

# **Women's Rights in Jordan**

Submitted to

## **The Universal Periodic Review**

*the Human Rights Council*

Submitted by

A National Coalition led by the Arab Women Organization

*The coalition consists of AWO, MOSAWA (a network of 86 women CBOs from across Jordan) and members of the campaign "My Mother is Jordanian and Her Nationality is My Right"*

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### **I. Women's Right to Nationality**

In the Jordanian citizenship law, there are provisions that do not extend the same rights to both men and women. Despite the publication of the CEDAW in the official gazette in 2007, which in theory makes it binding in national legislation, the Nationality Law with its discriminatory provisions contradicts with Article 9, paragraph 2 and contradicts the purpose of international human rights agreements.

Political reasons have always been used as justifications by the government for not amending the nationality law. In particular, the excuse used is that granting citizenships to children and husbands of Jordanian women married to Palestinians will negatively affect their "Right to Return".

The inability of women to pass on their nationality to their husbands and children is problematic because women are viewed as second-class citizens by the law as it legitimizes the social and cultural patriarchy by effectively disowning women of their right to citizenship. It also has adverse negative effects on the family's living situation and on the future of the children. Non-Jordanian spouses are sometimes forced to leave the country every three months as a protocol to renew their residency. This obligation increases the economic instability of the Jordanian mothers, as they become the sole supporter of the family. Likewise children without citizenship do not enjoy the same social rights, which hinder them from benefiting from social welfare programs. They struggle with obtaining visas, driving licenses and residency permits, which are needed to enroll in private or public schools, and they have to shuttle between police stations and health centers every year to get security clearances and medical reports. Additionally, schools and universities tuitions are higher for non-citizens, which compromise their right to education. Access to jobs becomes limited due to the lack of a Jordanian citizenship or a national ID number.

Many lawyers and activists argue the illegality of the Jordanian citizenship law in reference to the Jordanian Constitution. With the establishment of the Constitutional Court, they are preparing to question it.

The Arab Women Organization together with other women NGOs and women's rights activists have been campaigning for women's nationality right. The attempts have been calling strongly on the government to amend the citizenship law- in view of protecting women's constitutional rights - to allow for the transfer of Jordanian women's nationality to their children and husbands. They have also called on the government to ensure equality in the law, at least temporarily, and issue short-term procedural actions such as: residence permits valid for at least five years for husbands and children of Jordanian women; a nationality number for children of Jordanian

women to uphold education, health and labor rights equal to other Jordanians; form a special committee to study humanitarian cases and protect children from situations of statelessness.

In November, 2012 Jordan's Prime Minister vowed to support the full implementation CEDAW and to lift reservations on the remaining articles at the 11th International Conference of National Human Rights Institutions held in Amman. However and until today, no rectifying measures were taken to lift the reservations on these Articles which continue to constitute discrimination against women.

A study conducted by the AWO in 2010 assessing the “Economic, Social, Political and Psychological implications on Jordanian Women and their families married to non-Jordanians”, concluded that depriving children and husbands from the right to acquire Jordanian nationality results in a stressful economic, social, psychological situation. The study also called on all relevant institutions responsible for issuing marriage contracts to indicate nationality of husband in view of facilitating research and in acquiring statistical data on the subject to accurately measure the size of the problem especially those from Palestinian origins.

AWO and the campaign: “My mother is Jordanian and Her Nationality is My Right” launched dozens of sit-ins and demonstrations in front of the Parliament and the Prime Ministry under the slogans *"We are full citizens"*, *"My mother is Jordanian and her citizenship is my right,"* and *"We are demanding our constitutional rights"*. Some of these appealed to King Abdullah to change the law and grant Jordanian women their citizenship rights on the same basis as men. The most recent effort was the formation of the coalition “My nationality is a family’s right” in February 2013. The coalition consists of women’s rights activists, lawyers, journalists, academics, and other well-known professional figures in the Jordanian society, concerned with the deprivation of women’s right to pass their citizenship to their husbands and children. The coalition has been conducting awareness seminars and workshops to shed light on the consequences of the law and calling to unify the efforts of women’s rights organizations in order to successfully push the government to change the citizenship law in Jordan. The coalition will also renew calls made in the past to amend Article 6 of the Jordanian Constitution, which stipulates that “there shall be no discrimination between Jordanians as regards to their rights and duties on grounds of race, language or religion”.

## **II. Women’s Weak Political Representation**

While women are more accepted as political figures today, gender traditional stereotypes are used to justify discrimination against women, hampering their participation in public and political life. Women are poorly represented in the political sphere, which hinders them from successfully contributing in the decision making process that would shape the political priorities, policies and practices for women.

Politics in Jordan is considered a male domain and decisions are taken by men and therefore are serving predominantly the male interests. In the government today there are no women ministers and the in the last cabinet a new ministry on women’s issues was founded, but was later removed in the last government indicating lack of seriousness at the highest political levels to consider women’s rights. Growing religious fundamentalist movements is another factor that is impeding women and civil society’s role and opportunities to enter politics and public life. These place women as secondary citizens and affect women’s self-esteem by limiting woman’s ability to function independently, cast her own vote or decide to run for political office.

The current electoral law is not enabling, but rather promoting tribal culture as it is advantageous to candidates from specific groups instead of those who stand for a specific political party platform. As the law is based on one-person one vote system, the regions where tribal culture is dominant, voters tend to cast their vote for those candidates connected to their tribe or family. This system limits women participation in parliament and diminishes their chances to win via competition, as generally people vote for their tribal and family affiliations. The patriarchal system and tribal culture decreases the chances of women being elected as candidates or representatives for their tribes, unless she represents the interest of the tribe.

Gender stereotypes have been sometimes consciously used by media to limit female politicians' participation in the political sphere. By questioning their intellectual and moral ability to perform successfully, women politicians get targeted, especially, when they have shown excellent capacities.

Women generally lack financial independence to engage in the public and political life. Without financial support to launch and carry out campaigns women tend to depend on their husbands or male family members to fund their campaigns, which may affect their ability to take stand on issues they believe in. The economic dependence and control are further enriched by the legal, cultural, and religious value systems, where husbands are required to support their wives financially.

Women's political participation has not been genuinely adopted as a priority in terms of legislation, binding policies, and awareness raising campaigns. There is no articulated state policy on promoting equality between women and men, hence lacking a structure to facilitate gender equality. Governmental commitment to the two Ministerial Conferences – 2006, and Marrakech 2009, - resulting from the Barcelona Process to strengthen women's rights, participation, and gender equality have not materialized in any policy on the ground.

The government has made some minor steps, but they have not been able to open the doors for more equal political participation, bringing qualitative transformative changes in favor of women's rights. The steps did not address the core of the problem: the patriarchal system itself, which has no political will to genuinely promote equality in the public and political spheres.

The quota system was introduced in the 2003 elections through a legislative amendment, reserving 6 out of 110 seats for women candidates. The quota was doubled to 12 seats in the Election Law of 2010, resulting in a total number of 13 women in the Lower House of Parliament; 12 filled by quota and one by direct competition. In the 2013 elections, a total of 215 women ran to compete for seats in the 150-member Lower House. Eighteen women won: 15 via the quota, two through national tickets and one through direct competition.

The new electoral law implemented in the 2013 parliamentary elections allowed voters to cast two ballots; one for a candidate in their constituency and one for national/party lists elected by proportional representation at the national level. This amended law came short to fulfill the demands made by the opposition and the Muslim Brotherhood who boycotted the elections.

An Independent Elections Commission was founded to supervise the elections to ensure transparency, however shortcomings were observed. It is argued that the modest changes made to the election law have not changed the built-in, structural over-representation of individual tribal candidates vis-à-vis candidates running on a party platform. Political parties thus continue to be largely irrelevant in Jordan. And although the number of parliamentary seats increased to

130 and women's quota from 12 to 15 seats, it kept the level of representation of women in the quota system to around 11%, far short of the Millennium Development Goals (MDG).

While the increase in quota in municipal elections from 20-25% is without a doubt a success for women's representation at the local level, this number alone cannot be used to evaluate the real participation of women. All the achievements in gender equality, as in the other fields, should be placed into a context of a broader situation influenced by political Islam, which is of concern, especially for advancing women's rights.

Legislation in Jordan is civil with the exception of the Personal Status Law that is based on religion; therefore, it is highly dependent on the interpretations of the religious precipices. Shari'a judicial system and ecclesiastical courts are not open for women, which is also an indicator of their discriminative character. This situation contributes towards the legal perpetuation of the inferior status of women in society, which plays an essential role in the continuation of gender stereotypes. This hinders any effective step towards women's participation in public and political life and the law poses the biggest challenge for women's movements, because claims only separation of state and religion, based on civil legislation and full citizenship is a precondition for improving women's real participation.

The Law of Association governing civil society organizations was changed several times, but it does not grant CSOs the freedom to organize independently, especially for those organizations that advocate for political changes. For example, the current law prohibits associations from pursuing any "political objectives" and activities that violate "public order." Both terms are overly broad and invite governmental abuse.

Although some steps have been made in easing the atmosphere for organizing as part of the government's recent efforts to promote democratic reform in the areas of freedom of assembly, freedom of association, freedom of expression, these changes in legislation have not been applied translated to practice in ways to produce the desired effect of real freedom and equality. Popular protests and demonstrations in Jordan, inspired by the uprisings in Egypt and Tunisia, broke out in January 2011, calling for full political reform, revision of the electoral law and the political parties law, amendment on the constitution, and measures to address the high unemployment, rising cost of living and the spread of corruption. Women took part in these demonstrations, demanding equality between women and men and changing the discriminatory legislation.

### **III. Women's Economic Rights**

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Jordan's wide gender gap in employment and economic participation lies at the heart of the economic disparity which has led to widespread political and social unrest. If such reforms are ignored, the Jordanian economy will continue to stagnate as more than half of its educated and employable population remains outside the work force.

The Jordanian government notably succeeded in closing the gender gap in education, however, it has been slow to recognize how this translates into opportunities for women's contribution to the economy. The percentage of women in the labour force stands at around 14.7% according to the Employment and Unemployment survey of the Department of Survey in 2011. At the same time, the unemployment rate is set at 11% for men and twice as high for women with 21.21% in 2011.

According to the UN Women Gender Equality Assessment report released in 2010, women constitute only one in four employees in the private sector. The majority of females in the private sector are under the age of 29, while less than 1% of women are above the age of 50.

The low participation rates of women in the economy and in the private sector present a high cost to the Jordanian economy, especially when many of its women, particularly the young and active, are highly educated. This means that there is currently a considerable waste of human resources, and a loss of education investment, in Jordan.

Understanding the value and importance of women's economic empowerment in Jordan is still weakened by traditional social structures that place a higher value on women's reproductive roles. To overcome this, there must be systematic and strategic effort by the government targeting both male and female awareness on the positive outcomes of women's economic empowerment.

Almost 95% of employed females are wage earners, with the public sector being the preferred option for them (48.2% of employed women are in the public sector). This is because working hours are shorter than the private sector, wages tend to be slightly higher, maternity leave is longer and government offers better job security.

At the national level, legislative policies should be put in place to reduce discrimination and encourage female labor force participation. This includes in some cases the activation of existing laws that support women's employment and in other cases addressing discrimination in the provisions themselves in both the Civil Service Law (governing public sector employees) and the Labour Law (governing the private sector).

The persistent of gender wage gap especially in private sector (30%) and the lack of a provision in the Labour law that entails equal pay for men and women for work of equal value; as well as, the continuous horizontal and vertical gender segregation in labour market present a great challenge to women's economic participation.

Although the Civil Service is generally seen as a non-discriminatory employment sector, when it comes to equal pay for equal work, UN Women Gender Equality Report cites the presence of a gender gap in payment for employees at the level of legislators and senior officials, where the average hourly rate is JD4.5 for men and JD2.9 for women. The report also mentions that a female employee is likely to have three years greater experience over her male counterpart in Jordan.

Women's ability to choose their profession is also influenced by legal regulations inhibited by cultural attitudes. According to Article 23 of the constitution and Article 69 of the Labour Law, the Minister of labour issues decisions specifying the industries and economic activities that are not appropriate for female workers as well as the hours allowed for women workers. Women are prohibited from working in mines and are not allowed to work between 8p.m and 6a.m, except in certain places. Evening work is limited to 30 days a year and a maximum of 10 working hours a day.

In terms of social benefits, the Civil Service Code remains discriminatory in some of its articles. Family allowances are automatically paid to men, while it is granted to women only in certain circumstances. Within the Social Security system, pension payments to the family are only paid to a woman's family under limited circumstances despite the fact that social security contributions are equal. And while the private sector employers with 20 female employees

(regardless of marital status) are obliged to provide daycares for their employees, provided that the number of children under the age of 4 is at least 10, the public sector is not obliged to provide support for married women's family obligations through day care facilities.

The lack of activation of Article 72 in the labour law makes women's lives of balancing work and family even more difficult. Enforcement of this law supports women's rights to childcare in the workforce and allows women to benefit from these provisions that could enhance women's contribution to national development and ensure equality of opportunity and treatment of women in employment and in their participation in decision-making at all levels. The private sector enterprises sometimes limit the number of female employees to avoid obligation to such services and are using it as an excuse to lower women wages to compensate for the cost.

The Ministry of Labour, the entity responsible for enforcing Article 72, avoids implementation for fear of the law backfiring, as employers could either stop recruiting women who are married or pregnant, or stop recruiting women altogether. This challenge is also coupled with strict guidelines enforced by the Ministry of Social Development that dictates how daycares are established in Jordan. Corporations often find themselves discouraged after realizing that compliance with these guidelines is difficult. Although Article 72 does not fall under the jurisdiction of the Ministry of Labour guidelines, conflict still persist between the two ministries on licensing and supervising daycares the workplace.

The labour law amendment made in 2008 sanctioning sexual harassment in work place and the new Civil Services Statute No. 30/2007 that deems sexual harassment in public service was a positive step, however activation of these two provisions is limited and no procedures are put in place to raise women's awareness on the importance of these laws. In addition sexual harassment in workplace covers only cases where the perpetrator is the employer.

#### **IV. Violence Against Women**

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While the constitution states that all Jordanians are equal by law, certain legislation discriminates against women and does not protect their rights especially in cases of violence. Women are also the most affected by poverty; they represent a larger proportion of the unemployed population and they are widely absent from decision-making processes. All of these aspects place women in vulnerable situations and contributes towards generating violence against women.

The Jordanian Constitution and the Family Protection Act (2008) are policy frameworks that obligate the government to combat violence against women. These as well as the JNCW's National Strategy for Women and the National Framework for Family Protection provide the grounds for legal and social support and protection against violence. The Family Protection Department and various services provided by non-governmental organizations and the regulatory tools of protecting women are also in theory sufficient tools to effectively protect women from violence. However, there are no appropriate and effective administrative systems and collaborative referral systems to provide support and protection, and clear regulatory frameworks within which protection can be ensured. The by-laws of the Family Protection Act that was should provide these regulatory frameworks, but it is still awaiting activation.

The National Centre for Human Rights (NCHR) deals with gender discrimination cases through its complaints unit but does not have the legal capacity to file such cases before the courts. In 2010, NCHR recorded 770 complaints, of which 30% were from abused women. In the absence

of an ombudsman office, the Center is not well equipped in dealing with the situation. The data for recording cases of violence against women are not reliable. Firstly because of cultural and traditional values that conceals violence as a family secret, to be kept behind the walls of homes, and secondly is the lack of a unified national database for violence against women.

Women's bodies are still considered and used as male property; physical violence is socially tolerated and seldom punished. The shame and guilt remains for the victims. The traditional mentalities reproduced by both men and women, keep domestic violence in the family sphere as a private matter. Sexual violence may take place in private and public spaces. It includes sexual harassment and marital rape, but often treated with secrecy because of its direct connection to women's reputation and the reputation of her family. This endangers women's physical and psychological health and rights over their own bodies since many women are forced to have abortions and denied the right to decide how many children they want to have.

Victims of sexual violence face numerous legal and social obstacles. Marital rape is not criminalized and prosecution for rape ends in the event of marriage between the prosecutor and its victim in accordance with Article 308 of the penal code. In majority of cases, the perpetrator of rape or molestation will avoid punishment if he marries his victim. This is always justified on the basis of protecting the female victim from social stigma. There are no clear procedures to ensure the victim's "consent" to such a marriage. Societal customs often serve to pressure the guardians of a female victim to waive personal claims and drop charges to avoid social stigma, particularly in cases of sexual assault, rape, and homicide.

Abortion is legal only in cases of serious danger to the mother's life.

There are no specific provisions in the penal code for restraining orders for cases of abuse, even in the new 2008 Family Protection Act. Cases of domestic violence are prosecuted under the penal code's general provisions on assault and battery. Although assault and battery are accepted as reasons for divorce, it is often very difficult for a woman to prove such a case as Islamic shari'a courts require the testimony of two male witnesses in these circumstances. This discourages many women to initiate legal procedures. The medics and the police are also not encouraged or trained to deal with domestic violence properly.

The articles 98 and 340 of the Penal Code have not been removed. Furthermore, the Crime Prevention Act (No.121 of 1927) intensifies the suffering of women who are threatened by their male family members, by giving the Administrative Director of a governorate the right to hold a woman under protective custody (without a time limit) on the basis of preventing a crime against her.

Violence against women is far from having become a political priority. Improvement in the legislative field is urgently needed to curb the conservatism of society. Furthermore, financial means need to be allocated to help prevent violence against women, and reduce the suffering of women.

## **V. The situation of Syrian Women Refugees in Jordan**

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The number of total refugees residing in Jordan, estimated by UNHCR, is about 260,000, with women and children making up the majority of the refugee population. The most vulnerable

targets in this conflict are Syrian women. Violence against women in refugee camps is high; incidents of domestic violence, child brides, and prostitution are acknowledged as existing phenomena among Syrian refugees.

Cases of rape and violence against Syrian women refugees remain underreported. Cultural and traditional norms prevent Syrian women from talking freely about private issues, especially sexual assaults. The society's demeaning view of women who are victims of sexual violence is one of the main reasons of why assaulted women would hide such crimes. In addition, Syrian survivors interviewed by AWO at refugee camps in Jordan stated that they fear reporting rape incidents due to the risk of getting killed by a male family member who believe that the woman brought shame to the family name by getting raped. This makes it hard for the international organizations and women's rights activist to document these sexual assaults against Syrian women refugees, which in return, lower the funding allocated to help women suffering from sexual violence.

With the difficulty of providing humanitarian assistants to the Syrian refugees, due to insecurity and difficult access to camps, the international community is struggling to provide the basic needs for refugees. This reflects the broader picture of the dire situation at the refugee camps. Sexual assaults survivors who managed to flee to Jordan are not getting the medical and psychological assistant needed to help them overcome the traumatic experiences of sexual violence, and reintegrate in the communities where they have settled.

When fleeing their homes, Syrian refugees leave most of their valuables behind. The difficult living situation in Jordanian refugee camps forces many Syrian families to marry off their young daughters in return of shelter, dowry or a better life standard in general. In many cases where the family lacks a male figure living with them in the refugee camp, young women are married off to older men in order to preserve the family's honor and to protect the rest of the family members.

Syrian refugee women are under the jurisdiction of the Jordanian law. So issues pertaining to Personal Status laws are identical to those endured by Jordanian women. The lacks of holding perpetrators morally and legally accountable to their sexual violence in the camps reflect the absence of effective implementation of CEDAW in Jordan in general, and in refugee camps in particular. For example, the fluid Jordanian laws for the minimum age of marriage are being noticed in refugee camps, because the Personal Status Law states that the minimum age for marriage is 18 years for girls and boys, but makes exceptional excuses for a girl to be 15 years at marriage if a judge finds such marriage to be of her benefit. This law affects Syrian female minors who continue to be married off to older men in search of protection and financial support. The adverse effects of early marriage make the girl more vulnerable to sexual violence.

The combination of CEDAW and Security Council Resolution 1325 must be implemented in refugee camps in Jordan, to ensure gender equality during, and post conflict. These two powerful tools can be used to provide women with their needs and protect them against any violations of their rights. This will drive Jordan to take the measures needed to protect women from any discrimination or sexual violence and prosecute violators. Additionally, Security Council Resolution 1820 and 1888 recognize sexual violence as a weapon in wars; calling for leadership to monitor and respond to any conflict- related sexual violence by deploying experts to develop mechanisms to prevent sexual violence. If the Jordanian government implements CEDAW, resolution 1820 and 1888, it will reflect their recognition of the sexual violence occurring in the

refugee camps. The more the government reports and prosecutes perpetrators of sexual violence, the more victims report incidents of sexual abuse. This will achieve a more successful reintegration for Syrian women in the refugee camps.

This will help NGOs reveal the real conditions of Syrian women refugees, and provide the medical, social and psychological assistance needed to help them overcome the traumatizing experiences they have been through. It will help NGOs implement better monitoring and evaluation systems in their organizations.

## **VI. Recommendations**

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1. Draft a Gender Equality Law where the definition of discrimination against women in CEDAW should be included or include the word gender into Article 6 of the constitution.
2. Amend the existing citizenship law to end discrimination against women married to non-Jordanians to apply gender equality as well as lift hardships faced by children and husbands related to residency, enrolment in government free education, provision of health care services, and deprivation of work permits.
3. Achieve a women's quota of at least 30% in parliament by 2015 to move closer to the MDG targets.
4. Create a friendly working environment that enables women to become more economically viable, including by adopting legislation guaranteeing equal pay for work of equal value in order to narrow and close the wage gap between women and men, in accordance with ILO Equal Remuneration Convention, 1951 (No. 100); activate Article 72 to provide daycares at the workplace, take effective measures to monitor and improve the working conditions of women in the private sector; and, ensure that the Labour Law covers all cases of sexual harassment in workplace. It should also set up specific provisions that prohibit gender discrimination in labour opportunities and in the workplace.
5. The Civil Service Code should also be revised to address inequalities pertaining to family allowance and the Social Security Corporation Law should be revised to grant employed or retired women to benefit from their dead husbands' pensions and allow a deceased woman's family to benefit from her full pension.
6. Develop a law that criminalizes all forms of violence against women, including the marital rape, decriminalization of abortion for victims of rape and eliminating all exceptions that allow underage marriages;
7. Provide reliable and safe services and shelters for abused women outside households and provide effective systems and mechanisms in place to combat violence against women;
8. Article 308 of the Penal Code should be amended not to pardon a rapist from punishment or legal prosecution if he marries his victim and pledges to stay with her for five years.
9. The Jordanian government cannot keep turning a blind eye to the Syrian women situation in refugee camps as it is responsible to protect the refugees residing in Jordan and provide civil, social and human rights. The government must fully implement CEDAW and the Security Council Resolutions that aim to protect women from any sexual violence; incidents of rape, trafficking and sexual violence in camps must be dealt with carefully, and perpetrators must be held legally accountable.

10. Additionally the government should also prohibit any marriage contracts for minor females, and punish those who agree to arrange marriage contracts for minors as it breaks the International Law. Furthermore, the government must implement better monitoring systems to ensure that international aid is being fully delivered to refugee camps, and cooperate with NGOs to guarantee the best services for the Syrian refugees.

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