

Two years since the launch of the national referral mechanism for human trafficking cases: where are we in terms of implementation?



Archive photo of female workers in a textile factory in Jordan - Photo by Nadia Bseiso, Hebr website

Two years after the launch of the national referral mechanism in October 2022, which was presented at the time as a qualitative shift in combating human trafficking and coordinating official and civil efforts to protect victims, a review of the situation reveals that what began as a promising framework still faces gaps in implementation, delays in providing justice for victims, and weak coordination between relevant agencies.

"Jordan is one of the leading countries in combating human trafficking, as it has been keen to provide the best response mechanisms at all levels. From a legislative perspective, last year the Human Trafficking Prevention Act was amended to bring it into line with the best international standards and provide greater protection for victims and those affected," With these words, the Secretary General of the Ministry of Justice for Judicial Affairs, Judge Saad Al-Luzzi, [presided over](#) the launch ceremony for the national referral mechanism and standard operating procedures for dealing with human trafficking cases in Jordan.

This mechanism aims to ensure that victims of human trafficking have access to justice and to enhance coordination between official, security, and judicial authorities and civil society organizations to identify and protect victims and provide them with the necessary legal, psychological, and social assistance. However, two years after its launch, the most important question has been raised again: to what extent has this mechanism actually been implemented, and has it achieved its intended purpose?

An introduction to understanding the national referral mechanism and its legal context

Jordan [passed](#) Law No. 9 on the Prevention of Human Trafficking in 2009 to combat all forms of exploitation of persons, including forced labor, prostitution, organ removal, and slavery. The law stipulates varying penalties for those who commit the crime of human trafficking, ranging from hard labor to financial fines, depending on the severity of the act. It also places particular importance on protecting victims by providing them with shelter, health and psychological care, and legal assistance, while maintaining their anonymity and not holding them accountable for acts committed as a result of their trafficking.

Public law researcher Muhannad Shibli says that this law is a fundamental step in strengthening Jordan's commitment to international conventions on human rights and combating organized crime, but it is not the only legislative framework that addresses human trafficking and similar acts and punishes perpetrators. According to him, this legislation also includes Jordanian Penal Code No. 16 of 1960, Jordanian Labor Law No. 8 of 1996 and its amendments, the Jordanian Law on the Use of Human Body Parts No. 23 of 1977, the 2009 Regulation of Private Agencies Working in the Recruitment and Employment of Non-Jordanians Working in Homes, and the Cybercrime Law and its amendments.

The Law on the Prevention of Human Trafficking has undergone several amendments aimed at strengthening legal protection for victims. In 2019, the definition of human trafficking was expanded to include child beggars, and a special fund was created to assist victims of human trafficking by providing financial support and compensation. In the 2021 amendment, penalties for those involved in these crimes were increased, particularly in cases of exploitation of women and persons with disabilities, and protection for witnesses and minor victims was strengthened. In 2023, amendments were made to the shelter law to ensure that victims remain in safe places until the investigation and trial are completed.

Landa Kalash, executive director of the Tamkeen Center for Legal Aid and Human Rights, explained that Jordan has made progress in the legislative and regulatory framework related to combating human trafficking, but the most prominent challenge lies in the weak practical application and enforcement measures, which remain insufficient to protect victims and prosecute perpetrators. She added that there is a need to strengthen preventive measures and victim reintegration procedures, especially since migrant workers are the group most vulnerable to this crime.

Victims of human trafficking face a number of challenges, most notably the lack of clear and accessible mechanisms that allow them to reach the relevant official authorities to file complaints or bring legal proceedings. Victims are often reluctant to report crimes because they are unaware of the relevant authorities or how to file a complaint, lack confidence in the effectiveness of the procedures, and fear retaliation by perpetrators, according to Hamada Abu Najma, director of the Workers' House organization and former secretary general of the Jordanian Ministry of Labor. To address these challenges and in response to the need to provide national mechanisms to combat this crime, the National Committee for the Prevention of Human Trafficking, established pursuant to Article 4 of the law, has updated and developed the national referral mechanism.

According to [the official document](#) released by the United Nations Office on Drugs and Crime, the Ministry of Justice, the Ministry of Social Development, the Ministry of Health, and the Ministry of Labor and Criminal Investigation, the working group adopted "a methodology aimed at providing support and protection to victims, with the addition of new models for indicators for identifying potential victims of human trafficking, and models for the initial response of institutions dealing with victims of human trafficking. A liaison officer was also appointed for each of the agencies involved in implementing the national referral mechanism to strengthen their roles. Standard operating procedures were also integrated with the national referral mechanism to provide a response to human trafficking cases and ensure that each agency carries out its assigned procedures to the fullest extent possible.

Two years on: where are we with implementation?

In an attempt to review the extent of implementation of the national referral mechanism for dealing with cases of human trafficking, it is necessary to begin by breaking down the steps of the national referral mechanism, which are divided into four stages. The first stage involves identifying potential victims of human trafficking, where it is determined whether a person is a potential victim of human trafficking based on the observations of the first responder to the case and indicators according to forms prepared for this purpose. The forms include questions about the victim's ability to leave their job, their exposure to human rights violations, and their relationship with their employer.

Abu Najma says that the committee has prepared five forms, each specializing in monitoring one form of human trafficking, covering indicators of

forced or compulsory labor in domestic work, victims of sexual exploitation, victims of labor exploitation, victims of organized begging, and child victims. In addition, there is an interview form with the victim's (the aggrieved party's) details, which is filled out by the first responder (the official employee). Abu Najma adds that monitoring several indicators in the single form filled out by the liaison officer is sufficient to refer the potential victim to the anti-human trafficking unit for further investigation and evidence collection.

The national mechanism does not explain the reasons behind considering three indicators as sufficient evidence of suspected human trafficking, nor does it refer to the methodology followed to adopt the indicators in each form. A study by the Tamkeen Center notes that the national referral mechanism contains numerous case management and referral forms/documents, but very few of these forms are used or filled out. The study suggests that it would be better and easier to manage these forms in a single category to avoid wasting time for various reasons, including within the proper planning and organization of rehabilitation and reintegration services.

Since January 1, 2025, the Human Trafficking Unit [has registered](#) 21 cases, according to the Minister of Justice and Chairman of the National Committee for the Prevention of Human Trafficking, Dr. Bassam Talhouni, while 43 human trafficking cases were convicted in 2024.

After filling out the form, the second stage of the national mechanism for receiving victims and those affected by this crime takes place at the shelter, where protection, assistance, health and psychological services, legal advice, and basic necessities are provided. This stage includes additional forms that seek to obtain consent to proceed with referral procedures and conduct an assessment related to the risks surrounding the case. If the victim does not need shelter, the liaison officer coordinates with various agencies to provide other follow-up services, such as psychological, medical, or legal assistance.

A study entitled "The Effectiveness of International and National Mechanisms to Combat Human Trafficking" indicates that this idea is guaranteed to victims under the law, as Article 7 stipulates the establishment of one or more shelters for victims and those affected by human trafficking crimes based on the recommendation of the Higher Committee and gives the Council of Ministers the authority to approve these shelters. However, according to the study, civil society organizations have often taken on the role of sheltering victims.

According to Kalash, the Women's Union has worked to fill a significant gap in hosting victims of human trafficking in its guest house since the law came into force in 2009. However, the Union only provided its services to female victims, while women were often administratively detained in prisons due to the issue of classification. In a number of cases, the situation is classified as a labor violation or a violation of residency conditions rather than human trafficking. There is also no specialized shelter for child survivors, and one case refers to a child victim of trafficking being referred to a shelter for beggars.

The opening of shelters will help reduce the number of women victims who are sent to prison. The shelters will also provide women and men with the opportunity to remain in Jordan until all legal proceedings against the perpetrators have been completed and justice has been served. In addition to the Jordanian Women's Union's shelter, in 2017 the Ministry of Social Development opened Dar Karama to protect victims of human trafficking and provide them with the necessary medical, therapeutic, and psychological care, without official statements indicating the number of cases received so far.

In the third stage, which follows shelter provision, evidence is gathered, investigations are conducted, prosecutions are initiated, victims are empowered to access justice, and cases are referred to the judiciary. The Anti-Human Trafficking Unit refers cases to the competent public prosecutor and then to the competent court, in accordance with Article 12 of the law. This article guarantees the victim a set of rights, including the opportunity to be present at all stages of the investigation and trial, to explain their situation, be identified and classified, and have their identity, nationality, and age verified to ensure their separation from the perpetrators.

At this stage, it is determined whether the case is one of human trafficking or something else (labor exploitation, vulnerability, or both), and this classification affects all subsequent stages of the proceedings, as well as the choice of the competent court. Asma Amira, a lawyer specializing in human trafficking cases, says that in some cases, the reclassification of crimes to less serious offenses due to challenges in proving the crime as a result of its secretive nature is a serious indicator.

According to the results of the study "Analysis of Human Trafficking Legislation and Cases in Jordan for 2020-2023," the number of convictions reached 52 out of 172 cases. There were 35 decisions in which the criminal description of the crime was amended, with the decisions amending the

criminal description from the crime of human trafficking for sexual exploitation to the crime of running a brothel or practicing prostitution and pimping. There are also decisions that amend the criminal description from human trafficking to minor labor violations, due to the specific nature of this crime compared to other crimes and because it is usually practiced in secret and is difficult to prove.

Amira adds that these challenges lead to perpetrators escaping punishment, even though they usually have a long criminal record and may have previous human trafficking cases against them, and even though they have been issued a ruling modifying the criminal description. This leads them to repeat their previous actions, but cautiously and in a way that exploits legal loopholes. Over a period of four years, the Anti-Human Trafficking Unit received 145 cases of human trafficking/suspected human trafficking, while Tamkeen received 126 cases of human trafficking/suspected human trafficking cases. The study also cited figures from the Qasas website, which showed that approximately 126 cases were sent directly to the public prosecutor without going through the Anti-Human Trafficking Unit.

Based on the court's decision, the victim is given the choice between voluntary return, where the necessary assistance is provided and optional return is enabled through a series of procedures coordinated between all relevant authorities, or reintegration, which aims to enable the victim to resume life as an active member of society. These steps represent the last two stages of the national referral mechanism, which aims to enable the victim to resume their life as an active member of society, but the reality is different.

The study "Reintegration of Victims of Human Trafficking: Between Legislation and Practice" indicates that, in practice, foreign survivors have no option to remain in Jordan. In all cases, unless they are able to marry a Jordanian citizen, they have only two options: either to leave voluntarily or to be returned to their country of origin with a five-year re-entry ban, depending on their status in their home country. Victims face other obstacles at this stage. If the victim is a migrant worker and wishes to remain in Jordan, she must pay fines for overstaying her visa and pay work permit fees retroactively. If the survivor has not terminated her employment contract, she must obtain a waiver and release from her employer, even if he is involved in the case.

In many stages of the implementation of the national mechanism, the lack of sustainable financial resources is a clear weakness that hinders the improvement of shelter services, the reintegration of survivors, or the booking

of tickets to ensure voluntary return. This calls for a sustainable source of funding to cover the proper and serious implementation of the mechanism. Two years after the launch of the national referral mechanism for dealing with cases of human trafficking, which was a step forward in enabling victims to obtain their rights, foremost among which is the right to a fair trial, the practical implementation of the referral stages reveals various gaps in the implementation that limit the effectiveness of the mechanism and its ability to achieve the objectives for which it was established.

The most important thing is that every number and statistic represents the real life of a person whose rights have been violated, and that the success of the mechanism is measured by its ability to enable these people to regain their dignity and resume their lives in safety. Without serious implementation and sustainable resources, justice remains a promise, and it is the victims who pay the first and highest price.

** This report was produced as part of the project "Promoting Migrant Workers' Rights and Combating Human Trafficking," implemented by the King Hussein Foundation's Information and Research Center in collaboration with the Heinrich Böll Foundation - Palestine and Jordan Office. The views expressed in this report do not necessarily reflect those of the Heinrich Böll Foundation.*