



Substantive Equality and Non-Discrimination in Jordan

Shadow Report

Submitted to CEDAW Committee at the 51st Session

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**Presented By
A National Coalition consisting of:**

- 1. The Arab Women Organization (AWO)**
- 2. Mosawa Network; a National Network of 86 women grassroots NGOs**
- 3. Members of the Campaign-"My Mother is Jordanian and Her Nationality is My Right".¹**

¹ The campaign is led by mothers married to non-Jordanians who cannot pass on their Jordanian citizenship to their children and husbands

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Executive Summary

A Coalition of the Arab Women Organization of Jordan (AWO), the Mosawa Network of 86 women NGOs and members of the campaign: "My Mother is Jordanian and her Nationality is My Right" are submitting this shadow report to the 51st session that discusses Jordan's 5th official report.

This is the second shadow report that AWO participates in. The first one was issued in 2007 and focused on violence against women and instigated debates and advocacy efforts across the country. This report addresses CEDAW Committee to provide solid and up-to-date information and analysis of positive policies and legislation taken for women advancement and weaknesses that delay progress and sustain disparities. It covers six main components: 1. Jordan's reservations on CEDAW; 2. Harmonization of CEDAW into legislation; 3. Political Representation; 4. Violence against women; 5. Equal rights in the family; 6. Conditions of vulnerable and marginalized women (rural, domestic and disabled women). It also provides an overall assessment of the six components addressing the following 3 areas:

1. Assess the official efforts towards the implementation of CEDAW based on the previous concluding comments of UN CEDAW Committee and the results of the monitoring mechanisms.
2. Assess the civil society efforts and strategies towards monitoring Jordan's commitment to obligations.
3. Suggest recommendations for the CEDAW committee for the new concluding observations.

1. Assess the official efforts towards the implementation of CEDAW

1.1 Jordan's reservations on CEDAW

1. In May, 2011 the King formed a Royal Committee tasked with revisiting the Constitution to propose amendments that serve the aspired political reforms. Chaired by former Prime Minister Ahmad Al Lawzi, the committee grouped nine other members but failed to include any women.
2. Although women demanded for the addition of gender into Article 6 paragraph 1 that claimed: *"Jordanians shall be equal before the law. There shall be no discrimination between them as regards to their rights and duties on grounds of race, language or religion"*, this claim was never adopted.
3. A consequence of such a decision means that no legislative changes advancing full implementation of women's rights can be achieved.
4. However, a new Constitutional Court was established that could form a better means to question the constitutionality of the discriminatory laws.
5. Although Jordan has ratified CEDAW in 1992 with reservations on Articles 9.2, 16(1-c-d-g), and 15.4, it was published in the Official Gazette only in 2007- after 15 years- with the reservations still in place. In 2009, Jordan lifted the reservation on Article 15.4. This appreciated step of lifting the reservation on freedom of movement and residence for women is an example of the positive influence of reporting to CEDAW and the UPR process as the declaration of the lifting took place while presenting Jordan's UPR Report on 11 February 2009.
6. However, no steps have been taken to lift the two remaining reservations or to declare CEDAW Articles binding in the national legislation.
7. At the time of writing this report, the parliament annulled all temporary laws including the law that allowed women to issue their own passport, travel without a previous consent and choose her residency. This contradicts Article 15.4 of CEDAW.

8. By not lifting the reservation to Article 9 of CEDAW regarding the right of women to transfer their nationality to their children and husbands, the legislative provisions remain discriminatory and do not extend the same rights to both men and women. The government is currently considering granting all Civil Rights to the children of Jordanian women who are married to non-Jordanian men, without granting them nationality or political rights.

1.2 Harmonization of CEDAW into Legislation

9. Jordan has not taken any steps to spread information and raise awareness of the commitment of the government towards the implementation of CEDAW nor the other international instruments, including the CRC, which was ratified by the Parliament. Likewise, no steps were taken to sign the Optional Protocol.

1.3 Political Representation

10. Women are weakly represented in the political sphere and that consequently reflects weak participation in taking decisions shaping the political priorities, policies and practices. According to the Department of Statistics (DOS) in 2010, the number of women that hold public functions as legislators, senior officials and managers is just 1.5%.
11. The electoral law for lower house of Parliament of May 2010 preserved the "one man one vote" system but increased the number of parliamentary seats to 120 and the quota for women's representation increased from 6 to 12 seats.
12. Following protests in January 2011, and the appointment of a new Prime Minister, a National Dialogue Committee was formed to suggest reforms related to the Political Parties Law and the Elections Law. Women were underrepresented in the National Dialogue Committee-out of 52 members, only 4 were women.
13. The committee submitted the two new drafts which are currently under-discussion in the government. The suggested law has asked for a women's quota in parliament to be 15 out of 130 seats, keeping the level of representation of women to 10%. However the new suggested Parties Law does not offer any affirmative action for women participation.
14. The new electoral law for Municipalities, endorsed in July 2011, increased women's quota from 20% to 25 % at each municipal council.
15. In 2007, the government appointed the first woman as a head of a court and the first women as attorney general, but there are no female judges serving in the Court of Cassation, the Court of Grand Felonies, or Jordan Shari'a courts. The Judicial Institute's Regulation introduced a women's quota of a minimum of 15% of the students. This raised the percentage of female judges from 5.3 % in 2007 to 8.8% in 2010 according to DOS.
16. In 2011, Jordan amended the Assembly Law and removed restrictions on public gatherings, allowing meetings, gatherings and protests to take place by only sending a request and without prior permission from the Ministry of Interior.
17. The 2008 Law of Association that was amended by the government put limitations on the activities and membership of non-governmental organizations and their ability to function independently from the government, which limits the role of women's NGOs in advocacy and campaigning. For example, the current law prohibits associations from pursuing any "political objectives" and activities that violate "public order." Both terms are overly broad and invite governmental abuse.

1.4 Violence Against Women

18. In 2008, a new law for the "Protection of Women from Domestic Violence" was issued in the Official Gazette. The main objective of the law is "to protect the unity and wellbeing of the family, reduce and put in order legal procedures to protect the abused of domestic violence". The law also stipulates follow up meeting between the abuser and teams of family consolidation and a set of preventive interventions.
19. Parallel to this, new departments on domestic violence in the Ministries of Health, Education, Justice and Social Development were established and the Jordanian National Commission for Women-JNCW, founded an ombudsman's office to receive complaints and forward them to the appropriate authorities for follow-up.
20. One Panel at the High Criminal Court has been created to look into and expedite the rendering of judgment in case of "honour" killings and to unify these judgements, but in spite of this, the efforts are still too limited to address honour killings efficiently.
21. Killers "for honour" used to be punished by an average of six months to one year of prison due to mitigating circumstances invoked by the Penal Code for these crimes. Boys are allotted the role of guardians of sisters and cousins and are coerced into carrying out executions on behalf of the family. If they are young, the perpetrators are put in one of the rehabilitation centres. Since mid-2009, there has been no reduction in the penalties for murder when the crime was "committed in a fit of fury".
22. The Articles 98 and 340 of the Penal Code have not been removed.
23. Victims of sexual violence face numerous legal and social obstacles. In accordance with Article 308 of the Penal Code in majority of cases, the perpetrator of rape or molestation will avoid punishment if he marries his victim. There are no clear procedures to ensure the victim's "consent" to such a marriage. Societal customs often serve to pressure the guardians of a female victim to waive personal claims and drop charges to avoid social stigma, particularly in cases of sexual assault, rape, and homicide.
24. A new Anti-Human Trafficking Law was endorsed in 2010 and a new amendment to Labour Law was made in 2009 criminalizing Sexual Harassment in the workplace.

1.5 Equal Rights in the Family

25. The Personal Status Law was ratified in 2010 giving women freedom of mobility and choice of residence without consent of their husbands or other male family members. This temporary law has now been rejected by Parliament as we write this report.
26. Jordanian legislation is civil except for the Personal Status Law which is derived from Islamic Sharia and is the only law that is based on religion. As such, it is applied in all personal status matters related to inheritance, child custody, marriage, and divorce and therefore highly dependent on the interpretations of the religious precipices. Sharia judicial system and courts are not open for women, which is also an indicator of their discriminative character.
27. Minor changes that affect marriage-divorce relations were introduced, including the creation of an Alimony Fund into the new Personal Status Code which ensures a divorced woman her financial rights by obligating her ex-husband to pay her alimony through the fund and the creation of a Maternity Fund under the Social Security Corporation.
28. Although the Personal Status Law have raised the minimum age of marriage to 18, it still allows early marriages of females under "exceptional" circumstances: a marriage of anyone who is at least 15 years old can be permitted by the chief

- justice if the clergy assesses that it is in the interest of the one getting married. The consent of a Shari'a judge is required to conclude the marriage if the woman's guardian opposes the marriage without lawful justification, which structurally puts the woman in the middle of the transaction and deprives her of her own will and autonomous action over her own decisions.
29. Polygamy is allowed, if a man can "satisfy all financial and legal requirements", he can be legally married up to four wives at the same time.
 30. The most common divorce procedure, the "Talaq" allows only men to divorce without providing any legal reason.
 31. The "Khulo" law that was passed as a temporary law in December 2001 and that allowed for women to file for divorce without providing any justification, but return money or jewellery given to them by their husbands before the wedding and forsake any right to alimony, was scrapped in the 2010 Personal Status law.
 32. A positive amendment in the new draft law, stipulates that property of the deceased should be registered in the name of the female immediately after death, and mandating a three-month waiting period before a female can waive her inheritance rights.

1.6 Conditions of Vulnerable and Marginalized Women

A. Rural Women

33. Traditional social attitudes towards women especially in rural areas are an obstacle to achieving equality within the family and also in political and economic participation.
34. Women's ability to access economic resources, particularly for land ownership and finance is always challenged. Women's rights to inheritance are governed by the Shari'a law which is one third of the male's share. However and in many cases women are even pressured to waive their portions in favour of male family members. There are no legal procedures in place to protect women from such pressure, and many women in rural areas may not be aware that they can refuse to waive their inheritance or know how to defend their rights in court.
35. The change in procedures that has been introduced recently asks that the inherited estate should be distributed between all legal inheritors before any transfer of portions of inheritance take place for three months. This allows women to understand the value of their share before any underestimated waiver takes place.
36. To improve livelihoods of the poor, several national programs are implemented by the government and especially by the Ministry of Planning. These projects although target women with intended activities to empower them, they do not challenge the status quo and do not incorporate gender equality as an objective. Projects include income generating, micro-credit programs that target rural households, credit funds for charities and local community centres and small grants (to NGOs).
37. Large rural household headed by illiterate or poorly educated people, households headed by women are among the most vulnerable groups in Jordan. Families headed by women tend to be among the poorest of the poor, yet sometimes they do not benefit equally from government support.
38. The National Aid Fund (NAF)-a safety fund which reach out to the very poor, the elderly, and persons with disabilities, female headed households by providing cash support and health insurance-exclude women headed households who do not own a proof of the absence of a legal provider as demanded by the Ministry of Social Development. This affects all poor single and married women who are abandoned by their husbands or parents, but are still legally under their custody.

B. Domestic Workers

39. In August 2008 article 3 of the labor law was amended. According to this amendment, workers in the agriculture sector, domestic workers, cooks, gardeners and other migrant workers are included under the work law. This should include regulating their employment contracts, working time schedule and rest times, inspection and issues concerning their recruitment. In October 2009, the regulation No. 90/2009 of domestic workers, cooks, gardeners, and workers who fall within that category was issued, after nearly a year of amending article 3 of the labor law, but was only adopted in 2011.
40. The government authorities began to implement the 2008 anti-trafficking law by increasing investigations into suspected cases, resulting in several prosecutions.

C. Sterilization of women with disabilities

41. Women and girls with disabilities severely suffer from lack of adequate health services. This is based on information provided by a “Shadow Report” to monitor Jordan’s compliance with international obligations, supported by the Jordan Civil Society Program (JCSP) to be presented at the beginning of 2012 to the Convention on the Rights of Persons with Disabilities (CRDP).
42. The strategies of Ministry of Health, Higher Population Council, and the Higher Council for Persons with Disabilities do not include specific policies related to delivering accessible health services.
43. Few public health programs specifically target women with disabilities and their particular priorities, such as the high priority of women with disabilities for accessible and accommodative maternity services.
44. Sterilization of women and girls is practiced. In 2010, the media reported (according to an official source in Al Bashir public hospital) that approximately three-fourths of annual hysterectomies are performed on girls and women with intellectual disabilities. Families defended this practice as a social issue (i.e. these girls and women cannot take care of themselves during menstruation, etc.) whereas case studies, interviews and other activities demonstrated that the main reason behind this discriminatory and illegal practice is to avoid social stigma and honor-related issues, if the girl or woman becomes pregnant as a consequence of rape.
45. It is important to note that there are provisions in the penal code criminalizing such operations without a clear or urgent medical reason. This needs urgent specific regulations for Article 4-A-5 on Law 31 for year 2007 to ensure:
 - Effective policies and strategies that provide integral health insurance to “Persons with Disability”.
 - Adequate “Reproductive Health” services for women and girls with disabilities

2. Assess the civil society efforts towards monitoring Jordan’s commitment

2.1 Jordan’s reservations on CEDAW and Harmonization into national legislation

46. AWO and Mosawa Network have been actively participating in formulating demands to change the discriminatory laws. With special emphasis on the implementation of CEDAW, AWO publicized the 2007 CEDAW Committee Concluding Observations and presented them to the public through publication and through the media. Nation-wide campaigns were launched to lift the two remaining reservations on Article 9 paragraph 2 and Article 16 paragraph 1(c-d-g), to sign CEDAW Op-Protocol and harmonize CEDAW Articles in the national legislation. They lobbied the parliament and members of the government on changing the nationality law through petitions, collecting signatures and sit-ins.
47. Many sit-ins were organized by civil society in front of the Parliament during the past year to protest against discrimination in relation to the Nationality law.

2.2 Political Representation

48. Through the efforts of women's NGOs the government approved the quota in the 2010 elections law which resulted in the election of 13 women MPs. They lobbied for affirmative measures – demanding of minimum 30% quota for women in parliament the promotion of women's rights on the agenda of political parties.
49. Women activists were also responsible for pushing for a quota system in the municipality elections and in the judicial institute.

2.3 Violence Against Women

50. The National Council for Family Affairs has published a national framework outlining all aspects pertaining to domestic violence and the roles of stakeholders. It defines violence, reasons behind its prevalence, and its various socioeconomic impacts and outlines strategies to combat domestic violence.
51. The Family Protection Department and the Ordinance of Shelters for Family Protection are providing services to victims of domestic violence. However, the lack of knowledge, prejudices and lack of shelters for battered women has prevented the Family Protection Department from delivering sufficient assistance to victims of physical and spousal abuse. Only the temporary shelter of the Jordanian Women's Union, an NGO, is functioning.
52. Through the efforts of NCFA and JNCW, trainers were trained on knowledge and skills on violence against women, and the capacity of judges and lawyers was built on applying CRC and CEDAW in their work.

2.4 Equal Rights in the Family

53. Led by JNCW, the women's movement in Jordan was responsible for pushing for reforms in the Personal Status Code and despite few positive changes the outcome was not up to expectations.

2.5 Conditions of Vulnerable and Marginalized Women

54. To bridge the gap between rural and urban areas in Jordan and to empower the poor, **NGO's** are focusing on providing services, projects and trainings in rural areas on topics that range from reproductive health to human rights and political participation.
55. **JNCW** launched Shama' (a network of NGOs especially from outside Amman) to strengthen their capacity and strategic outreach. JNCW supported women's political participation in municipalities.
56. AWO through its MOSAWA network worked to strengthen women's political participation at the municipal level.
57. **Tamkeen Center for Legal Aid and Human Rights** is an NGO established in 2007 to provide legal support, awareness and advocacy on the rights of vulnerable groups but mostly migrant and domestic workers. In particular, it started its Migrant Workers Program in early 2009 with an aim to improve domestic workers' working conditions and rights to decent and safe working environments. Tamkeen for the first time in Jordan published two reports on the status of domestic workers in Jordan and is working to advocate on the rights of domestic workers.
58. **Jordan Civil Society Program (J-CSP)** supported the establishment of a national coalition to prepare for the first time a Shadow Report to be presented in 2012 to the Convention on the Rights of Persons with Disabilities (CRDP).
59. **The Higher Council for Disability** is a policy body responsible for protecting the rights of people with disabilities and is responsible for issuing the national

strategy for persons with disabilities. HCD has formed a women's committee to address the rights of women with disabilities and to issue recommendations to the government and to activate the law.

3. Suggest recommendations for the new concluding observations

- 60.** The following recommendations address all six areas tackled in this report and could help contribute to the concluding remarks:
- Change Article 6.1 of 2011 Jordan Constitution to include gender: *"Jordanians shall be equal before the law. There shall be no discrimination between them as regards to their rights and duties on grounds of race, language or religion"*;
 - Lift the two remaining reservations on CEDAW Articles 9 Paragraph 2 and Article 16 Paragraph 1(c-d-g);
 - Sign CEDAW Optional Protocol;
 - Adopt CEDAW provisions into the national legislation;
 - Re-draft the Personal Status Law to be based on civil ground and not on religious precepts;
 - As Jordan has lifted reservations on Article 15 paragraph 4, it needs to re-issue the law that was recently rejected by the parliament and that gave women the right to choose residency, travel and issue their own passports without the consent of a male guardian.
 - Draft a Gender Equality Law where the definition of discrimination against women in CEDAW should be included;
 - Adopt a quota system of 50% by 2015 as in the MDGs, to guarantee better representation of women in all the representative bodies;
 - Develop a law that criminalizes all forms of violence against women, including the marital rape, decriminalization of abortion for victims of rape and eliminating all exceptions that allow underage marriages;
 - Provide reliable and safe services and shelters for abused women outside households and provide effective systems and mechanisms in place to combat violence against women.
 - Provide accurate information on the status of women in rural areas to assist policy-makers as well as advocates to improve the status of women and enhance their contributions to local development.
 - Include women heads of households in the NAF who cannot provide a proof of the absence of a legal provider.
 - Launch awareness raising campaigns and programs and issue procedures to alert women on the rights of inheritance and ways to defend women's inheritance rights in courts.
 - Mainstream gender into the planning and the execution of projects at the local level.
 - Jordan to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their families. Establish a shelter for domestic workers who escape from their employers, as many currently suffer from homelessness.
 - The issue of sterilization of women with disabilities need to be addressed and legal procedures need to be enacted especially in cases of rape and abortion.
 - There needs to be urgent specific regulations for Article 4-A-5 on Law 31 for year 2007 to ensure: 1. Effective policies and strategies that provide integral health insurance to "Persons with Disability", 2. Adequate "Reproductive Health" services for women and girls with disabilities.

Introduction

1. The Arab Spring and Changes in Jordan

61. Arab women are living through historical moments that could bring forth social changes to align with the UN Women vision that envisages "a world where societies are free of gender-based discrimination, where women and men have equal opportunities, where comprehensive development of women and girls is ensured so that they can contribute to be active agents of change, where gender equality and women's empowerment are achieved and where women's rights are upheld in all efforts to further development, human rights, peace and security"*.
62. Encouraged by the examples of Tunisia and Egypt, women in Jordan have taken to the streets to express their demands to accelerate the political and legislative reforms, especially those pertaining to women's rights as universal human right.
63. Affected by the Arab Spring, Jordan has been involved in a reform process, but with minor changes to women's rights issues. In March, the King formed a National Dialogue Committee to propose new Election Law and new Political Parties Law. In May, the King formed a Royal Committee tasked with revisiting the 1952 Constitution to propose amendments that serve the aspired political reforms. The committee did not include any women and failed to introduce the word "gender" into Article 6 paragraph 1. A consequence of such a decision means that no legislative changes advancing full implementation of women's rights can be achieved. However, a new Constitutional Court was established that could form a better means to question the constitutionality of the discriminatory laws.
64. With political Islam gaining more domination, especially in Tunisia and Egypt, the Arab women's movement are concerned that efforts to advance women's rights may be halted and even reversed. Nonetheless, women are actively participating in the reform process to address the inequalities they face in their societies.

2. The Shadow Report as a tool for continued advocacy

65. AWO has gained recognition as one of the leading women NGOs in Jordan throughout 40 years of working with and for women. With a long standing experience in empowering women and local communities and in building partnerships and networks, AWO has succeeded in aggregating the efforts of women NGOs by establishing Mosawa (Equality) Network of grassroots NGO in 2005. Since then, AWO and Mosawa have been diligently involved in vigils to call for the implementation of the ratified international conventions, especially CEDAW, Beijing Platform for Action, UNSCR1325 and Istanbul Framework of Action. For the past 10 years AWO has worked for increasing women's quota in the Parliament and municipalities in order to facilitate participation of women in political life through providing capacity building of core-groups of grassroots NGOs to monitor the full ratification and implementation of CEDAW.
66. In 2007, the first shadow report to CEDAW Committee was written and submitted by a group of NGOs consisted of AWO, the Arab Human Rights Organization, Karama-Jordan and Arab Women Media Centre. Its focus was on evaluating the national policy, measures and actual facts on violence against women. The report raised the national debate on women's issues and opened doors for continued advocacy efforts.
67. This year, AWO has led a national coalition to submit a second shadow report that would assess official efforts, civil society efforts and suggest recommendations for the concluding observations. By doing so AWO expects to

use the shadow report to contribute to an achieved higher status of women's rights on the national agenda and to increased awareness and knowledge among decision-makers of the monitoring process, and the importance of compliance with CEDAW obligations.

3. The Shadow Report Preparation

3.1 Participation in the Pre-Session Working Group of 51st Session

68. A Jordanian NGO delegation participated in the Pre-Session Working Group of 51st Session at the UN in New York in August 2011. The Jordanian delegation welcomed the opportunity of meeting with the CEDAW Committee members and offered a briefing on the current situation of Jordanian women and the recent developments. They expressed concern over the growing threat to women's rights and women achievements in the Arab region. They delivered an "Oral Statement" indicating the outline included the following 6 thematic areas: 1) Reservations; 2) Harmonization 3) Political Representation; 4) Violence Against Women; 5) Equal rights in the family; 6) Conditions of Vulnerable and marginalized women.

3.2 The Formation of the Coalition

69. A Coalition was formed to oversee the preparation of the Shadow Report and to follow up the monitoring process of the third shadow report. The Coalition consists of: The Arab Women Organization (AWO), Mosawa Network; a National Network of 86 women grassroots NGOs and a group of Jordanian Mothers married to non-Jordanians who launched the Campaign: "My Mother is Jordanian and Her Nationality is My Right".

3.3 Methodology

70. Upon return from New York in 2007, when the first Shadow Report was presented, AWO started preparation for the second Shadow Report by communicating with the 86 women NGOs affiliated to the Mosawa Network. An on-going programme was adopted to raise awareness on the importance of CEDAW monitoring and training on monitoring UN conventions.
71. The participatory approach and cooperation among the Coalition participants was adopted to prepare for the Shadow Report.
72. A training workshop was carried out in collaboration with IWRAW-AP, who kindly accepted to conduct the training in Amman.
73. In 2011 and amidst the growing demands for reform, AWO established new links with a new informal network; a group of Jordanian Mothers married to non-Jordanians who launched the Campaign: "My Mother is Jordanian and Her Nationality is My Right". This campaign led advocacy campaigns and sit-ins to demonstrate against the unequal citizenship law in which AWO was an active participant.
74. The monitoring process was based on data collection through revising:
- Periodical Reports, especially the Jordan 5th CEDAW Report
 - Research; AWO has already conducted two research works under the following titles: "Breaking the Circles of Silence" on the root causes of VAW and "What about my children? On the impact of discrimination in the Citizenship Law"
 - Available Statistics from the Department of Statistics (DOS)
 - Stakeholders Feedback from all over Jordan
 - Case Studies

Chapter I

Jordan's Reservations on CEDAW

A positive measure was taken in 2009 when the government of Jordan lifted the reservation on Article 15 Paragraph 4.

However there are still reservations on the following:

1) Article 9 Paragraph 2 which deprives Jordanian women, unlike men, from passing their nationality to husbands & children. The government should amend the existing citizenship law to end discrimination against women married to non-Jordanians. Children face hardships related to residency, enrolment in government free education, provision of health care services and deprivation work permits.

2) Article 16 Paragraph 1 (c, d, g), which is related to marriage, divorce and custody.

75. Jordan signed CEDAW in 1980, but the Convention was ratified in 1992 with reservations made on Article 9 (2), 15 (4), and 16 (1), paragraphs c, d and g. The key step towards the true implementation of the CEDAW corresponded to its publication in the official "gazette", which took place only in August 2007. This came following continuous advocacy efforts by women NGOs. For women's movement, the achievement lies in the fact that the international convention was finally given "the force of the law", and that it now forms part of the Jordanian legal corpus.
76. Three Articles of the CEDAW have been subject to reservation since 1992. Political, social and religious explanations are always justifications given by the government for the reservations bypassing the fact that as a universal human rights convention that aims to guarantee basic human rights to all women, the reservations must not contradict the purpose of the CEDAW.
77. In March 2009, the reservations on the Article 15 (4) were lifted and in 2010 a new temporary law was issued that allowed women for the first time to choose their own place of residence without the consent of a male family member. With this formal governmental decision, women NGO won another big battle. At the time of writing this report, the parliament annulled all temporary laws including this law, which represents another backlash for women.
78. The Jordanian government still maintain reservations on Article 9 (2) and 16 (1), paragraphs C, D, and G.

1. Article 9 (2)

79. In CEDAW Article 9 (2) reads as follow: "1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband. 2. States Parties shall grant women equal rights with men with respect to the nationality of their children."

80. Jordan placed reservation on Article 9 regarding the right of women to transfer her nationality to her children and husbands. In the Jordanian citizenship law, there are provisions that do not extend the same rights to both men and women. Despite the publication of the CEDAW in the official gazette in 2007, which in theory makes it binding in national legislation, the Nationality Law with its discriminatory provisions remains unchanged.
81. Many countries in the region have already amended their citizenship laws, except for Jordan and Lebanon. The inability of women to pass on their nationality to their husband and children is very problematic. First, women are legally considered as second-class citizen. As stated in the report “Implementing CEDAW in North Africa and the Middle East, Roadblocks and Victories”, the real impacts of this reservation is “legitimizing the social and cultural patriarchy by effectively disowning women of their national identity”. Besides, it has adverse negative effects on the family life and on the future of the children. Foreign husbands have to leave and return to the country every three months, an obligation that increases the economic instability of the Jordanian mothers as they become the sole supporter of the family. Children without citizenship do not enjoy the same social rights and cannot access social welfare programs equally. The fees for entering school and university are high for non-citizens, so children’s right to education is compromised. Employment is also hindered by the fact that they have a different nationality.
82. Many legal analysts argue about the legality of this reservation in reference to the Jordanian Constitution. Awaiting the establishment of the Constitutional Court, many activists are preparing to question the legality of the Jordanian Citizenship Law.

2. Article 16 paragraph 1 (c, d and g)

83. The reservation on CEDAW **Article 16 paragraph 1 (c, d and g)** which is concerned with matters related to marriage, divorce and custody of children, was not withdrawn. It states as follow: 1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:
- (c) The same rights and responsibilities during marriage and at its dissolution;
 - (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
 - (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
84. In divorce, Jordanian women are treated unequally and face many obstacles. The Jordanian law favours men in matters of obtaining a divorce, child custody and ownership of wealth. The ‘Talaq’ law allows men to access divorce very easily as it requires only to say the word three times without any formal legal processes. On the contrary, a woman who wants to obtain a divorce must take the case to court and provide a legitimate reason to divorce her husband. She has two options; to go to a Sharia court to get a judicial divorce or ask for “Khulu”- a law added to the Personal Status Law in 2001 to allow women to divorce.
85. At the Sharia court, women need to submit “valid” reasons (listed previously by the law) and provide witnesses. In case of domestic violence, as a reason, the testimony of the wife only is not enough. This form of divorce is very hard to obtain, and most of the time, it is denied by the judges. In Khulu the wife can unilaterally end the marriage by returning her dowry and giving up all her rights, without having to give a justification. This form of divorce is said to be

conceivable for rich women, who can afford its very high price. An amendment has been introduced into the 2011 Personal Status Law to allow the Khulu only during the phase of a written marriage contract that did not translate into marriage yet. The women's movement did not welcome this amendment as Khulu has been used to relief women of bad marriages.

3. Action taken by AWO and women's rights organisations to lobby for the lifting of the reservations (see Annex I, V, VI and VII)

86. AWO together with other women NGOs and women's rights activists have achieved considerable results in their campaigning against CEDAW reservations. The recent attempts have been calling strongly on the government to amend the Citizenship Law- in view of preserving women's constitutional rights - to allow for the transfer of Jordanian women's nationality to their children and husbands. They have also called on the government to ensure equality in the law at least temporarily and issue temporary procedural actions as:
- To issue residence permits valid for at least five years for husbands and children of Jordanian women;
 - To issue a nationality number for children of Jordanian women to uphold their educational, health and labour rights on equal basis with other Jordanians;
 - To form a special committee to study humanitarian cases and protect children from situations of statelessness.
87. The government's official position has always been based on explanations that granting citizenship to children and husbands of Jordanian women married to Palestinians will have consequences on the "Right to Return" of the Palestinians and economic consequences for securing health, education and housing services.
88. A study conducted by the Arab Women Organization in 2010 researching the *"Economic, Social, Political and Psychological implications on Jordanian Women and their families married to non-Jordanians"*, concluded that depriving those children and husbands the right to acquire Jordanian nationality results in a stressful economic, social, psychological situation, difficulties in employment, residency, access to education, health care and social protection. The study also called on all relevant institutions responsible for issuing marriage contracts to indicate nationality of husband in view of facilitating research and decision making and in acquiring statistical data on the subject to accurately measure the size of the problem.
89. In celebrating Women's International Day and Mother's Day in 2011, AWO and Mosawa Network held a Public Hearing at the Parliament to lobby for reform of the Citizenship Law. Live testimonies raised the issue of citizenship in front of members of the Lower Houses of Parliament. The House Speaker pledged to lobby the government to find "humanitarian" solutions.
90. During May, 2011, AWO and the national campaign: "My mother is Jordanian and Her Nationality is My Right" launched dozens of sit-ins and demonstrations in front of the Parliament under the *slogans "We are full citizens", "My mother is Jordanian and her citizenship is my right,"* and *"We are not attacking anyone, we are just demanding our constitutional rights"*.
91. In July the demonstrations continued in front of the Royal Court in protest against the Citizenship Law, calling for amendments. The protesters appealed to King Abdullah to give Jordanian women their citizenship rights on the same basis as men. The protesters, men women and children, highlighted problems that the children of Jordanian women married to foreigners face today. The women's NGOs have managed to raise the issue to the public and governmental attention and to mobilize for action.

Chapter II

Harmonization of CEDAW into National Legislation

The government of Jordan has not taken any measures to incorporate CEDAW into the national legislation. This impedes the judiciary and courts to end discrimination and injustices.

92. The 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 harmonization. As a signatory to Vienna Accords, Jordan is obliged to consider the provisions of the UN Conventions, as higher than national legislation. Considering CEDAW, it was expected that a provision will be added into the Constitution but that did not take effect when the Jordanian Constitution undergone reform in September 2011.
93. A National Dialogue Committee was established in March 2011, to channel extended dialogues with all citizens in order to arrive at a consensus over legislation governing political reform, including the electoral and the political parties' laws and to draw a roadmap for comprehensive political reform in Jordan. The king held a meeting with women's rights activists in March 2011, encouraging them to contribute to the efforts aiming at achieving "reform and the modernisation process". He said at the meeting that he sought a more effective role of women in the decision-making process and in the National Dialogue Committee, where, women should have their say. The women's movement handed over to the King a list of proposals to further women's rights in Jordan.
94. However this positive meeting did not materialize into considering the provisions of CEDAW. On the contrary, the 52-member National Dialogue Committee, comprising of representatives from political parties, professional associations, civil society, youth and women's groups, had only 4 women. In Article 6 of the newly reformed Constitution remained unchanged, regardless of the explicit demands of women's NGOs to integrate the word gender.
95. A new paragraph 4 was added to Article 6 that reinforces the traditional role of women. The paragraph claims that: *"The family is the foundation of the society. It is founded on religion moral and patriotism. The law preserves its legal entity, strengthens its ties and values, protects under it motherhood and children and cares for youth and people with disabilities and protects them from exploitation"*. This paragraph practically brings women back to the private sphere, to be "protected" and subjected to control as they are perceived of bearer of family "moral" and "honour".
96. Women activists argue that "to be protected" reinforces that women are subordinate, which strengthens the traditional patriarchal society and prevents women from full participation. Women's absence from decision making in the public and political sphere is related to how society perceives women's role. Women's low economic participation also stems from this popular notion that women need to be "protected" and justifies another popular belief that women who enter the job market are doing so to supplement and increase their family's income rather than to become economically independent or to individually support their family. Therefore, in reality the Jordanian Constitution and the national legislation strengthens gender bias and inequality rather than prohibiting discrimination against women in compliance with UN Human Rights Conventions including CEDAW.

97. Article 14 of the constitution that addresses freedom of religion remained unchanged, provided that religious practices are consistent with "public order and morality". Islam, Christianity, and Judaism are the state-recognized religious faiths and matters of Personal Status such as marriage, divorce, child custody, and inheritance remain within the exclusive jurisdiction of Shari'a courts for Muslims and separate, non-Muslim tribunals for the other State-recognized religious communities. The Personal Status Law that remains the law to be applied to all family matters is highly discriminatory to women, as demonstrated throughout the report, and therefore Article 14 is contradicting with Article 6 (1) which states that: *"All Jordanians shall be equal before the law. There shall be no discrimination between them as regards to their rights and duties on grounds of race, language or religion"*. Women activists read *"all Jordanians"* as *"both women and men"*.
98. The recent constitutional reforms that produced the 2011 Constitution have repercussions for women's rights rather than harmonization with CEDAW provisions. It prevents the creation of a law for gender equality. It failed to create an enabling setting towards gender equality to empower women towards participation in the public and political sphere. (See Annex V)

Case Study: Article 6 of the Jordanian Constitution

Article 6 in the Jordanian Constitution has raised a hot debate, while discussing the Constitutional amendments during the summer months of 2011. The process of revising the Constitution of 1952 has come as a result of the uprisings in the Arab region. At last, the people of Jordan were able to call for such a step and women were hopeful to raise the issue of non-discrimination at a constitutional level by adding "gender " into Article 6 that claimed: "Jordanians shall be equal before the law. There shall be no discrimination between them as regards to their rights and duties on grounds of race, language or religion".

Alerted to the difficult task, women activists united forces and led a nation-wide campaign on the need for clear reference to gender equality in the Constitution. Prominent women activists were bestowed with the follow-up task; Senator Laila Sharf, MP Abla Abu Ilbeh and the General Secretary of the Jordanian National Commission for Women, Asma Khader. They were able to integrate a feminist perspective and at the same time gain the support of ordinary citizens.

Contrary to all expectations, the Royal Committee for the Constitutional Review had ignored adding "gender" into Article 6. Consequently, the Cabinet and the Parliament endorsed the new Constitution that has no clear reference to non-discrimination against women. Hence, women are now deprived of taking legislative changes any further for the full implementation of women's rights.

The failure to change Article 6 in the Jordanian Constitution is an indicator to the tough route for promoting equality, democracy and human rights in the Arab countries. Nonetheless, an Opinion Poll issued by the widest selling newspaper had shown that 89% supported adding "gender" into Article 6.

With the support of the people, women are determined to re-open the debate in favour of women's rights on constitutional reform for another round of amendments.

Chapter III

Political Representation

An increase in the quota for women from 20% to 25% in municipal councils was ratified in July 2011 in the new Municipality Law. But, women activists are determined to achieve 50% in 2015 based on the MDG targets. Women representation in parliament, according to the new Election Law, has increased with a quota from 10% to 11.8%.

1. Political, legal and social constraints affecting women's political participation

99. While women are more recognized as political subjects today, gender traditional stereotypes are still prevalent justifying discrimination and control of women, hampering their participation in public and political life. Women are weakly represented in the political sphere and that consequently reflects weak participation in taking decisions shaping the political priorities, policies and practices for women. According to the Department of Statistics (DOS) 2010 the number of women that hold public functions as legislators, senior officials and managers is just 1.5%. Even if some measures have been taken to improve women's status and facilitate their participation, their impact is limited as many constraints remain unchallenged.
100. Politics in Jordan is considered a male domain. Decisions are taken by men and therefore are serving predominantly the male interests and needs. Both political parties and tribal formations are masculine and male dominated and this is reflected in their structures and their political agendas; the tribes protect their familial interest rather than having any political agenda at all. Women's interests and needs are undermined by patriarchal male dominant discourse; therefore policies and laws to address and safeguard them are still extremely limited and do not reflect the human rights of women.
101. The widely spread social perception that women should stay home because they cannot combine work and family obligations continues to be a major socio-cultural barrier to limiting the opportunities for women to participate in the public sphere. Growing religious fundamentalist movements is another factor that is impeding women and civil society's role in increasing women's opportunities to enter politics and public life.
102. Patriarchal structures that place women as a secondary citizen affect women's self-esteem and self-confidence. It also limits women's ability to function independently, to cast their own independent voting or decide to run as candidates.
103. The current electoral law has been criticised by civil society and political activists as not enabling, but rather further promoting tribal culture as it is advantageous to candidates from specific groups in a district instead of those who stand for a specific political party platform. As the law is based on one-person one vote system, the regions where tribal culture is dominant, voters tend to cast their vote for those candidates connected to their tribe or family. This system limits women's participation in national parliament and diminishes their chances to win via competition as generally people vote for their tribal and family affiliations. In the context of a strong patriarchal and tribal culture and structure, it is less likely that women are elected as candidates or representatives for their tribes and structures, unless she represents the interest of the tribe.

104. Political parties and tribal formations, due to their patriarchal structures do not facilitate women's participation in decision making within the party, just on the contrary: they often purposefully restrict it. In the frame of a gender-blind culture, female politicians face resistance not only in the political and public spheres but also in the circles of their nearest family members. In addition, religious model of political participation, religious institutions and religion interference in political life hinders political participation and limits women free space for action.
105. Gender stereotypes limit female politicians to participation. These have been used consciously by male colleagues and media to attack women politicians' integrity, to question their "moral" and "intellectual" capacities to perform, especially when the female politicians have "proved" excellent capacities.
106. Women generally lack financial independence to engage in the public and political life on their own. Women lack financial support to launch and carry out campaigns for entering political sphere and dependent mostly on their husbands or male family members to fund their campaigns which may affect their ability to take stand on the issues they believe in. The economic dependence and control are supported by the legal, cultural, and religious value system, where husbands are required to support their wives financially.

2. Limitations in government's efforts to increase women's political representation

107. Women's political participation has not been genuinely adopted as a priority in terms of legislation, binding policies and awareness raising campaigns. Women's representation is still too low to affect any political impact. There is no articulated state policy on promoting equality between women and men and consequently there is a lack of structures facilitating gender equality. Governmental commitment to the two Ministerial Conferences held in Istanbul 2006 and Marrakech 2009 through the Barcelona Process to strengthen women's rights, participation and gender equality have not materialized in any efficient policy on the ground.
108. Some minor steps have been made by the government, but they have not been able to open the doors for women for more equal political participation bringing qualitative transformative changes in favour of women's rights. The steps did not address the core of the problem; the patriarchal system itself as there is no political will to genuinely promote equality in the public and political sphere.
109. Women have had the right to vote in 1974 and have practiced it in the elections of 1983, whereas their first participation in municipal elections was in 1982. The quota system was introduced in the 2003 elections through a legislative amendment, reserving 6 out of 110 seats for women candidates. The quota was doubled to 12 seats in the election law of 2010. The total number of women in Lower House of Parliament following the 2010 elections is 13; 12 filled by quota and one by direct competition. The senators in the Upper House are appointed by the King. At present there are 7 women senators out of 60 members.
110. Today, there are 21 political parties that have managed to register under the new party law of 2007. The law, as the Constitution and other civil laws, speaks generally of either "all Jordanians" or "all citizens" and grants "Jordanians the right to form and join political parties". As such it does not discriminate against women. However, it does not provide affirmative action, measures or

mechanism to facilitate women's equal access to political party life, to decision making and leadership positions.

111. There is no governmental policy stimulating the parties to engage women and demanding them to introduce women's rights in their political agendas. Women's participation in the political parties has increased to 29%, supported by the law that stipulates that 25 out of minimum 500 founding members should be women. However, numbers cannot be taken as indicators of real and autonomous participation.
112. There are two women elected secretary general of political parties. According to a study conducted by al Urdon Al Jadid Research Center-the Civil Society Index Report- on the status of civil society in Jordan, the percentage of general affiliation to political parties is low with only 1.4% in 2000 raising to 29% in 2009, after the implementation of the new Political Parties Law of 2008. Some of the stated reasons include fear from joining political organizations, weakness of political parties' programmes towards various sectors of society including women and young people but also despotism and monopoly over the leadership of political parties.
113. As women are largely underrepresented in decision making, this poses difficulties to change discriminative legislation. Very limited number of women is represented in senior positions in the judicial system as well. In 2007, the government appointed the first woman as a head of a court. Apart from her there were no female judges serving in the Court of Cassation, the Court of Grand Felonies, or Jordan Shari'a courts. To support women to enter the judiciary corps, the Judicial Institute's Regulation was amended and stated that women should constitute a minimum of 15% of the students. This enabled the raise of the percentage of female judges 8.8% in 2010 according to DOS.
114. On the other hand, even if some positive legislative changes have been achieved, their implementation is largely absent because of the lack of awareness raising programs to change the attitude of relevant stakeholders. Awareness raising is considered the job of the NGOs and is left predominantly to the work of the women's organisations.
115. A new proposed electoral law submitted by the National Dialogue Committee is now being reviewed for the upcoming parliamentary elections. The law aims to strengthen political parties and introduces proportional representation. It also increases the number of parliamentary seats to 130 and women's quota from 12 to 15 seats. However, because the total number of seats in Parliament increased to 130 in 2011, this kept the the level of representation of women to 10%.
116. In July of 2011, the Parliament endorsed amendments to the Municipalities Law, increasing women's quota from 20% to 25 % in every municipality and local council as suggested by MPs who advocated for more women's participation in the decision-making process. The current women seats in municipal councils (quota and competition) forms 27%. This is expected to reach around 30% in the upcoming Municipal elections.
117. While it is without doubt a success for women's representation on local level, this number alone cannot be used to evaluate the real participation of women. All the achievements in gender equality as in the other fields, should be put into a context of a broader situation influenced by political Islam which is of concern specially for advancing women's rights.
118. Legislation in Jordan is civil with the exception of the Personal Status Law that is based on religion and therefore highly dependent on the interpretations of the religious precipices. Sharia judicial system and ecclesiastical courts are not open for women, which is also an indicator of their

discriminative character. This situation contributes to the legal perpetuation of the inferior status of women in the society, which plays an essential role in the reproduction of gender stereotypes and hinders any effective step towards their participation in public and political life. The Personal Status Law poses the biggest challenge for the women's movement, who claims that only separation of state and religion and drafting of a personal status law based on civil legislation and full citizenship is a precondition for improving of women's real participation.

119. Women participation in professional associations is weak. It is only 22.7% of the total numbers of members and 21% of the trade unions. Only 3% of the associations' board members are women. The women's rights organisations constitute only 2.6% of the total number of CSOs. The majority of women's organisations have charitable character or function as cooperatives: these constitute up to 48% of the total number of CSOs². The women's rights NGOs, mostly based in Amman, try to reach out to the other areas where these associations are functioning via their own networks.
120. The Law of the civil society organisations was changed a couple of times but it does not give more freedom to organize, especially for those organisations who advocate for social, legislative and political changes. One example is the refusal of the National Registry of Societies at the Ministry of Social Development to give permission for the establishment of an organisation of Jordanian women married to foreigners who demand citizenship rights for their children. This happened in July 2011 on the ground that "the request is not convincing since the group did not give a strong justification about why they want to set up a society as stipulated in the rules". The secretary general of the National Registry of Societies at the Ministry of Social Development has explained that the application was turned down as "The citizenship issue is a political matter that is governed by the Citizenship Law and cannot be addressed by a society".
121. Even if some steps have been made in easing the atmosphere for organising as part of the newly government's efforts to promote democratic reform in the areas of Freedom of Assembly, Freedom of Association, Freedom of Expression and the Political Party Law, after the demands and recommendations from the civil society and women's NGOs, these changes in legislation have not produced the desired effect.
122. According to the new Jordanian Law of Public Gatherings, organizers will only have to notify the Ministry of Interior of their plans 48 hours in advance so as to make arrangements to protect gatherings. However, the request must include the names of the applicants, their addresses, signatures and the purpose, time and place.
123. As for the Freedom of Expression, the government continue to censor articles of "political nature". Freedom of opinions, speech and freedom of the press are guaranteed in Article 15 of the constitution, provided it does not violate the law. The Press and Publications Law itself imposes a number of restrictions on these rights. According to it, all publications must be licensed by the government. The government has the power to issue fines, withdraw licenses, order media shutdowns and control editorials in newspapers. People may be prosecuted for slandering the Royal Family, the State, religion or foreign leaders. This fosters censorship rather than freedom of expression. Women are free to discuss women's rights and gender equality issues in public and in the media. However, they must be within the general restrictions on free speech and the media.

² Civil Society Index Report

3. Action taken by women's organizations to increase women's political participation (See Annex II)

124. Women are weakly represented in the political sphere and that consequently reflects weak participation in taking decisions shaping the political priorities, policies and practices.
125. Popular protests and demonstrations in Jordan, inspired by the uprisings in Egypt and Tunisia, broke out in January 2011 by calling for full political reform; revision of the electoral law, political parties law, amending the constitution and measures to address the high unemployment, rising cost of living and corruption. Women took part in these demonstrations, demanding equality between women and men and changing discriminatory legislation.
126. The National Dialogue Committee submitted the two new drafts which are currently under-discussion in the government. The new suggested elections law has asked for a women's quota in parliament to be 15 out of 130 seats, keeping the level of representation of women to 10%. However the new suggested Parties Law does not offer any affirmative action for women participation.
127. AWO and Mosawa network strengthened their advocacy campaign for adopting affirmative measures of minimum 30% quota in Parliament to allow for better representation and participation of women in political and public life. AWO also supported women's political participation at the municipal level.
128. The new electoral law for Municipalities, endorsed in July 2011 that increased women's quota from 20% to 25 % at each municipal council, came following continuous demands by women NGOs led by the Jordan National Commission for Women. JNCW also launched programs in support of women running for municipal elections and provided training and logistical support.
129. The Judicial Institute's Regulation that introduced a women's quota of a minimum of 15% of the students and that has raised the percentage of female judges from 5.3 % in 2007 to 8.8% in 2010 also came following demands by women activists to increase the number of women in judiciary.
130. The 2008 Law of Association that was amended by the government put limitations on the activities and membership of non-governmental organizations and their ability to function independently from the government, which limits the role of women's NGOs in advocacy and campaigning. For example, the current law prohibits associations from pursuing any "political objectives" and activities that violate "public order." Both terms are overly broad and invite governmental abuse. This law is challenged by NGOs who are intending to lobby for changes and have already started organizing.

Chapter IV

Violence Against Women

The delegation welcomes the adoption of a law on Protection against Domestic Violence in 2008, the Anti-Trafficking Law ratified as of 2010 and an amendment to the labor law which introduced punishment to perpetrators of sexual harassment. However, the government has not created mechanisms for monitoring yet.

In case of honor crimes, it has been researched that there is a slight change in the attitudes of judges towards articles 99 and 98 concerning the reduction of statement on perpetrators. This is largely due to the efforts of NGO awareness raising and capacity building programs.

The Concluding comments of the CEDAW committee about Jordan stressed the link between the violence against women, their economic dependency and vulnerable position in the family and in the society. It emphasized the need to consolidate efforts to address issues of violence against women urging the government to:

- *Enact legislation on violence against women;*
- *Implement educational and awareness raising measures aimed at law enforcement officials, the judiciary, health care providers, social workers, community leaders and the general public;*
- *Amend applicable provisions of the penal code to ensure that perpetrators of “honour” crimes do not benefit from a reduction of penalty under article 340;*
- *Ensure that “honour” crimes are treated as seriously as other violent crimes in regard to investigation and prosecution, and that effective prevention efforts are put in place;*
- *Establish a sufficient number of accessible shelters and crisis centres for female’s victims of violence in both urban and rural areas;*
- *Replace the practice of protective custody with other measures that ensure the protection of women without jeopardizing their freedom and to accordingly transfer all women currently held in protective custody to the Family Reconciliation Centre or other safe shelters.*

1. The legal and social context of violence against women in Jordan

131. AWO conducted a study in 2009 on violence against women entitled, “To Break the Circles of Silence” which emphasized that the prevalence of violence against women represents one of the greatest challenges to the government. The study also concluded that violence is a threat to the fundamental rights of half of the population and one of the major obstacles to social progress, health, education and economic development. While the constitution states that all the Jordanian citizens are equal by law, certain legislations discriminate against women and do not protect their rights especially in cases of violence. Moreover gender equality is hampered by the weight of culture and traditions. Women are also the most affected by poverty, they represent the larger part of the unemployed and they are widely absent from the decision making processes. Each of these aspects place women in vulnerable situations and contributes towards generating violence against women.

132. As a result of the constitutional reform in 2011, a major achievement has been the creation of a constitutional court. This came following months of popular demands for political, economic and social reform. Regulations are currently being reviewed for the enacting of a constitutional court, however a specific reference for gender was not included in Article 6 paragraph1, which

could have served in bringing all kinds of discriminatory cases against women to court including cases of violence.

133. The Jordanian Constitution, the CEDAW as well as the Family Protection Act (2008) are policy frameworks that obligate the government to combat violence against women. These as well as the JNCW's National Strategy for Women and the NCFA's National Framework for Family Protection provide the grounds for legal and social support and protection against violence. The Family Protection Department and various services provided by non-governmental organizations and the regulatory tools of protecting women is also in theory a sufficient tool to effectively protect women from violence. However, The challenge lies in establishing appropriate and effective administrative systems and collaborative referral systems to provide support and protection, and clear regulatory frameworks within which protection can be ensured. The by-laws of the Family Protection Act that was recently issued should provide these regulatory frameworks, but it is still awaiting activation.
134. Currently the National Centre for Human Rights (NCHR) deals with gender discrimination cases through its complaints unit but does not have the legal capacity to file such cases before the courts. In 2010, NCHR has recorded 770 complaints, of which 30% were from abused women. In the absence of an ombudsman office, the Center is not well equipped in dealing with the situation.
135. It is believed that data for recording cases of violence against women are not reliable. Firstly because of cultural and traditional values that conceals violence in the secrets of families and behind the walls of homes. This leads to silencing the victims in fear of shame and dishonouring the family. Secondly, due to the fact that there is a lack of a unified national data base for violence against women. Each organization reports the number of cases they deal with in a given year but due to exchange of referrals and the fact that some cases return to different institutions, it is not possible to accurately quantify the issue as there is a high possibility of overlapping. At the same time, some institutions do not document the cases they deal with, thus, creating unreliability of statistical information.
136. In an attempt to address this, the National Council for Family Affairs and the National Council for Human Rights are working now on developing a national data base to document all cases of VAW. The system would ensure non replication of data and allow service providers to access the full history of the case in order to provide the survivor with appropriate support.
137. According to research, the severity of violence in Jordan is worse among the refugee and migrant women, as violence is considered as a part of the daily life cycle and often denied by the victims themselves and the perpetrators remain unpunished.
138. The growing influence of religious fundamentalism limits the political will to combat violence against women on the pretext of respecting religion and tradition. The government states that Jordan has managed to reach its Millennium Development Goals in the areas of health and education. However, in spite of important improvements of the situation of women and their increasing role in the economic life they are still threatened by ancestral and medieval practices, which prevent them to use their full potentials, play their equal share and exercise their talents. The increasing presence of women in the labour market has not been followed by any changes, neither in the traditional roles in the family, nor in the distribution of the tasks at home. This situation is a source for violence.

2. Domestic and sexual violence

139. Women's bodies are still considered and used as male properties; physical violence is socially tolerated and is seldom punished. The shame and guilt remains for the victims. The traditional mentalities reproduced by both men and women, contribute to keeping the domestic violence in the sphere of the family and to consider it a private matter.³
140. Elaboration on sexual violence, in any of its forms: forced marriages, denial of the right to use contraception, rape or incest is widely absent from the public speeches. The social taboo about sexual violence is very strong and the wide overlap between sexual violence and domestic violence contributes to keeping the silence around it.
141. Sexual violence may take place inside families as well as in the public space. Violence is often treated with some secrecy because of its direct connection to women's reputation and the reputation of her family. This form includes sexual harassment, and marital rape. This endangers women's physical and psychological health and rights over their own bodies since many women are forced to abortion and denied the right to decide how many children they want to have.
142. Victims of sexual violence face numerous legal and social obstacles. In accordance with Article 308 of the penal code in majority of cases, the perpetrator of rape or molestation will avoid punishment if he marries his victim. This is always justified on the basis of protecting the female victim from the social stigma. There are no clear procedures to ensure the victim's "consent" to such a marriage. Societal customs often serve to pressure the guardians of a female victim to waive personal claims and drop charges to avoid social stigma, particularly in cases of sexual assault, rape, and homicide.
143. Married or non-married, women generally do not have the choice of their own sexuality. Men will not marry a girl if she is not a virgin. The family is responsible of the daughter's chastity and the mother is prescribed the role of upbringing the daughter in a way to preserve it. The virginity of the girls involves not only their "honour" but the "honour" of their family".
144. As for using contraception, women need the agreement of their husband. Abortion is legal only in cases of serious danger for the mother. As a result of the action of women's organizations, the definition of danger for the health of the mother could be widened to include psychological and mental health.
145. The 1993 UN High Commissioner for Human Rights declaration on Elimination of Violence Against Women established marital rape as a human rights violation. In 2006, it was estimated that it could be prosecuted in at least 100 countries and since 2006 several other countries have outlawed it. In Jordan marital rape is not criminalized and prosecution for rape ends in the event of marriage between the prosecutor and its victim.
146. There are no specific provisions in the penal code that criminalize domestic violence, and there are no restraining orders for cases of abuse, even in the new 2008 Family Protection Act. Cases of domestic violence are prosecuted under the penal code's general provisions on assault and battery. Although assault and battery are accepted as reasons for divorce, it is often very difficult for a woman to prove such a case as Shari'a courts require the testimony of two male witnesses in these circumstances. This discourages many women to initiate legal procedures.

³ To Break the Circles of Violence, AWO report on violence against women in Jordan 2009

147. The medics and the police are also not encouraged and trained to deal with domestic violence properly. Women victims are often discouraged or pressured by her family not to report because of the social stigma and shame.

3. Honour crimes

148. A significant number of girls and women are victims of violence perpetrated by their family members or partners. Some of them are conducted in the “name of honour”. Killers “for honour” used to be punished by an average of six months to one year of prison due to mitigating circumstances invoked by the Penal Code for these crimes. Boys are allotted the role of guardians of sisters and are coerced into carrying out executions on behalf of the family. If they are young, the perpetrators are put in one of the rehabilitation centres.
149. The articles 98 and 340 of the Penal Code have not been removed. Furthermore, the Crime Prevention Act (No.121 of 1927) intensifies the suffering of women who are threatened by their male family members, by giving the Administrative Director of a governorate the right to hold a woman under protective custody (without a time limit) on the basis of preventing a crime against her.
150. Civil rights activists intensified their lobbying against these discriminatory laws and procedures and the debate concerning this issue is almost nationwide now, putting pressure over the legislative body to propose amendments to this legislation.

4. Social and institutional violence

151. Social VAW includes various forms of denying women the enjoyment of their social and individual rights through legal and social discrimination that hinder their role in society as preventing them from leaving the house or forces them to marry someone who they do not want, depriving them from giving their opinion on their own matters and arbitrary divorce.
152. Moreover, while a significant number of girls and women are victims of violence perpetrated by their family members or partners, society is violent by itself, tolerating violence, encouraging it, even demanding it as a proof of respect for the traditional social roles. In July 2011, the UN Women launched its first global report on “*Progress of the World’s Women: In Pursuit of Justice*”. It examines women’s rights worldwide and highlights the injustices women suffer at home, at work, in politics and under different justice systems. According to the surveys, 33% of respondents in Jordan agreed that it is “justifiable” sometimes for a man to beat his wife.
153. Only abolishing discriminative laws and adopting civil legislation towards more equality between women and men inevitably will have an effect on these social practices and attitudes.

5. Economical violence

154. Economic dependence that keeps women under the control of her husband, brother or father and deprives them of their right to control their own resources is the most spread pattern of violence against women in Jordan. In spite of Jordan’s progress in certain areas in gender equality, some important gender gaps still exist in the economic field. Statistics indicate that only 11.8% of the Jordanian female population over 15years is economically active compared to 63.1% of males. More importantly, the unemployment rate among females over 15 years reached 25% compared to 11.9% of males in 2010.
155. The most widespread forms of economical violence are deprivation of ownership; less than 5% of the land is owned by women, prohibition to work

and when working, the deprivation of her salary, even if it is not legal, is considered as a norm. It is socially validated that the woman gives her salary to her husband or father or brother. Lower salaries than men for the same job and position is also a concern, deprivation of their economic rights in cases of divorce; lack of sharing of the common wealth, she has contributed to accumulate. Women are also deprived of their rights to inheritance. The prevalent tradition prevents women from giving the family wealth to “outsiders”, who are actually her husband and her own children.

156. Some activists are calling on the government to activate Article 72 of the Labour Law that requires companies and organizations in Jordan with more than 20 women employees to establish day cares within their respective offices for the employees' children. Many companies and organizations do not comply with this law which makes women's lives of balancing work and family even more difficult and the Ministry of Labour do not have measures to activate this law and issue fine
157. Economical violence is violence in itself but also a source of other forms of violence. Economical independency and women's access to resources are major precondition to curb violence against women.

6. The Governmental efforts on the implementation of CEDAW

158. Jordan kept the discriminatory reservations made in 1992.
159. In 2005, the Ministry of Justice proposed amendments to the penal code in order to stop the use of “honour” as an extenuating circumstance in verdicts for crimes.
160. Amendments were made to the Penal Code with stronger restrictions defined concerning any act involving the infliction of pain or torture based on discrimination of any kind, and possibilities for waiving or staying punishment have been considerably reduced under the latest amended Code.
161. One panel at the High Criminal Court has been created to look into and expedite the rendering of judgment in case of “honour” killings and to unify these judgements. The women's movement is asking for a similar court to address cases of domestic violence.⁴
162. Within the Ministry of Justice, a Human Rights and Family Affairs Directorate has been established. The Directorate is in charge of examining and monitoring cases relating to domestic violence, contributing to the development of judicial investigation criteria and mechanisms to enhance awareness of domestic violence. It is also responsible for the identification of training needs of judges, legal assistants, and senior court management in relation to human rights, women's rights and CEDAW. Response to these needs, together with training in the area of domestic violence, young offenders, and family-related offences, will be integrated within the programme of on-going training of judges.⁵
163. The amendments to the Penal Code are believed to significantly impacted the dealings of honor crimes. Even if no change in law has been made, it has been observed that the attitude of judges is changing but in spite of this, efforts are still too limited to address efficiently this phenomenon.
164. Women's rights activists have increased advocacy efforts and mobilisation against article 98 and 340 of the Penal Code and the debate is open in the country on the issue of “honour” crimes.

⁴ 5th CEDAW report, paras 27, 30, 61 & 63

⁵ 5th CEDAW report, para 33

165. The National Council for Family Affairs has published the document of the national framework for family protection completed in 2006 but only recently ratified by the government. It is a practical and theoretical framework for all aspects pertaining to domestic violence as it defines violence, reasons behind its prevalence, and its various socioeconomic impacts. It describes Jordan's strategies to combat domestic violence; through going over the family protection project and the national action plans relevant to family issues. However, these are not tackling other forms of violence against women outside their homes. As the family is the foundation of the society all efforts are given to preserve it, rather than servicing the interest of the victim herself.
166. Although the Family Protection Department and the Ordinance of Shelters for Family Protection is major step to provide better services to victims of domestic violence, the lack of knowledge, prejudices and lack of shelters for battered women has prevented the Family Protection Department from delivering sufficient assistance to victims of physical and spousal abuse. In addition to Dar Al Wifaq-a shelter provided by the Ministry of Social Development, the only other functioning shelter is provided by the Jordanian Women's Union.
167. In 2008, a new Law for the "Protection of Women from Domestic Violence" was issued in the national Gazette. Parallel to this, new departments on domestic violence in the Ministries of Health, Education, Justice and Social Development were established and the Jordanian National Commission for Women founded an ombudsman's office in 2008 to receive complaints and forward them to the appropriate authorities for follow-up.
168. The law is "to protect the unity and wellbeing of the family, reduce and put in order legal procedures to protect the abused of domestic violence". The law also stipulates follow up meetings between the abuser and teams of family consolidation and a set of preventive interventions. In cases of reconciliation, the concerned parties are referred for family counselling and psychosocial rehabilitation. Courts may issue protection orders, and may also order payment of compensation. The Act makes provisions for penalties in case of non-respect of protection orders.⁶ Family wings containing two courtrooms dedicated to cases of domestic violence and cases involving young offenders, which are equipped with closed circuit television to ease psychological pressure on victims of sexual aggression and to protect witnesses aged under 18.⁷
169. Although this law is considered a significant achievement its impact is limited on one hand due to a lack of implementation and judiciary support and due to the limitations of the law itself that is limited to domestic violence and women inside the family; hence it does not deal with the other forms of violence directed to women. It is more focused on the preservation of the family than on the physical and psychological integrity and dignity of women themselves as individual human beings. The family itself is most often discouraging the victims to report, as the issue is preferred to be solved among the family, rather than through legislation. Moreover, the issuance of the regulations was delayed until 2010. Up to now, the law has never been put into practice.
170. A special Law for the Disabled has been passed that allows mentally-disabled girls to be permitted an abortion if a pregnancy results from rape.
171. Jordan has ratified and published in the official gazette on 30 April 2009 the protocol to prevent, suppress and punish trafficking in persons, especially women and children. Jordan has also ratified the convention for the suppression

⁶ Ibid

⁷ 5th CEDAW report, para 26

of the traffic in persons and of the exploitation of the prostitution of others (1949 convention) and published many international human rights instruments in the official gazette. The articles 4 and 5 of the law provide for the creation of a National committee for the Prevention of Trafficking of Human beings.

172. The new Personal Status Law clarified that the marriage age is 18 years for girls and boys, but kept the exceptional excuses for a girl to be 15 years if a judge finds such a marriage to be of her interest. A very high percentage of girls under 18 are allowed to get married with adverse impact on their health making them even more vulnerable to violence.
173. A draft law amending the penal code was prepared in 2009 in order to harmonize the Jordanian legislation with CEDAW provisions and international regulations, but it remains a draft and in spite of positive developments the determination of the decision makers is missing.
174. At the level of the Ministry of Social Development and other relevant entities, there is not enough resources allocated or mobilized for providing capacity building programs to enhance the capabilities of personnel working on VAW.
175. Violence against women is far from having become a political priority. Although the national policies, declarations and laws show national efforts to tackle violence against women some important gaps persist and improvement in the legislative field is urgently needed to curb the conservatism of society that hinders development and push the society backwards. Furthermore, financial means must be allocated to prevention of violence as well as to spare women's sufferings and to allow women to have a full role in society in accordance with their skills and abilities.
176. It is worth noting that Jordan received in 2011 the UN Special Rapporteur to Violence against Women who has met with the government, the JNCW and NGO activists to review the situation in Jordan and report back to the UN. AWO met with the Rapporteur and have submitted a letter explaining where Jordan has failed in its commitments to combating VAW. (See Annex III)

7. The civil society effort towards monitoring Jordan's commitment and obligations

177. Since the end of the nineties, Jordanian women achieved a number of positive gains and some important legislative measures have been taken to improve women's rights. In 1992, the government established the first official governmental advisory commission on women's issues: Jordanian National Commission for Women (JNCW) whose role has been expanded in 1996 to work as an umbrella and coordinate public and civil efforts to improve the status of women and increase their participation and role in society.
178. With more than 120 women's NGOs, Jordan has over the past sixty years developed a strong women's civil society network that has been active in many spheres of public life: from humanitarian assistance to economic development.
179. Women's NGO's are pressing for women's independency, equal right of inheritance, fair legislation on divorce and nationality, equal access to the decision making spheres, dignity, autonomy, security and freedom.
180. There are a lot of initiatives on the ground to change the laws, to implement the national legislation and international conventions and leading concrete actions to combat violence against women, hot lines, shelters, and psychological, material and judicial help for victims of violence and mediation and reconciliation. Most of women NGOs include awareness-raising programs on violence against women as a part of their main activities in the field of women'

rights, in the local communities. These have also been effective to open the debate on the issues of inheritance, divorce and honor crimes. The action of the NGOs is considered as a major factor to raise awareness, to develop women's rights and to change the attitude of people as well as to preserve the rights of women.

181. A strong campaign was launched to advocate against honor crimes under the name "no honour in a crime" that gathered young activists, lawyers and media representatives and is calling for amending Jordanian Penal Code and in specific Articles 345 340 100 98 97. The campaign is also trying to document all cases of honor crimes in Jordan as well as change people's attitudes towards what is meant by honour in Jordanian society and change how the media is tackling the issue.
182. A most recent attempt in 2011 was the launch of the of the Jordanian Professional Network for the Protection Against Violence Against Women and Children. This network is gaining national momentum and has a strong appearance in the social media and has held a national conference to seek ways to enhance collaborative measures and strategies in preventing and combating violence against women and children and build the capacities of personnel and in the provision of services. The Network has called for the harmonization of national legislation with International Agreements.
183. However the action and influence of women's organisations remain limited especially in the rural areas. NGOs also lack a strong support from the government in terms of political support and commitment.

8. Challenges

184. The biggest challenge remains **the lack of political will and determination** of the state to fight violence against women. Having numerous means at its disposition in terms of legal reforms, law enforcement, education and awareness raising, the government can play a crucial role in protecting and promoting women's human rights.
185. The policies that concern violence against women are characterized by a lack of understanding and awareness among the decision makers. Fundamentally, women's issues are not a priority. The political undermining by the government of the phenomenon of violence against women, the absence of sufficient laws to protect women and the existence of discriminating laws are a source of violence by themselves.
186. In addition to the Penal Code, the Nationality Law and the Labour Law that contain provisions that discriminate against women, the Personal Status Law is still ruling over the lives of women and men giving legal justification for women's subordinate position.
187. **Lack of means:** The second National Study about Violence against Women issued by Jordan Center for Social Research in 2009, showed an important increase of the number of the victims of violence who turned to an organization or institution or to the court to seek help (from 11% in 2007 to almost 50% in 2009). But in spite of real improvements, services for women victims of violence are very few and not well known and they are offered predominantly by NGOs. Another problem is that most of these services are based in Amman.
188. The number of qualified professionals is still too limited. Institutions like the police, prosecutors and courts are not using adequate methodologies to collect data and do not deal with the cases from a human rights perspective. Women are put in jails in order to be protected is the comfortable means to solve the issue which is mostly a result of the traditional mind-sets towards

women. It also underlines the lack of alternative systems of protection and the lack of financial support and most importantly the political will to address the problem.

189. **Lack of awareness:** According to a survey conducted by the department of statistics in 2008, around 20% of Jordanian women approve being beaten by husbands to discipline them. The role of the women in the reproduction of the gender stereotypes and the acceptance of the violence and among other things the privileges mothers give to their male children is quite prevalent and is a proactive contribution to the perpetuation of the situation. In the frame of a society shaped by strong patriarchal values, one crucial challenge is the involvement of women themselves in the social reproduction.

190. At the same time Parliamentarians who can play a key role in enforcing the sufficient policies and regulatory frameworks are not well informed and hold stereotypical views about women's role which affects national legislation on the expense of women's rights.

Chapter V

Equal rights in the family

Although Jordan had lifted reservations on Article 15, the permanent law that allowed women to issue their own passports, travel without the consent of her male custodian and choose where to live has been rejected by the parliament. With regards to guardianship and custody, male relatives have the right to custody after the absence or death of the father, while the mother does not. Women cannot marry, till the age of 35, without the approval of a male custodian. Marriage is allowed for girls 15 years of age if the chief of justice decides it is for her interest. Polygamy is allowed up to 4 wives according to a strict interpretation of Islam. In divorce, arbitrary divorce is allowed to men without the previous knowledge of the wife. In a recent Personal Status Code the "the Khulou law" - (the right of the wife to divorce provided that she returns the dowry), is now relevant for non-married women and only to marriage contracts-a period prior to the marriage ceremony.

1. The divide between the private and public

191. In Jordan the divide between public and private spheres is strongly prevalent. It is legally structured and reinforced politically and culturally. The divide greatly hinders any efforts to enhance women's rights and justifies many of the existing gender inequalities. In this divide, Jordanian women are often limited and confined to the private sphere, where subordination is regulated and legitimized by religious law and as such claimed unchangeable, while men enjoy the public and political sphere, which is regulated by civil law and reinforced by intrusion of religion, that when needed legitimizes their superior status.

192. On a cultural level, the status of women is impeded by the society's conservatism, holding on to the traditional values of the nuclear family, which poses a social tension between the perception of women's rights and the perception of their family obligations. This provokes fear that women's equality and independence leads to the destruction of the family. As a result, the Jordanian women face strong challenges in obtaining their rights as full citizens. The recent changes in Article 6 of the Constitution that added paragraph 4 is a backlash for women's rights and women's movement who have been working for years to liberalize the legislative, political and social laws and practices for their advancement. (cf chapter1)

2. Legislation unable to address the universality of human rights (See Annex IV)

193. Jordanian legislation is civil and still partially based on Napoleonic code. However, the Personal Status Law which dictates the relationship between men and women derives from Islamic Sharia and is the only law that is based on religion. As such it depends on the different religious interpretations, mixed with influences of tribal traditions. It regulates the relationship between women and men in the private sphere and is applied in all personal status matters related to the Muslim family: inheritance, child custody, mobility, marriage, and divorce. It legally stipulates discrimination of women. But as the law is based on religion it cannot be questioned. Therefore to achieve any change in discriminatory articles it takes continuous effort and time, as the debate always ends up with the unquestionable precepts of religion.

194. As the Arab Women's Organisation considers women's rights as universal human rights, the religious personal status law poses the biggest

obstacle to enacting the principle of non-discrimination and gender equality and safeguarding women's integrity. In addition, this situation imposes a dominant religious interpretation in cases of minorities that belong to other religions or branches of the same religion. These minorities have to refer to their own religious interpretations.

195. The Personal Status Law based on religion provides the discriminative structure/mechanism that legitimizes the intrusion of religion in the public and political sphere, hampers women's participation, limits their action and helps the reproduction of gender stereotypes that put women in a subordinate position.
196. The intrusion of religion in the legislative, public and political space therefore is serious obstacle to implementation of all the international conventions and treaties that government has ratified and has committed to. When women are subordinates in the family, their autonomous decisions and actions are hindered in the public and political life, as mentioned in Chapter II.

3. Discriminations in the Personal Status Law

197. The Personal Status Law is fundamentally discriminative to women's rights and any small changes in articles within its framework cannot produce final positive results for gender equality, as all changes depend on the interpretations of male religious leaders and legislators.
198. Moreover judgements are made based on male and religious values and norms, exclusive of the principle of universality of women's rights and the value of equality between women and men. Religion interplays always with culture and tradition in reproduction of the inferior and subordinate status of women in the society. This structural subordination is legitimized by legislation and dominant cultural patterns.
199. Jordanian Muslims are required to marry according to Islamic marriage law. Article 19 of the Personal Status Law that allows women to put forward conditions in the marriage contract but in practice, many women are unaware of this right and it is usually not exercised. Women activists have suggested attaching a list of the possible conditions to the actual marriage contract in order to inform women of their full rights. The dowry is maintained and it is a symbol of patriarchy.
200. Welaya (guardianship) is a discriminatory system still in place in Jordanian law. The male guardian has the authority to require that his female dependent be under his supervision if the woman is unmarried and under the age of 40 or previously married. If a woman rebels against her guardian, she will no longer be entitled to her financial maintenance.⁸ In addition, the Personal Status Law does not provide women with the right to be the legal guardian of their children.
201. Previous amendments in Personal Status Law have raised the minimum age of marriage to 18 years. However, it still allows early marriages of females under "exceptional" circumstances: a marriage of anyone who is at least 15 years old can be permitted by the chief justice if he assesses that it is in the interest of the one getting married. This in reality includes rape cases and other reasons related to financial situation. The consent of a Shari'a judge is required to conclude the marriage if the woman's guardian opposes the marriage without lawful justification, which structurally puts the woman in the middle of the transaction and deprives her of her own will and autonomous action over her own decisions.

⁸ Freedom House (2010) Country Reports. "Women's Rights in the Middle East and North Africa."

202. Polygamy is allowed. If a man can satisfy all financial and legal requirements, he can be legally married up to four wives at the same time. Women do not have the same rights as men to marriage and divorce—they remain rather a transaction object between men from one family to another. The most common divorce procedure, the “Talaq” allows only men to divorce without providing any legal reason, while “Khulu” according to the new amendments applies to women who have signed the marriage contract no marriage has occurred yet. (cf Chapter I).
203. Women can initiate a divorce for the reason of battering; however the Sharia courts require the testimony of two male witnesses and the testimony of the wife alone is not accepted as sufficient evidence, which makes it very difficult for women to ask for divorce.
204. Article 66 of the Personal Status Law obligates the husband to provide maintenance for his wife including food, clothing, housing, and medical care. This entitlement, irrespective of her wealth or religion, is interlinked with the husband's role as a provider and as the head of the household. If the wife decides to work outside the home, she is still entitled to this, but only if her husband views her work as legitimate and has agreed to it. Therefore if the husband confines a woman to the home, it is still considered to be his right.⁹
205. Minor changes that affect marriage-divorce relations were introduced, including the creation of an Alimony Fund into the new Personal Status Code which ensures a divorced woman her financial rights by obligating her ex-husband to pay her alimony through the fund and the creation of a Maternity Fund under the Social Security Corporation.
206. Women's right to housing is also connected to her status as a wife or a daughter. According to Article 36 of Jordan's personal status law, "The husband prepares a residence which includes the living necessities in accordance with his abilities and in his domicile." Social traditions and governmental policies discourage women from living alone, particularly when they are single.
207. Only 10% of land and property owners in Jordan are women. It is a social norm, even if there is no legal restriction that married working women often use their salaries to pay for family expenses while single women contribute to the family income by giving their salaries to their families. Even if the husband is unemployed and the wife is working, she is still socially expected to give her salary to him. These social norms are not challenged by the government.
208. The Law of Owners (No. 11 of 1994) is also discriminatory as the widow loses the legal right to inheritance of property if she remarries. As the social, economic and legal status of a woman is defined through her being married, the groups most affected by poverty in Jordan are the elderly, the sick, widowed women, women headed-households, the disabled, and girls with no providers. These groups are dependent on assistance and welfare services. However, these are complicated to attain due to bureaucracy.
209. Women are guaranteed the right to inheritance but they are discriminated in reality as the female often inherits half the share of the male as social norms and customs give the family property to the males in the family and pressure women to give away their part of inheritance to their brothers. There are no procedures in the Sharia courts to protect women from being forced to give up their inheritance rights. There are cases when “honour” crime is committed when in reality reasons are revealed later to be linked to issues of inheritance.

⁹ Freedom House (2010) Country Reports. “Women's Rights in the Middle East and North Africa.”

210. A positive amendment in the new draft law, stipulates that property of the deceased should be registered in the name of the female immediately after death, and mandating a three-month waiting period before a female can waive her inheritance rights.
211. The majority of women do not have independent financial means, which hinders their ability to receive medical treatment as it depends on the support of their husbands or fathers. Health insurance for women is either provided by the husband or father's employer if the women do not work. The divorced and widowed women encounter double the suffering from this condition and are excluded socially.
212. The parliament recently rejected the temporary law that complemented Article 15.4 of the CEDAW. Women can no longer issue their own passport, choose their own residency and travel without the consent of the male guardians.

4. Sexual and reproductive rights invisible in the private sphere

213. The sexual and reproductive rights of women are also kept in the private sphere, where they are not recognised and are silenced by the legal regulations and social taboos. Sexual relations are recognized by law only within the marriage institution. The sexuality of unmarried women is controlled by social pressure that she must be virgin when she marries. She can be subjected to humiliating virginity tests in order to prove virginity during family or judicial investigations.
214. The penal code prescribes standard procedures for “adultery” cases, one of which is to document evidence that a “crime” has been committed. The woman accused of “adultery” gives her consent in writing to an examination by a forensic doctor in order to prove her innocence, as the forensic department should produce evidence to the police.
215. The wife’s sexuality is subordinated to the husband’s sexuality and therefore rape within marriage is largely accepted and still legal. That hinders seriously all efforts towards criminalizing marital rape. The legal definition of marriage is for “the purpose of reproduction”, which imposes limited opportunities and understanding of love and gender equality within the sexual relations between women and men.
216. Abortion is illegal; if a woman is raped out of legal marriage, the “honour” of the family will be saved if the rapist marries her.
217. Government does not take any action in recognizing the sexual and reproductive rights of women as their human rights, as stated in the Beijing Platform for Action. There are no legal requirements for the woman to inform her husband or get permission from him to use contraception. However, the service providers need the consent of both, during counselling.

5. Action by Women’s NGOs to achieve equal rights in the family

218. Women’s movement has been actively lobbying for the promotion and protection of women's human rights with a focus on violence against women, in particular “honour” crimes and lobbying the nationality Law and demanding a gender quota. When it comes to lobbying for changing of the Personal Status Law and replace it with a civil law, the efforts are much less unified. Diverse strategies have been used, mostly demanding changing of discriminative articles and paragraphs within the existing Personal Status Law, which does not challenge the discriminative base of the law itself.
219. The Jordan National Commission for Women exert efforts in this regard and launched several programs to raise awareness on women’s legal rights.

Sisterhood Is Global Institute and MIZAN Law Group provides programs for the judiciary on applying CEDAW in the courts. For the last three years, Jordanian Women Union have started awareness raising on the need of separating state and religion on issues related to the women's equal rights. They have also prepared a draft civil personal status law but needs much more unified and common action in this direction.

220. Women's reproductive and sexual rights are not strongly adopted by women's NGOs and NGOs are not well equipped to address them and to make connection on the basis of gender bias. Services, counselling both social and legal by NGOs in this regard especially outside Amman does not adopt a rights-based approach and often reinforces women's subordinate position in the family. Sexual rights remain a taboo even for women's NGOs in a general social atmosphere of conservatism.

221. The strengthening of a common language and speech is the biggest challenge as the interplay of culture, religion and tradition in all spheres of the society continue to play a crucial role in shaping peoples mentality and in preserving the status-quo of women's situation in Jordan.¹⁰ Women's NGOs strategies are based on the level of compromise they have to make with religious leaders and government, rather than on putting these efforts to achieve a firm discourse addressing the core of the problems.

¹⁰ Breaking the Circles of Silence, AWO study on violence against women in Jordan

Chapter VI

Conditions of Vulnerable and marginalized women

1. Rural Women

222. Challenges to Jordan's development including poverty, water scarcity and environmental degradation affect efforts towards achieving women's empowerment and gender equity. Moreover, as many researchers argue, the conservative patriarchal structures, will continue to impose gender stereotypes that will undermine women's advancement, access to resources as well as achieving women's human rights. Traditional social attitudes towards women especially in rural areas are an obstacle to achieving equality within the family and also in political and economic participation.
223. The percentage of employed women in rural areas is 10.7% with only 1% of them working in agriculture¹¹, the majority of whom are illiterate (43%) and employed as unpaid family workers (34%)¹².
224. Accessing loans and credit for rural women is a challenge as women are required to provide collaterals and conform to strict procedures and high interest rates with little training provided by the credit agencies and loan providers to help the business to succeed.
225. Some women in rural areas take out loans that are used by the men in the family, not always in line with the original aim of the loan, and they are then faced with real difficulties in finding ways to reimburse their loans. Also, most women lack information about loans and borrowing, and poor and vulnerable women do not have access to traditional sources of collateral that the Agricultural Credit Corporation (ACC)-the official agricultural credit provider-requires and other microfinance institutions. These may be major factors in women's reluctance to take out larger loans.
226. Women's ability to access economic resources, particularly for land ownership and finance is always challenged. Women's rights to inheritance are governed by the Shari'a law which is one third of the male's share. However and in many cases women are even pressured to waive their portions in favour of male family members. There are no legal procedures in place to protect women from such pressure, and many women in rural areas may not be aware of that they can refuse to waive their inheritance or know how to defend their rights in court.
227. The change in procedures that has been introduced recently asks that the inherited estate should be distributed between all legal inheritors before any transfer of portions of inheritance take place for three months. This allows women to understand the value of their share before any underestimated waiver takes place.
228. It is argued that the most vulnerable groups in Jordan include large rural households headed by illiterate or poorly educated people, households headed by women and households that do not own land or have very little land. Families headed by women tend to be among the poorest of the poor. They have fewer assets than households headed by men. It is estimated that only 44% of households headed by women own agricultural land and 30% own livestock¹³.

¹¹ DOS (2010), Employment and Unemployment Survey.

¹² Ministry of Agriculture (MOA), (2001), Situation analysis of Women in Agriculture

¹³ Ibid

229. Female headed households constitute 11.8%¹⁴. Most of the female heads of households in Jordan are widowed-72.2%. Women heads of households tend to be younger than men heads and have lower levels of education than men. Women heads of households in rural areas work more hours than male heads both in farming and non-farming activities. Sixty-three percent of households headed by females have access to adequate living conditions, particularly housing, sanitation, electricity (water supplies, transport and communications was not included)¹⁵.
230. The National Aid Fund (NAF)-a safety fund which reach out to the very poor, the elderly, and persons with disabilities, female headed households and those where the main earning member is in prison by providing cash support and health insurance-exclude women headed households who do not own a proof of the absence of a legal provider as demanded by the Ministry of Social Development. This affects all poor single and married women who are abandoned by their husbands or parents, but are still legally under their custody.
231. In rural areas community based organizations are mostly charities and cooperatives make up around 48% of the total CSO distribution in Jordan and host large numbers of women¹⁶. These groups are often headed by women from rural backgrounds. Young women are generally excluded from leadership roles. Most of these associations suffer from limited management skills, financial resources, and a lack of advocacy experience. These women's associations have little contact with government and with donor agencies and generally concentrate on charitable and income generating activities. These activities are built on traditional female roles and occupations—handicrafts, cooking, hair styling, etc.¹⁷
232. To improve livelihoods of the poor, several national programs are implemented by the government and especially by the Ministry of Planning. These projects although target women with intended activities to empower them, they do not challenge the status quo and do not incorporate gender equality as an objective. Projects include income generating, micro-credit programs that target rural households, credit funds for charities and local community centres and small grants (to NGOs).
233. In general, there is very little, accurate and reliable research and information about rural women in Jordan. At the government level, there needs to be a framework whereby accurate information on the status of women in rural areas is regularly collected, analyzed and used to assist policy-makers as well as advocates to improve the status of women and enhance their contributions to local development.
234. The government needs to expand the outreach of the National Aid Fund (NAF) to women heads of households in rural areas in Jordan by considering mechanisms to include female-headed households who cannot provide a proof of the absence of a legal provider and include poor single and married women who are abandoned by their husbands or parents under the NAF benefits.
235. The government need to exert more effort in awareness raising on the rights of inheritance and ways to defend women's inheritance rights in courts.
236. There needs to be informal credit systems for women to obtain capital as an alternative to formal credit systems (e.g. simple application forms, assistance

¹⁴ DOS (2008). Household Expenditure and Income Survey.

¹⁵ Ibid

¹⁶ According to the statistics provided by DOS, percentage of women in civil society organizations (CSOs) board of directors and executive committees is 3% and women make 22.7% of professional associations' members and 21% of trade unionists.

¹⁷ Ibid

in application and record-keeping) taking into account important factors such as low collateral and minimum travel to credit source.

237. In planning for rural development, the government needs to mainstream gender into the planning and the execution of projects and take specific measures to adapt to the needs of rural women and their local contexts. More programs need to promote the active involvement of rural women by increasing their participation in local issues and in advocating for their rights.

2. Domestic Workers

238. In August 2008 article 3 of the labor law was amended. According to this amendment, workers in the agriculture sector, domestic workers, cooks, gardeners and other migrant workers are included under the work law. This should include regulating their employment contracts, working time schedule and rest times, inspection and issues concerning their recruitment. In October 2009, the regulation No. 90/2009 of domestic workers, cooks, gardeners, and workers who fall within that category was issued, after nearly a year after amending article 3 of the labor law. This was later only adopted in 2011.
239. The government authorities began to implement the 2008 anti-trafficking law by increasing investigations into suspected cases, resulting in several prosecutions.
240. An important NGO was established in 2007- Tamkeen Center for Legal Aid and Human Rights-to provide legal support, awareness and advocacy on the rights of vulnerable groups but mostly migrant and domestic workers. In particular, it started its Migrant Workers Program in early 2009 with an aim to improve domestic workers' working conditions and rights to decent and safe working environments. Tamkeen for the first time in Jordan published two reports on the status of domestic workers in Jordan and is working to advocate on the rights of domestic workers. Some of these include the need to establish a shelter and the need for sponsorship to be abolished.

3. The Sterilization of Women with disabilities

241. With very few statistics and research available regarding the situation of persons with disabilities in Jordan, experiences told by numerous DPOs, individuals with disabilities, parents' organisations, rehabilitation professionals and others concerned about the well-being of persons with disabilities and their families, confirm that social exclusion and higher poverty and unemployment are found amongst this group of the population.
242. An important challenge – making persons with disabilities more vulnerable is the inability to create conditions for their improved well-being in all communities in Jordan.
243. One impediment that needs to be addressed is the view that providing social services for persons with disabilities is still based on a charitable attitude and medical diagnoses for the impaired and not as a right.
244. And although the Convention on the Right of Persons with Disabilities (CRPD) focuses on persons with disabilities' equal enjoyment of human rights and the need for society to change and become inclusive, the reality is that most of the principles are overlooked.
245. One positive development is the establishment of the Higher Council for the Affairs of Persons with Disabilities. This council is expected to influence policy development or revise public initiatives that affect persons with disabilities.

246. A negative attitude towards persons with disabilities is still prevalent in the Jordanian society and especially in remote areas, where families with disabled children are discriminated against and these families sometimes completely seclude their children especially females from fear of stigmatizing and from fear of not being able to marry off the other female members of the family.
247. Women and girls with disabilities severely suffer from lack of adequate health services. This is based on information provided by a “Shadow Report” to monitor Jordan’s compliance with international obligations, supported by the Jordan Civil Society Program (J-CSP) to be presented at the beginning of 2012 to the Convention on the Rights of Persons with Disabilities (CRDP).
248. The strategies of the Ministry of Health, Higher Population Council, and the Higher Council for Persons with Disabilities do not include specific policies related to delivering accessible health services.
249. Few public health programs specifically target women with disabilities and their particular priorities, such as the high priority of women with disabilities for accessible and accommodative maternity services.
250. Sterilization of women and girls is practiced. In 2010, the media reported (according to an official source in Al Bashir public hospital) that approximately three-fourths of annual hysterectomies are performed on girls and women with intellectual disabilities. Families defended this practice as a social issue (i.e. these girls and women cannot take care of themselves during menstruation, etc.) whereas case studies, interviews and other activities demonstrated that the main reason behind this discriminatory and illegal practice is to avoid social stigma and honor-related issues, if the girl or woman becomes pregnant as a consequence of rape.
251. It is important to note that there are provisions in the penal code criminalizing such operations without a clear or urgent medical reason. This needs urgent specific regulations for Article 4-A-5 on Law 31 for year 2007 to ensure: 1. Effective policies and strategies that provide integral health insurance to “Persons with Disability”, 2. Adequate “Reproductive Health” services for women and girls with disabilities.
252. For the first time in Jordan, a shadow report will be presented on CRDP. The Jordan Civil Society Program (J-CSP)-a USAID funded project supported the establishment of a national coalition to prepare for the first time a Shadow Report. This is considered an important step towards advancing the rights of people with disabilities and especially women.
253. The Higher Council for Disability is a policy body responsible for protecting the rights of people with disabilities and is responsible for issuing the national strategy for persons with disabilities. HCD has formed a women’s committee following recommendations from UNESCO to address the rights of women with disabilities and to issue recommendations to the government and to activate the national law.

Chapter VII

Recommendations

254. The following recommendations could contribute to the committee's concluding remarks to the government of Jordan as they address all six areas tackled in this report:

- Change Article 6.1 of 2011 Jordan Constitution to include gender: *"Jordanians shall be equal before the law. There shall be no discrimination between them as regards to their rights and duties on grounds of race, language or religion"*;
- Lift the two remaining reservations on CEDAW Articles 9 Paragraph 2 and Article 16 Paragraph 1(c-d-g);
- Sign CEDAW Optional Protocol;
- Adopt CEDAW provisions into the national legislation;
- Re-draft the Personal Status Law to be based on civil ground and not on religious precepts;
- As Jordan has lifted reservations on Article 15 paragraph 4, it needs to re-issue the law that was recently rejected by the parliament and that gave women the right to choose residency, travel and issue their own passports without the consent of a male guardian.
- Draft a Gender Equality Law where the definition of discrimination against women in CEDAW should be included;
- Adopt a quota system of 50% by 2015 as in the MDGs, to guarantee better representation of women in all the representative bodies;
- Develop a law that criminalizes all forms of violence against women, including the marital rape, decriminalization of abortion for victims of rape and eliminating all exceptions that allow underage marriages;
- Provide reliable and safe services and shelters for abused women outside households and provide effective systems and mechanisms in place to combat violence against women.
- Provide accurate information on the status of women in rural areas to assist policy-makers as well as advocates to improve the status of women and enhance their contributions to local development.
- Include women heads of households in the NAF who cannot provide a proof of the absence of a legal provider.
- Launch awareness raising campaigns and programs and issue procedures to alert women on the rights of inheritance and ways to defend women's inheritance rights in courts.
- Mainstream gender into the planning and the execution of projects at the local level.
- Jordan to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their families. Establish a shelter for domestic workers who escape from their employers, as many currently suffer from homelessness.
- The issue of sterilization of women with disabilities need to be addressed and legal procedures need to be enacted especially in cases of rape and abortion.
- There needs to be urgent specific regulations for Article 4-A-5 on Law 31 for year 2007 to ensure: 1. Effective policies and strategies that provide integral health insurance to "Persons with Disability", 2. Adequate "Reproductive Health" services for women and girls with disabilities.

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Annexes

Annex I

Action taken by AWO and women's rights organisations to lobby for the lifting of the reservations on CEDAW during the HRC-UPR Session on Jordan

Oral Statement by NGOs

12 June 2009

Geneva

The International Federation for Human Rights (FIDH) and its member and partner organizations in Jordan, the Amman Centre for Human Rights Studies (ACHRS), the Arab Women's Organization (AWO) and the Arab Organization for Human Rights (Jordan) which submitted a report prior to the UPR session, welcome the pledges of the Kingdom of Jordan in supporting several important recommendations formulated in the course of the interactive dialogue during the last session of the UPR process.

Nevertheless, we regret that the government of Jordan refused the most substantive recommendations, in particular: the official investigation on all allegations of torture and the withdrawal of all reservations to CEDAW and to the CRC, as well as the ratification of the Optional Protocols to the CEDAW, to the CAT and to the ICCPR.

We welcome that Jordan has accepted to review the use of administrative detention and ensure that current detainees have access to legal representation and to the courts. The use of administrative detention remains widespread in Jordan. According to the Crime Prevention Law, a procedure can be started by governors against people on the basis of vague suspicions of what could be considered as suspicious behavior. Those people can be detained administratively and without judicial review. We urge the Jordanian authorities to promptly amend the current legislation and the practice of administrative detention in order to fully comply with its international obligations.

Regarding women's rights, we welcome the decision of Jordan to withdraw its reservation to article 15 paragraph 4 of CEDAW. We also welcome the adoption of a law on Protection against Domestic Violence and an Anti-Trafficking Law, and the establishment of an office for receiving complaints on abuses against women at the Jordanian National Commission on Women's Affairs (JNCW). However we strongly regret that Jordan refused to invite the Special Rapporteur on violence against women and to withdraw its reservation to article 9 paragraph 2 of CEDAW. The Jordanian nationality law and the reservation to article 9.2 has a negative impact on Jordanian women married to foreigners and on the children of those women who cannot pass their nationality to their children and foreign spouses. Our organizations also deeply regret that Jordan refused to lift its reservation to article 16 paragraph 1 (c), (d) and (g) which recognizes equal rights in marriage, divorce and custody of children for women.

Moreover, we hope that Jordan will finally provide positive responses to the several recommendations of the working group concerning honor crimes. Jordan should, as it has been recommended by the working group, amend its Penal Code to ensure that "honor" crimes are treated on with other serious violent crimes and that perpetrators of "honor" crimes do not benefit from a reduction of penalty. Indeed, lenient sentences for "honor" crimes under the Penal Code article 98 (which reduces penalties for murders committed in a fit of fury) and article 99 (which halves a perpetrator's sentence when he's excused by the victim's family) are helping perpetrators. Unless crimes in the name

of “honor” are treated as seriously as other violent crimes, this shameful social habit shall remain in place.

We also hope that working group’s recommendation concerning the necessary review of the legislation applicable to crimes of terrorism, including the criminal code and the law on prevention of terrorism to ensure that they are in line with international human rights standards and the standards for combating organized crime will finally enjoy the support of Jordan.

Our organizations express their deepest concerns in particular as despite the reform of the Panel Code in 2007 which made torture a criminal offense; the government has not issued effective mechanisms to bring perpetrators of torture to justice. Therefore, torture in prisons remained a routine encouraged by lenient sentences often pronounced against the perpetrators.

Our organizations regret that Jordan rejected the recommendations of the working group recalling Jordan to examine and revise the recently adopted “Association Law” to ensure that the provisions of this law are in line with international human rights standards and in particular with the right to the freedom of association enshrined in the ICCPR; and to remove the government approval requirement in the work of NGOs and take steps to ensure that these changes are put into practice in the interest of encouraging broad participation in Jordanian civil society; consider amending this NGO’s legislation in order to reduce restrictions on their activities and allow them adequate freedom of action.

Lastly, our organizations remain worried about the new “Association Law” and “Assembly Law” which resulted in more restrictive laws in 2008. The new Association Law leaves at the discretion of the government the decision to license an NGO and to close it down *without judicial process*, to replace NGO’s management with government officials and to reject an internal decision. In addition, NGOs must request the authorization prior to receiving any donation or financial grant. The Assembly Law maintains a Governor’s power to deny, without justification, permission to hold any meeting discussing public affairs.

Annex II

Action taken by AWO and Regional Women Networks to lobby for Political Participation

"Women in Politics: A Space for Social Changes

The seminar took place in 2010 as a response to the guidelines and the recommendations of a previous seminar held on 14-15 December 2008, "Women in Politics: A Space for Social Changes", to enable further discussions on issues of concerns that women face in entering the political sphere as well as opportunities and strategies to overcome the identified challenges. Through exchange of experience and knowledge on local, regional and international level, from the perspective of politicians and representatives of civil society, the seminar aimed at strengthening cooperation between female politicians at the local, national and international level, in order to create synergies and encouraging broader public debate.

The participants at the seminar,

-Having regard to CEDAW, the outlined forms of discriminations and measures to address them;

-Having regard to the Beijing Platform for action 1995 and the recommendations for a minimum of 30% gender quota as an affirmative measure to support women's presence, voices and equal participation in all spheres of life;

-Having regard to UNSCR1325, 1820, 1889 on strengthening of women's participation in public and political life;

-Having regard to the conclusions and recommendations from the first seminar: Women in Politics: A space for Social Change" at the SI Alexandria on December 14th-15th, 2008;

-Having regard to the conclusions and recommendations from the second seminar on "Women and Politics: Are women's rights possible to debate in the political sphere?" at the SI Alexandria September 27-29, 2010,

A. Whereas political participation was defined as a development process, linked with equal opportunities and equal access to resources,

B. Whereas lack of political will in a context of general lack of democracy was underlined as major hinder for women to enjoy full and equal citizenship rights,

C. Whereas in the countries of the Middle East, adopting of just legislation protecting women's rights is hindered by strong patriarchal structures, increasing militarization, increasing religious fundamentalisms, increasing political conservative trends, as in Europe is the implementation of the legislation,

D. Whereas the domination of a gender blind culture and traditions are hindering women's participation in public and political life and hereafter on all levels of decision making and gender stereotypes, essentialism and the culture of shame prevents them from using their full potentials: These have been used consciously by male colleagues and media to attack women's politicians integrity, to question their "intellectual" or "moral" capacity to perform, especially when the female politicians have "proved" other excellent capacities,

E. Whereas political parties are lacking democracy due to their patriarchal organization, structure and male driven agenda and do not facilitate logistically women's participation in decision making within the party, just on the contrary: they often restrict and prevent female party members to enter or act sustainably in the political life,

F. Whereas economical dependence prevents women to participate, as even if they have financial means they are led to dedicate them for the family needs,

G. Whereas the general and open violence erupting during a military conflict and countries under occupation, as in Palestine and Iraq, limits women's mobility and prevents them to enjoy same privileges and logistic support to participate in public and political life on an equal footage with men,

H. Whereas the participants in the 2010 seminar agreed to create **Alexandria Platform**, a space for furthering international discussions on promoting women's participation in the political sphere and decision making, enhancing empowerment of female politicians and developing common feminist political agenda adaptable for the sensitivities of the different national contexts.

Annex III

A Message by AWO and Mosawa Network to the UN Special Rapporteur on Violence Against Women

Amman, 17 November, 2011

Dear Dr. Rashida Manjoo,

The Arab Women Organization (AWO) expresses pleasure to be invited to meet with you as the UN Special Rapporteur on Violence Against Women. AWO considers the timing of the mission to Jordan as a very important choice for two reasons:

1. Jordan is to submit its 5th Report to CEDAW Committee by next February.
2. The effect of the Arab Spring for bringing forth reforms pertaining to women's rights.

We are glad to inform you that AWO is going to participate in the presentation of a Shadow Report as an alternative to the 5th State Report. Previously, AWO participated in submitting 2 Shadow Reports: First, in 2007 to the CEDAW Committee and secondly in 2009 to the UPR process.

We do believe that the uprisings in the Arab world had created for all Jordanians, men and women, a precious opportunity for enhancing progressive political, legislative and social changes towards democracy. However, women had received a blow due to the negative consequences of the Constitutional amendments. Several months ago and during the revision and amendment of the Constitution much hope was generated about raising the issue of non-discrimination of women on a constitutional level by adding "gender" in its Article 6 paragraph 1 that claimed: *"Jordanians shall be equal before the law. There shall be no discrimination between them as regards to their rights and duties on grounds of race, language or religion"*

Unfortunately, the Parliament endorsed the Constitutional amendments, at end of this September, following the Prime Ministry and the Royal Committee for the Constitutional Review position ignoring the demand of women rights defenders. A consequence of such a decision is that no legislative changes advancing full implementation of women's rights can be achieved.

Nonetheless, Jordanian women are determined, in the spirit of the Arab uprisings, to continue organizing and mobilizing for ending the lingering discriminatory policies and legislation even without having a clear constitutional reference and no matter how long does it take.

In your capacity as a UN Special Rapporteur to Violence against Women, we would like you to know that Jordan had shown disrespect to its commitments and obligations regarding the implementation of the Convention for the Elimination of All forms of Discrimination against Women (CEDAW).

Herewith, a list of measures that the government of Jordan has failed to do to combat discrimination and violence against women:

- No steps taken to amend the Nationality Law to allow Jordanian women to pass on their nationality to their children and husbands. No intention to withdrawing its reservations to CEDAW article 9, paragraph 2 as recommended by the Committee (CEDAW/C/JOR/CO/4, para. 12) and during the Universal Periodic Review of Jordan.
- No remove of discriminatory provisions from the Personal Status Act based on progressive interpretations of Islamic law, with a view to withdrawing its reservations to article 16, paragraph 1 (c), (d) and (g), of the Convention as recommended by the Committee (CEDAW/C/JOR/CO/4, para. 12) and during the Universal Periodic Review of Jordan.

- Jordan withdrew its reservation to article 15, paragraph 4 of the Convention but no steps have been taken to enforce the Passport Law ensuring that children may travel with their mother without the father's permission.
- CEDAW is not applicable in Jordan as nothing was taken to ensure the precedence of the Convention over all domestic legislation.
- Many judges, prosecutors and lawyers received training on the Convention mainly by the civil society during in 2009 and 2010. An example: AWO conducted a study to measure the impact. The attitude of judges has been changed. No verdicts less than 10 years on perpetrators with court decisions making reference to provisions of the Convention. See AWO study on the sentences imposed on perpetrators of "honour killings" between 2009 and 2010.
- No measures taken by Jordan to disseminate the Convention other than its mere publication in the Official Gazette as well as the Committee's general recommendations.
- 30% of the 770 complaints that were submitted to the Centre for Human Rights during 2010 were from battered women. (Al Rai newspaper on 8 March 2011).
- No concrete measures have been taken by Jordan to implement the Committee's recommendation (CEDAW/C/JOR/CO/4, para. 20) to eliminate traditional stereotypes regarding the roles and responsibilities of women and men in the family and in society and to create an enabling environment conducive to changing discriminatory laws, customs and practices and strengthening women's ability to enjoy all their human rights.
- The bill amending the Penal Code makes no provision for criminalizing marital rape.
- No consideration for repealing article 308 of the Penal Code exempting rapists from punishment if they marry their victim (para. 64). (Case Study) this means that family reconciliation in domestic violence cases help perpetrators to be exempted from punishment.
- No special court to deal with domestic violence
- Bad conditions in shelters
- No measures have been taken to address cultural attitudes preventing women from reporting cases of violence. (See AWO conducted a study on VAW under the title: Breaking the Circles of Silence).
- No steps have been taken to systematically collect data on violence against women and girls in Jordan
- Jordan does not consider repealing article 98 of the Penal Code to ensure that perpetrators of premeditated "honour crimes" may not benefit from a reduction of penalty.
- No strategies are being developed to protect women and girls from "honour crimes" through measures other than protective custody and no insurance of the rehabilitation and reintegration of victims of honor crimes into society.
- No sex-disaggregated data on the number of registered cases of trafficking in persons, in particular women and children.
- No number of prosecutions and the sentences imposed on traffickers under the Human Trafficking Prevention Act (2009) during 2010.
- No information on the mechanisms in place for monitoring the implementation of the Human Trafficking Prevention Act (2009) and on the measures taken to assist rather than criminalize victims of human trafficking, including those who are exploited in prostitution, such as shelters, legal and medical assistance, psychological counselling, rehabilitation services, and temporary residence permits

- In the amended Personal Status Act no repealing of the exceptions provided in the revised article 10 of the new temporary law, which allows marriage before the age of 18 years under certain circumstances, in line with the Committee's previous recommendations (CEDAW/C/JOR/CO/4,para. 36).
- Jordan has not accepted the recommendation of the Committee (CEDAW/C/JOR/CO/4,para. 41), to ratify the Optional Protocol to the Convention and similar recommendations addressed to Jordan during the Universal Periodic Review (A/HRC/11/29,para. 94) as well as by the National Centre for Human Rights (see report, para. 6).
- No information on the measures taken by Jordan to address the specific challenges faced by refugee women and girls, including lack of shelter and legal and medical assistance for victims of violence.
- No measures taken to combat exploitative working conditions of women and girls employed as domestic workers, including migrants, by protecting them from violence by their employers and ensuring their freedom to change employers without having to seek permission from their original sponsors (CEDAW/C/JOR/CO/4, para. 34).

Annex IV

Action taken by AWO and Mosawa Network to lobby Ms Michelle Bachelet, the new Head of the UN Women for Gender Equality

Appeal to the UN Secretary General Mr Ban Ki-moon and the Under Secretary General UN Women Ms Michelle Bachelet and request that UN and the UN-Women do all that is in their powers to:

1. Advocate women's rights and gender equality as a top political priority for national development agendas and maintain these on the top of the political agenda of United Nations, with a vigilant eye toward not allowing any violations of women's integrity and women's rights in the name of culture, tradition or religion, and working for full separation of state politics from religious interference, which is seen as a major hinder to women entering the political sphere.
2. Promote a regional and international approach and cooperation to strengthening of women's participation in the public and political sphere and the adoption of quota of minimum 30 percent for the participation of women in the public office.
3. Enhance and demand consultative peace processes at the national level to be put in place where women's right advocates, human rights defenders, progressive thinkers, actors from the civil society and politicians are part of; and refrain from any peace negotiations if women promoting women's rights are not present at the negotiation table. Request and put in place measures to ensure the protection of women so that they can participate rightfully in peace negotiations taking place in the Middle East in the implementation of UNSCR1325, and in regards to initiation of broader national consultative processes, an integral part of negotiations for a just and comprehensive peace and an immediate end of the occupation.
4. Appoint a special rapporteur on women refugees to investigate their status, the lack of protection and the violations of their rights, including the right to self determination.
5. Ensure that CEDAW reservations are lifted and properly addressed within an agreed time frame not extending beyond the next reporting date.

Annex V

A Petition to the Jordanian Prime Minister by the Group of Jordanian Mothers married to non-Jordanians who launched the Campaign: "My Mother is Jordanian and Her Nationality is My Right".

Greetings!

We are a group of Jordanian women married to non-Jordanians. We have raised our demands regarding discrimination in the citizenship Law to His Majesty King Abdullah II and, accordingly we were asked to refer the issue to your office.

The legislative framework and practices penalize Jordanian woman systematically and on a daily basis because of her choice and her family's choice to marry a non-Jordanian. Consequently, she is being deprived of belonging to this nation and to live in tranquillity and security.

We would like to clarify, in this petition, all the humanitarian, legal, and social aspects which we suffer from and which are considered a violation of our rights as Jordanian citizens. We also would like to show how our children are deprived from living a life of dignity that guarantees decent living. We would like you to bear in mind that our children are raised to love and to be loyal to Jordan.

Constitutional and legal aspects:

In Article 6 paragraph 1 of the Jordanian Constitution, it is stated out that "Jordanians are equal before the law, without any discrimination against them in rights and duties even if they differ in race, language or religion."

This text guarantees equal rights for the Jordanian woman on equal footing with the Jordanian man and refers to rights and duties without discrimination. Nonetheless, there is a need for a clear provision that mentions the right of citizenship and nationality.

Accordingly, it can be ascertained that the Jordanian Citizenship Law is considered to be unconstitutional. Contrary to the content and essence of the Constitution, the Law discriminates between Jordanian men and Jordanian women by giving the Jordanian man the right of passing his nationality to his non-Jordanian wife and his children without giving such right to the Jordanian women.

Jordan's international obligations:

The Universal Declaration of Human Rights Article 2 states that everyone has the right to the freedoms contained in this Declaration, without any discrimination based on race, colour, gender, language or religion, political opinion or any other opinion, national or social origin, property, birth or other status, without any discrimination between men and women.

As you know very well, your Excellency, the Jordanian Citizenship Law, which is a cornerstone in the exercise of the right to citizenship, differentiates between men and women. This is not accepted in any country governed by the rule of law. How can this be practiced against women who constitute half of society in a country like Jordan.

In the Universal Declaration of Human Rights Article 24, it is also stated out that "Every child has the right to acquire a nationality". In Jordan, a number of children of Jordanian women married to non-Jordanians are stateless persons, especially if the father absent himself and does not give his children the right to the nationality of his country of origin.

Our children grow up recognizing only Jordan as their homeland. They breathe its air, and love its soil. They speak Arabic with a Jordanian dialect but they do not possess its citizenship.

Citizenship Law

In article 2 of the Citizenship Law, the word (Jordanian) refers to every person who was awarded the Jordanian nationality under the provisions of this law, whereas, in Article (9), it is stated that the children of a Jordanian (person) are Jordanians wherever they

were born. Accordingly, we can say that the Jordanian Citizenship Law is inconsistent since the children of a Jordanian woman are Jordanian by virtue of the definition stated out in article 2 of the Law. Perhaps more contradiction is reflected in article 3 of the Citizenship Law which gives those with "unknown kinship" the right to the nationality while it deprives the children of Jordanian women this right.

The humanitarian and social aspects:

The majority of Jordanian women who are married to non-Jordanians and who reside in Jordan suffer from sever circumstances, especially those who are forced to return to Jordan; their home country. They are, in most cases, either widowed or divorced or abandoned or married to older men or sick men who are unable to provide decent living for them.

Most of these women do not have a stable source of income from the husband or his family. In such cases, they depend on themselves or their children for the provision of a decent livelihood.

Jordanian women who are married to non-Jordanians suffer from violations to their rights and dignity along with their children in the following areas:

Right to Education: The children of Jordanian women married to none-Jordanians are deprived of higher education in the "State Universities". The children have to pay acquire private or parallel education. This means that in most cases, children are deprived of university education in general.

As for school education, they attend government schools, but they pay the costs of the books. They suffer, in many cases, of discrimination by the teachers and harassments of other students, which forms one of the sever psychological violence.

Health Services: Health services are not rendered to the children of the Jordanian woman married to a non-Jordanian in the Health Centres and governmental Hospitals. They are treated as foreigners regardless of their financial capacity and they are obliged to pay double the charges. They are often not provided with blood supplies unless they pay even during emergency incidents. They are not accepted to provide blood donation only after undergoing examinations for AIDS as foreigners.

In addition, they are excluded from free treatment of incurable diseases like cancer and kidney dialysis and other diseases.

Residence identity papers: A Jordanian woman married to a none-Jordanian often lives in her homeland as stranger together with her children. She suffers from constant anxiety and fear regarding the fate of her children who do not have identity papers and who are liable to be arrested or deported. Children of a Jordanian woman do not get residence permits unless they obtain a work permit or if the mother possesses a bank account. Each child is required to pay fees to renew the residence permit annually.

Work permit: The children of a Jordanian woman married to a non-Jordanian are required to pay annual fees in order to obtain a work permit and they should have a guarantor. They are treated as foreigners and so they do not have the right to work in certain private jobs. Also, they are exposed to the withdrawal of their work permit in case of any offence or according to the will of the employer.

Ownership and acquisition of a driving license: The children of a Jordanian woman married to a non-Jordanian are treated as foreigners in terms of real estate ownership, where it is only possible with security approvals even in the case of inheritance. They are deprived of the right to acquire the driving license, having a new car without a security clearance. They are deprived of all civil rights, and they face difficulties in means of livelihood or living a decent life.

Treatment at government departments: In order to review any of the ministries or government departments Jordanian women married to non-Jordanians are exposed to harassment expressed in provocative questions such as: "Why did you marry a foreigner" and "Haven't you found a Jordanian man to accept you?" and "Your children's country should take care of them"

Inheritance rights and social safety in the case of the mother's death: In the case of the death of a widowed mother married to a non-Jordanian, her children are vulnerable to displacement and they are deprived of their inheritance, and all the rights of residency.

The right of movement: The children of a Jordanian woman who is married to a non-Jordanian are deprived of movement, particularly when it comes to participating in air flights to Aqaba or other remote locations, as they do not have a residence permit. Many cannot travel because do not have papers to prove any identity if the father is dead or missing.

Exploitation: As a result of what have been stated above, many of the children of Jordanian women married to non-Jordanians who do not possess identity papers are exploited by employers. They face difficulty if attacked because they cannot exercise the right to justice and litigation. They are not able to ask for the protection of the public security centers if abused because they are liable to administrative detention and deportation.

Social pressures: The children of a Jordanian woman who is married to a non-Jordanian are subject to social harassment and ill-treatment. They are often become victims of verbal and psychological attacks. They are deprived of exercising their basic rights, including the right to marry due to social discrimination and the complexities of the proceedings and approvals required. They are also deprived of social activities or joining clubs, national teams even if they are gifted.

The challenges to claim rights

Although we demand justice by peaceful and legitimate means, we are exposed to many pressures and illegal practices against us, like:

- 1- Rejection to the request of establishing an NGO that could help us to advocate for our rights. We have approached the Registration Bureau at the Ministry of Social Development. Our objective was to raise awareness regarding our sufferings. The request was refused twice without giving convincing reasons for such a rejection.
- 2- Our group's facebook page has been exposed to insults and to bad language stemming from hatred. Some members of our group have been threatened by unknown entities.

Finally, as Jordanian citizens we call for what is right and just. We ask for the elimination of all forms of discrimination against women, in particular, discrimination against women to grant nationality to their children. What we ask for correspond with the vision of His Majesty King Abdullah's, especially in the social sphere, as indicated in his speech on 12/6/2011. We reiterate our love and cherish our sense of belonging to this beloved country. We hope that your government lives up to the promise to protect the rights of all citizens. Nimeh Al-Habashneh; On behalf of the Campaign: My Mother is Jordanian and her Nationality is My Right.

Annex VI

Action taken by AWO and Mosawa Network to alert Lady Ashton; representative of the EU for foreign Affairs on the incomplete reform in Jordan pertaining to women's rights

Women and Reform in Jordan

We, women leaders and representatives from women NGOs in Jordan, would like to alert you on some negative consequences for women's rights resulting from the recent reforms in Jordan.

This goes against the global trend that the Norwegian Nobel committee's affirmed in awarding the Peace Prize to women rights fighters "to bring an end to the suppression of women that still occurs in many countries, and to realize the great potential for democracy and peace that women can represent".

We do believe that the uprisings in the Arab world had created for all Jordanians, men and women, a precious opportunity for enhancing progressive political, legislative and social changes towards democracy. In this context the process of revision and amendment of the Constitution was generating hope to raise the issue of non-discrimination of women on a constitutional level by adding "gender " in its Article 6 paragraph1 that claimed: *"Jordanians shall be equal before the law. There shall be no discrimination between them as regards to their rights and duties on grounds of race, language or religion"*

Unfortunately, the Parliament endorsed the Constitutional amendments, at end of last September, following the Prime Ministry and the Royal Committee for the Constitutional Review position and ignoring the demand of women rights defenders. A consequence of such a decision is that no legislative changes advancing full implementation of women's rights can be achieved.

In spite of this failure for democracy, Jordanian women are determined, in the spirit of the Arab uprisings, to continue organizing and mobilizing for ending the lingering discriminatory policies and legislation even without having a clear constitutional reference and no matter how long does it take.

The world should know that Jordan had shown disrespect to its commitments and obligations regarding the ratification of the Convention for the Elimination of All forms of Discrimination against Women (CEDAW).

The EU representatives and policy-makers, who strongly supported the recent reforms, should also know that Jordan is not fulfilling its obligations to the EU-Jordan Action Plan, neither towards women's rights and gender equality, nor in regards to its commitments to the Istanbul-Marrakech Process.

If the EU claims gender equality as a political priority for multi and bilateral relations, especially with countries that earned the Advanced Status, it should in promoting cooperation, be vigilant towards implementation of women's rights as universal human rights and full respect of women's integrity.

Women in Jordan expect the EC responsible bodies to revise with the Jordanian government violations to women's fundamental rights in line with the EU principles and stated responsibilities.

Annex VII

A petition to collect signatures from NGOs women worldwide by AWO and Mosawa Network over the incomplete reforms in Jordan

We, representing women in Jordan, would like to share with you the recent steps to ensure gender equality and further end all forms of discrimination against women. After the Arab Spring, there had been a tacit agreement that the Jordanian Constitution shall be reviewed and if necessary amended to bring forth more democratic changes to the country.

This opened an opportunity for women to lobby for adding the word "gender" to Article 6 of the Constitution as a fundamental and necessary step that would ensure gender equality. Article 6 stipulates that: "there shall be no discrimination between Jordanians as regards to their rights and duties on grounds of race, language or religion". Including the word "gender" establishes the fact that the Jordanian Constitution will prohibit any and all forms of discrimination against women and that all parties concerned must ensure justice and equality for Jordanian women.

Many countries, including 20 Arab countries, like Morocco, Tunisia, Qatar, Oman, as well as many Moslem countries, like Bangladesh, Iran, Malaysia and Indonesia have clearly stipulated that the principle of non-discrimination also includes the grounds of "gender". Midway through the process of the inclusion of word "gender" to Article 6, we were disappointed because the Royal Committee on Constitutional Review did not keep its promise. Right now, women activists have moved to lobby the Parliament (Deputies and Senators) to revisit the draft amendments and find a way to include "gender" or provide a clear statement on equality between men and women.

We feel that this is a precious opportunity for the State to honour its obligations made especially by its ratification of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW). The Concluding Observations adopted by the CEDAW Committee after the review of 3rd and 4th state report of Jordan at the 39th session clearly stipulates the obligation of the State and encourages the State to institute a constitutional amendment to incorporate equality on the basis of sex in article 6 of the Constitution, and to undertake a review of all existing legislation to bring it fully into compliance with the Convention (para 171).

Including the word 'gender' in the amendments to the Constitution will ensure that all laws and policies are non-discriminatory on the basis of gender in any situation or context. This will also create the opportunity for a broader interpretation that would include the principles of substantive equality as all laws and policies will need to be CEDAW compliant. Our government has to understand its obligations under treaty law and be held accountable towards advancing the realisation of women's human rights.

Signing the following "petition" as an expression of international solidarity, would be a great support for Jordanian women. Do join your voices to our struggle.

The Signed Petition

AWO received a good number of solidarity letters with signatures to the following petition. "We, the undersigned, call on the Jordanian government to honour all its obligations made both at the domestic and international levels for the protection and promotion of women's human rights. We are of the opinion that the inclusion of 'gender' to Article 6 of the Constitution is the first step towards ensuring that the principles of non-discrimination and substantive equality will be upheld by the Constitution of the country. "