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Re: Jordan – 121st Session (16 October – 10 November 2017)

18 September 2017

Distinguished Committee Members,

We respectfully submit this letter in advance of the Human Rights Committee's ("the Committee") discussion on Jordan during its 121st Session from 16 October – 10 November 2017 as a follow-up to our submission in January 2017 for the List of Issues. Equality Now, Arab Women Organization (AWO), "My mother is Jordanian, and her nationality is right for me" Campaign and the Global Campaign for Equal Nationality Rights congratulates the Jordanian Government on its success in passing a full repeal of Article 308 of Jordan's Penal Code. Article 308 earlier provided an exemption from punishment of offenders, including rapists, who married their victims. The repeal of this Article is extremely welcome and constitutes a step forward in ensuring justice for victims of sexual violence. Moreover, the Parliament passed 3 other amendments to the Penal Code that would support women and girls, including: 1) amending Article 98 so that reduced sentences for perpetrators committing crimes of "passion" or "fury" against women and girls are no longer allowed; 2) the right of mothers to authorize their children's medical operations; and 3) removing fathers' guardianship of their daughters they have sexually assaulted. We also welcome the recent decision of the Cabinet to treat non-national children of Jordanian mothers on more equal terms with Jordanian students in entering the public/governmental universities within the unified acceptance list.

However, we continue to be 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. This law violates the equality and non-discrimination principles (Articles 3 and 26), as well as the right to a nationality (Article 24), of the International Covenant on Civil and Political Rights, which Jordan does not have reservations on, and it deprives women from enjoying their rights as equal citizens with men.

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. 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. “My mother is Jordanian, and her nationality is right for me” 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.

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, some of whom are rendered stateless by the discriminatory law, and their families. As noted in our pre-session joint submission on the List of Issues, 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.¹

Jordan’s fifth periodic report of States parties, submitted to the Committee in July 2016, states that the Jordanian Government had decided to grant the children of Jordanian women married to foreign nationals privileges (“*Mazaya*”) regarding health, education, employment, residence and driving licenses. (CCPR/C/JOR/5¶7vi) Unfortunately, as noted in our pre-session joint submission on the List of Issues, these “*Mazaya*” have not yet been fully implemented as illustrated by the following cases:

1. Azza, a Jordanian woman with four children who is married to a non-Jordanian man, states, “The government failed to treat our children as Jordanians [though] this is what the Cabinet declared [in 2014]. Still my children cannot access public services.”²

¹ Available at <http://www.equalitynow.org/action-alerts/give-women-equal-citizenship-rights-men> in English, Arabic, French and Spanish, last updated 17 March 2017.

² Id.

2. Rami's father was an Egyptian, married to Rami's Jordanian mother, who died from cancer at the beginning of 2017. Rami tried twice to apply for treatment for his father at the King Hussein Cancer center, but his application was refused because he is not Jordanian.
3. Although children of Jordanian women married to non-nationals can access public schools, the priority is given to Jordanians. This limits the chances of children to go to schools and burdens their families by forcing them to enroll in private schools. Mohamed, whose nationality is Syrian, tried to register his brother at one of the public schools, but the administrator refused to do so, until no Jordanian had applied.
4. Jordanian women's children still cannot apply to obtain a driving license in the same way as their Jordanian peers. In addition to following the usual process they must get approval from the Intelligence Department, which can be difficult to obtain. Mahmoud's Jordanian mother who is married to an Egyptian owns a car but her children cannot use it because they are considered non-nationals.
5. Children of Jordanian women married to non-nationals are required to obtain a work permit the same as any foreigner wishes to work in Jordan. The Jordanian mother of Mahmoud is married to a Syrian man owns a bakery. Her children and husband cannot work in it because of the Ministry of Labor's regulations. The Ministry of Labor has asked the mother to hire Jordanian workers she doesn't need if she wishes her children and husband to work in the bakery.
6. Shadi, whose mother is Jordanian and father is Syrian, intends to marry a Jordanian woman. In order to proceed with the marriage, he has to obtain the approval of the Ministry of Interior, simply because he is not Jordanian.
7. Ala', whose father is Syrian and whose mother is Jordanian, decided to buy and to register a property in his name. As he is considered non-Jordanian, he has to obtain the approval of the Intelligence Department. As of this writing of this submission, he still has not received approval.
8. Enais, whose father is Palestinian and whose mother is Jordanian, could not register in her own name the car and house she bought. Instead, the property was registered in her mother's name since she is Jordanian. When Enais' mother passed away, Enais' property was distributed amongst her mothers' heirs, according to the regulations stipulated in the inheritance law.

While we welcome all measures to alleviate the hardships of children and husbands unable to obtain Jordanian nationality through their Jordanian mother or spouse, we nonetheless regret these measures are necessary at all and hope that a full revocation of discrimination in the law is made without delay.

We welcome the Committee's referral to the issue of nationality in its List of Issues in relation to Jordan's fifth periodic report. We note that in this regard, the Committee asked Jordan to indicate all measures taken "to grant all Jordanian women the right to transmit nationality to the children". (CCPR/C/JOR/Q/5, ¶4).

As noted in our pre-session joint submission on the List of Issues, in its Concluding Observations following its review of Jordan in November 2010 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 should bring its legislation, including the Personal Status Act, into conformity with the Covenant and ensure that women are not subjected to *de jure* or *de facto* discrimination, inter alia in matters of marriage, divorce, custody of children, inheritance or the transmittal of nationality to children. The State party should also continue and strengthen its efforts to address discriminatory traditions and customs, including polygamy, through education and awareness-raising campaigns. In this connection, the Committee draws the attention of the State party to its general comment No. 28 (2000) concerning equality of rights between men and women.” (CCPR/C/JOR/CO/4, ¶7). Several other UN treaty monitoring bodies, including the Committee on the Elimination of Discrimination Against Women (CEDAW) and the Committee on the Elimination of Racial Discrimination (CERD), have also addressed this issue in their most recent reviews 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 June 2016, the Human Rights Council passed a resolution, which urged “States to take immediate steps to reform nationality laws that discriminate against women by granting equal rights to men and women to confer nationality on their children and spouses and regarding the acquisition, change or retention of their nationality;” (A/HRC/32/L.12, ¶¶ 4-5).³

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 Committee 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.

Suggested Questions to the State Party

We would respectfully urge the Committee to raise with the Jordanian government during its review the following questions:

- 1) What plans does the government have to remove the discrimination in the

³ Available at http://www.un.org/ga/search/view_doc.asp?symbol=A/HRC/32/L.12

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 husbands?

- 2) What is the Government doing to ensure that the “privileged services” (*Mazaya*) approved by the government are implemented immediately without delay through publication in the Official Gazette?
- 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?

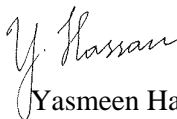
Suggested Recommendations for Action by the State Party

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

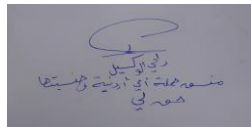
1. Allow Jordanian women to transfer their nationality to their children and spouse on an equal basis with men.
2. Remove any discrimination on the basis of sex.

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
nationality is a right for me”
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