosecutor has found that the facts committed of exploiting the worker's vulnerability and pushing her to bonded labour without remuneration constitute the felony of trafficking in human beings in accordance with the provisions of article 9/c/2 of the Prevention of Human Trafficking Act and in accordance with article 3/or b of the same law.

Court decision:

"Upon examination, the court finds that the Public Prosecution has referred the case papers on the basis of the statement that the complainant **** is a Sri Lankan national and had come to Jordan in 2002 and worked for the defendant and her deceased husband for four years and received all her financial dues for that period, and then returned to her country and stayed in Sri Lanka for two months to return again to Jordan and work for the defendant for a monthly salary of 250 Dollars and under a new work contract and after the expiration of her residence for the first year was not renewed and she was asking for wage allowance from the defendant, but she was telling her to wait until the availability of financial liquidity and was not given any amount of money for her work,

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taking advantage of the complainant's weakness and inability to return to her country without her due wages (for a period of nearly fourteen years) The complainant confirmed that the defendant told her that she does not have any money to pay her salaries for the past years and that she does not have any money to pay her salaries, and that she does not keep any amount of money from those salaries, which makes it the complainant's work for the defendant as forced labor, and by listening to the complainant's testimony, she requested the prosecution and interrogated the defendant, she denied the crime assigned to her and acknowledged the amounts of money owed to the complainant for fifteen years as salaries and that she was as she learned from the unit Combating human trafficking is equivalent to 45,000 Jordanian dinars."....

"In legal application, the court finds that the acts that constitute the material act of the crime of human trafficking in terms of recruitment, transportation, sheltering or receiving them are not presumed, as the Public Prosecution must provide legal and convincing evidence for them.

The court finds, through its review and scrutiny of all the evidence of the Public Prosecution, that it did not provide any legal evidence that the defendant committed any of the material acts of the crime assigned to her, but on the contrary, the Public Prosecution clearly presented and through the testimony of the complainant and the rest of the evidence that the husband of the accused the late Sameh is the one who brought the complainant to work for him in his home and that the defendant during the complainant's long work with her husband was treated well and humanely and that her wages were in the custody of her sponsor The mere fact that the defendant is considered the husband of the sponsor does not constitute an act that requires legal accountability, especially since the defendant did not commit any of the material acts of the human trafficking felony attributed to the accused."

"Accordingly, on the basis of the foregoing, the Court decides that:

First: - Pursuant to the provisions of Article (236/2) of the Code of Criminal Procedure, the accused is declared innocent of the felony of human trafficking, contrary to the provisions of Article 9/c/2 of the Human Trafficking Law and in accordance with Article 3/A and B of the same law assigned to her.

Second: - Dismissal of the claim of personal right for lack of jurisdiction and inclusion of the plaintiff in the personal right fees and expenses and the amount of (50 fifty) dinars attorney's fees.

A judgment against the plaintiff with a personal right and a face-to-face judgment against the defendant with a personal right subject to appeal was issued and understood publicly on behalf of His Majesty King Abdullah II Ibn Al-Hussein, may God protect and protect him, on 17/4/2023

Reviews:

1. The Honourable Court considered the death of the person whose name is on the work permit as a justification for the victim's stay and non-receipt of her wages for a period of 15 years, for which he is responsible.

2. The accused is the individual who received the victim, continued what her husband had initiated, and prevented the worker from contacting her family, receiving her wages, and regularizing her legal status.3- Why did the defendant not correct the situation of the worker, return her to the recruitment agency, or inform the Ministry of Labor about her?

3. The worker returned to her country after 15 years without any wages, and without communicating with her family, until she was not provided with a ticket by her employer!.

4. The previous decision was appealed by the Assistant Attorney General, and the decision became the non-responsibility of the accused instead of declaring her innocence!.

Case (4)[16]

The worker, who is an Ethiopian national, came to Jordan about 3 years ago through a labor recruitment agency that she does not remember his name, and worked for her employer for a year and 3 months with a salary of $ 175 per month, and the worker says that she worked in two houses, the employer's house, and her daughter's house, and she worked from 7 am to midnight, and when the worker fell ill, she was not treated.

Because of the pressure of work, the worker got to know an Ethiopian person through the Tik Tok application, and left the house and went to his house, where there are several Ethiopian workers in the house, and the Ethiopian person provided work for the workers in exchange for a monthly salary of 350 dinars, and he took part of the amount (one hundred dinars or half the amount).

The Ethiopian person asked the worker to marry him, but she refused and told him that she was married in Ethiopia, so he beat her and filmed her without clothes, and threatened to send her videos to her husband, the worker imposed on him, and he brought her customers for sex, and on the day the worker left the house and when the taxi arrived she told the driver what happened to her, so he took her to the police, and a complaint was filed there, and the police arrested the Ethiopian young man.

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- The Unit for Combating Human Trafficking investigated the above facts and referred the worker to the shelter.
- The Public Prosecutor investigated and collected evidence and qualified the facts as a felony of human trafficking in accordance with the provisions of articles 9 (c) and (b) of the Prevention of Human Trafficking Act and in accordance with article 3 of the same law.

Court decision:

"The court finds that it is established for the court that the defendant **** offered to suspect **** to have sex with people in exchange for sums of money and for the need of the suspects **** agreed to that, as the accused sent people to the suspects **** to have sex with them and received sums of money from them and she was giving the accused part of the amounts and then the accused asked her to bring girls to work and the suspects **** offered this work to the suspects **** and she agreed to that and the accused sent people to them to have sex with them and they were giving him half of these Amounts for the accused It was found that the accused Philip was messaging a group of people through the WhatsApp application and sending pictures of the suspects to them to show them to customers for sex, as the defendant confessed to the prosecutor and confessed to two suspects that they were practicing prostitution because of their need for money, and on 11/3/2021, the suspects **** and the suspects **** were seized **and the witness **** was seized by the police in** the house of the suspects **** **However, the witness **** did not have sex with anyone, so the complaint was filed and the prosecution took place."**

" By legal application, the court finds:

First: With regard to the felony of human trafficking attributed to the accused, and with reference to the legal texts referred to above, the court finds, through the evidence presented, represented by the confession of the accused and the suspicion that by agreement among themselves and their desire to make money and share it, they agreed that the suspects would have sex with people in exchange for money and managed by the accused, where he is the one who negotiates and brings customers, and accordingly, since the two suspects had the same desire available to the accused, which means that he was not available rightly The accused is the element of exploitation intended in the above articles and therefore is not considered available against the accused elements and elements of the felony of human trafficking assigned to him and that his actions are nothing more than dependence in his livelihood and reliance on what a female earns from prostitution in accordance with the provisions of Article 315/1 of the Penal Code and therefore the court with its powers decides to amend the description of the charge

assigned to the accused of the felony of human trafficking contrary to the provisions of Article 9 /B of the Human Trafficking Law to a misdemeanor earned from prostitution contrary to the provisions of Article 315/1 of the same law.

In the light of his confession and the evidence presented, all the elements and elements of this offence as amended become available against him and he must be convicted of it.

As for the two suspicions, where they also admitted that they were practicing prostitution in order to obtain money and their need for money, which means that they had all the elements and elements of the misdemeanor of practicing prostitution assigned to them in violation of the provisions of Article 312/2 of the Penal Code.

With regard to the defense evidence related to the accused, the court turns away from what was stated in it that the defendant himself confessed during his interrogation by the police and the prosecutor that he was bringing customers and negotiating with them in order to have sex with the suspects, so the court turns away from that evidence.

Therefore, and on the basis of the foregoing, the Court decides:

1. Pursuant to the provisions of Article (177) of the Code of Criminal Procedure, convicting the accused of the misdemeanor of profiting from what a female earns from prostitution, contrary to the provisions of Article 315/1 of the Penal Code, and sentencing him to imprisonment for a period of seven months, and the fees are calculated for him for the period of detention, and since the accused has been detained since 15/3/2021 to date, so he has carried out the sentence sentenced, so the court decides to release him immediately unless he is convicted or arrested for any other reason.

2. Pursuant to the provisions of Article (177) of the Code of Criminal Procedure, the suspects (F) were convicted of the misdemeanor of practicing prostitution in violation of the provisions of Article 312/2 of the Penal Code and sentenced to imprisonment for a period of six months, fees and a fine of 200 dinars, and fees calculated for each of them for the period of arrest.

3. Pursuant to the provisions of Article 45 of the Penal Code, the accused and the suspect shall include fees, expenses and administrative expenses incurred by the treasury .**Date 2/11/2021".**

Reviews:

1. The court amended the criminal description from the felony of trafficking in human beings to the misdemeanor of profiting from prostitution.

2. The court considered that the accused did not have the element of intentional exploitation.

3. The Honourable Court considered that the acts of the accused were nothing more than dependence on his livelihood and reliance on what a female earns from prostitution.

4. Article 315 of the Penal Code No. 16 of 1960, as amended, stipulates:

   " 1. Any male person, who lives wholly or in part on the earnings of a female prostitute, shall be punished by imprisonment from six months to two years.

   2. Where a male person is proved to live with or to be habitually in the company of a prostitute or is proved to have exercised control or influence over the movements of a prostitute in such manner as to show that he is aiding, abetting or compelling her prostitution with any other person or generally, he shall, unless he can prove otherwise, be deemed to knowingly living off earnings of a prostitute."

There is a clear confusion between sexual exploitation found in the Prevention of Human Trafficking Law and the misdemeanor of profiting from prostitution contained in the Penal Code, as article 315 of the Penal Code includes forcing a female to engage in prostitution, although it can fall under the crime of human trafficking if its elements of action, means and purpose are available.

Case (5)[17]

On 21/12/2022, the defendant was seized in the northern Hashemi area, and by searching him, he was found in possession of 13 work permits for workers of Asian nationality and the transactions for applying for a worker's permit, and by hearing the testimony of the complainant, the ***** worker, who is a Bengali, stated that she worked for the witness **** in her house five years ago, and therefore she met another worker called **** who introduced her to the defendant nicknamed Zakaria, and offered them to leave work, and to secure a residence and work permit for her in exchange for an amount of 850 dinars, and she actually came to him, and gave him a passport Travel, work permit and residence permit belonging to her, and asked her for (850) dinars, where she handed him the amount of (350) dinars, and then fled from the house of the witness **** and the defendant smuggled her and operated her in one of the houses in the Zarqa area with a woman called **** for an amount of (300) dinars per month, and the complainant hands over the amount of (250) dinars, and takes the amount of (50) dinars from her every month, and asked the complainant not to leave work for her except with his knowledge and when the complainant asked him to permit did not hand it over to her, and he procrastinated her and on 22/12/2022 I learned that he had been arrested, and I filed a complaint against him, and accordingly the case was formed and the prosecution took place.

- The Public Prosecutor charged the felony of human trafficking within the limits of Article 8/b of the Human Trafficking Law, as amended by Law No. 10 of 2021. to the accused.
- The papers were referred to the Public Prosecutor and then to the Lower Criminal Court – East Amman.

Court decision:

"Therefore, and on the basis of the foregoing, the Court decides:

Pursuant to the provisions of Article (234) of the Code of Criminal Procedure, amending the description of the charge against the defendant **Mohamed Abdel Fattah Mahmoud Amouri** from the felony of human trafficking within the limits of Article 8/b of the Human Trafficking Law to the crime of employing a worker without obtaining a work permit and employing him for an employer who is not authorized to work in violation of the provisions of Article 12/g/1 and 2 of the Labor Law No. 8 of 1996 Pursuant to the provisions of Article 139 of the Labor Law, he was sentenced to a fine of one hundred dinars and fees, and included all trial expenses amounting to 80 dinars."

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Observations:

1. The honorable court decided to amend the criminal description from the felony of human trafficking to violating the labor law by employing the worker without obtaining a work permit.
2. The accused employed the female worker and sent her to work irregularly, and he was paid for it.
3. The accused was seized with 13 passports, for which he was not punished.
4. The accused attracted the worker, deceived her, took advantage of her weakness, and deluded her that he corrected her legal situation.

Case (6)[18]

The facts are summarized:

The defendant **** created a page on Facebook announcing the insurance of experienced domestic workers in exchange for a daily wage and on (1/8/2022), five domestic workers were seized in the defendant's office **** and they are the complainants (5 workers of Bangladeshi nationality), and by interrogating them, it was found that they hold work permits on the names of citizens without knowing how to extract them by the defendants, and they worked for a daily wage that the defendant **** gets part of, taking advantage of their state of weakness after organizing the controls and the prosecution took place.

- The Anti-Human Trafficking Unit has referred the papers to the Public Prosecutor of East Amman, in accordance with the territorial jurisdiction.
- The Public Prosecutor has adapted the above facts to the felony of human trafficking within the limits of Article 8b of the Prevention of Human Trafficking Law No. 10 of 2021, as amended, repeated five times for the defendant ****
- The papers were referred to His Excellency the Deputy and then to the Minor Criminal Court - East Amman.

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Court decision:

"The court finds that the defendant 's actions constitute all the elements and elements of the crime of employing female workers for an employer who is not authorized to work for him in violation of the provisions of Article 12/g/2 of the Labor Law, repeated five times, and not the felony of human trafficking within the limits of Article 8/b of the Human Trafficking Prevention Law No. 10 of 2021, as amended, which requires amending the description of the charge against the defendant Gamal.

Therefore, and on the basis of the foregoing, the Court decides:

1. Pursuant to the provisions of Article (234) of the Code of Criminal Procedure, amending the description of the charge attributed to the accused of the felony of human trafficking within the limits of Article 8/b of the Human Trafficking Law No. 10 of 2021, as amended five times, to the crime of employing workers for an employer who is not authorized to work for him in violation of the provisions of Article 12/g/2 of the Labor Law, repeated five times, and sentenced pursuant to Article 77/A of the Labor Law with a fine of 300 dinars and fees for each offense.

2. Pursuant to the provisions of Article 72 of the Penal Code, the execution of one of the sentences sentenced to the accused to become a fine of 300 dinars and fees and including all trial expenses amounting to 80 dinars"27/3/2023

Reviews:

1. The Honorable Court amended the criminal description from the felony of human trafficking to the violation of Article (12) of the Labor Law, which is represented by the work of female workers for an employer who is not authorized to work for him.

2. The accused was fined 300 dinars for his actions.

3. Article 12 of the Labor Law was amended on 15/6/2023, and the fine imposed is not less than double the fees and amounts of the work permit for the sector in which the worker was caught, and the fine becomes four times the fees and amounts of the work permit for the sector in which the worker was arrested in the event of repetition, provided that the penalties imposed are collected if there are multiple violations.

4. The accused in this case is the same as the defendant in the previous case referred to in Case No. (5).

Case (7) [19]

The facts boil down:

The defendant delivered Bangladeshi domestic workers to several houses in order to employ them, took part of the complainants' wages, and gave them the remaining amount, and on 17/11/2020, the matter was discovered by the Anti-Human Trafficking Crime Unit, and one of the workers reported that the defendant was sending her to work in several houses, and receiving half her wage.

- The papers were referred to the Public Prosecutor in North Amman, where the Public Prosecutor referred the papers to the competent court at the time, the North Amman Criminal Magistrate's Court.

Court decision:

Therefore, on the basis of the foregoing, the Court decides as follows:

1. Pursuant to the provisions of Article 177 of the Code of Criminal Procedure, the defendant is convicted of the crime of exploiting a state of creative weakness for the provisions of Article 3/A/1 of the Human Trafficking Law and sentenced pursuant to the same article to imprisonment **for a period of six months and fees**, and to forfeit the personal right by the complainants, which the court considers one of the mitigating reasons and pursuant to the provisions of Article 100.of the Penal Code reduces his sentence to one **month's imprisonment and fees.**

2. Pursuant to the provisions of Article 178 of the Code of Criminal Procedure, the defendant is declared innocent of the crime of exploiting a state of creative weakness for the provisions of Article 3/A/1 of the Human Trafficking Law for lack of evidence14/6/2022

Notes:

1. This case was before the amendment of the Prevention of Human Trafficking Law No. 9 of 2009 and its amendments.

2. The Magistrate's Court was the one to hear this case, despite the fact that the crime was committed against a female, and it is considered an aggravating circumstance according to the provisions of article 9/b/2, and the penalty becomes temporary hard labour, and therefore the court with jurisdiction is the Lower Criminal Court at the time.

3. The Honorable Court reduced the period of imprisonment to one month only, due to the termination of the personal rights of the victims.

19 8349/2020 North Amman Criminal Magistrate Court

Case (8)[20]

The facts are summarized in: (****), (****) and (****) daily work in homes, where they got to know him through Facebook and went to him, and the defendant **** put them in one room, and he occupied them in homes, where it was agreed that the complainants would work daily for (6) hours at the amount of (25) dinars, the complainant was getting an amount of 15 dinars and the defendant **** was getting an amount of ten dinars, and if she worked for (8) hours, she was getting an amount of (30) dinars, and the defendant **** was getting an amount of (20) dinars. It is on (10) dinars, and that the defendant **** knows that the complainants left the employers' homes, yet he accommodated them in his house and employed them in the houses on a daily basis, and charged sums of money in return for that, and that the complainant **** gave the defendant **** an amount of 104 dinars in order to send it to her family in Bangladesh, but he did not do so, and the complaint was filed and the prosecution took place.

- The Unit for Combating the Crime of Human Trafficking investigated and transmitted the papers to the Public Prosecutor.
- The Public Prosecutor has charged the offence of attracting and harbouring persons for the purpose of exploitation, contrary to the provisions of article 3/a/1 of the Prevention of Human Trafficking Act and in accordance with article 9/c/2 of the same Act.
- The papers were referred to the Public Prosecutor and then to the Amman Minor Criminal Court.

Court decision:

"Reasons for the ruling:

First: The court finds that the Public Prosecution has assigned to the accused the felony of human trafficking, which is contrary to the provisions of Article (9/c/3) and in accordance with Article 3 of the same law, and that the court finds that in order to achieve criminal responsibility for a felony of human trafficking attributed to the accused, the offender must carry out one of the acts constituting the material element of this crime, which is as follows:

1. **The act of polarization:** that the victim of human trafficking is lured by any means.
2. **The act of transport:** It is the movement of people from one place to another, whether international or local, regardless of the means used in the transport or the method used, whether legal or illegal.

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3. Reception act: that the offender receives the victim .....

4. **Shelter act:** Provision of a safe place for the victim to reside during the period of her stay.

It must be carried out by one of the means stipulated by the legislator in article III of the Prevention of Human Trafficking Act using coercive means (kidnapping, coercion "material or moral") or non-coercive means (deception and deception, giving or receiving sums of money or benefits to obtain the consent of a person with control over such persons, abuse of power, exploitation of a state of vulnerability).

Second: The court's reference to the evidence presented by the Public Prosecution in this lawsuit finds that the defendant's announcement via the Facebook application that he needs domestic workers to employ them on a daily basis and enables him to attract complainants through this advertisement to work daily in homes as domestic workers, where he sheltered them in a room in his house, and then he exploited them in terms of their employment in homes so that each of them receives a daily wage of (6) hours in the amount of (25) The share of each of them is 15 dinars, where the accused receives an amount of 10 dinars, and if she worked for (8) hours, she received an amount of (30) dinars, and the defendant received an amount of (20) dinars, which is (10) dinars, and that the defendant was delivering them to homes, these acts constitute the felony of human trafficking attributed to the accused and require his criminalization by it.

Accordingly, and based on the above, the court decides, pursuant to the provisions of Article (236/2) of the Code of Criminal Procedure, to declare the defendant (**Samir Muhammad Musa Al-Khatib) criminalized** for the felony of attracting and sheltering persons for the purpose of exploitation, contrary to the provisions of Article 3/A/1 of the Law on the Prevention of Human Trafficking.

Further to the incriminating decision and based on its provisions, the Court decides the following:

First: Pursuant to the provisions of Article 9/c/2 of the Law on the Prevention of Human Trafficking, **the criminal ()) shall be sentenced** to temporary occupation for a period of seven years, fees, a fine of five thousand dinars and fees.

Second: Pursuant to the provisions of Article (45) of the Penal Code, the criminal shall be obliged to pay administrative and judicial expenses. 6/3/2023"

Observations:

1. The Lower Criminal Court caused its decision to define the crime of human trafficking and its elements.

2. The Prevention of Human Trafficking Law No. 9 of 2009 and its amendments were applied to this case, and the accused was sentenced to seven years in prison and a fine of 5,000 dinars.

Case (9)[21]

The facts are summarized that the worker, an Egyptian national from Upper Egypt, reported that he recognized a person from his village, and told him that there is work in Jordan under a contract on a farm, and indeed it was agreed that the worker would work on this farm, and someone attended with him the contract, and the worker did not sign the contract, and copies of his passport, and came to Jordan through the airport, and began working on the farm, he obtained a work permit for him without going to the Directorate of Labor, and he worked from the dawn call to prayer to the sunset prayer, and did not He takes any day off weekly throughout his work period, and the worker remained working for 7 months with the employer, and the agreed wage was 200 dinars per month, and the worker did not receive his wages for four months, but he received a wage less than the agreed monthly wage, so he received only 140 dinars, the worker slept in an uninhabitable tent, and the employer did not provide him with any food, as he bought food at his own expense, and the worker says that the employer's son is The farm supervisor insulted the worker, cursed him daily, and beat him with his legs and hands, and allowed him to call his family three times a month, at his own expense, and the worker says that the employer shaved his hair with a livestock shaver, and the employer was withholding the worker's passport and work permit.

The Public Prosecution charged the employer and his son with the felony of exploiting persons through the threat and use of force in violation of the provisions of Article 3/A/1 of the Prevention of Human Trafficking Law and in accordance with Article 8/b of the same law. The papers were referred to the Public Prosecutor and then to the Minor Criminal Court – Salt.

21 Lawsuit No. (170/2022) Minor Felonies Salt

Court decision:

"The facts of this case, as stated by the Public Prosecution, are summarized in that on 25/6/2021, the complainant was brought from the Arab Republic of Egypt by the two defendants to work for them on the farm under a work contract and a monthly salary of 250 dinars, where he worked for them as a worker for six months, where they treated him badly, insulted and cursed him with profanity, beat him with hands and legs, and they were providing him with food and drink on the farm without allowing him to leave it permanently, and a week before its date, The accused Salah cut the complainant's hair with a machine dedicated to cutting sheep hair, which caused him pain, and as a result of their bad treatment of him, he ran away from the farm fearing for his life, and the complaint was filed and the prosecution took place...."

"Upon the court's examination of the main evidence, which is the testimony of the complainant, the court finds that it is not suitable for building a sentence on it, as it was doubtful in all its aspects, because he stated in his testimony before the Public Prosecutor that the accused Mohamed used to beat him with a pipe, and the two defendants prevented him from leaving the farm, while in his testimony before the court**, he stated that the defendant Mohamed Abdel Latif did not beat him and what his pilgrim was doing. He also mentioned in his testimony before the Public Prosecutor that the defendant Salah cut his hair with a sheep's hair clipper, but he did not mention this in his testimony before the court until after the court matched his testimony and found it not conforming....."**

"Accordingly, since penal provisions are based on certainty and certainty and not on doubt, conjecture and evidence, if the possibility invalidates the inference, and since the court was not convinced from the testimony of the complainant of the contradictions and differences that have been explained above, and since the penal decision is the conscience of the judge, he shall rule on it according to his personal conviction derived from the evidence**, the court decides:**

Pursuant to Article 236 of the Code of Criminal Procedure, the defendants were declared innocent, which was attributed to them for lack of proof, and the claim of personal right was dismissed for lack of proof, and the personal plaintiff included fees and expenses. **on 23/3/2023"**

Reviews:

1. The worker was suffering from low mental abilities, and was afraid all the time as a result of what he was exposed to.
2. Evidence in human trafficking cases is extremely difficult, due to the specificity of the workplace.
3. The worker did not receive the rest of his wages, and returned to his country.

Case (10)[22]

The facts boil down:

A group of workers of Egyptian nationality work as agricultural workers, for their employer****, he told us that workers are beaten, cursed, and humiliating treatment from the employer, and that the workers' passports are reserved with the employer, and that the workers are not paid their wages, and they live in unhealthy housing on the farm, with insects and the place is unsafe, and he told us that the workers were threatened by the employer if they filed a complaint they would be accused of theft, and the employer forced them to sign receipts.

The Public Prosecutor charged the felony of exploiting persons by means of the threat and use of force in contravention of the provisions of Article 3/A/1 of the Prevention of Human Trafficking Law and in accordance with Article 8/B of the same Law. The papers were forwarded to the Attorney-General.

A decision was issued by the Attorney General to prevent the trial!.

Observations:

1. Tamkeen registered labor claims for workers in the Deir Alla Magistrate's Court.
2. The employer has registered claims against the workers subject to a labor claim for compensation for vacation and damage allowance.
3. Reconciliation between workers and employers was conducted.

22 183/2022 Prosecutor General of Deir Alla

Case (11)[23]

The facts are summarized:

The complainant **** Ethiopian nationality had entered Jordan about nine months ago through a recruitment office, and worked in a house for two months, but she fled from her place of work, and her passport remained with the employer, and when the complainant told her friend that she needed the passport, her friend pointed her to the defendant **** and when the complainant communicated with the defendant **** the latter asked her to come to his house located in the area of um Uthaina and indeed the complainant went to the address, and met the accused **** and the defendant **** has The complainant saw many girls of different nationalities inside the apartment, and the two defendants asked the complainant to stay in the apartment until the passport was brought, and the complainant agreed to that, and while the complainant was present, she noticed that the defendant **** frequented the apartment, and had sex with some girls inside the apartment, and the defendant **** asked her to have sex with her, but she refused and the defendant **** sent the complainant to work for a lady called **** and he received her salary of 450 dinars and gave the complainant an amount of 250 dinars) and kept the rest, and after Seven months the plaintiff traveled ***** and the complainant returned to the apartment and asked the defendant **** to give her her dues, but he refused and if she had sex with him, he would return her dues, and the complainant refused and the defendant **** asked the defendant **** to detain her and prevent her from leaving, and on 4/1/2023 the complainant was able to contact the police, and as a result the complaint was filed and the prosecution took place.

The Public Prosecutor of Oman assigned to the defendants the felony of human trafficking jointly in violation of the provisions of Article (9/b) of the Human Trafficking Law and in accordance with Article (3/A and B) of the same law and Article (76) of the Penal Code, and the papers were referred to His Excellency the Attorney General of Oman, and then to the Amman Minor Criminal Court.

Court decision:

"That being so, the court finds that the acts committed by the accused in detaining the witness inside the apartment and preventing her from leaving freely constitute all the elements and elements of a misdemeanor of deprivation of liberty, which requires amending the charge attributed to the defendants of the felony of human trafficking in association in contravention of the provisions of article 9 (b) of the Human Trafficking Law and in accordance with article 3 (a) and b of the same law and article 76. From the Penal Code to the misdemeanor of deprivation of liberty, contrary to the provisions of Article (346) of the Penal Code, and their conviction for this misdemeanor.

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Accordingly, on the basis of the foregoing, the Court decides as follows:

1. Pursuant to the provisions of Article (234) of the Code of Criminal Procedure, amending the legal description of the charge attributed to the defendants of the felony of human trafficking jointly, contrary to the provisions of Article (9/b) of the Law on the Prevention of Human Trafficking and in accordance with Article (3/a) and B of the same law and Article (76) of the Penal Code to the misdemeanor of deprivation of liberty, contrary to the provisions of Article (346) of the Penal Code.

2. Pursuant to the provisions of Articles (177 and 178) of the Code of Criminal Procedure, the defendants were convicted of the misdemeanor of deprivation of liberty in violation of the provisions of Article (346) of the Penal Code, and each of them was sentenced to imprisonment for three months and fees.

3. Pursuant to the provisions of Article (45) of the Penal Code, the judgment obliges the accused to pay administrative and judicial expenses.**on 5/7/2023"**

Observations:

1. One of the defendants in this case has a history of human trafficking.

2. The defendants in this case were providing shelter for irregular workers in order to exploit their situation.

3. One of the defendants was exploiting female workers and having sex with them.

4. The defendants were paid to send the workers to work in several homes.

Case (12)[24]

The facts are summarized:

The Sri Lankan worker came to Jordan in 2005 to work as a domestic worker, and worked for the first employer for 3 weeks, and then she was beaten there, and returned to the office, the worker says that she started working for her employer**** from 4/2005 to 6/2022, and the worker was working at home until the end of work, and there is no specific date for work, and she slept in the employer's daughters' room, and there is no weekly day off for the worker throughout her work, and the worker says On 1-6-2022, the Anti-Human Trafficking Ministry contacted the employer, and asked her to bring the worker there, so the employer sent the worker with her brother to the Anti-Human Trafficking Unit, and they took the worker's statements and transferred them to Dar Al-Karama, the worker did not receive her wages for a period of 12 years, and in the first 4 years of work she was paid a hundred dollars per month.

Prosecutor:

"Since I do not find in the subject matter of this complaint any act that constitutes a violation of the provisions of the law and requires the intervention of the public right to protect it, and that the dispute between the parties to this complaint is no longer a human rights dispute arising from the claim for the salary of the plaintiff * Accordingly, I decide the following:

1. Pursuant to the provisions of the General Principles of the Code of Criminal Procedure, the filing of papers at this stage of the investigation shall be kept.
2. Submitting the investigative file of the Attorney General in Amman to conduct the legal review 30/6/2022.

Reviews:

1. The failure to give the worker her wage for 12 years does not require the intervention of the public right.
2. Tamkeen registered a labor lawsuit for the worker, and a prescription request was submitted and a judgment was submitted to the worker in the amount of 2146 dinars only for a period of 12 years of work.

24 Zarqa Prosecutor 2607

Findings of the study

1. The Prevention of Human Trafficking Act was amended, and a new form of the crime of trafficking in human beings, organized begging, was added, without including a definition of the term "organized", which made cases suspected of trafficking in human beings by the Public Prosecutor very rare to qualify cases suspected of trafficking in the form of "organized begging".

2. The penalties for human traffickers were toughened after the minimum penalty was imprisonment for a period of 6 months in normal circumstances or a fine of not less than one thousand dinars and not more than five thousand dinars, the period of imprisonment became temporary labor and a fine of not less than three thousand dinars and not more than ten thousand dinars, i.e. the two penalties were included together (imprisonment and fine), but in the case of aggravating circumstances of the crime, the penalty becomes temporary labor for a period of not less than seven years and a fine of not less than five thousand dinars and not more than twenty thousand dinars (which is also a combination of both penalties imprisonment and fine).

3. With regard to the provision of temporary residence in the Kingdom until the completion of the necessary procedures for the investigation and trial of the victim, the above-mentioned residence permit is not defined in procedures, is not based on a clear strength, and there is no case in which a temporary residence has been extracted.

4. If the victim wishes to stay in Jordan and work regularly to compensate for the material and moral damages she suffered, she will be forced to pay the work permit fees retroactively! So she gives in to returning to her country and family without any wages. We point out that such return cannot be described as voluntary, but rather forced.

5. With regard to the provision of lawful means of obtaining just compensation for material and moral damage, the just compensation mentioned herein is based on the general provisions of the Civil Code and has no other distinctive or specific procedures.

6. The period of accommodation in the shelter under the Law on the Homes for Victims and Victims of Human Trafficking Crimes of 2012 and its old amendments shall not exceed two months, and the Minister may, upon a recommendation from the director of the shelter, extend this period. However, this system was amended on 16-08-2023 and became effective on 16-08-2023, and one of its most prominent amendments was the addition of the definition of a potential victim, as it was defined

as "a person who shows indications that he may be vulnerable to exploitation in accordance with the standard operating procedures to deal with cases of human trafficking." In addition to canceling the time period for sheltering and replacing it with accommodation in the home for the case temporary until the completion of investigation and trial procedures.

7. The Law of the Fund for Assistance to Victims of Human Trafficking No. 6 of 2023 was approved, and that the approval of the main fund in its financial source will be donations, grants and donations, and it must be approved by the Council of Ministers if it is from a non-Jordanian source, meaning that the adoption of this fund will be on donations, aid and grants only, and this is not enough to pay the value of the expenses mentioned in this system, and the committee's approval of this source is sufficient to speed up and simplify the procedures, especially since they represent several different parties, as it was The source of the fund should be from the state budget, or from funds confiscated from perpetrators or fines imposed on them.

8. The latest national strategy to prevent human trafficking was launched for the years (2019-2022), and at the time of writing this study, no new strategies have been issued.

9. The National Referral Mechanism was issued in response to the provision of national mechanisms to combat this crime, and the mechanism defined a victim (victim) as "any person who has been subjected to any form of human trafficking, and a final decision has been issued by the competent court on his case". Hence the problem, what is the status of the victim before a final decision is issued? Whether or not they will be provided with aftercare and reintegration, it seems that we need to define terms precisely, and if left without a better definition, defining terms without measuring them on the ground leads to unexpected effects that will occur later.

10. Figures indicate that as of 6/2024, Dar al-Karama, a specialized shelter for victims of human trafficking, affiliated with the Ministry of Social Development, had received approximately 850 victims, including 681 females and 169 males.

11. Through the study of judicial files, it was found that the number of convictions issued is the highest in the last three years and constitutes (52) judgment decisions, while (44) acquittals were issued out of (172) cases, as for non-responsibility, (13) decisions were issued to that effect, and it is worth noting that there are (35) decisions issued to amend the criminal description of the crime, and this is a serious indicator, so the sentencing decisions modified the criminal description from the crime of human trafficking by sexual exploitation to the crime of running a house. Prostitution or prostitution and prostitution, and there are decisions that modify the criminal description from the crime of human trafficking to minor financial violations.

12. With regard to trial durations, there is a significant and clear difference in numbers, it is logical that the duration of the trial is more than one month and up to 11 months, which represents the largest number of cases with regard to the duration of the trial, and constituted (93) cases out of 172 cases, and with regard to the fact that there are 29 cases in which a ruling was issued in less than one month, we find that this speed may lead to the impunity of the offender, so will the prosecution's testimonies be heard, evidence collected with the Public Prosecutor and the file referred to The Attorney General and then to the court and in the first session issues a verdict, and usually the lack of responsibility Is this period sufficient to issue a verdict for the crime of human trafficking?, while we find that there are 18 cases with a trial period of more than two years, and this is also an indicator of the length of litigation and the perpetrator's roaming and its danger to society throughout the trial period

13. Article 222 of the Penal Code criminalizes anyone who conceals or destroys a document, document or any other thing of any kind, or distorts it to the point of making it illegible or making it impossible to know its truth, resulting in imprisonment of up to one year and a fine of up to fifty dinars, or both. Combined.

14. Article 77 of the Labour Act No. 8 of 1996 also stipulates that a worker may not be employed forcibly, under threat, fraud or coercion, including the seizure of his travel document, with a fine of not less than five hundred dinars and not more than one thousand dinars.

15. The individual evidence, which often forms the basis of prosecution in cases involving migrant workers, has consistently been insufficient to establish the court's conviction. As a result, in many rulings, courts have relied on the legal principle that criminal judgments must be founded on certainty and not on doubt or speculation. The investigations within the case file, at all stages, are marked by inconsistencies and contradictions. These factors collectively influence the court's decision in balancing the rights of society and the individual's right to justice, demanding a conviction only when the evidence is clear and conclusive.16. The prolonged litigation in the courts, the reasons for which include the ratification of the decision of the Public Prosecutor, and the absence of witnesses or translators from attendance, affect the course of justice, which leads to the victim traveling to her country without receiving any compensation or hearing in court.

16. The use of translators cannot be left as it is in the current situation "especially in East Asian languages" where female workers of the nationality of the plaintiff or defendant are elected to carry out the translation process, and often work for Jordanian employment agencies and employment offices, or they have married a Jordanian, and they have learned the language by virtue of their long stay in Jordan or any other Arab country, without any certificate confirming and/or indicating their

proficiency in any of the languages being translated. Languages have rules of use and mastery bicycles, but so far there is no standard or certification for translators used before judicial bodies.

17. The small number of Ministry of Labor inspectors, which leads to victims not being identified, and some workers falling victim to exploitation by employers.

18. Some practices, including the restriction of workers who hold Egyptian nationality to the form of clearance and clearance that the employer must carry out in accordance with the procedures followed by the Ministry of Labour, consolidate the principle of sponsorship and increase the exploitation of workers by employers.

19. There is a clear confusion between sexual exploitation in the Prevention of Human Trafficking Act and the offence of profiting from prostitution contained in the Penal Code, article 315 of the Penal Code includes forcing a female into prostitution, although it can fall under the crime of human trafficking if its elements are available.

Recommendations:

1. Define the term "organized begging" to make clear the adaptation of cases suspected of human trafficking by the Public Prosecutor as organized begging.
2. With regard to the provision of temporary residence in the Kingdom until the necessary procedures for the investigation and prosecution of the victim have been completed, clear instructions shall be issued.
3. Work on legislative coordination between the Prevention of Human Trafficking Law and the Penal Code, as some of the acts contained in the definition contained in the Prevention of Human Trafficking Act constitute separate offences under the Penal Code, such as kidnapping, fraud and forcing women into prostitution, which leads to the adaptation of the trafficking complaint to other legal descriptions that may be clearer, such as abuse, indecent assault, deprivation of liberty, or other crimes, without considering the elements of the crime of human trafficking combined.
4. There must be an explicit provision exempting the victim of human trafficking from fines under the residence law and facilitating his return to his country, without attaching dimensions.
5. There must be an explicit provision that exempts the victim of human trafficking from retroactive work permit fees if she wishes to remain in Jordan.
6. Working to raise the capabilities of labor inspectors in terms of increasing the number of inspectors and providing them with knowledge and technical skills on identifying victims and referrals.
7. The existence of an effective system at the Ministry of Labour to receive complaints from workers and complaints related to the existence of suspicion of human trafficking.
8. Allow migrant workers in all sectors to move to work for any other employer once their contract expires.
9. Searching for legal solutions that prevent deportation of the worker, securing translation and reducing the slowness of litigation procedures in light of the existence of provisions that make the statute of limitations for labor rights two years.
10. Conducting awareness-raising campaigns about the crime of human trafficking and how to identify victims and report.
11. Building the capacity of prosecutors assigned to discuss witnesses and defendants, and that the delegated prosecutor himself be present in the same case.

12. Amendment and/or elimination of the definition of victim (victim) contained in the National Referral Mechanism, which defined it as "any person who has been subjected to any form of human trafficking and whose case has been a final decision of the competent court", with regard to a final decision of the competent court in his case.

13. Intensify training for prosecutors, judges, students of the Judicial Institute and seconded public prosecutors on human trafficking offences.

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