



Committee on the Elimination of Discrimination against Women  
Human Rights Treaties Division (HRTD)  
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Re: Jordan – 66<sup>th</sup> Session (13 February – 3 March 2017)

22 January 2017

Distinguished Committee Members,

We respectfully submit this letter in advance of the Committee on the Elimination of Discrimination against Women's (CEDAW) discussion on Jordan at its 66<sup>th</sup> session from 13 February – 3 March 2017 as a follow-up to our pre-session working group submission. Equality Now, and the Jordanian-based Arab Women Organization, the “My mother is Jordanian, and her nationality is a right for me campaign”, the Sisterhood is Global Institute and the Global Campaign for Equal Nationality Rights, are greatly concerned about the sex-based discrimination against Jordanian women married to foreigners who are not able to pass on their nationality to their children under Law No. 6 of 1954 on Nationality, with severe consequences for those children and their families. We are also concerned about the exemption from punishment under the Jordanian Penal Code of offenders, including rapists, who marry their victims. These laws violate the non-discrimination principles of the Convention of the Elimination of All Forms of Discrimination against Women including article 2, which Jordan does not have a reservation on, and deprive women from enjoying their rights as equal citizens with men under article 9 on the right to nationality and article 16 on the elimination of discrimination in all matters relating to marriage and family relations.

Arab Women Organization (AWO) is a grassroots, non-governmental organization working since 1970 to strengthen the status of Jordanian women to become equal and effective partners in development. The Sisterhood is Global Institute (SIGI Jordan) is a non-governmental, non-profit organization established in 1998. Its founders include lawyers, jurists and human rights activists working to support and promote women's rights through education, developing skills, training and presenting modern technology. “My mother is Jordanian, and her nationality is right for me” Campaign (“the Campaign”) is a collective initiative of Jordanian mothers married to non-nationals working to ensure amendments to the nationality law to let women pass their nationality to their husbands and children. The Global Campaign for Equal Nationality Rights mobilizes international action for the removal of gender discriminatory provisions from all nationality laws, through its coalition of national, regional and international organizations and activists, including Steering Committee members Equality Now, Equal Rights Trust, the Institute on Statelessness and Inclusion, and Women's Refugee Commission. Equality Now is an international human rights organization with ECOSOC status working to protect and promote the rights of women and girls worldwide since

1992, including through our membership network comprised of individuals and organizations in over 190 countries.

### *Nationality*

Hardships caused by the inability of a Jordanian woman to pass on her nationality to her children under Law No. 6 of 1954 on Nationality include the fear that children will be taken out of the country by her non-Jordanian husband leaving her with huge legal and practical difficulties in getting access to them, exploitation by employers of foreign-born men and their grown children because of their precarious residency status, and the urge to marry off girls at a very young age to gain security. Currently, additional restrictions, such as where or whether children from these marital unions can work or study, in their access to government hospitals, and the need to obtain Ministry of the Interior approval to marry, are all contributing to the increased strain on and vulnerability of these children and their families. In partnership with the Arab Women Organization and the Campaign, Equality Now issued an [Action](#) in 2012 calling on Jordanian government officials to amend the Nationality Law to give Jordanian women the equal right to pass their nationality on to their children and husbands without delay.<sup>1</sup>

Jordan's sixth periodic report of States parties, submitted to the Committee in June 2015, states in regard to nationality that the child born to a Jordanian mother and foreign father [only] has the right to acquire the nationality if s/he is born in the Kingdom and the father is unknown or has no nationality or the child's paternity has not been legally established. The government also states that some privileges (*Mazaya*) are granted to children of Jordanian women married to non-Jordanian with respect to education, health, work, own property, investment and obtaining a driver's license (private cars). Unfortunately, these "*Mazaya*" have not yet been fully implemented as revealed by Azza, a Jordanian woman with four children who is married to a non-Jordanian man, who states, "The government failed to treat our children as Jordanians [though] this is what the Cabinet declared. Still my children cannot access public services."<sup>2</sup> While we welcome all measures to alleviate the hardships of the children and husbands unable to obtain Jordanian nationality through the Jordanian woman, we nonetheless regret these measures are necessary at all and hope that a full revocation of discrimination in the law is made without delay.

In its list of issues and questions in relation to the sixth periodic report of Jordan, the Committee asked Jordan to "provide information on any progress with respect to amending the Nationality Act to ensure equality between women and men with regard to the acquisition, the change and the retention of nationality and to enable Jordanian women to pass their nationality to their foreign spouses and their mutual children (para. 50), to further indicate what measures have been taken to ensure that the decision of the Cabinet to grant privileged services and facilities (*mazaya*) to the children of Jordanian women married to non-Jordanian men with respect to education, health, work, estate, investment and obtaining a driver's licence are effectively implemented (para. 51), and to indicate any steps taken by the State party to withdraw its reservation to article 9 (2) of the Convention. (CEDAW/C/JOR/Q/6, ¶14). The State Party's response was to simply state that the Jordanian National Commission for Women listed the nationality issue in their list of demands, and that the reports conducted by the National Center for Human Rights highlight

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<sup>1</sup> Available at [http://www.equalitynow.org/take\\_action/discrimination\\_in\\_law\\_action451](http://www.equalitynow.org/take_action/discrimination_in_law_action451) in English, Arabic, French and Spanish, last updated 22 January 2016.

<sup>2</sup> Id.

the importance of Jordanian women's to be able to pass on their nationality to their children and spouses. CEDAW/C/JOR/Q/6/Add.1(¶14-2).

As noted in our pre-session working group submission, in its Concluding Observations following its review of Jordan in March 2012 the Committee expressed its serious concern that under the Nationality Act, Jordanian women are not entitled to pass on their nationality to their foreign spouses and their mutual children and recommended that the State Party "(a) To review the Nationality Act, while taking into consideration practices of neighboring State parties that have successfully amended their nationality laws, to ensure equality between women and men with regard to the acquisition, change and retention of nationality and to enable Jordanian women to pass their nationality to their foreign spouses and their mutual children; and (b) To accelerate its efforts in facilitating provision of residence permits to foreign spouses of Jordanian women and access to health and education services to their children, as a temporary special measure until the Nationality Act is amended accordingly." (CEDAW/C/JOR/CO/5, ¶34).

Several other UN treaty monitoring bodies, including the Human Rights Committee and the Committee on the Elimination of Racial Discrimination (CERD), have also addressed this issue in their most recent review of Jordan's implementation of their respective human rights treaties. All of these committees, as well as yours, have urged Jordan to amend its nationality law. In addition, in July 2012, the Human Rights Council passed a resolution, "The Right to a Nationality – Women and Children," which, "Urges all States to refrain from enacting or maintaining discriminatory nationality legislation, with a view to avoid statelessness, in particular among women and children;" It also "Urges States to reform nationality laws that discriminate against women by granting equal rights to men and women to confer nationality to their children and regarding the acquisition, change or retention of their nationality." (A/HRC/Res/20/4, ¶¶ 5-6).<sup>3</sup> This appeal was again reiterated in the Human Rights Council Resolution, "The Right to a Nationality – Women's Equal Nationality Rights in Law and Practice," passed in June 2016 and sponsored by 107 Member States. (A/HRC/RES/32/7).

We welcomed the Jordanian government's approval to grant certain rights, or "privileged services" (*Mazaya*), to children of Jordanian mothers and foreign fathers, giving great hope to many families. However, these privileges are not yet implemented. The Government's obligations still require it to ensure amendment of the Nationality Law to remove all discrimination in line with the recommendations of the above-mentioned treaty-monitoring bodies. We hope your Committee will again urge it to do so without delay.

Although Jordanian law allows for the possibility of naturalization of a non-national husband married to a Jordanian woman and their children together, we understand it is at the discretion of the Council of Ministers and applications must be obtained and filed in person with the Ministry of Interior. No woman in the campaign has even managed to have her petition considered and sometimes women are unable even to obtain an application form, so their children have no chance of becoming naturalized. We urge the Committee to ask that the Government ensure this is investigated and that fair procedures are put in place, in the interim, to allow such families to take proper advantage of existing law.

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<sup>3</sup> Available at [http://ap.ohchr.org/documents/alldocs.aspx?doc\\_id=20340](http://ap.ohchr.org/documents/alldocs.aspx?doc_id=20340)

### *Exemption of rapists from punishment upon marriage*

Article 308 of the Jordanian Penal Code exempts rapists from punishment if they marry their victims, promoting violence against women and girls. The Jordanian Civil Coalition to Repeal Article 308 is a coalition coordinated by SIGI Jordan of 92 organizations and community based organizations working to ensure its repeal as soon as possible. We understand that while a bill has not yet been submitted to the parliament, in May 2016 the Jordanian Cabinet approved certain amendments to this article but the proposed amended article would maintain discrimination against women and girls by exempting from punishment rapists who rape girls between the ages of 15 - 18 and then marry them. The full revocation of this article, on the other hand, would conform with Jordan's obligations under international law. The Committee highlighted revoking article 308 in its list of issues and questions in relation to the sixth periodic report of Jordan and asked Jordan "to indicate what action has been taken by the State party to fully repeal article 308 and remaining discriminatory provisions, in line with article 2 (g) of the Convention, with a view to bringing the Code into full compliance with the Convention. (CEDAW/C/JOR/Q/6, ¶10). The Government did not provide an answer to this particular question in their reply.

The Committee on the Rights of the Child, in July 2014, also stated in its concluding observations to the Jordanian Government that it "is deeply concerned that article 308 of the Criminal Code allows for the impunity of perpetrators of rape if they marry the girl they abused," and urged Jordan "to expeditiously repeal articles 308 and 310 of the Criminal Code and all legal provisions that can be used to excuse perpetrators of child sexual abuse." (CRC/C/JOR/CO/4-5)

### *Suggested Questions for the State Party*

We would respectfully urge the Committee to raise again with the Jordanian government during its 66<sup>th</sup> session from 13 February – 3 March 2017 the following questions with regard to violations of the Convention on the Elimination of All Forms of Discrimination against Women addressed in this communication:

- 1) What plans does the Government have to remove the discrimination in the Nationality Law of No. 6 of 1954 so that Jordanian women can enjoy equal rights with Jordanian men to pass their nationality to their children and their spouse?
- 2) What is the Government doing to ensure that the "privileged services" (*Mazaya*) approved by the government are implemented immediately without delay?
- 3) What is the Government doing to ensure that families can access their rights under naturalization laws until the Nationality Law is revised? What further proposals are being considered by the Government to alleviate the effects of the discrimination in the Nationality Law until it can be fully amended?
- 4) What are the Government's plans to revoke article 308 of the Penal Code as soon as possible and publicize its repeal?

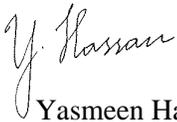
### *Suggested Recommendations for Action by the State Party*

We respectfully urge the Committee to call on the Government of Jordan to address sex discrimination in its Nationality Law and Penal Code by comprehensively amending them to:

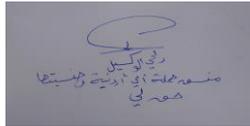
1. Allow Jordanian women to transfer their nationality to their children and spouse on an equal basis with men.
2. Revoke article 308 of the Penal Code that pardons rapists and perpetrators from punishment if they marry their victims.
3. Remove any discrimination on the basis of sex.

Thank you very much for your kind attention, and please do not hesitate to contact us if we can provide further information.

Sincerely,



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Global Director  
Equality Now



Rami Al Wakeel  
Coordinator  
“My Mother is Jordanian, and her  
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Campaign



Layla Issa Khalefeh Naffa  
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Catherine Harrington  
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Global Campaign for Equal Nationality Rights