

**Arab Women Organization of Jordan**  
**Submission to the UN Universal Periodic Review**  
**March 2018**

**I. Violations Against Women**

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**a) Gender-based violence**

1. After years-long campaigning, the Jordanian Parliament abolished Article 308 of the Penal Code which allowed a rapist to avoid punishment by marrying his victim for a minimum of 5 years. The reform also included the amendment of Article 98 thereby increasing the sentence for perpetrators of honour crimes. These have been notable and positives developments over the past year.
2. In addition to Amman, the public governmental shelter “Dar Al Wifaq Al Osari” has been inaugurated with another branch in Irbid, providing relief services for women subjected to violence or at risk of honour crimes. This is a notable development, especially that the shelter is now open to women of all nationalities residing in Jordan.
3. However, violence against women remain widespread. Despite earnest effort to raise awareness and combat GBV, every year about 15 to 20 women face a crime by a male family member in the name of contravening social norms of “honour”. Article 340 of the Penal Code still allows reduced sentences for those who murder their spouses when discovered committing adultery.
4. Studies show that 1 in 3 women in Jordan have been subjected to an incident of physical violence, yet only 3% of victims seek support from the authorities, largely due the rejection of domestic violence claims by the justice system and the lack of standard operating procedures. The law does not recognize martial rape thus drastically reducing protection from sexual violence.
5. Domestic violence is seen as a private matter and any external intervention is regarded as undue interference in family life. Action by victims of violence is hindered by the low economic participation amongst women, and early marriage, which makes child brides more vulnerable.
6. In line with the spirit of UNSCR 1325, Jordan has endorsed a National Action Plan (NAP) towards the prevention of and protection from violence against women. However, so far only some, albeit insufficient, protective and relief measures have been put in place such as Dar Al Wifaq shelter with no tangible steps taken towards the “prevention” and “protection” components of the UNSCR or the NAP. Areas with high concentration of refugees, such as Mafraq for example, has not a single governmental relief services rendering women in host communities dependant on services provided only by NGOs/INGOs.
7. Girl marriage is another form of violence at an increasing rate in the Jordan, especially amongst refugee communities, accounting for 17.6% of all marriages among Jordanian women and 39.5% among Syrian refugee women. Although the legal age of marriage is 18, the pertinent law confers judicial discretion to allow for an exception for the marriage of girls under 18 if “it is in their best interest”. This power can be exercised by a single male judge without any monitoring body or mechanism of reporting and accountability of violations that might occur.

**b) Discrimination in statutory instruments**

8. On a formal level, discriminatory provisions persist in national laws and legislations including, most prominently, the Constitution whereby Article 6 stipulates that there shall be no discrimination on the basis of race, language and religion but does not entail “gender” as a basis of discrimination.

9. The Personal Status Law (PSL) restricts women's rights on a) deciding on marriage by requiring approval from a male guardian, b) having custody over their children if they remarry and loses custody when her child becomes 7 if she's non-Muslim married to a Muslim, c) allowing for polygamy d) a husband dissolving the marriage by a simple announcement and not in a court, e) filing for divorce by imposing onerous financial prerequisites for the lawsuit, and f) receiving equal share of inheritance. None of these restrictions apply to men in the cases of marriage, custody and divorce rendering the Personal Status Law highly discriminatory against women. Furthermore, the current PSL is a temporary regulation and has not yet been enacted as a permanent law thereby raising questions as to its constitutionality.
10. Under the Nationality Law, nationality is defined as a blood bond derived from the father's citizenship to those born to Jordanian fathers and foreign mothers. The same law denies Jordanian women married to foreign nationals the right to pass citizenship unto their children and spouses, thereby affecting approximately 89,000 families.
11. Although partial rights have been granted to children of Jordanian women married to non-Jordanians in the form of "privileges" or so-called "civil rights" including access to primary and secondary education, health, real-estate ownership and a wider job spectrum, which has been regarded as a positive step, children of Jordanian mothers married to non-Jordanians still face discrimination pertaining to these civil rights. Enrolling in public education is expensive because they have to enroll in parallel programmes, enduring almost double the cost of regular students. Not only are the governmental procedures on obtaining or renewing driving license complicated, residency permit and work permit are also ambiguous and civil servants are found to be unaware that the law has changed or misinformed of the procedures.

**c) CEDAW Reservations and SDG obligations**

12. Jordan maintains its reservations to articles 9 paragraph (2) and 16 paragraph 1(c), (d) and (g) of CEDAW, thereby denying the treatment of women as equal to men in rights and duties on all public and private spheres. Over the past decade since Jordan signed the convention, there has been stagnation on its provisions and the government has failed to take proactive measures towards moving closer to lifting these reservations.
13. The Ministry of Planning and International Cooperation (MOPIC) has submitted a voluntary report claiming that the country has "embarked on the 2030 Agenda for Sustainable Development and achieving the (SDGs)". We are concerned that the government is not seriously taking its obligations towards the achievement of the SDGs, especially Goal No. 5, as it has not taken meaningful and practical measures towards implementing the SDGs. Most prominently, women's participation in and access to elected offices by way of quota amount to 15 seats in Parliament, 25% in municipal elections and 10% in decentralization elections thus lagging far behind not only on the electoral quota target set by the 2030 Agenda (which is 50% of elected seats) but even on the target set by CEDAW provisions of (30%).

**d) Situation of Syrian Women Refugees**

14. According to CARE's Annual Urban Assessment report of 2017 that analyzed the needs, coping strategies and perceptions of Syrian refugees after six years of crises, Syrian women refugees resort to harmful coping mechanisms to close the income expenditure gap largely because they are excluded from formal work. Financial constraints hinder urban Syrian women from accessing health care especially prenatal care. Serious psychosocial issues are reported impacting women, children and the elderly. Violence and gender-based violence are common. There are limited opportunities for women empowerment programs geared in particular at building life

skills and economic empowerment, tailored to the needs of vulnerable women such as adolescent girls, widows, and female heads of households.

15. Despite the agreement of the Jordan Compact in 2016 to facilitate the entry of Syrian refugees into the labour market, women refugees face significant barriers due to restricted mobility, male dominated jobs mostly opened for work permits, a disproportionate responsibility for domestic work, and a lack of opportunities deemed suitable for them in the face of restricted social norms and associated occupational segregation. However, most women – around six in ten (UN Women, 2017) – report wanting to work.

## II. Gender Labour Rights

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### *a) Women's low economic participation*

16. The participation of women in the labour force in Jordan is one of the lowest in the world amounting to 17%, which is another major concern both on labour and women's rights fronts, despite the fact that more than 50% of university students are females. The WEF Gender Gap Report for 2017 has ranked Jordan amongst the lowest scores on gender disparity index. There are three (legal) as well as structural limitations for economic participation; 1. A key factor is income gap between men and women undertaking the same or similar work in the absence of a non-discriminatory legal framework that guarantees equal pay. Studies showed that the gender pay gap is wide in the private sector and can reach 42% in certain sectors, namely in the education sector 2. Women's ability to engage in the labour force is hindered by the absence of workplace daycares, which is a legal requirement under Article 72 of the Labour Law that is not fully enforced by the government. 3. The lack of adequate public transportation system, is yet another factor hindering women's accessibility to the workforce, reducing their labour participation and economic productivity.
17. The National Committee for Pay Equity (NCPE) which was established in 2011 by the (ILO) and co-chaired by the Ministry of Labour (MoL) and the Jordanian National Commission for Women (JNCW), has 15-member organizations including workers unions, chambers of commerce and trade, and professional associations. The committee is advocating for 11 articles in the Labour Law to be amended to ensure gender equality. As a result, the NCPE focused on ending pay discrimination in the private education sector and the Stand up with Teachers Campaign was founded in 2015. Earlier this month, as a result of the advocacy efforts by coalitions set up by SADAQA-an organization that advocates for women's labour rights, NCPE, JNCW and other coalitions, some labour law articles that were open for discussion received endorsement by the Parliamentary Labour Committee- however still need to be adopted by the parliament. These articles include the principles of pay equity and flexi-work arrangements, paternity leave, and removal of gender stipulation for offering daycare facilities offered for working parents regardless of gender. Demands for annulling work permits for children of Jordanian mothers married to non-Jordanians was rejected by the parliamentary committee.
18. The Stand up with Teachers Campaign identified two issues to address pay discrimination in the private education sector (one of the major sectors for women's employment); 1. Monthly salaries to be transferred through bank accounts or mobile wallets (to take effect in the beginning of school next year) to ensure teachers receive their minimum wage of JD 230 as most teachers still receive less than minimum wage confirming the huge gender pay gap. 2. The minimum wage was institutionalized in the Collective Bargaining Agreement (CBA) signed last year and adopted by the GoJ,

however it is demanded to be increased to JD 300 equal to the minimum wage in the public sector. These two important achievements still require full enforcement by GoJ.

**b). Migrant and Domestic workers' rights**

19. The conditions of migrant domestic workers are extremely worrying. Abuses, which are often under-reported, included non-payment of salaries, unsafe working conditions, long hours, document confiscation, and sometimes physical, verbal and sexual abuse. Such abuses are present both at recruitment agencies as well as at employers' households. Jordan did not ratify the Domestic Workers Convention yet and minimal efforts have been done to protect domestic workers' livelihood and basic rights such sick leaves, social security or even a normal eight-hour shift job, let alone the freedom of movement in days off and workplace after they finish work.
20. Jordan remains unwilling to endorse the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and many national legislations deny migrant workers equal labour rights including minimum wage requirements, which apply only to Jordanians. The practice of administrative detention of migrant workers is another violation of the worker's freedom and basic rights.

### III. Shrinking Spaces: Civil Society and Public Freedoms

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21. Existing barriers faced by NGO's under the Law on Societies include prohibition of engagement in political activities, thus hindering the advancement of advocacy efforts on human rights issues that are by nature inherently political. NGO's must seek approval for receiving foreign funding, or for public fundraising campaigns, which further hinders their ability to organize on large scales. Any planned assemblies require a 48-hour notice to the local authorities who may, in turn, ban or suppress gatherings on vague grounds. In 2016, the Ministry of Social Development released proposed amendments to the Law on Societies including further restrictive criteria on registration and formation as well as broader ministerial discretion on dissolution. In April 2017, the Cabinet of Ministers announced that the jurisdiction of the anti-money laundering and terrorism law extends to societies and non-profits thereby further increasing the scope of government suppression of NGO's.
22. While the Public Gatherings Law no longer require bodies to obtain permission to hold public assemblies and only requires notification of the event or assembly taking place, the practise of seeking permission from the Ministry of Interior (MoI) persists and the MoI continues to cancel events at its own accord. One of many examples of such undue and unconstitutional interference in 2017 include last-minute cancellation of a meeting organized by the Jordan Society for Human Rights. The most recent example of such interference took place in mid-March 2018 where the governor, acting *ultra vires*, prohibited "ARDD/Legal Aid Organization"-a prominent NGO in Jordan- from holding an event on dialogue and extremism. We are deeply troubled by the government's lack of restraint and absence of accountability towards constitutional violations committed by its ministries affecting freedom of assembly.
23. Noting that an increased number of citizens are resorting to engaging in grassroots campaigns that operate popularly outside the scope of an officially registered institution, and achieving positive progress towards their demands, such as "Stand with the Teachers" or "My Mother is Jordanian and her Nationality is my Right" campaigns, renders such rights-based campaigns and movements more vulnerable to suppression and crackdown by the government. We are deeply concerned about the fate of such movements and safety of their members who, in the light of frequent constitutional violations committed by governmental bodies, are taking great risks simply for advocating for basic human rights and human dignity.

## IV. Recommendations

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### *Violations and gender discrimination*

- Abolish Art. 340 of the Penal Code and amend Art. 292 to remove the exclusion of marital rape under forced sexual intercourse.
- Implement standard operating procedures for filing domestic abuse complaints.
- Amend Art. 6 of the Constitution to include “gender” as a basis for discrimination.
- Reform the Personal Status Law to establish equal rights for women in cases of marriage, custody, divorce and inheritance, and amend Art. 36 to ban early marriage.
- Amend Art. 3, 6 and 9 of the Nationality Law to extend automatic citizenship to the children of Jordanian women.
- Lift reservations on articles 9(2) and 16 para 1(c), (d), and (g) of CEDAW. Fully enforce civil rights and equal treatment of non-national children of Jordanian women in education, labour, health care, ownership and investment, and the issuance and acquiring of official documents such as driver’s license.
- Implement UN resolution 1325 by activating the National Action Plan towards prevention and protection from GBV.
- Ensure that GBV prevention and response programs for Syrian women refugees are given due considerations, with improved and wide-spread services reaching all groups of women, and strengthen response in health, legal and access to livelihood to ensure a holistic multi-sectoral interventions and programs. Fully implement the Jordan Compact, expanding the sectors open to Syrian refugees especially for women and increasing their financial inclusion.

### *Gender Labour Rights*

- Activate Article 72 of the Labour Law, to provide workplace daycares and implement the National Framework for Workplace Daycares introduced by SADAQA and ILO.
- Ensure that the labour rights endorsed by the Parliamentary Labour Committee get the approval and needed support by the parliament and the government on **pay equity** in Articles 2, 53,54, **paternity leave** in Article 66, amending Article 72 and ensure **flexible working hours** in Article 2. Allow children of Jordanian mothers married to non-Jordanians equal treatment under the labour law Article 12 by annulling restriction and request to issue work permits and opening previously restricted jobs to them.
- Introduce a new provision under the Labour Law that guarantees non-discrimination against women in the labour force and a specific provision entailing equal pay for equal work.
- End the labour discrimination against private school teachers by ensuring the minimum wage in the CBA, equalizing the minimum wage in both the private and public sector of 300JD, and institutionalizing the bank transfers of salaries.
- Ratify the Domestic Workers Convention and extend national labour rights to domestic workers and endorse the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

### *Civil Society and Public Freedoms*

- Amend the Law on Societies to remove restrictions on the formation and registration of NGO’s and the receipt of foreign funding, and end the unconstitutional practise of banning, cancelling or otherwise hindering public gatherings, assemblies and events to ensure freedom of assembly.
- Amend Art. 149 of the Penal code and repeal provisions on defamation to ensure freedom of expression, and reform the Cybercrime Law and Law on Press and Publications, and eliminate censorship on, and harassment of, the press both online and offline and journalists to promote freedom of the press. End the practise of gag orders by the Media Commission.