

CEDAW Shadow Report

Presented by a Coalition

Of

*Arab Women Organization (AWO)
Mosawa Network (93 Jordanian CBOs)*

Submitted to the

CEDAW Committee

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Introduction

On behalf of the Arab Women Organization (AWO), which is a grassroots, non-governmental organization working since 1970 to strengthen the status of Jordanian women to become equal and effective partners in development and Mosawa Network, which is a platform for Community –Based Organizations (CBOs) established in 2005, we respectfully submit this Shadow Report to CEDAW Committee in its 66th Session

The report covers 5 main sections:

- 1. Violence Against Women**
- 2. Women’s Political Representation**
- 3. Citizenship Rights**
- 4. Women and the Economy**
- 5. Situation of Syrian Women Refugees**

Moreover, the report suggests recommendations for both the CEDAW Committee and the Jordanian Government.

There are also 4 Annexes on:

- 1. Case studies on elections and citizenship rights**
- 2. Gender and Education in Jordan**
- 3. Marriage and Divorce Rights**
- 4. References**

The report demonstrates that despite some achievements, many legal obstacles and social barriers prevent women from realizing full gender equality in Jordan. The rising tide of extremism in the region is not only threatening the safety and security of women, but also women’s overall political, social and economic freedom. Despite steps taken to address discrimination, challenges remain in the legal, social, economic and policy framework.

Since the ratification of CEDAW by Jordan some important legislative reforms were made. Constitutional amendments however did not include the prohibition of discrimination on the basis of gender and Jordan maintains reservations on Articles 9 and 16 of CEDAW relating to nationality, rights of marriage and family.

Jordan has made important legislative reforms by putting forth the Protection against Family Violence Act (which is under revision, already) and an Anti-Human Trafficking Law that was endorsed in 2010. However, the Penal Code still contains provisions that undermine accountability in the cases of the so-called honor crimes. Article 308, which was amended last year, still does not provide rape victims with the adequate support and protection from a patriarchal society. The report recommends that legislation be harmonized with CEDAW. It further recommends that the government annuls Article 340 and 98 that offer a reduced sentence for anyone who commits a crime against a female relative in the name of honour. The government should assume a more visible role by providing better services to abused women and young girls by establishing more rehabilitation and care homes.

Although incidents of violence have been on the rise, violence against women also remains largely underreported due to social stigma, and/or weak available data and response services. The challenge lies in establishing appropriate and effective administrative systems to provide support and protection, and clear frameworks within which protection can be ensured especially in preventing child marriage, marital rape and violence at home.

Women are also still consistently under-represented in positions of power and leadership in Jordan. Although in the recent parliamentary elections female MPs won 20 of 130 seats, compared with 18 out of 150 in the previous parliament, participation is still weakened by patriarchy and male dominated structures, which require policy and legal measures to strengthen women's overall presence in decision making. The government did not respond to activists' demands to increase women's seats to 23 in the New Elections Law to include a quota for every electoral district. The government should consider a gendered perspective in representation and participation through a (30%) quota in election laws (both in parliament and municipal) as well as all governmental bodies.

The report emphasizes that the government, hiding behind political reasons, is discriminatory in its treatment of women, who marry non-Jordanians, by not giving their husbands nor their children Jordanian citizenship rights. In November 2014, the government introduced "Mazaya" services to children of Jordanian mothers, but the process has not yet been fully implemented. Therefore, lifting reservation on Article 9 (2) is key to achieving gender equality in Jordan.

At the top of the challenges facing women is their very low economic participation rate, which is considered among the lowest in the region. Multiple forms of discrimination prevent women from participating in the labour market and recent studies have shown that child care, transportation difficulties, social pressures and low or unequal pay are among the reasons pushing women out of the job market. Limited economic opportunities make women more susceptible to poverty and increase their vulnerability especially in a context tormented by war and insecurity.

All of these areas continue to be strained by the effects of the conflict in the region and Jordan continues to host refugees from Palestine, Iraq and Syria. Accessing services and aid has exacerbated existing tension and has affected social cohesion. Women refugees in particular face a myriad of problems including violence, access to services and early marriage. The report recommends that more coordinated and funded efforts are needed to address women's health, education, protection and psychological needs. There is a need to empower women economically and enhance their livelihoods and resilience. Linking psycho-social support programs with employment opportunities can have positive implications on reducing vulnerability among Jordanian women and Syrian women refugees.

Recommendations

GBV services:

- ***More effective and accountable systems in service provision, the handling of GBV cases as well as referral of cases, coupled with raising the capacities and knowledge of those dealing with GBV. At the same time, there needs to be a code of ethics and accountability mechanisms for caseworkers and those providing social-psycho support.***

Most importantly, address the negative attitude of caseworkers and instill a positive gender attitude. In general, stakeholders involved in protecting women and girls and dealing with GBV issues need to communicate with greater transparency, and build stronger partnerships.

Sexual and physical harassment

- *To abolish Articles 98 and 340 and introduce stricter laws to curb sexual and physical harassment.*

Participation and Representation

- *A quota of (30%) in Parliament and all government bodies as well as in local governorate councils and municipalities to become (30%) in line with International Agreements.*

Nationality Law

- *The government to realize the full rights of children of Jordanian mothers married to non-Jordanians.*

Labour rights

- *Adopt legislation guaranteeing equal pay for work of equal value to narrow and close the wage gap*
- *Activate Article 72 of the Labour Law to provide more daycares at the workplace*
- *Include a legislation to outlaw gender discrimination in general in the workplace to improve the working conditions for women*
- *Ensure that the Labour Law covers all cases of sexual harassment in the workplace*
- *Improve the transportation system, providing a safe, fair and reliable system as key to increasing women's employment*

Syrian Women Refugees

- ***Economic support***
 - *Improve family livelihoods by the provision of more cash work opportunities for men and women that fit the skills and experience of the Syrian women refugee.*
 - *Provide employment opportunities to allow females to work and be productive and secure work permits. The absence of adequate economic opportunities results in insecurity, depression and the increased reliance on negative coping mechanisms such as the early marriage of girls which makes her more vulnerable to violence. Stricter laws on early marriage are required.*
- ***Access to health and education***
 - *Programs to enable higher education, especially university funds for girls and boys who completed high school. This could include distance learning.*
 - *Better monitoring of reproductive health services, as well special support for women who suffer reproductive health problems related to war traumas.*
 - *Increase access to schools for girls and boys and decrease the school dropout rate.*
 - *Lessen the bureaucratic burden to facilitate emergency help in severe medical cases.*
- ***Protection***

- Increase protective mechanisms for women and children and enable better access to existing services.
- Enforce the law and tighten conditions on early marriage that is based solely on judicial discretion allowing marriage at the age of 15, and eventually change the law to completely disallow early marriages. The law needs to be strongly enforced to protect young vulnerable girls from the psychological and physical damages.
- ***Psychological support***
- Provide more targeted psychological support to men and boys, and increase the quality of opportunities available to women.
- Increase the availability of special centers in refugee camps for the rehabilitation of juveniles (under 18); provide physiological and material support to juveniles, especially those who have lost their families and/or are under threat.
- Enhance training opportunities for humanitarian staff in order to provide better services.

The Coalition Team

I. Violence Against Women

Family Protection against Domestic Violence

The past four years were marked by a series of legislative and structural changes to enhance protection and treatment of women victims of violence. One major accomplishment was the introduction of the Family Protection Law “The Family Protection Bill” in 2008 to combat violence. One of its goals of combating domestic violence is through giving authorities the power to detain perpetrators of domestic violence for 24 hours to protect the victim and authorize the court to bar perpetrators from approaching safe houses where victims often resort for safety. The Bill still however lacks guidelines making it until today inactive.

The Bill is weak, defective and unimplemented. Successive governments have failed to implement the law and to form the family reconciliation committees to whom the Family Protection Department and courts are supposed to pass domestic violence cases.¹ All follow-up actions depend on this process, without which 32,000 cases of domestic violence reviewed by FPD in the last 4 years will continue without solution. The committees lack effectiveness, and heavy workloads prevent them from following closely on domestic violence cases.

The establishment of Dar Al-Wefaq in East Amman under the mandate of the MoSD in 2009 as a shelter was found to be responsive to the needs of women victims of violence. In 2013, more than 700 women with children benefited from the shelter. In 2016, the MoSD also established another branch of Dal Al-Wefaq in Irbid. The MoSD stated that due to high demand, there are plans to expand and establish more centers in the country. The MoSD also run two centers for young girls between the ages of 18 and 25 who need care and protection and who lack family support. In general, shelters are still needed in more areas and especially violence mostly to cater for more women who have endured violence.

There is lack of cooperation between NGOs and service providers and there is a need to establish a cohesive system of referral and cooperation. The National Family Protection Framework provides the grounds for legal protection against violence. However, the challenge lies in establishing appropriate and effective administrative systems and collaborative referral systems and clear regulatory frameworks within which protection can be ensured.

The recommendation here is for more effective and accountable systems in service provision, the handling of GBV cases as well as referral of cases, coupled with raising the capacities and knowledge of those dealing with GBV. At the same time, there needs to be a code of ethics and accountability mechanisms for caseworkers and those providing social-psycho support. Most importantly, address the negative attitude of caseworkers and instill a positive gender attitude. In general, stakeholders involved in protecting women and girls and dealing with GBV issues need to communicate with greater transparency, and build stronger partnerships.

Physical Violence Against Women

Some survivors of physical violence are not aware of the referral and protection mechanisms and others are hesitant to seek protection due to the stigma attached. The “Strengthening the

¹ This is the result of an investigation prepared by *the investigative journalism unit at Radio al-Balad*

Jordanian Justice Sector's Response to Cases of Violence against Women" study found that only (3%) of victims of gender-based violence would seek support from the police after experiencing violence.² After reporting a case, there is no alternative for living at home and staying under violence.

Discriminatory legislation in general reinforces subordination of women and may allow for violence against women to be socially acceptable. Article 98 of the Penal Code No. 16 of 1960 as amended in 2011 allows for the perpetrator to receive a reduction in punishment if he commits the crime in a fit of fury so long as the victim was engaging in an "unlawful act". Article 340 allows for a spouse who sees his/her wife/husband or any of his immediate family members committing adultery and killing them to be subject to a reduced penalty. Tadamon, observed that from January 2016 until April 2016, there was 12 murders where women (ages 16-60 years old) have been killed by their male relatives.

There has been a general change in attitude by the judiciary in the past couple of years when convicting the perpetrators of honour crimes. For example, in 2013, the Major Felonies Court sentenced two brothers to death for killing their sister in the name of honour. Additionally, it has been found that in the last 20 years, there is continuous withdrawal by judges to accept the usage of Article 98 to reduce sentences. In 2013, the government reported that the court did not accept Article 98 to reduce sentences in (66%) of honour crime cases. The Court of Cassation does not re-examine the facts of a case, it is only competent for verifying the interpretation of the law.

The recommendation here is to abolish Articles 98 and 340 and introduce stricter laws to curb sexual and physical harassment.

At the same time, the capacities of NGOs, CBOs on GBV issues and violence against women need to be enhanced, with more research studies on the subject matter. Government should take a role in showcasing success stories and highlighting women achievements and women leaders and not take negative stand. ***This includes addressing criticism of CEDAW by conservative groups and raising awareness on CEDAW among government officials and agencies, in addition to supporting NGOs to work and operate independently without restrictions on their work and through open civic participation laws.***

Under Article 308 of the Penal Code, rapists escape sentence or legal prosecution if they marry their victims and stay with them for three to five years. Otherwise, Article 292 of the Penal Code stipulates that any person who has forced sexual intercourse with a female, other than his wife, shall be sentenced to at least 15 years of temporary labour. A total of 225 cases of rape and 826 incidents of molestation were recorded in 2014, according to the criminal court. Of those that proved to be rape, nine marriages were consummated between the offenders and the victims, while seven were consummated in molestation cases.

² (Husseini, 2016, Only 3% of gender-based)

II. Women's Political Representation

Legislation in the past four years has led to increased participation in number of women in parliament and municipal elections. The number of seats assigned to women was increased, ultimately leading to a gradual improvement in attitudes towards women's performance in decision-making.

The quota system introduced in the 2003 elections through a legislative amendment reserved 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, eighteen women won: 15 via the quota, two through national tickets and one through direct competition. The increase in quota in municipal elections from (20-25%) played a role in increasing women's representation at the local level.

However, in passing the New Election Law, in March 2016, the Lower House of the Jordanian Parliament did not vote to raise the number of seats for women's quota. Activists wanted to amend Article 8, which provided for 12 seats for women (one from each governorate), to provide 23 seats (one for each constituency/voting district). However, as JNCW stated, the government disappointed the women's movement.³ The new 2016 law decreased the number of MPs from 150 to 130 but maintained women's seats at 15 despite NGOs' efforts to raise the number. The level of representation of women in the quota system is hence around (15%), which is short of fulfilling the MDG or other International agreements like CEDAW that Jordan has ratified.

The women's quota in Parliament facilitates—and is a necessary but not enough to ensure women's political empowerment. NGOs are calling for an increased participation for women in decision-making positions, in public sector posts and the introduction of the (30%) as a minimum quota.

Election Results: September 2016

In the most recent elections, which took place on the 21st September 2016, 20 female MPs won out of 130 parliamentary seats. This number comes in comparison with the 18 female MPs out of 150 in the previous parliament. The growing relevance of women in the Jordanian political scene was evident through the parliamentary race that featured 252 female candidates, the highest number to date.

Women in Public Office

The lack of political will to increase women's representation came in the most recent government, formed by Hani Mulki in September 2016, where only 2 of the 30 cabinet members are women (Minister of Telecommunications and Minister of Tourism Antiquities). ***The recommendation here is to introduce a quota of (30%) in all government bodies and in ministries to avoid the weak representation in recent appointments*** (e.g. appointment of only three women among the 130 board members of 10 public universities).

³ (Husseini, 2016, Activists Picket)

Efforts to mainstream gender in certain institutions show promise such as the effort done on the judicial branch, where the ratio of women increased from (6%) in 2009 to (18%) in 2014. Women's participation in the political parties has increased to (29%), supported by the law that stipulates that 25 out of a minimum of 500 founding members should be women. However, numbers cannot be taken as indicators of real and autonomous participation as limited number of women assume leadership positions in political parties.

Local Councils Elections

Under the Decentralization Law, women constitute 12.9% of the 310 council seats. The by-law for the elections will allocate 27 seats (10% for women). The government will appoint an additional (15%) of the governorate council members, provided that a third of the appointees are women, which is an additional 13 women.

Women's participation at the governorate level contribute to empowering and supporting women, therefore AWO and other NGOs who are involved in training and empowering women leaders are calling for increasing ***the quota for women to become 30% in both parliament and goverorate councils and municipalities in line with International agreements to enhance women's role and leadership abilities and women's will to represent their constituencies.***

The Societies Law

The current law limits the participation of women as it prohibits NGOs to register as societies when they have "political" objectives. An activist stated to the Human Rights Watch that she was refused to register her organization because the objective "demanding the right of Jordanian women to pass her nationality to her children" was considered to have a political agenda. Further, activists argue that the Law is related to the procedures of receiving foreign financial aid. Societies should first seek the approval of the Committee of Ministers before using the aid. The MoSD, the entity that proposed the amendments, is neglecting the fact that NGOs need financial support from private sectors as well as local and foreign donors. Without such aid, in a country with a struggling economy and many development challenges, NGOs are almost impossible to function and sustain, especially when they are covering the work of the government and servicing segments of the society that the government itself cannot reach.

The recommendation is to support women organizations and non-governmental organizations through more open and progressive Societies Laws governing NGOs and through financial support. The current law obstructs political participation and citizenship participation.

III. Citizenship Rights

Jordan did not lift the reservation on Article 9 (2) of CEDAW placed in 1992. Accordingly, the Jordanian citizenship law allows for discrimination in the Nationality Law. Women's inability to pass their nationality to their husbands and children is problematic because it is legitimizing the social and cultural patriarchy. 'My mother is Jordanian and her nationality is my right' (**"campaign"**), is led by Jordanian women married to non-Jordanians that have been advocating for citizenship rights. Responding to the campaign, the government in 2014 offered certain rights and privileges called them (**"Mazaya"**).

The Minister of Interior stated that for children to enjoy these privileges, a mother should reside in Jordan 5 years, to allow her kids to enjoy the "Mazaya".⁴ Some women rights' NGOs welcomed the government's 2014 announcement granting certain rights to children of Jordanian women married to non-nationals. Endorsed by the Prime Minister, children are granted special identity cards (**"IDs"**), free access to public schools and health care, access to jobs, residence permits, driver's licenses and permission to own property and invest in business, among other rights. However, these rights have largely not been realized. Pledges of free access to public schools and health care, access to jobs, residence permits, driver's licenses and the permission to own property and invest in business, among other rights, have not been fulfilled.

Even the promised special IDs can only be obtained when affected children provide the government a whole range of often difficult to obtain documents. For example, Hassan, the son of a Jordanian woman married to a Syrian man for more than 50 years, cannot get an ID because he cannot renew his passport because of the political situation in his father's native Syria. Adding to on-going difficulties, although the Jordanian law allows for the possible naturalization of non-national husbands and their children, those who have tried have are still unable to even obtain an application from the Ministry of the Interior.

In April of 2016, the Civil Status and Passports Department (**"CSPD"**) has issued 56,164 identification certificates to children of Jordanian women married to foreigners and declared that the process of issuing has been finalized.⁵ Activists say that the IDs have proved to be beneficial only in the education and health sectors. However, in a protest, the majority of the demonstrators complained of their inability to obtain work permits or driving licenses, or own property and said the identification documents that were issued by CSPD are "useless".⁶ Authorities still do not know how to treat these new identification certificates and this is causing frustrations.

Recently, one demonstrator at a protest led by the campaign stated, "I went to apply for a driver license for my son and the employee told me the ID was a useless document."⁷ The recommendation is for *the government to grant full citizenship rights of children of Jordanian mothers married to non-Jordanians.*

⁴ (Assawsana, 2016, Mazaya Introduction)

⁵ (Alghad Newspaper, 2016)

⁶ Husseini, 2016, Activists Picket)

⁷ Husseini, 2016, Activists Picket)

IV. Women and the Economy

The five-year period 2009 – 2014 saw legislative amendments aimed at increasing women's participation in the economy. The Labour Law No.8 of 1996 (the “**Labour Law**”), the Social Security Law No. 1 of 2014 (the “**Social Security Law**”), and Civil Service Regulations No. 82 of 2013 (the “**CS Regulations**”) saw amendments in maternity leaves, breastfeeding allowances, instituting childcare facilities in workplaces. Employment programs and wage subsidy schemes were also reformed to target women and address poverty and lack of access to jobs.

The Ministry of Labour (“**MoL**”) has activated Article 72 of the Labour Law for the provision of daycares at the workplace Jordan in response to a nation-wide campaign-SADAQA- that called for the activation of Article 72. SADAQA has also helped the government issue guidelines in 2014 for the Article by facilitating MoSD-MoL communication. SADAQA calls on incentives for companies for the provision of daycare services to include tax exemptions and/or direct cash transfers and that the government incurs a portion of the cost of establishing daycares. It also calls on *amending Article 72* to link the enforcement to the number of children and not the number of women to affirm that childcare is a gender-neutral responsibility, allowing for working families at large to benefit from the service. Amendments should also allow for the provision of daycare services by a consortium of businesses to increase daycare services to a wider share of the economy.

In 2014, the unemployment rate was (10.9%) for men and almost twice as high for women (20.7%). The gender pay gap in Jordan stood at (19.8%) in the public sector and (30%)⁸ in the private sector. Official figures from 2014 indicated that the pay gap by sector is (41.3%) in manufacturing, (27.9%) in health and social work, and (24.5%) in education.⁹ *There is no provision in the Labour law that demands equal pay for men and women for work of equal value. Addressing the gender pay gap therefore is essential to promoting greater economic participation among women in Jordan.*

An important step in this direction was the establishment of the National Committee on Pay Equity (“**NCPE**”) in 2011¹⁰, led by the International Labour Organization (“**ILO**”), MOL and JNCW, and includes representatives from other government institutions, unions, employers' organizations, professional associations, and civil society. The NCPE was able to shed light on pay discrimination implications, and solutions. *A national legislation should be introduced in line with ILO Equal Remuneration Convention, 1951 (No. 100) for pay equity.*

Approximately 40% of working women in Jordan are employed in the education sector and suffer from low wages and poor working conditions. The gender pay gap in the private education sector, coupled with cases of female teachers receiving less than the minimum wage 190JD was

⁸ ILO, 2013. *A study on the gender pay gap in the private education sector in Jordan*. Available at: http://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_230673.pdf

⁹ Employment Survey, Department of Statistics, Amman, Jordan, 2010

¹⁰ Members of the NCPE include: Ministry of Labour, the Jordanian National Commission for Women, Trade Unions/Syndicates, Professional Associations, Civil Societies, Chamber of Commerce, Chamber of Industry, Journalists and three Members of Parliament (MPs).

reported.¹¹ As a result, a community organizing campaign “Stand up with Teachers for Fair Wages” was launched in the spring of 2015 to promote fair wages for school teachers in Irbid Governorate, led by a group of private school teachers with the support of NGOs.

High poverty and low income and high cost of living (rent, water, electricity and high prices on goods) discourage women from entering the workforce as she ends up working hard for little income that barely covers the basic necessities. Lack of an enabling environment for women at work, makes it hard for them to maintain their careers, especially lack of daycares, or proper transportation.

It was also found that (40%) of women do not pursue a job because of lack of safe and reliable transportation. Maan Nasel (Together We Arrive), an activist-based movement was launched in 2014 to lobby the government for improved transport system through mobilizing users and amplifying their voices, demanding an immediate improvement of public transport services. One of their demands is more available buses and safer transportation for women to commute between their jobs and homes.¹² These challenges are particularly acute in areas outside of Amman, where half of employers surveyed in 2014 confirmed that transportation difficulties are a factor for youth, including female youth, quitting their jobs (IYF, 2014).

There are 65,221 women actively looking for work out of the 209,569 unemployed men and women¹³. “This pool of available resource should be better utilized in the Jordanian economy and be provided with job opportunities that a better working environment for women.”¹⁴ Therefore it is recommended that *special training* programs put in place targeting women to be integrated into the labour force and providing *vocational training* based on women’s specific needs and market needs, with more women *accessing finances, micro funds* by facilitating easier loaning conditions. The government should also *support local initiatives*, such as SADAQA and Maan Nasel that enable women in the work force. The government should also *raise awareness among men* and young men and start an awareness campaign on the importance of men supporting women at home.

Flexible Working Arrangement

The Former Prime Minister of Jordan adopted one of the recommendations of the Higher Population Council study¹⁵ and the demands of MoL to address the issue of flexible working hours for working families. Accordingly he instructed the establishment a national committee comprised of mostly governmental entities and few NGOs to draft a regulation to be adopted by the government. The committee submitted the draft regulations on “Flexi Work Arrangements” to the Minister of Labour in October 2016 which include support to develop part-time, flex-hour, job-sharing, compressed week, and telecommute arrangements to increase women’s participation in the workforce. *The regulations are waiting for endorsement* by the Prime Ministry¹⁶ to ensure flexible working hours, part time work and work from home options.

¹¹ ILO, 2013. *A study on the gender pay gap in the private education sector in Jordan*. Available at: http://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_230673.pdf

¹² <http://maannasel.net/>

¹³ Employment and Unemployment Survey of 2015, DoS

¹⁴ Promising Sectors of Employing Women, SADAQA and GIZ (Unpublished report), 2016

¹⁵ Activating Women Participation in the Labour Market, Higher Population Council, 2014.

¹⁶ SADAQA and GIZ, 2016. “Promising Sectors of Employing Women” (Unpublished report)

Amending other relevant Labour Laws

There is no article in the labour law that prohibits discrimination based on gender. Thus many female workers, including non-citizens and females working in the informal economy, still face discrimination. ***Therefore it is recommended that legislation be introduced to address the current gap in the labour law to outlaw gender discrimination, coupled with*** complaints systems to address discrimination at work.

The period of maternity leave in the Labour Law, currently at 70 days (or 10 weeks), is less than the period of maternity leave in the Civil Service Regulations, set at 90 days (or 12 weeks). Also, ***Article 27 of the Labour law paragraph (2) should be amended as follows: a pregnant woman regardless of what stage of pregnancy she is in, or a woman on maternity leave.*** Some employers deliberately dismiss a female worker as a result of her pregnancy. Terminating or not renewing the contracts of female workers as a result of marriage and family responsibilities is practiced.

In terms of social benefits, the Civil Service Regulations grants family allowances automatically to men, while grants it to women only in certain circumstances. The married male employee is entitled to a monthly allowance of 20 JODs. This allowance is paid to the woman employee if her husband was dead or disabled or she was the only supporter of her children. ***Therefore, Article 25 of the Civil Service Regulations should allow women to receive Family Allowances and all other allowances must on an equal basis as men.*** Within the Social Security System, pension payments to the family are only paid to a woman under limited circumstances despite the fact that social security contributions are equal.¹⁷ It is recommended to revisiting the compensation system proposed by the Social Security Law, increasing the allowed maternity leave, lifting the limitation to the number of pregnancies covered.

The Labour Law 2008 amendments resulted in sanctioning sexual harassment in the workplace and the Civil Services Instructions deeming sexual harassment in public as a sanction was a positive step. However, the activation of these two provisions is limited and no procedures are put in place to raise women's awareness on such laws. In addition, sexual harassment in the workplace covers only cases where the perpetrator is the employer. .¹⁸

Article 62(a) in the Social Security Law states that the insured shall become entitled to an old-age pension provided that he/she reaches the statutory age of 60 for males and 55 for females. A number of factors such as child caring, family responsibilities and high unemployment rate for women increase the likelihood of women having shorter employment records counted for pensionable purposes. Thus the difference in the retirement age exacerbates the wage gap between women and men and lowers pensions for women. A recommendation would be to equalize the retirement age.¹⁹

¹⁷ Towards pay equity: a legal review of Jordanian national legislation / ILO Regional Office for Arab States - Beirut: ILO, 2013

¹⁸ Towards pay equity: a legal review of Jordanian national legislation / ILO Regional Office for Arab States - Beirut: ILO, 2013

¹⁹ Towards pay equity: a legal review of Jordanian national legislation / ILO Regional Office for Arab States - Beirut: ILO, 2013

In general, *harmonizing principles* should take place between the Labour Law, Civil Service Regulations and the Social Security Law. For example, as in Article 72 of the Labour Law, a provision should be added to the Civil Service Regulations to promote child care facilities in public institutions in order to support workers, both women and men.

Women in the informal economy

According to ILO, 50% of Jordanians and 99% of Syrians are working in the informal economy in Jordan (ILO and FAFO, 2015). Foreign workers in the informal economy are predominantly employed in the retail, construction, and agriculture sectors with working conditions and occupational safety and health being weakly administered due to government's limited capacity to enforce labour standards²⁰. There is no article in the labour law that prohibits discrimination based on gender. Thus many female workers, including non-citizens and females working in the informal economy, still face discrimination. This is seen in the high female unemployment rate.

With regards to access to finance, there are limited funds available to support women economically and strict conditions on loans and microfinance discourage women from pursuing their own projects. This is coupled with limited training opportunities to support women economically and limited marketing channels to help women sell their products to expand their business, grow and make profit. At the same time, there is substantial number of NGOs exerting efforts to empower women, train them and expand their opportunities. There are also numerous success stories by women that should be highlighted and amplified who overcame the fear of entering the labour sector.

Migrant Workers

According to a study conducted by Tamkeen (an NGO dedicated to the rights of migrant workers in Jordan), migrant domestic workers' access to basic human rights and protection are still weak, despite the legislative reforms carried out in recent years to workers' recruitment regulation.²¹

According to official data, there are approximately 50,000 domestic workers in Jordan, in addition to around 30,000 irregular workers. A study entitled "Invisible Women: The Working and Living Conditions of Irregular Migrant Domestic Workers in Jordan", issued by Tamkeen states that migrant domestic workers in Jordan are women from Sri Lanka, Bangladesh, Indonesia, and the Philippines, and are considered the largest groups of workers excluded from labor laws and social protection in Jordan. The study recommends establishing a private entity to employ part-time domestic workers, the abolition of the sponsorship system practices, allowing the worker to change employers without the consent of the first employer, and ensuring that domestic workers are properly trained before arrival to Jordan in order to provide them with adequate skills and cultural understanding, in addition to their rights according to the Jordanian legislations. Compliance with International standards and with the Human Trafficking Prevention Act is needed to include provisions that give the victim the right to obtain compensation from the offender, and activate the competency of the inspection system at the relevant ministries to follow up on labour issues and complaints.

²⁰ ILO's Unpublished Decent Work Diagnostic Report of 2016

²¹ <http://tamkeen-jo.org/download/Invisible%20Women%20English%20.pdf>

V. The Situation of Women Syrian Refugees

Jordan is currently hosting 642,886²² Syrian refugees, out of which (51%) are women and girls. According to the latest population census conducted in 2016. Twenty per cent of those registered refugees live in designated camps, while the remainder is in cities and rural areas around the country.

Women and girls, who have escaped the conflicts, are especially vulnerable, being exposed to great risks, including gender-based violence, (sexual/labour) exploitation, human trafficking and child marriage.

The overall coordination of the Syrian refugee response falls under the UNHCR in collaboration with the Government of Jordan.

Parallel to this, Jordan has also taken steps in relation to the UN Security Council Resolution 1325/2000 to ensure the protection of women and girls from all forms of violence in armed conflicts. Recommended actions and programs were included in the UNSRC1325 plan in the field of Women, Peace and Security, to deal with refugee women and girls, prevent gender based violence, confront radicalization and increase women's participation in peacekeeping missions.

Despite the efforts Jordan has exerted to provide support to Syrian women refugees especially women and their families, the following constitute some challenges faced in this area:

Economic Support

The absence of adequate economic opportunities results in insecurity, depression and the increased reliance on negative coping mechanisms such as the early marriage of girls (as young as 13 years old). The spillover effect has been household tensions, which can result in violence. CARE reports that female heads of households find it particularly difficult to generate income as they struggle to balance the need to work and take care of their families.²³

A new study published in July 2016 by CARE Jordan showed that (39%) of Syrian refugee households are headed by females. This increase in number is due to men being unavailable to work as a result of war traumas or absence. Additionally, NGOs working in host communities face difficulties in convincing women to participate in mixed groups and enjoy access to important awareness raising initiatives/workshops.²⁴

Access to Education and Health

The limited opportunities for girls and boys to attend higher education (university) leave many without hope for the future. Moreover, the lack of nearby schools in some districts within the camp results in children not continuing their education as parents do not feel comfortable to send their girls unaccompanied. This is compounded by crowded school conditions and the lack of heating/cooling systems and sometimes the ill-treatment by teachers.

²² As of 19 April 2016, <http://data.unhcr.org/syrianrefugees/regional.php>

²³ (CARE International Jordan (CARE Jordan), 2014).

²⁴ (Gaps and Challenges - Social Cohesions between Jordanians and Syrian Refugees in Jordan, 2015)

Accessing public health services is a challenge as they struggle to cover medical bills after the government imposed fees on Syrian refugees in 2014 similar to the fees it imposes on non-insured Jordanians. This came about according to the government in an attempt to relieve pressure of its already exhausted public health services. The result of which rendered three in 10 Syrian households unable to access health services when needed. In the 2016 CARE assessment report, only half of pregnant and lactating women reported access to pre- and post-natal care.

Protection Against Violence

The verbal, emotional and sometime physical abuse against adolescent girls and women by family members is due to inherited social and cultural norms and the lack of space/privacy. The issue of early marriage has been on the rise in refugee communities and affects female psychosocial and physical conditions. UNICEF reports that, as many as "one-third of registered marriages among Syrian refugees in Jordan between January and March 2014 involved girls under 18, with some as young as 11. In a report produced by UN Women within Syrian refugees in Jordan, it was found that (51.3%) among female and (13%) male respondents were married when still children and half of respondents said normal age of marriage under 18.²⁵ Temporary marriage is illegal in Jordan, but it can still exist in marriage contracts in Al-Za'atari Refugee Camp.

²⁵ (Gender Based Violence and Child Protection among Syrian Refugees in Jordan, With the Focus on Early Marriage-, 2013)

Annex 1

Cases-CEDAW Shadow Report

Case study 1: Reactions by MPs on the new Election Law and women's participation

MP Wafaa Bani Mustafa (Jerash, 1st District), who submitted a proposal during the session to designate a seat for women in every constituency, said she would not give up: "I will continue to lobby for the increase in seats when the right time comes." MP Ahmad Jaloudi (Amman, 1st District) recommended maintaining Article 8 as is because "the Government decreased the seats of Parliament from 150 to 130, which means the percentage of women now in Parliament was raised from 10 per cent to 11.5 per cent". On the other hand, MP Samir Oweis (Irbid, 1st District) reiterated Bani Mustafa's demands, saying that women should have 23 seats in the Lower House. Meanwhile, Deputy Mahmoud Kharabsheh (Balqa, 1st District) submitted a proposal cancelling the women's quota all together, saying that "women should win in direct competition and do not need a quota". However, it should be emphasized that the chances of women getting in the parliament outside the quota is very low, as seen in the previous parliamentary election when only 3 won without quota. When asked about the Government's commitment about women rights, MP Hind Al-Fayez said: "I also don't believe that the Government is serious about advancing women's rights. In my opinion it is all slogans meant to appease the West."

Case study 2: Examples documented by "My mother is Jordanian and her nationality is a right for me" campaign, on how the "Mazaya" were not fulfilled:

A mother was unable to get her child free or reduced fee services and medicine at the hospital; the job application of a daughter of a Jordanian mother and foreign father was denied because she lacked Jordanian citizenship; a young man working in a factory was detained by police for over four hours on suspicion of working illegally, despite having an ID; and applying for a driver's license still requires the approval of the general intelligence department, which is not needed for Jordanian nationals.

Annex 2

Education and Gender in Jordan- CEDAW Shadow Report

Jordan has met its Millennium Development Goals (“MDG”) targets for both universal primary enrollment and gender parity in the provision of education which has reached 0.9915 according to the WEF report (2013). However more needs to be done in improving overall quality education, enhancing curriculum and mainstreaming gender, expanding access to education for Syrian girls and establishing robust linkages with the labour market for better employment for Jordanian women.

Jordan managed to incorporate the SDG’s into its 2025 Vision-a government vision for overall economic, political and social reform. The government carried out consultations that agreed that in achieving SDG’s, Jordan needs to strengthen the link between education and the labor market, ensure quality education and support entrepreneurship to reduce unemployment and ensuring decent work.

The rates between boys and girls attending schools are almost equal, however, the rates of unemployed women who hold bachelor degrees is much higher than unemployed men holding degrees. This reflects the problem which Jordanian women faces when trying to balance raising a family and entering the labour sector. In addition to amending some of the labour laws to ensure gender equality, the social perception of women’s work should be addressed in the curricula.

Education is compulsory for all girls and boys through the age of fifteen. In 2013, a year from kindergarten was added to the primary compulsory education, increasing compulsory education from 10 years to 11 years. Females have achieved higher enrollment in primary education than males with over (99%) enrollment for girls compared with (97.9%) for boys. As a result, illiteracy levels have significantly decreased among females, and have been found to approach zero among the younger generations. Female enrollment in secondary education surpassed that of males and in tertiary education a near 50-50 share of enrollment is found.

On average females tend to enroll in public institutions at a higher rate than males.²⁶ This is partially attributed to female students scoring higher on the Tawjihi exam than their male counterparts. Illiteracy rates have been decreasing among both men and women. Through the Ministry of Education, the Government seeks to reduce illiteracy especially among the rural poor women. Most of the literacy classes, conducted in the country are directed to women. Over the years, Jordan has made great strides in achieving gender parity also in secondary education, where disparity may exist in favour of females.

While in vocational and technical training, disparity to the male advantage is observed as more males than females enroll in vocational training (65 females per 100 males).²⁷ Males in vocational training are also enrolled mostly in the industrial streams, while the majority of females are enrolled in home economics, promoting vocational training may require working

²⁶ MOPIC & UN, (2010). *Keeping the promises and achieving aspirations. Second Millennium Development Goals report.* Jordan 2010

²⁷ MOPIC & UN, (2010). *Keeping the promises and achieving aspirations. Second Millennium Development Goals report.* Jordan 2010

with students to diversify the vocational training they seek. This is also reflected in choice of work later, and although more females enroll in public institutions, they are concentrated in certain fields (e.g. teaching and education) and less in engineering and manufacturing for example.

According to higher education statistics 2014/2015 released by the Ministry of Higher Education, (51.8%) of students are females. Tadamon notes that females compose (46%) of medicine students, (29%) of engineering students, (68%) of dentistry, and (40%) of law students.²⁸

In addition to primary education being compulsory and free of charge for Jordanian children, Jordan also ensures access to secondary and tertiary education for women. However, if a young woman gets married, the Civil Status Law Personal Status Law specifies that her husband's agreement is obligatory—unless the right to continue her education has been added to the marriage contract. This is particularly critical in cases of early marriage²⁹.

One important challenge pertains to the role that the education curriculum plays in reinforcing gender inequality, undermining attempts at changing dominant gender norms and attitudes. Although there were many attempts in Jordan to ensure gender mainstreaming in the curriculum and many negative portrayals have been amended accordingly, however gender-mainstreaming attempts lack proper financing and qualified personnel and training of teachers to ensure a positive outlook by students on gender issues. In a study of the Jordanian National Curriculum, it concluded that the curriculum prepares women for marriage rather than the labour market.³⁰

JNCW stated that school curriculum reinforce the stereotypical image of a woman and neglect any economic, political and social accomplishments that Jordanian women have achieved. For example, in a primary school curriculum, a case is presented about how the family's structure was negatively altered when the mother decided to enter the labour force. This builds a negative attitude on young impressionable students, whether female or male, reinforcing traditional roles and limiting women's ability for employment and taking on public roles.

The JNCW also highlighted that school curriculum have a male-oriented tone, do not encourage creativity and critical thinking, and are filled with religion-inspired examples that are meant to terrify students. A study, conducted by Dr. Wafaa Al-Khadra, focusing on Arabic textbooks from pre-school to sixth grade shows a wide gap between how males are represented in comparison to females.³¹ Dr. Al-Khadra states that women are marginalized and demeaned in Arabic textbooks through vocabulary and the usage of certain terms and through limiting her to certain roles.

In an example in the study, Khadra shows how Arabic textbooks relate females to beauty, consumption and responding to orders. However, it closely relates males to economic brilliance

²⁸ Addustour, 51.8% females in Higher Education, 2016.

²⁹ UN Women ASRO (2010), *Gender Equality Assessment Country report, Jordan* (Evelyn Bazalgette), (Draft, May 2010)

³⁰ Abu Jaber, 2014

³¹ Al Rai, Study Shows Marginalisation of Women, 2016.

and productivity. Khadra notes that women are constantly referred to as “wives, mothers, and sisters”, and their leadership roles in the labour sector are completely neglected.

Two premises should be taken into consideration according to Khadra when women are represented in curriculum. The first premise is that if women are playing an effective role in their societies, then curriculum should not underestimate these roles or abolish them from textbooks. The second premise is that if there are still some sectors, which are closed for women to enter, then curriculum should be a driving force to encourage the society to provide more opportunities for women. Textbooks should not obstruct the road to equality nor misrepresent the accomplishments of women in their societies.

Khadra calls for the immediate reformation of the curriculum as they include stereotypical images of males and females. These images should not be instilled in young children as they lead to the consequences of women being degraded, titled as housewives and limit their abilities and aspirations to reach decision making positions.

The decline of the quality of education has been a heated topic in Jordan in the past years with opinionated leaders writing on the subject matter almost every day in the Jordanian press. There is progressive voices criticizing the lack of real reform in education and that changes occurred only at the structural level, with no policies and legislations to develop the quality of the content present in Jordanian curricula and textbooks. A report prepared by the Royal Consultative Committee on General Education (2008) stated that the absence of clear and professional standards, policies, and procedures for appointing teachers, and the lack of proper education and training as a result of the shortage in teachers’ colleges, contribute to the decline in the quality of education. Most projects, initiatives, and reports place great emphasis on the importance of teacher quality and its reflection on the quality of education at large.³²

Furthermore, and since the education process is highly influenced by cultural and societal factors and students acquire life skills, ethics, and values from both the formal and the hidden curricula, the formal curricula in Jordan is being analyzed and researched by many activists and experts as lacking these skills. Most criticize that the curricula both in the formal and hidden present narrow pre-packaged social and cultural narratives and lack of diversity and pluralism, gender equality, social cohesion and tolerance.

On the other hand, there are voices led by conservatives and Muslim Brotherhood that do not see the need the reform to the curriculum especially against changes references of Islam. The Minister of Education did few changes in the elementary grades curricula in an effort to combat extremism in the society according to the government. This brought about huge criticism from conservative voices and the Muslim Brotherhood objecting to the removal of references to Islam and Prophet Mohammad from Arabic textbooks and the pictures of some veiled woman and replacing Quranic verses with other texts. The criticism especially came from elected MPs, teachers in public school who organized protests and burnt textbooks and pushed their students to demonstrate with them, blaming those who call for secularism and the separation of religion from state as intending to hamper heritage and distancing students from religion and national identity.

³² Al Dakkak, 2010.

The Minister of Education defended the new changes and stating it's an attempt to instill the values of human rights and respect for women and children, and does not contradict with Islamic values. Queen Rania has also been calling for education and curricula reform as a national priority, and has established her own institutions for teacher training and teacher recognition awards.³³

Critics and scholars such as Thogan Obeidat and Zulaikha Abu Risheh, who worked in the ministry in the past and who have been researching and writing against the curricula and its links to extremism and negative thoughts, still call for further reform because current curricula promote extremist thinking as an ongoing process since the 1980s, facilitating political and religious extremism. They wrote several articles that elicited angry reactions by both conservatives and by the government.

They argue that Arabic and history books still contain a shortsighted view and invite ignorance, developed and taught by teachers who are also ignorant ignoring non-Muslims and degrading women by emphasizing their continued subordination and obedience to men.

Mainstreaming gender in the school curriculum is a must. It is recommended that school curriculums be reformed to include a gender perspective and the inclusion of women. This does not only achieve better representation, but also instills in young males positive attitudes towards women and removes the social stigma associated with the employment of females. For a real transformative reform to occur, the social and cultural trends such as the rise of extremist and exclusionary discourse in the Jordanian national curricula need to be tackled. There is a specific need to address the absence of social, cultural, political, and religious pluralism from curricula, textbooks, and the educational philosophy at large.

Recommendations for Education and Gender

- The MDG report highlights that education policy trends should focus on bridging the gaps in literacy rate of (0.9%) by; improving education quality and school infrastructure, enforcing compulsory education at basic levels in accordance with provisions of Ministry of Education laws, adopting non-conventional approaches to decrease number of drop-outs, establishing effective integration between formal and informal education programmes, expanding pre-school programs focusing on poor and rural areas by opening more kindergartens and expanding programs targeting students with special needs especially girls.
- Gender sensitive policies should be implemented in areas of curriculum development to promote greater equality. The education curriculum should be revised to ensure that messages communicated about women avoid non stereotypical images and promote female participation in the workforce and improve attitudes towards women in the workforce, so that educational achievements are translated into economic gains for women.
- At the same time, management, educators and teachers should become more responsive to gender discrimination and serve as models of equality.
- Talented and gifted girl students should be empowered and provided with special programs to motivate them and stimulate their learning development. Girls in general, should be encouraged

³³ Al Monitor, Row erupts in Jordan over school curricula changes, 2016.

at schools to take part in community work, participate in local activities and be integrated into society.

- Likewise, women scientists, inventors or politicians, should not be absent from curriculums and excluded from any positive historical models in school textbooks.
 - Challenges in education pertain to the need for better qualified teachers. Continuous training of teachers is needed. Overall, there is lack of sufficient financing for teacher training and training for women. The training programs should also employ innovative approaches to enhance the effectiveness of the teachers and focus on integrating human rights, gender and communication skills.
 - Women should participate more in decision making by empowering them to participate in planning and implementation of education strategies in universities and at the level of the Ministry of Education and supporting their teaching profession, low wages in private schools and by ensuring they have access to daycares for their children at the workplace.
 - Enriching and diversifying the current educational content through advancing existing policies and legislations and developing the quality of the content present in the curricula and textbooks. Projects and/or initiatives should also focus on promoting positive concepts and values to compliment what students learn from school curricula and textbooks.
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Annex 3

Marriage and Divorce Rights in Jordan-CEDAW Shadow Report

The official minimum age of marriage in Jordanian law is 18 years. However, in exceptional circumstances and on an assessment that is based solely on judicial discretion, a judge may allow marriage at the age of 15. The factor taken into account in the exercise of this discretion is whether an early marriage is in the girl's best interest. There are a number of problems arising from this judicial exception, as marriage for a child can be a traumatizing experience exposing girls to physical and psychological harm. Child marriage for Syrian girl refugees is traumatizing given the suffering endured by children during times of conflict. *The recommendation here is for no exceptions or judicial discretion should be allowed in marrying girls under 18.*

Prevention and elimination of violence against women need to consider amendments to the Personal Status Law No. 36 of 2010 (the "**Personal Status Law**") in relation to inheritance rights, marriage and divorce, custody laws, visitation and alimony. Compliance of Jordan to the CEDAW should be assessed by looking at the national legislation and by considering the modifications that were made in order to achieve full harmonization.

The Alimony Fund Regulations No. 28 of 2015 (the "**Alimony Regulations**"), which came into force pursuant to the Alimony Law, ensures the provision of alimony to women who are entitled to it. The Alimony Regulations create an Alimony Fund, which provides the required amounts of money to the families of husbands to be absent, or who do not have money, and the Alimony Fund in turn pursues the husband for the money it spent on its family. Under Article 114 (b) of the Temporary Personal Status Law of 2010 (the "**TPS Law**"), if a wife requests separation from her husband through a clear declaration waiving her marital rights and returning her dowry, the court shall try to fix the relationship, if it does not work, the marriage contract is annulled. Therefore, unlike the husband, the wife has the right to seek divorce if she can prove that she has suffered damage or ill treatment, while the decision remains with the judge.

Under the TPS Law, the wife owes obedience and cohabitation to her husband. She has the obligation to follow him wherever he decides to go provided he ensures her safety. If she refuses, she loses her right to financial support. Further, should the wife works outside the home, she must gain the consent of her husband or she would lose the right to financial support. A report published by 7iber explains that when under the TPS Law, a woman files for divorce on the basis of "discord and conflict", judges usually rule against her.³⁴ Cases of discord and conflict are better for wives than requesting separation, as in the latter case, wives lose their dowry. Under the new amendment of the TPS Law, wives are no longer expected to prove discord and conflict, but the judge is given the authority to investigate such cases. However, in wives are sometimes faced with hurdles in court where the judge requests witnesses to investigate making it harder for wives to get divorce. Further, the 7iber report states that lawyers advise their clients (wives) to show that they have been abused by their husbands to strengthen their cases of discord and conflict, as sometimes if a woman shows she is tough, judges tend to blame her for the divorce case.

³⁴ (7iber, 2016, When a Wife Asks for Divorce).

Annex 4

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