

Jordan

The Constitution of 1952 (last amended in 2016) enshrines the principle of equality and prohibits discrimination on the grounds of race, language and religion (Constitution of the Hashemite Kingdom of Jordan, 2016: Article 6(1)). Sex discrimination is not included, despite efforts to change this from civil society organisations.

Article 6(5) of the Constitution stipulates “the law shall protect motherhood, childhood and the old-aged; and shall avail care for the youngsters and those with disabilities and protect them against abuse and exploitation” (Constitution of the Hashemite Kingdom of Jordan, 2016: Article 6(5)).

While the Jordanian Constitution does not refer to ratified international conventions, the judiciary places supremacy of international conventions over domestic law (Tamkeen, 2015).

1. Discrimination in the family

a) Overarching legal framework for marriage

Matters relating to marriage and divorce are governed by the Personal Status Law of 2010, which is based on Islamic (*Shari'a*) law. Women are required to obtain consent from their male guardians (*wali*) prior to getting married; and marriages in the absence of such consent are prohibited (Personal Status Law, 2010: Article 14). However this stipulation applies only to women who get married for the first time: divorced women who re-marry are permitted to sign the marriage contract themselves (Personal Status Law, 2010: Article 19).

Both parties are entitled to stipulate conditions in their marriage contract according to Article 37 of the Personal Status Law; and violating the conditions of the contract constitutes valid grounds for divorce (Personal Status Law, 2010: Article 37; Musawah, 2017: 9-10). In principle at least, this permits women to include certain conditions in the contract, including the right to work, travel and apply for unilateral divorce (Personal Status Law, 2010: Article 37; Musawah, 2017: 9-10).

The marriage is formalised in the presence of an officer in the *Shari'a* courts. The marriage contract itself is a binding document outlining the rights and responsibilities that spouses have towards one another during the marriage (UNICEF, 2014: 12). For this to take effect the following conditions must be satisfied: consent of both parties; provisions of a dowry to the bride; two male witnesses; and permission given by the guardian for the wife to marry (Personal Status Law, 2010: Chapter 2, Articles 5-13; UNICEF, 2014: 12). Customary marriages are not legally recognised, and marriages contracted outside of this process are illegal, and punishable for a fine and prison sentence under Article 36c of the Personal Status Law (2010) (UNICEF, 2014:6; International Human Rights Clinic, 2016: 3).

The State nevertheless permits couples that have married informally to register their marriage by obtaining a certificate from the *Shari'a* courts (known as a marriage ratification certificate), although they are required to first pay a fine of JOD 1 000 Dinar jordaniien (International Human Rights Clinic, 2016: 3).

Polygamy is permitted for Muslim men, although prior agreement must be accorded by a judge (Personal Status Law, 2010: Article 13). In addition, men are required to demonstrate that they have sufficient means to financially support the wives and to provide a rationale for the marriage (Personal Status Law, 2010: Article 13).

Christians living in Jordan who seek to marry can do so under the Ecclesiastical Court or Church Tribunal Court according to their individual denominations, although the marriage must also be registered with the Jordanian Civil Authority (UNICEF, 2014:12). Christian Religious Courts also apply their own laws regulating matters of divorce (UNICEF, 2014:12).

Widows who re-marry lose their legal rights to inherit assets from their former husbands under Law of Owners No. 13 (1994) (Arab Women Organization, 2012: 33).

b) Child marriage

The legal age of marriage for both men and women is 18, although a judge may grant certain exceptions (Personal Status Law, 2010: Articles 10a and 10b). These are contingent on whether the judge believes that the following conditions have been met: the prospective husband is of similar economic and religious stature as the girl; all parties are mutually consenting and have willingly given their consent (including the girl's guardian); the marriage serves the general interest; there is a clear benefit from the marriage, which must be motivated by long term interests and cannot be cited as a reason to discontinue schooling; and there are no legal impediments to marriage as per *Shari'a* (Personal Status Law, 2010; UNICEF, 2014: 45). Marriages for children aged below 15 years old are not permitted (Personal Status Law, 2010: Article 10b).

Child marriage outside of these criteria is forbidden, and those facilitating such marriages face sanctions under the Criminal Code (Personal Status Law, 2010: Articles 31 and 35; Criminal Law, 2011: Article 297; World Bank, 2016).

A UNICEF (2014: 26-29) report on early marriage identifies various practices and reasons contributing to the prevalence of child marriage, including: poverty; the need to achieve protection or security (*sutra*); traditional expectations to have a large family; the stigma of failure associated with delaying marriage; the ease with which it is to find a spouse at younger ages; and pressure faced by the male guardian from other family members in initiating early marriage.

In the context of a growing Syrian refugee crisis in Jordan, the issue of early marriage has gained widespread interest from national and international actors, and has been identified as a key issue by the Sexual and Gender-Based Violence sub-working group (SGBV SWG) (UNICEF, 2014: 29). The SGBV SWG is a multi-sectoral group comprises government ministries, UN agencies and civil society organisations and works to strengthen prevention and response of sexual and gender-based violence in the context of the Syrian refugee emergency in Jordan (Sexual and Gender-Based Violence Sub-Working Group, 2015).

Part of their work has involved developing a campaign to raise awareness regarding violence, abuse and exploitation against children and women in Jordan. The campaign (called *Amani*) includes a guide to help participating agencies implement the project, and is intended to promote key messages around the prevention of violence, birth registration and early marriage, among others (Amani

Campaign Implementation Guide - Jordan, 2014). A community event was also organised in Azraq camp using messages from the *Amani* campaign to advocate against early marriage, while radio messages were also developed to further raise awareness of the issue (Amani Campaign Implementation Guide - Jordan, 2014: 25, 40).

Building on this, the Forced and Early Marriage Task Force was also established in November 2013 to coordinate a response to the issue of forced and early marriages, and develop a joint action plan with multiple stakeholders (UNICEF, 2014: 29).

c) Household responsibilities

Only men are legally recognised as the head of household (Civil Status Law No 9, 2001: 37, 38b and 57). Women are also legally required to obey their husbands (Personal Status Law, 2010: Article 78). Under the Personal Status Law, husbands are entitled to stop maintaining their wives if they leave the house without permission or are considered disobedient (Personal Status Law, 2010: Article 62).

Men possess sole legal guardianship (*wilaya*) over their children under Articles 166 and 223, which involves taking decisions and legally representing the interests of the child (Personal Status Law, 2010: Articles 166 and 223; Jabiri, 2016: 52). The right of custody is, however, granted to the mother in the first instance, and she is responsible for taking care of the child, including doing cleaning and providing food (Personal Status Law, 2010: Article 173c; Jabiri, 2016: 52). The period of custodianship may be extended depending on the health and need of the child (Jabiri, 2016: 52).

Unmarried women remain under guardianship of their *wali* until the age of 30, and decisions regarding where to live or study are subject to his approval (Personal Status Law, 2010: Articles 184-185). Married women are also restricted in choosing where to live (Personal Status Law, 2010: Article 72; World Bank, 2016).

In 2009, Jordan removed its reservation to Article 15(4) of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), on the grounds that a wife's residence was perceived to be with her husband. In response, Jordan faced and continues to face widespread opposition from religious and conservative groups who perceive this as a threat to the stability of the family (OECD/CAWTAR, 2014: 149).

In practice, men are also responsible for maintaining the Family Book (*daftar al-a'ilah*), which is an official document required for most administrative processes, including registering children for school, applying for personal documents, and accessing social services book (World Bank, 2013: 70). Guardianship is also recorded in this book, and upon marriage, women transfer from the Family Book of their father to that of their husband (World Bank, 2013: 70).

Although divorced and widowed women can start their own family books, they are not permitted to include their children, and this practice perpetuates their exclusion from important decision-making concerning the welfare of their children (World Bank, 2013: 70).

d) Divorce

Men have a unilateral right to dissolve the marriage without justification or the presence of their wife, under Articles 80 and 97 of the Personal Status Law, although they are required to register their intention to do so in the presence of a civil servant (Personal Status Law, 2010: Articles 80 and 97).

Women are entitled to file for either a fault or no-fault (*khul*) divorce, although in case of the former she is required to submit evidence of the prejudice suffered (Personal Status Law, 2010: Articles 103 and 109). Divorced women who re-marry also lose their right to custody under Article 170 of the Personal Status Law (Personal Status Law, 2010: Article 172; World Bank, 2013: 70).

Couples are required to observe a waiting (*'idda*) period of three months prior to the divorce becoming effective, and during this time the husband is legally responsible for providing alimony payments to his wife (Personal Status Law, 2010: Article 107).

Men retain legal guardianship over the children in divorce, although women are granted physical custody over the children until they either reach puberty or the age of 15 (Personal Status Law, 2010: Article 173). Children are able to determine which parent they wish to live with after this point (Personal Status Law, 2010: Article 173). Custody is restricted to the age of seven for non-Muslims (Personal Status Law, 2010: Article 172; World Bank, 2013: 70).

In practice, women face multiple barriers in their rights to divorce and custody, including a lack of enforcement of court orders regarding financial maintenance and alimony payments (Musawah, 2017: 14-15). Although maintenance payments must be paid through the court as a way of ensuring the mother receives these, in practice there is some suggestion that men attempt to avoid this by deliberately misstating the level of their income prior to court proceedings (Musawah, 2017: 15). As marriage and divorce laws for Christians and Muslims are regulated differently, it is also reported that husbands of Christian women have sometimes converted to Islam prior to divorcing their wives in order to obtain guardianship of the children according to *Shari'a* customs and law (Musawah, 2017: 16-17). Sources also point to men's attempts to exert significant influence over their children's upbringing, even when they have not been granted legal custody (Musawah, 2017: 17).

e) Inheritance

The legal framework regarding inheritance is derived from *Shari'a* (Musawah, 2017: 21). Under chapter nine of the Personal Status Law, men and women do not have equal inheritance rights: for example, daughters are only entitled to half of what sons receive (Personal Status Law, 2010: Article 310; Musawah, 2017: 21).

In 2010 new regulations were introduced that protects women's inheritance rights and makes it more difficult for these rights to be waived (The Jordanian National Commission for Women, 2012: 22). Article 319 of the Personal Status Law grants the Office of the Chief Justice the right to issue procedural regulations regarding registration of inheritance and cooling off periods during which heirs may not renounce their rights (Personal Status Law, 2010: Article 319; World Bank, 2013: 82; The Jordanian National Commission for Women, 2012: 22).

Once inheritance shares have been divided, a cooling off period effective for 12 months prevents heirs from renouncing their rights (World Bank, 2013: 82). Should an heir wish to renounce their rights after

this period, a judge must first explain the consequences of the decision (World Bank, 2013: 83). Land inheritance must first be registered in the heir's name before it can be renounced (World Bank, 2013: 83).

Nevertheless, discriminatory practices are still prevalent, particularly in rural areas (Musawah, 2017: 22). In some instances, for example, women (especially married women) are not named as potential heirs to the estate and are therefore excluded from their rightful inheritance (Musawah, 2017: 22). Lack of legal awareness also means women are often subjected to pressure from their families to relinquish their rights (Musawah, 2017: 22).

A report by The Jordanian National Commission for Women (2012: 23) also notes other practices that deprive women of their inheritance rights, including: deception and false transfers of property; appeasement of women so that they surrender their shares for a lower sum or value; threat of harm to women who do not renounce their rights). The report also cites the high legal and court fees involved as a factor in women refraining from claiming their inheritance rights (The Jordanian National Commission for Women, 2012: 24).

Non-Muslim women married to Muslim men are not entitled to their inheritance, under Article 281 of the Personal Status Law, which states that there can be no inheritance between adherents of different religions (Personal Status Law, 2010: Article 281; World Bank, 2013: 66).

2. Restricted Physical integrity

a) Violence against women

A new domestic violence bill was introduced in 2016 including new measures, such as the protection of whistle-blowers, while amendment 161 allows for the creation of shelters pending resolution of domestic and family violence cases (OHCHR, 2017). This legislation was not publicly available at the time of writing.

The Family Protection Law (sometimes also referred to as the Domestic Violence Protection Act) is intended to address violence against women, children and other family members within the household (Family Protection Law No. 6 of Jordan, 2008).

While the 2008 Family Protection law does not explicitly define or criminalise domestic violence, it includes measures relating to protection orders, and establishes 'family protection committees' under the authority of the Ministry of Social Development and Family Protection to support reconciliation among family members (Family Protection Law No. 6 of Jordan, 2008: Articles 13 and 6(a); United Nations, n.d. [a]: 13).

Jordan has a number of policies and strategies in place targeting violence against women, including the national strategy for women 2013-2017, which was drafted by the Jordanian National Commission for Women and approved by the Cabinet in 2013 (CEDAW, 2017: 2). The three key themes of the strategy address women's social, political and economic empowerment, with additional cross-cutting themes related to gender mainstreaming, engaging communities in women's empowerment, promoting media and ICT, and institutional development for organisations working within women's

empowerment (Mutawan, 2014: 8-9). One of the key pillars within the Social Empowerment theme is addressing violence against women (Mutawan, 2014: 10).

In addition to this, the government launched the National Framework for Family Protection against Violence in 2016, whose aim is to improve coordination between implementing agencies and identify roles for service providers combating family violence (CEDAW, 2017: 2; United States State Department, 2016: 31). The National Strategy to Combat Violence against Women (2014-2017) was also developed in 2014. (CEDAW, 2017: 2).

While the CEDAW committee has welcomed these strategies, progress to date is unclear and little information was publicly available at the time of writing regarding the mechanisms, budgetary commitments, and other activities included under these strategies.

b) Domestic violence

The 2008 Family Protection Law establishes guidelines for procedures related to domestic violence cases for both medical practitioners and police officers. Although the Law includes penalties for perpetrators of violence, it does not address domestic violence as a criminal offense (Musawah, 2017: 23).

However, Article 333 of the Penal Code criminalises anyone who 'intentionally assaults a person through beating or injuring or harming him/her by any effective act of violence', and imposes a maximum sentence of three years' imprisonment (Penal Code, 1960: Articles 333-334). Acts not resulting in illness or the prevention of work result in suspension of legal proceedings, unless the plaintiff submits a written or oral complaint (Penal Code, 1960: Article 334(2)). The plaintiff may withdraw their complaint any time prior to the final judgement (Penal Code, 1960: Article 334(2)).

Under Article 11 of the Family Protection law, the director of the Family Protection department is permitted to make use of a range of precautionary measures to protect family members from violence, including: receiving guarantees from the perpetrator not to assault any of the family members; restrict the perpetrator from entering the household for 48 hours; and placing the perpetrator in custody for a maximum of 24 hours (Family Protection Law No. 6 of Jordan, 2008: Article 11).

The Family Protection law also stipulates specialised procedures in court to enable survivors to report cases without fear or reluctance; Article 10 preserves anonymity of the survivor and does not require them to identify themselves unless they are required to give testimony in court violations (Family Protection Law No. 6 of Jordan, 2008: Article 10; United Nations, n.d. [b]: 13).

Article 13 grants the court the ability to issue a restraining order, which restricts the perpetrator from entering the vicinity of the new abode, including shelters or other safe places included in the order (Family Protection Law No. 6 of Jordan, 2008: Article 13(2)). Intentionally violating the terms of the restraining order may result in a fine and a prison term up to three months, and the sentence is doubled for repeat violations (Family Protection Law No. 6 of Jordan, 2008: Article 16).

However, provisions within the Penal Code allow for reduced penalties when a crime has been committed in rage or out of the need to uphold the family's honour following an 'unjustifiable and dangerous act' committed by the victim (honour crime) (Penal Code, 1960: Article 98).

The Family Reconciliation Centre was established in 2007, with the aim of providing integrated services for survivors of domestic abuse (Musawah, 2017: 23). These services include social, psychological, medical, legal and judicial and are provided free of charge to beneficiaries staying in the centre (United Nations Public Service Forum, 2013).

The centre has the capacity to host 50 women and their children, and is open 24 hours of the day to accept emergency referrals (United Nations Public Service Forum, 2013). The Centre houses a medical clinic that provides medical treatment as well as written reports for physical violence, and also offers legal consultations and follow up regarding legal proceedings (United Nations Public Service Forum, 2013). The Centre itself does not provide a hotline service, although this is offered around the clock and free of charge via The Family Protection Department (Public Security Directorate, n.d.; United States State Department, 2016: 31).

The United Nations indicated that the previous National Strategy for Family Protection (2005-2009) has successfully achieved some of its objectives, including the development of protocols and procedures for family protection and the establishment of special departments and initiatives on domestic violence in the relevant Ministries (United Nations, n.d.: 12-13).

The *Sham'a* (candle) network is an example of one such initiative launched by the Jordanian National Commission for Women that aims to monitor the measures regarding violence against women set out in the National Strategy for Women (Global Database on Violence Against Women, n.d.). The network also carries out education and awareness-raising activities, and runs a 16-day campaign every year to combat violence against women (Global Database on Violence Against Women, n.d.).

In its Concluding Observations, the CEDAW Committee (2017) criticised the 'lack of clear and well-defined provisions' on prevention of violence, protection of victims, and the prosecution and punishment of perpetrators' included in the law (CEDAW, 2017: 8). In addition, the Committee noted the following: over-reliance on reconciliation in cases of domestic violence, which can lead to re-victimization; lack of shelters and other protective measures for women survivors in violence, particularly in rural areas; and the lack of statistical data on prevalence, prosecution, and conviction rates of domestic and other forms of gender-based violence (CEDAW, 2017: 8).

The Musawah (2017:23) report also pointed out that, while domestic violence is accepted as a valid reason under which women may file for divorce, their testimony is insufficient evidence, and they must present two witnesses in court attesting to this.

Their report also highlights a number of other discriminatory practices that prevent survivors of domestic violence from accessing justice, including: a lack of legal enforcement among police officers regarding the 24-hour detention period for perpetrators of violence; socioeconomic and other pressures coercing the survivor to reconcile with the perpetrator and halt legal proceedings against them; and restrictions on survivors' freedom of movement in the Family Protection Centre, which

effectively subjects women to “protective custody”, and which has received sharp criticism from the CEDAW committee (CEDAW, 2017: 9; Musawah, 2017:23).

c) Rape

Rape is criminalised under Articles 292-295 of the Penal Code, which defines rape as ‘sexual intercourse with a female – other than his wife—against her will by use of force or threats or tricks or deception’ (Penal Code, 1960: Article 292). Article 293 also criminalises ‘whoever commits an indecent act upon a person who is incapable of resisting because of a physical or mental impediment or through the use of deception’ (Penal Code, 1960: Article 293).

In each case the penalty is 10 years’ imprisonment and hard labour, although the death penalty is applied for rape committed against girls below the age of 15 year olds (Penal Code, 1960: Article 293). The penalty increases by up to 50% for aggravated forms of rape, including gang rape, rape or sexual violence committed by a family member, and acts committed by a member of the clergy or employees in abuse of public office (Penal Code, 1960: Articles 300 and 301).

Marital rape is explicitly exempt under the terms of Article 292 and women may not file a legal complaint against their husbands to this effect (Penal Code, 1960: Article 292; World Bank, 2016). If a marriage is contracted between the perpetrator and the victim, criminal proceedings are brought to a halt (Penal Code, 1960: Article 308(1)).

Articles 296-299 are intended to apply to all other forms of sexual violence, which are defined in law as ‘indecent assaults’ committed with persons against their will and by use of force or threat (Penal Code, 1960: Article 296-299). Unlike the provisions for rape, the law does not discriminate with respect to the sex of the victim.

According to a report published by the UNHCR (National Council for Family Affairs, 2013: 45), judicial procedures for cases of sexual violence require hearings to be conducted in private sessions and chambers in court, with additional protection and security measures taken during the hearing to guarantee the safety of the survivor.

d) Sexual harassment

While there are no laws specifically addressing sexual harassment, plaintiffs can file a complaint under the provisions contained in the Penal Code. Article 305 of the Penal Code penalises anyone who (i) ‘fondles’ a minor aged below 15, or (ii) a woman without her consent (Penal Code, 1960: Article 305). The penalty in both instances is a maximum prison sentence of one year. Article 306 also penalises anyone who propositions a minor to engage in an immoral act (Penal Code, 1960: Article 306). Sexual harassment can also be filed under Articles 296-299 addressing sexual violence (Penal Code, 1960: Articles 296-299).

Rape carried out by ‘the director of an employment office or an employee in such an office and committed in an abuse of his powers or facilitated by such power’ is penalised under Article 295(2) of the Penal Code (Penal Code, 1960: Articles 295(2)). Sexual harassment in the workplace is also penalised under Law No. 48 of 2008 amending the Labour Code (Law No. 48 amending the Labour Code, 2008: Section Five; ILO, n.d.).

Under this law, if an employer is found to have assaulted an employee through physical or sexual abuse, the Minister is permitted to close down the establishment (either temporarily or indefinitely), while a fine of 300-1000 dinars may also apply (Law No. 48 amending the Labour Code, 2008: Article 29B and Section Seven; ILO, n.d.). In addition, provisions under the Labour Law No 26 of 2010 stipulate that “a worker has the right to leave work without permission if attacked by the employer or his representative during work or because of it by assault or battery or any form of sexual assault punishable under the provisions of the legislation in force” (Labour Law No 26, 2010: Article 29). The law does not account for all forms of sexual harassment, although it is intended to apply to sexual assault, attempted sexual assault, physical molestation and indecent exposure (Better Work, n.d.: n.p.).

It is noted that sexual harassment has been particularly prevalent in recent years among workers in Jordan’s garment industry (Better Work, n.d.: n.p.). Better Work Jordan is an initiative jointly supported by the International Labour Organisation and the International Finance Corporation and established in 2008 at the request of the Jordanian government (Better Work, n.d.: n.p.). The programme aims to raise awareness about sexual harassment in Jordan’s garment industry (Better Work, n.d.: n.p.). A task force was set up in 2012 by the initiative, with the objective of preventing and combating sexual harassment in the workplace. The task force developed a toolkit with materials, brochures and training protocols to display in factories and raise awareness of sexual harassment (Better Work, n.d.: n.p.).

e) Female genital mutilation

There are no laws addressing FGM as a harmful practice and there is limited evidence to suggest that FGM is practised in Jordan, although some sources have indicated that the practice takes place in particular Southern communities (28 Too Many, 2015).

f) Abortion

Abortion is illegal and penalised under Articles 321-325 of the Penal Code (Penal Code, 1960: Article 321-325). However, the Public Health Law No 20 amended in 2008 permits abortion to save the woman’s life or in cases where the mental or physical health of the woman is at risk (Public Health Law, 2008; United Nations, n.d.[a]: 81-82). Abortion on all other grounds is prohibited, including rape or incest, and foetal impairment (Public Health Law, 2008; United Nations, n.d.[a]: 81-82).

The law stipulates that the abortion must take place with the woman’s consent and in a hospital under the supervision of licensed physicians (Public Health Law, 2008; United Nations, n.d. [a]: 81-82). If the woman is unable to write or speak, and therefore consent, her guardian may grant consent on her behalf (Public Health Law, 2008; United Nations, n.d. [a]: 81-82).

3. Restricted Access to productive and financial resources

a) Secure access to land and non-land assets

Under the Civil Code, men and women have equal rights regarding land and land assets, with no restrictions regarding decision-making, ownership or use of the assets (Civil Law No 43, 1976: Article 43).

The default marital property regime is a separation of property, such that the original owner of the property (whether land or non-land asset) retains full and sole ownership and decision-making rights over the property (Personal Status Law, 2010: Article 320; Al-Dahdah *et al.*, 2016: 97). Married women are not required to have spousal consent in financial transactions, and are able to buy, sell, lease, mortgage, and grant the power of attorney over their property (Al-Dahdah *et al.*, 2016: 97). Spouses also retain separate financial liability over their property, both under *Shari'a* and civil law (Al-Dahdah *et al.*, 2016: 97).

In practice, however, it has been noted that men often register their assets in the names of their wife and daughters as a way of protecting their assets (Al-Dahdah *et al.*, 2016: 104). In such instances, and particularly where the value of the assets is great, a power of attorney is often signed between the husband and the wife stipulating that the wife must seek the consent of her husband prior to selling their property (Al-Dahdah *et al.*, 2016: 104). It has also been noted that in most cases this legal proof is not required, as the practice of registering property in wives' names is fairly common (Al-Dahdah *et al.*, 2016: 104).

A report published by the World Bank (Al-Dahdah *et al.*, 2016: 94) also draws attention to discriminatory practices regarding distribution of inheritance, such as among owners and male heirs choosing to leave a property undivided as a way of preventing female heirs from accessing their shares, particularly with regards to agricultural land. The report also notes that, owing to fears that the inheritance will be passed on to the husbands of female relatives, fathers often transfer their properties to their sons while they are still alive, as a way of keeping the property within the family (Al-Dahdah *et al.*, 2016: 107).

Efforts from women's rights activists culminated in legal developments regarding inheritance; specifically, the introduction of Articles 318 and 319 of the Personal Status Law, which require an attorney to notify all heirs of the value and properties included within the estate, as well as require a judge to explain the legal consequences of relinquishing inheritance to the heirs (Al-Dahdah *et al.*, 2016: 94).

Complementing these efforts, the Justice Centre for Legal Aid runs a 'National Legal Awareness Program', which partners with local organisations to promote legal awareness and ensure that vulnerable people in Jordan are aware of the availability of legal aid (Justice Center for Legal Aid, n.d.). The program runs legal awareness sessions that are tailored to the needs of local communities, and provides legal assistance and support regarding access to property, marriage rights, and violence, among other areas (Justice Center for Legal Aid, n.d.).

In 2016, UN Women, in collaboration with ACTED (a non-governmental organisation), ran a training workshop to promote rural women's rights and access to leadership opportunities (ACTED, 2016). The training session is part of a wider project promoting rural women's involvement and leadership in agriculture and national advocacy in Jordan, and gives participants the opportunity to contribute towards the development and implementation of an advocacy strategy on women's leadership in the agriculture sector (ACTED, 2016).

b) Secure access to formal financial resources

No legal provisions regulating the right to open an account or obtain credit at a formal financial institution could be located. According to a Freedom House report (2010: 15), however, women are free to enter business contracts and do not require the permission of their husband to do so.

A report by the World Bank (2013: 51) on economic participation and agency in Jordan reveals a number of obstacles to women accessing forms of credit, including: discriminatory attitudes from banks favouring men; discriminatory policies that have lower collateral requirement for the same loan amount from men than from women; and policies that require spousal guarantees for women, but not for men.

As such, the report noted, women tend to rely on friends and family for a loan, or from rotating savings and credit associations (ROSCAs) and micro-credit schemes for their financing needs (World Bank, 2013: 51).

The UN Women's Spring Forward for Women initiative was established in 2012, with the aim of advancing women's economic empowerment through business training, skills building, and provision of a 500 JOD loan to help fund micro and small start-ups (Al Garf et al., 2016: 12-13). Over 250 women have been supported so far, and the project is supported locally by the Jordan River Foundation (Al Garf et al., 2016: 13).

c) Workplace rights

Jordan has ratified ILO Convention 102 on Social Security (Minimum Standards) in 2014, being the first country in the Middle East to have ratified this Convention. While country has ratified ILO Conventions 100 and 111 regarding Equal Remuneration and Discrimination in Employment and Occupation, equality in work remuneration has not been codified in law (ILO, n.d.). Existing legislation does not contain any provisions regarding non-discrimination in employment.

Article 23 of the Constitution stipulates that work is the right of all citizens, but adds that the State is entitled to establish 'special conditions for the work of women and juveniles' (Constitute of the Hashemite Kingdom of Jordan, 2016: Article 23).

Moreover, Article 69 of Labour Law No 8 (1996) (which covers matters relating to employment rights and workplace protections) grants the Minister the right to prohibit women from working in particular industries and jobs, as well as restrict the hours during which a woman is permitted to work. The law stipulates that, by decision of the Minister, women cannot be employed between 8pm and 6am, with the total number of working hours not exceeding 10 in a day (Labour Law No 8, 1996; OECD/CAWTAR, 2014: 180).

Married women must obtain the consent of their husbands in order to work (explicitly or implicitly, for example in the case that she was working prior to getting married), although they may stipulate this as a condition of their marriage in their marriage contract (Personal Status Law, 2010: Articles 37 and 61; Musawah, 2017: 9-10).

Jordan has enacted the new Social Security Law in 2014, which includes self-employed workers in the pension system and introduces unemployment and maternity insurance (ILO, 2017). The passage of

this law made Jordan the first country in the Middle East to mandate a maternity insurance scheme that includes cash benefits (ILO, 2017). Under the Law, women are entitled to up to 70 days of maternity leave at full pay (Labour Law No 8, 1996: Article 72; Social Security Law No 1, 2014: Article 42). Women are also permitted to take up to one year of unpaid leave following the birth of her child and is guaranteed the right to return to her job, providing she has not worked for payment during this period with any other establishment (Labour Law No 8, 1996: Article 67). There are no stipulations regarding paternity or parental leave (World Bank, 2016).

While there are no specific mechanisms responsible for adjudicating work-related complaints, the Jordanian National Commission for Women operate a Women's Complaint Unit, which receives and handles complaints of discrimination and violence against women (CEDAW, 2017: 6; UNICEF, 2011: 3).

In practice, women face a number of barriers and obstacles to their participation in economic life, such as: limited mobility, including restrictions on freedom to travel and ability to work in certain sectors and during certain times; lack of spousal consent in choosing to work and/or certain professions; and social norms regarding the precedence of women's domestic responsibilities over paid work (Mehtap *et al.*, 2016: 791).

4. Restricted Civil liberties

a) Citizenship rights

According to Law No 6 of 1954, which was last amended in 1987, men and women, regardless of marital status, share the same rights in acquiring, changing and retaining their nationality (Article 17a).

Women do not have the same rights with regards conferring citizenship to their children or their foreign spouse, however. The law stipulates that 'any person whose father holds Jordanian nationality' shall be considered Jordanian, adding that 'the children of a Jordanian man shall be Jordanian wherever they go' (Law No 6, 1954: Article 3; Equality Now, 2016: 57). Women are only permitted to confer citizenship to children (i) born in Jordan and (ii) whose fathers are unknown (Law No 6, 1954: Article 3; Equality Now, 2016: 57).

With regards foreign spouses, the law stipulates that foreign women who marry Jordanian men may make an application for citizenship three years after their marriage if they are Arab, and five years if they are not (Law No 6, 1954: Article 8; Equality Now, 2016: 57). The law does not grant Jordanian women the possibility of conferring citizenship to their foreign spouse (Law No 6, 1954: Article 8; Equality Now, 2016: 57).

According to the Civil Status Law, children must be registered by their parents within 30 days of their birth (or 90 if they are born outside of Jordan), and parents are required to provide a copy of the Family Book and their identity cards to do so (Civil Status Law, 2001: Article 13; ARDD-Legal Aid, n.d.). Given this requirement, unmarried women are unable to establish a claim to their children, as they would still be on the Family Book of their father. Non-Jordanians seeking to register births in Jordan are required to supply a copy of their marriage certificate and their passports to do so (ARDD-Legal Aid, n.d.).

Parents unable to complete registration face a fine of 10 JD, although relatives aged over 18 years old or midwives may also register the children on their behalf (ARDD-Legal Aid, n.d.). According to the Jordanian E-Government website, it is also possible to request a delayed registration of up to one year following the birth of the child, at a cost of 1 JD, plus the original 10 JD fine (The Official Site of the Jordanian e-Government, n.d.)

Women, regardless of marital status, are permitted to apply for national identity cards on the same basis as men, according to Article 13 of the Civil Status Law (2001). They do not, however, share the same rights with regards applying for a passport, and are moreover required to seek their husband's consent should they wish to apply for a passport on behalf of their children (Passports Act No. 2, 1969: Article 3; World Bank, 2016; CEDAW, 2017: 5).

While the CEDAW committee welcomes the *Mazaya* initiative launched by the State in 2014, which grants children of Jordanian mothers and foreign fathers “privileged services” and access to certain education, health, work, property ownership and investment opportunities, they regret that little progress has been made towards its implementation or publication (CEDAW, 2017: 11).

b) Voting

According to Article 3 of the Electoral Law (1960), every Jordanian aged 20 years old or above is permitted to vote, providing they register to do so (Mohsen, 2015: 284). While this includes both men and women, it has been noted that social barriers (in particular, expectations of women to fulfil and prioritise their domestic responsibilities) can sometimes limit women's effective political and civic participation (Husseini, 2010: 21).

UN Women and the Jordanian National Commission for Women launched a joint initiative in 2012 aimed at enhancing women's political participation as both voters and candidates in the Jordanian National Elections in January 2013 (UN Women, n.d.).

c) Political voice

The Constitution grants all citizens the right to hold public office, and appointments must be made on the basis of merit and qualifications (Constitution of the Hashemite Kingdom of Jordan, 2016: Article 22). The right to public assembly is assured by Article 16, providing the methods are peaceful and the objectives are not contrary to the provisions stipulated by the Constitution (qualifications (Constitution of the Hashemite Kingdom of Jordan, 2016: Article 22).

The Electoral Law, ratified in March 2016, saw a reduction in the total number of parliamentary seats from 150 to 130; however, the original quota of 15 seats for women was maintained, which effectively saw an increase in their share of seats from 10% to 11.5% (Identity Centre, 2016: 10). No changes were envisaged at the municipal level, in which 25% of seats in the municipal councils are reserved for women (Municipalities Law No. 41 of 2015: Article 33(b)). There are no additional measures promoting women's participation at either the national or local level, and seat distribution is determined by a by-law (Identity Centre, 2016: 2).

In practice, it has been noted that women face a number of barriers to their effective participation in political and public life, including: deep-seated norms and expectations of women's role in society;

lack of adequate training to women standing for public office; and limited financial resources to run effective political campaigns (El Kharouf and Al-Jribia, 2017: 21).

The International Commission of Jurists (2014: 36-37) highlights a number of further barriers to women seeking office in the judiciary, including not being appointed to religious courts, and being overlooked for appointments to the supreme courts.

In 2015, the German Development Agency (GIZ), in partnership with the Jordanian National Commission for Women, launched an initiative to strengthen women's participation in decision-making processes (Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, n.d.). The initiative 'LEAD' will run until 2019, and is intended to promote women in local government through carrying out gender audits in municipalities, and establishing gender platforms and networks to strengthen and align the efforts of civil society organisations already working in this space (Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, n.d.).

d) Access to justice

Under the provisions of the Civil Code (2001), women aged 21 or above have access to justice, and possess the legal capacity to conclude all legal proceedings (Civil Code, 2001; OECD/CAWTAR, 2014: 252). Women also have the right to be plaintiffs and defendants (Husseini, 2010: 4).

The OECD/CAWTAR (2014: 253-4) noted a number of legal measures and services in place that promote women's access to justice, including: free legal aid services related to family and civil law; non-judicial mechanisms to protect women's and human rights, such as a Human and Women's Rights Commissioner or ombuds office; a guide produced by the Network for Arab Women to increase awareness and transparency on the legal rights of women, and the relevant monitoring and documentation procedures required in court; and a free phone service offering legal advice in different languages. It nevertheless acknowledges that in practice, women often do not exercise their judicial rights for fear of reprisals from society or from their families (OECD/CAWTAR, 2014: 252).

Women and men's testimony in court carry equal evidentiary weight, although in *Shari'a* courts governing family law and matters relating to personal status, a woman's testimony is equivalent to half of a man's (Husseini, 2010: 4; Personal Status Law, 2010: Articles 8 and 127). A report by the International Commission of Jurists (2014: 38) notes that women are also required to cover their hair in religious courts in order for their testimony to be accepted (International Commission of Jurists, 2014: 38).

An initiative supported by the UNDP was launched in 2004 across six MENA countries to increase women's knowledge and understanding of their legal rights, and empower them to exercise their rights through the use ICT (OECD/CAWTAR, 2014: 256). The Women's and Children's Rights through Access to Information (WRCATI) initiative is supported by local implementation partners, and makes use of a range of communication channels, including: CDs and audiotapes (in simplified Arabic); telephone hotlines, where women can access legal information and advice; and a website, which hosts a network that links women from different countries, and gives them an opportunity to share best practice (OECD/CAWTAR, 2014: 256).

This inspired the creation of the ‘Promoting Legal Empowerment of Women in the Arab Region’ project in 2011-12, which builds on the success of the WRCATI project, and works to strengthen the capacity of local implementation partners to further promote women’s understanding and awareness of their legal rights (OECD/CAWTAR, 2014: 256).

While the Family Protection Law stipulates that all legal proceedings must be handled with the utmost confidentiality, no gender-specific provisions or special measures protecting victims in court could be located (Family Protection Law No. 6 of Jordan, 2008: Article 4).

The Jordanian National Commission for Women is the principal body responsible for developing and coordinating measures towards the advancement of women, and monitoring compliance of national policies with international human rights standards (Jordanian National Commission for Women, n.d.; CEDAW, 2017: 6). The Commission also houses the Women’s Complaint Unit, which receives and handles complaints related to discrimination or violence of women (CEDAW, 2017: 6).

Under Article 4 (A) of the General Statistics Law No. 12 of 2012, the Department of Statistics is mandated to routinely collect data on men and women. The Department has hosted the Global Forum on Gender Statistics, which is an occasion to discuss new initiatives and data collection tools for the improvement of gender statistics (Global Forum on Gender Statistics, n.d.).

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