

Exploring feminist concerns in a cultural context: The voices of service  
providers for sex trafficked females in Jordan

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Abstract

In this paper, I discuss feminist discourse in relation to the cultural context of sex-trafficking crimes in Jordan. I reveal evidence in the paper that the patriarchal code of honour in Jordan intimidates sex trafficked females, preventing them from exiting their underground sex-work and returning to their families. The diverse cultural groups in Jordan, which include indigenous Jordanians, Bedouins, Gypsies, Syrian refugees, Iraqi refugees and other minority groups, have created layers of vulnerability for women and girls that contribute to them becoming victims of sexual exploitation. To describe females' vulnerability to several norms and complexities, I draw on my ethnographic study, which was conducted in Amman, Jordan in 2015-16. I interviewed seven service providers who work for organisations providing services for rescued female victims of sex trafficking. They provide refuge for domestic and nondomestic victims of sex trafficking. In addition, I observed aspects of Jordanian culture, enabling me to describe the changing social and cultural situation affecting trafficked women. This paper argues for adopting an approach that accounts for the categories of vulnerability for understanding women's inequalities, and informing legal reforms for improving the situation for sex trafficked victims.

Keywords: *Anticategorical, Human rights, intersectionality, male authority, poverty, sex-trafficking.*

1. Introduction

*1.1 Introducing the situation in Amman, Jordan on sex trafficking*

Sex trafficking is a global billion dollar industry that has major implications for all involved, not least the victims who suffer from the full range of abuse. In light of the vulnerabilities of females who belong to differing minority groups and economic classes, it is crucial in efforts to combat sex-trafficking of females to understand how sex-trafficking offenders stereotype their victims. According to Harroff-Tavel & Nasri (2013), some of the sex trafficked victims in Middle Eastern societies are intimidated by the idea of being killed by their families if they wanted to exit sex work and return to their homes; the intimidation of exiting is associated with losing honour from being sexually exploited or prostituted. The honour based crimes are, according to Anthias (2013b), forms of gendered violence occurring

in the family sphere. A woman's honour is dependent on patriarchal rules on the roles of each gender (see Anthias, 2013b). Crimes of honour differ from domestic violence, a crime of anger, as often it involves the whole family and is premeditated (Anthias, 2013b). This paper argues for adopting an approach that accounts the categories of vulnerability for understanding women's inequalities, and informing legal reforms for improving the situation for sex trafficked victims.

Due to loss of honour, Harroff-Tavel & Nasri (2013) claim that offenders [pimps] may threaten the sex worker with telling their families of their sexual activities if they do not comply with their wishes. Jordan's society faces a dilemma: Jordan criminalises certain sexual activities and brothel management; yet, that situation reinforces entrenched gendered attitudes that disadvantage female sex-workers who are exploited for profit. Participants' views provide useful insights that will inform law and policy makers, which may better meet the needs of trafficked sex victims.

According to several participants, sex trafficked victims do not tend to approach the police to press charges on their offenders. Understanding why this is so requires exploring the social and cultural contexts in Amman, the capital of Jordan. In this paper, I explore aspects of familial order, poverty and ethnical backgrounds gathered from interviews with the six female participants interviewed in Amman in 2015/16. These service providers deliver amenities and counselling services for the female sex trafficked victims who are rescued, or need rescuing. In this paper, I will draw on my interpretations of three participants' views. Each participant has been given a fictitious name: Dalal, Nawal and Rawan. I also refer to observations from the field.

For the purpose of analysing the numerous and intersecting sources of subordination for female victims, intersectionality theory provides an appropriate guide. This paper will begin by introducing relevant human rights treaties that oblige Jordan to address the challenges that impede moves to sex trafficked victims in Jordan.

## 2. Findings and Discussion

### 2.1 Jordan's human rights obligations

Jordan signed and ratified the UN *Convention on the Elimination of All Forms of Discrimination Against Women* (1979) in 1992, thereby confirming its commitment to

international treaties to protect the rights of women. In 2009, Jordan also signed and ratified the *Protocol to Prevent, Suppress and Punish Trafficking in Person, Especially Women and Children (2000)*. In 2009, the *Counter Trafficking Legislation* was passed in Jordan for the need to protect the victims of human trafficking. However, an amendment of the *Jordanian Penal Code*, which incriminates certain sexual conduct and the management of brothels, has not been invoked to this date. Legal regulation and enforcement have become increasingly urgent as critical numbers of immigrants and refugees from Syria and Iraq have fled to Jordan from civil wars.

According to two participants, the laws in Jordan are ineffective for the victims of sex trafficking. Nawal said:

Though we do have laws in effect concerning human trafficking, the laws do not provide protection. Therefore, the laws should be amended to protect the victims and criminalise the offenders...

This is not to say that services, amenities and shelters are not provided for the victims. It is what these service mean to local inhabitants that is significant here. For example, in March 2016, I interviewed a participant who works in a governmental shelter used by sex trafficked female-victims towards the end of 2015. When I took a taxi to the shelter, I was driven for more than half an hour roaming around in circles to find the shelter. I asked the local people for directions using the name of the shelter, but everyone seemed surprised because they did not know of any shelter in the area. On the last minute, I rephrased my question with: “Do you know where the female prison is?”. The locals’ bafflement evaporated and they pointed me in the right direction. The use of language by the locals reinforces negative attitudes to sex-trafficked victims sheltered from their abusers.

The social conception of rescued victims of sex trafficking as prisoners needs further elaboration. Nawal explained:

The law should protect the victims by providing them with easy access shelters instead of placing restraint orders on the victim; the law should provide the options of directing her to shelters. We do have shelters, but she should not stay in the shelter for the rest of her life.

The protection provided by the law is not appropriate for victims. However, Article 6 (3)(a) on the ‘assistance to and protection of victims of trafficking in persons’ in the *Trafficking Protocol* (2000) provides that receiving states’ are obliged to provide social recovery, including ‘appropriate housing’. Detaining the victims for long periods in a ‘prison-like’ environment is not providing appropriate housing. Gallagher (2010) demonstrated that States may justify detaining victims on the basis of their safety on a case-by-case grounds. Gallagher (2010) added that the ‘principles of necessity, legality, and proportionality’ should be used to evaluate the argument of detaining the victim (p. 297). Still, Gallagher (2010) confirmed that detaining a victim for an extended period in a shelter should be considered unlawful.

Article 12(a) of the *Counter Trafficking Legislation* (2009) provided that the prosecutor may exempt trafficked victims from punishment if it was proven that they are harmed by one of human trafficking crimes. Rawan, who is also a lawyer, reported an incident where appropriate processes were not complied with,

... we should start with implementing the law. The law does provide protections but it is not implemented. I remember a case that I provided services for. The victim needed to get the entitlement of exoneration from penalty and to be referred to as a victim, not as an offender. According to the law, the public defence is obliged to form a special committee to review her request of exemption from criminal liability, and to refer to her as a victim. Later, we followed up at the public defence office and found out that they did not form a committee for this case.

This act of noncompliance is a result of the Jordanian government ratifying the CEDAW and the Trafficking Protocol, and the passing of the *Human Trafficking Legislation* (2009), without taking into consideration the social, cultural, political or legal situation. More than one service provider told me stories of sex trafficked victims who refused to proceed with a complaint to the prosecutor, though victims have easy access to social, legal, health and sheltering services, and other services if necessary. The situation indicates a gap between policing of sex trafficking and Jordan’s obligations upon ratifying the *Trafficking Protocol* (2000).

The above discussion gives rise to questions as to whether human rights law gave proper consideration to cultural diversity in the drafting of human rights multilateral treaties. According to Reitman (1997), cultural relativists assumed that human rights is a ‘modern form

of imperialism, with Western...countries seeking to impose their particular views' (p. 104). Cohen (1989) alleged that there is a basis for hypothesising the characteristics of individuals in Western cultures as different from individuals in other cultures. This is not to say that humans are different from a racial perspective, but the lived experience and the tradition and cultural backgrounds shape our views and thoughts. Cohen (1989) asked, what constitutes a common human value, and what should be considered as a 'context-determined aspects of specific traditions?' (p. 1016). Cohen (1989) explained that the Western approach to human rights, which favoured the rights of individuals over the rights of the collective, was not appropriate to other cultures. Nayak (2013) also referred to the cultural relativists' rejection of the consequent condemnation of cultural habits on the grounds that human rights law is grounded in 'western values'. Further, failure to make changes may result in adopting laws favouring the interest of a misogynous culture over the rights of female victims (see Andrews, 2012). Recommending for example a legal reform may result in shifting the industry underground, and increasing the social and legal stigma for victims. In other words, such moves are likely to result in marginalising female victims even further from the society, knowing that they might be already abandoned by their families. It would also be harder to determine whether a female is sex trafficked, or practises sex work.

According to the US Department of State's annual human trafficking reports (2013, 2014, 2015), Jordan is a transit and destination country for sex trafficking. Jordan's cultural and social situation has emerged from events referred to as the Arab spring and the wars in Syria and Iraq, which have resulted in making Jordan an attractive place for immigrants and refugees from neighbouring Arab countries (see Phoenix Economic & Information Studies, 2014). As sex trafficking is largely a gendered issue and calling for legal reforms for services and protection of sex trafficked victims, I rely on an anticategorical intersectionality approach, which emerged as a consequence of criticising the 'validity of modern analytical categories' (McCall, 2005, p. 1776).

## *2.2 Women's oppression in feminist theories*

Feminist positions tend to advocate for ending the discontent that women face in contemporary societies, and the need to end discrimination between the sexes (Beasley, 1997). Nevertheless, there is no consensus within feminisms about conceptions of female subordination, or how to solve female disadvantage (Beasley, 1999; Reitman, 1997; Tong,

2013). Mohanty (1991) demonstrated the need to deconstruct hegemonic feminism and construct an ‘autonomous, geographically, historically, and culturally grounded feminist concern and strategies’ to understand third world women disadvantages (pp. 51). Mohanty (2003b) revisited her paper and confirmed the need to analyse third world feminism from a context dependent approach.

Denis (2008) explained that intersectional analysis draws on numerous sources of subordination which intersect, and may contrast, depending on its juncture with other sources of subordination. However, McCall (2005) noted how the word itself may be misleading due to its metaphorical power; intersectionality does not suggest that disadvantage to people is caused by the intersection of categories. Intersectionality suggests that women’s oppression is happening in the space where the categories intersect, not caused by the categories or the intersections (McCall, 2005).

Understanding the traditions of the family order and patriarchal structures help in assessing what has impeded the victims of sex trafficking from accessing legal services and justice. I call on what Mohanty (2003a) wrote: ‘Male violence must be theorised and interpreted within specific societies, both in order to understand it better, as well as in order to effectively organise to change it’ (p. 55). Further, Jordan’s social and cultural order is far from homogenous; there are vast differences among its racial, ethnical, and religious groups. However, to confirm this, I will explain two themes, which emerged from the participants’ voices: the male authority and poverty. These two themes cannot be separated; in fact they intersect with other sources of subordinations as explained below.

### *2.3 Sexual oppression: male authority*

The interview findings in my study indicated that domestic sex trafficked victims are more likely to be victimised due to disruption in their family ties, and/or the loss of virginity. Dalal said:

In terms of my experience with domestic girls who can fall as a victim of sex trafficking, this category can be trafficked by her father, her brother, by her husband, or in some cases she can be trafficked by her uncle if she was an orphan fostered by the latter. If her parents were divorced and she was raised at her uncles house or grandparents. In this scenario, calling the police may intimidate the victim for a number of reasons. The

authority of the male who fosters her can intimidate her and plant the idea of social shame.

Victims are stigmatised, and therefore marginalised, because they have breached the honour of the family. In this sense, the sexual oppression, which is a result of the patriarchal structure, is implicated in this example.

Moreover, Dalal added:

When a male is born into a society that considers the hierarchy of superordination as the following: the male, then the male, then comes the male again; then of course this male will traffic the female. Accordingly the mother would say to her son: ‘you are the male, you are the head of the family, you are our everything, you are the great one and the rational one, and this female is born to serve you, whether she was your mother, your sister, or your wife.’ The man is told that the female is the one that is born to make him happy and provide him with convenience. Of course as a result he will traffic the female.

The patriarchal family considers the female kin as people made to serve and please males. Moreover, a female’s survival instincts push her towards complying with the norms of her patriarchal family. Females are economically and socially dependent on the male. A closer look at the above excerpt indicates that female dependency on the male-kin is a result of historically inherited traditions. Familial and patriarchal structure cannot be separated from the economic male-subordination.

#### *2.4 Sex trafficking and poverty*

Females who fall below the poverty line and lack educational opportunities are at risk of becoming sex trafficked, sexually exploited, or victims of other sexual crimes within Jordan. Farley (2009) alleged that there is an agreement on considering trafficking a gendered element of economic globalisation. Class oppression is also showed up in another interview, making it an additional factor to women’s oppression. Nawal said that women classified as poor are more likely to fall victim to sex trafficking. She said:

I can say that poor categories, or marginalised groups are mostly affected by sex trafficking crimes because the middle class families may solve their problems in

another way. Of course this does not mean that there are no female victims from the middle class, which attend our shelters. In fact we have one female victim who is above the line of poverty and attended our sheltering services. In general, most of them are from poor families...

This also alerts us that women can be trafficked regardless of their class, Rawan said:

Through servicing the victims, I became familiar with a society that I am not aware of, that most of us don't know about, as people who live ordinary and conservative lives. I describe myself as a person that came from the middle class. I did not hear about all of this. I was astonished to find out that there are cases like this.

Rawan added the fact that the less fortunate classes are affected by sex trafficking. However, Limoncelli (2009) noted that poverty alone is not a 'sufficient explanation for trafficking' (p. 267). Limoncelli (2009) considered poverty to contribute only in forming certain means for the trafficking of poorer women. Limoncelli (2009) explained how an immigrant who belong to an ethnic group suffering from poverty would be trafficked via debt bondage or coercion due to lack of money to travel; similarly, an immigrant who is economically independent may be exploited for labour.

With the idea of having complex explanations for the vulnerability of the victims Dalal explained that:

The factors of vulnerability are numerous; the most important one is poverty. Following poverty comes the male authority, specifically, if the family is poor and the father is the only funder.

In Dalal's opinion, there are a number of sources of subordination for women, including economic dependency and patriarchy. However, sources of subordination pave the way for understanding women's oppression. For instance, a Syrian refugee child-girl might be sexually traded by her kin for the purpose of gaining profit, given their vulnerable status and indigent circumstances. In contrast, one of the participants told me that some Syrian immigrant force their daughters to marry while they are still children. It is a Syrian custom brought with them into Jordan. These cultural factors contribute the patriarchal structures that reinforce the girl-child's position in relation to male superordination. Honour as a factor stigmatises the victims

of sexual crimes, including victims of sex trafficking, and creates categories of complex and intersecting material. Addressing such complex issues requires a flexible approach to capture the individual experiences of female victims (see Anthias, 2013; McCall, 2005).

The anti-categorical approach ‘deconstructs analytical categories’ to understand the context in hand (McCall, 2005, pp. 1773). The anti-categorical approach contributes to deconstructing and reconstructing sustainable legal reform, which serves the interest of these women regardless of their residential, economic or social status. According to McCall (2005), as cited in Anthias (2013a), the anti-categorical approach rejects categories for the purpose of allowing the ability to analyse the disadvantages of individual experiences. For sex workers, legal reforms must take into consideration the complex and variant individual experiences of women and girls in Jordan.

### 3. Conclusion

The information obtained from the interviews and observations of the society and culture in Amman, Jordan, suggest a complex social, economic and cultural situation. Male authority and poverty contribute to the situation in need of legal and cultural reform. A context dependent analysis in researching third world gendered issues is essential for advancing a meaningful criminal justice and cultural response for female victims of sex trafficking in conjunction with the human rights agenda.

### 4. Acknowledgement

I would like to take an opportunity to express my thanks to Dr John Hall on his comments and feedback on previous drafts of this paper. His guidance on how to write an academic research in the social sciences is fully appreciated.

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