

JORDAN

Jordan has seen important changes with regards to gender equality over the last decades. Work on women's rights reached new levels following the ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1992 and the establishment of the Jordanian National Commission for women (JNCW) in the same year. The indicators for women's education and health show notable improvements. However, women's participation in the formal labour market is low. Moreover, women are still not equal to men before the law. There have been several reforms of the Personal Status Law (the latest reform took place in 2010). Despite some progressive amendments such as increasing the legal age of marriage to 18, women's agency continues to be limited by provisions of male legal guardianship (*wilaya*) over women in the Jordanian Personal Status Law. Violence against women is not sufficiently addressed. The gender gap in politics persists despite introduced quotas for women.

1. Discriminatory family code

Only religious marriages are legally recognised in Jordan, and the Personal Status Law, which sets the minimum **legal age of marriage** at 18, governs these. The chief justice can lower this in cases where there is a general interest. This interest is not further defined in the law, whether it is for the interest of the family tribe or the woman herself, which leaves it open to interpretation of sharia court judges (article 10/A of the Personal Status Law).¹ There has been pressure from civil society organisations to amend the article by taking out the phrase related to interests. However, no evidence was found to indicate planned legislation to change the minimum age of marriage.

Even though a study by UNFPA claims that Jordan is a country with declining rates of **early marriage**², the figures provided by the Jordanian Department of Statistics for the years 2009-2011 remain constant both in actual numbers and relative percentages: There are around 16,000 marriages concluded with brides aged 15-19 per year representing about 26% of the total number of marriages registered³.

The Personal Status Law governs **parental authority**. Jordanian law recognises fathers as the sole legal guardians of children.^{4,5} Fathers also maintain legal guardianship of their children following a **divorce**. Mothers are granted physical custody of their children until they reach puberty or the age of 15 (whichever comes first), at which point it is up to the child to decide with which parent she or he wants to live.⁶ Non-Muslim women lose custodial rights once the

¹ Personal Status Law (36) 2010, Article 10/A

² Loaiza, Edilberto and Sylvia Wong (2012), p.24

³ Department of Statistics (Jordan) (2009, 2010 and 2011)

⁴ Hussein, Rana (2010), p.203

⁵ CEDAW (2010), p.87

⁶ Personal Status Law (36) 2010, Article 173

child reaches the age of seven.^{7 8 9} If a divorced woman remarries, she loses custody of her children, the rights of custody go first to the maternal grandmother, then the paternal grandmother, and the father is placed third in the right of the child's custody.¹⁰

The Personal Status Law governs **inheritance** in Jordan. Women may inherit from their father, mother, husband or children and, under certain conditions, from other family members. However, their share is generally half of that to which men of the same relationship (e.g. sister/brother) are entitled.^{11. 12} Non-Muslim women married to Muslim men are unable to inherit property from their husbands unless they convert.¹³ Under the Law of Owners, a widowed woman loses property that she has inherited from her husband if she remarries.¹⁴ In its Concluding Observations, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) Committee notes that in rural areas, discriminatory customary practices effectively prohibit women from inheriting land.¹⁵ The Arab Women Organization states that women are often pressured into waiving their inheritance rights in favour of male relatives.¹⁶ A daughter's share can be further diminished by parents transferring assets to sons before their death in order to circumvent inheritance rules.¹⁷ The Arab Women Organization notes cases of 'honour' crimes that have later been revealed as being linked to issues of inheritance.¹⁸

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Jordan has a dual legal system of civil and sharia laws.¹⁹ In regard to family matters, the country's Muslim majority is governed by the Personal Status Law. Non-Muslims may apply their own personal status laws, and religious courts for each denomination adjudicate in matters relating to family and divorce for Christians.²⁰ The latest amendments to the Personal Status Law were made in 2010.²¹ Sharia is the main source of legislation for the Personal Status Law, in addition to *urf* (customary law). Sharia courts that decide on matters relating to marriage, divorce and inheritance, administrate the law^{22, 23}

Jordanian family law includes provisions that grant a male blood relative (*wali*) the right to have guardianship (*wilaya*) over women in marriage in articles 14-15 of the Personal Status Law No. 36 of 2010.^{24 25, 26} General guardianship over women is granted for the wali under

⁷ Human Rights Watch (2013), p.566

⁸ Jordanian Women's Union (2012), p.43

⁹ Personal Status Law (36) 2010, Article 172

¹⁰ Personal Status Law (36) 2010, Article 170

¹¹ CEDAW (2010), p.89

¹² Arab Women Organization (2012), p.6

¹³ United Nations Economic and Social Council (ECOSOC) (2003), p.143

¹⁴ Arab Women Organization (2012), p.33

¹⁵ CEDAW (2012), p.9

¹⁶ Arab Women Organization (2012), p.6

¹⁷ Hussein, Rana (2010), p.207

¹⁸ Arab Women Organization (2012), p.33

¹⁹ CEDAW (2012), p.11

²⁰ United Nations Economic and Social Council (ECOSOC) (2003), p.143

²¹ The Personal Status Law of 2010 is referenced throughout as Personal Status Law (36) 2010 -Encyclopedia of Jordan's Legal (in Arabic)

²² Hussein, Rana (2010), pp.195, 200

²³ Arab Women Organization (2012), p.5

²⁴ Personal Status Law (36) 2010, Articles 14-15

articles 184-185 of the Personal Status Law No.36 of 2010, where he has the right to have the custody, supervise and manage his ward's choices of education and place of residence until the age of 18 for males and until the age of 30 for females.²⁷

Men have the **right to divorce** their wives arbitrarily by saying three times "you are divorced", whereas women must petition the Sharia court for divorce under a narrow range of circumstances. With effect from 2010 husband and wife must decide upon a *khula* divorce, whereby the wife forfeits her dowry and gives up any right to future financial maintenance, consensually.²⁸ Any of the spouses can ask for a divorce, if there was a physical, verbal or emotional abuse according to the Article 126 of the Personal Status Law No. 36 of 2010.

2. Restricted physical integrity

In 2008 Jordan passed the first **domestic violence** law in the region. The law lays out guidelines for procedures in domestic violence cases for medical practitioners and police officers.²⁹ The law also includes penalties for perpetrators, including detention of perpetrators for up to 24 hours, and protection orders, but does not criminalise domestic violence.³⁰

Women's rights activists have criticised the law, however, because of the emphasis that it places on reconciliation over protecting women's rights, and because of its narrow definition of domestic violence (as violence that occurs specifically within the victim's home).^{31, 32}

The government has publicly committed to addressing the issue as part of its National Strategy for Women and within other government programmes, with responsibilities delegated to the National Council for Family Affairs (NCFA), the Jordanian National Commission for Women, and the Ministries of Social Development and Health. According to the Special Rapporteur on violence against women, these agencies work together in a coordinated manner and have established clear referral systems.³³ The Family Protection Directorate also operates a hotline.³⁴ However, support services for victims of domestic violence remain minimal and are often short term.^{35, 36} Some limited support is available to victims of domestic violence, provided by women's rights NGOs, and in 2007, the country's first shelter for victims of domestic or other forms of violence against women was opened.³⁷

According to the Special Rapporteur's report, in 2011, the Family Protection Department registered 6236 cases of violence against women and children, of which 27.5% were referred

²⁵ CEDAW (2010), p.86

²⁶ Jordanian Women's Union (2012), p.39

²⁷ Personal Status Law (36) 2010, Article 184-185

²⁸ Personal Status Law (36) 2010, Article 102

²⁹ Hussein, Rana (2010), pp.193-194

³⁰ Human Rights Council (2011), Geneva, p.17

³¹ Hussein, Rana (2010), p.205

³² Human Rights Council (2011), p.17.

³³ Human Rights Council (2011), pp.17-18

³⁴ US Department of State (2013)

³⁵ Hussein, Rana (2010), p.204

³⁶ Human Rights Council (2011), Geneva, p.17

³⁷ Hussein, Rana (2010), p.193

to the courts³⁸. It is unclear how many of these resulted in a conviction or the imposition of penalties.

Social awareness of domestic violence has increased, but it remains a significant problem. Incidents are rarely reported, as familial and societal pressure discourage women from seeking legal remedies in cases of domestic violence for fear of bringing shame on the family, and/or because victims have little faith that the police will deal with the case adequately.^{39, 40} Reluctance to break up the family and fear of losing custody of children are also factors stopping women from reporting abuse.⁴¹ Hussein notes, however, that among police and the judiciary, attitudes towards victims of domestic violence and other forms of gender-based violence have undergone a positive shift in recent years.⁴²

Under the Penal Code, **rape** is a criminal offence in Jordan.⁴³ Spousal rape is not recognised as a crime.⁴⁴ Under the penal code, rape charges can be dropped if the perpetrator agrees to marry the victim. There are no clear procedures in place to ensure that the victim approves of this solution, which is usually arranged through her male guardian.⁴⁵ The official Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) report and the Special Rapporteur's report note that in most cases, victims are under considerable pressure to agree to the marriage, and do so out of shame or because they fear violence from their own family.⁴⁶

There is a shelter run by the Social Development Ministry in cooperation with the Family Protection Department of the Public Security Directorate for victims of domestic violence. Women survivors of sexual harassment and abuse are excluded from the shelter's mandate, they are sent to jail under the claim of protection.⁴⁷

Rape carries a significant social stigma and remains a taboo topic, which means that many victims are reluctant to report assaults to the authorities.^{48, 49} The report of the Special Rapporteur on violence against women notes that there were 67 reported cases of rape in 2010. It is unclear how many of these resulted in a conviction.⁵⁰ The Special Rapporteur and the Jordanian Women's Union note that disabled women may be at particular risk of sexual assault and rape, and that some are subjected to forced sterilisation by their families, as a means of avoiding the social stigma associated with unwanted pregnancies of disabled women who have been victims of rape.^{51, 52}

³⁸ Human Rights Council (2011), Geneva, p.6

³⁹ Hussein, Rana (2010), p.195

⁴⁰ Japan International Cooperation Agency (JICA) (2009), p.8

⁴¹ Human Rights Council (2011), p.5

⁴² Hussein, Rana (2010), p.204.

⁴³ Human Rights Council (2011), p.6

⁴⁴ Human Rights Council (2011), p.6

⁴⁵ Hussein, Rana (2010), p.205

⁴⁶ CEDAW (2010), p.19

⁴⁷ Jordanian Women's Union (2012), p. 8-9

⁴⁸ Hussein, Rana (2010), p.205

⁴⁹ Arab Women Organization (2012), p.24

⁵⁰ Human Rights Council (2011), p.6

⁵¹ Human Rights Council (2011), p.6

⁵² Jordanian Women's Union (2012), p.34

While there are no specific laws addressing **sexual harassment**, it is prohibited under the Labour Code, following changes made in 2008.⁵³ Victims of sexual harassment can terminate contracts and claim compensation for damages, but only in cases of harassment from their employer, not from another employee.⁵⁴ The Labour Law was also extended to cover migrant domestic workers.⁵⁵ According to the official Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) report, the Ministry of Labour has established a dedicated office to deal with complaints of sexual harassment in the workplace. The office is accessible to migrant domestic workers, as interpreters are provided.⁵⁶ Sexual harassment can also be punished under the penal code, but is not a specific criminal offence.⁵⁷

A shadow report submitted to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) Committee by the Arab Women Organization notes that there are no mechanisms in place for monitoring the implementation of the legal provisions relating to sexual harassment.⁵⁸ Following her visit to Jordan in 2011, the Special Rapporteur on violence against women reported that women she spoke to were for the most part unaware of the legal provisions protecting them from sexual harassment in the workplace, and did not know how to file a complaint.⁵⁹ The official CEDAW report notes that women are reluctant to lodge complaints of sexual harassment, for fear of negative consequences.⁶⁰ The US Department of State reports that these negative consequences include fear of being blamed, losing their job, and social and cultural pressure to keep silent.⁶¹ According to a report by Human Rights Watch, migrant domestic workers are particularly vulnerable to sexual harassment from their employers.⁶²

There is no evidence that **female genital mutilation** (FGM) is practised in Jordan.

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Provisions in article 98 of the Penal Code justify (at least to some extent) these crimes by allowing for lower penalties when a crime is committed in rage or to uphold the family's honour, following an act deemed to be 'unlawful or dangerous' (namely, adultery), although this is a moderate improvement on previous provisions, which allowed for perpetrators of '**honour**' crimes to be exonerated.^{63, 64} In addition, in 2009 a new specialised legal tribunal was set up to deal with 'honour' crimes and judges began imposing harsher sentences on perpetrators, indicating some readiness on the part of the government to begin addressing the issue.⁶⁵

⁵³ CEDAW (2010), pp.6, 16

⁵⁴ Human Rights Council (2011), p.16.

⁵⁵ Jordanian Women's Union (2012), p.9

⁵⁶ CEDAW (2010), p.51

⁵⁷ Japan International Cooperation Agency (JICA) (2009)

⁵⁸ Arab Women Organization (2012), p.22

⁵⁹ Human Rights Council (2011), p.16

⁶⁰ CEDAW (2010), p.51

⁶¹ US Department of State (2013)

⁶² Human Rights Watch (2011)

⁶³ Amnesty International (2010), pp.46, 19

⁶⁴ Japan International Cooperation Agency (JICA) (2009)

⁶⁵ Husseini, Rana (2010), pp.195, 197

The 1954 Law on Crime Prevention, which gives provincial governors power to detain people suspected of committing crimes or deemed to be ‘a danger to society’ and to hold them indefinitely without charge or trial, continues to be used to detain women said to be at risk of ‘honour’ crimes ‘for their own protection’, even though this is outside the law’s remit.⁶⁶ Amnesty International reports that in 2012, at least 10 were killed as a result of ‘honour’ crimes.⁶⁷

The 2011 amendments to the Penal Code have affected the legal provisions on “honour” crimes.⁶⁸

Abortion is permitted only to save a woman’s life, to preserve a woman’s physical and mental health and in cases of foetal impairment.⁶⁹

3. Son bias

The male-to-female **sex ratio** at birth in 2013 is 1.06 and for the working age population (15-64 years old) is 1.03⁷⁰

There is evidence to suggest that Jordan is a country of low concern in relation to **missing women** but the situation is improving.

4. Restricted resources and assets

Under the Civil Code, women in Jordan have the legal capacity to own **land** and enter into financial contracts, and they do not need their husband or guardian’s approval to do so.⁷¹ Land and property ownership is governed solely by the Civil Code.⁷²

According to JICA (2009), women own 4.9% of land in Jordan, while the UN Food and Agricultural Organization (FAO) give a figure of 3% (no date provided).^{73, 74} Government research from 2008 cited in the official Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) report notes that at that time, 15.1% of women owned land.⁷⁵ According to the Arab Women Organization, 44% of women-headed households own land.⁷⁶

Most land plots owned by women are small, because they come into women’s ownership through inheritance, and as mentioned above, women’s inheritance entitlements are half those of men.⁷⁷ Hussein reports that in rural areas, women’s lack of access to economic resources makes land ownership difficult.⁷⁸

⁶⁶ Amnesty International (2010), p.191

⁶⁷ Amnesty International (2013), p.143

⁶⁸ Jordanian Women’s Union (2012), p.8

⁶⁹ United Nations Department of Economic and Social Affairs, Population Division (2013)

⁷⁰ CIA (2013)

⁷¹ Hussein, Rana (2010), p.207

⁷² Jordanian Women’s Union (2012), p.40

⁷³ Japan International Cooperation Agency (JICA) (2009), p.24

⁷⁴ Food and Agricultural Organization (FAO) (n.d.)

⁷⁵ CEDAW (2010), p.89

⁷⁶ Arab Women Organization (2012), p.36

⁷⁷ Japan International Cooperation Agency (JICA) (2009), p.24

⁷⁸ Hussein, Rana (2010), p.207

Women have the legal right to own and administer **non-land assets**, under the Civil Code.⁷⁹ Following marriage, a woman retains ownership of any property that she acquired before marrying, and is also able to purchase and manage property independently.⁸⁰ The Arab Women Organization notes that overall, only 10% of land and property owners are women.⁸¹ Government research from 2008 cited in the official Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) report found that 19.4% of women owned apartments.⁸²

According to the Jordanian Women's Union, in practice, the fact that adult women have full and independent legal capacity in regard to property ownership is ignored by the civil courts, which will not accept testimony from a woman, on the grounds that under the Personal Status Law, a woman's testimony is not equal to that of a man. This is despite the fact that Sharia law is not applicable in the civil courts.⁸³

Women have the same legal rights as men to access **financial services**, including bank loans and other forms of credit (law not specified).⁸⁴ Requirements for collateral to secure loans often disadvantage women, as they are less likely to own property and other assets. The Arab Women Organization notes that high interest rates and strict lending procedures are also barriers for rural women to access credit. In some cases, when women do gain access to credit, this money is then used by male members of the family for purchases that are not in line with the original aim of the loan. This leaves women in difficulties in regard to paying back the money.⁸⁵

According to the World Bank, 34% of men and 17% of women had a bank account in 2011. In the same year, 4% of adults had taken out a loan with a financial institution (defined as a bank, credit union, microfinance institution, or another financial institution such as a cooperative); these data were not disaggregated by gender.⁸⁶

In recent years, various institutions and organisations have developed and expanded micro-finance projects that target women, and those living in rural areas are also able to access loans for agricultural development.⁸⁷ This includes programmes run by the Ministry of Planning and the Agricultural Loans Institution.^{88, 89} Data from Microfinance Information Exchange indicate that women accounted for 96.75% of recipients of micro-credit in 2012.⁹⁰ However, in 2009, JICA reported that only 21% of female-headed households in rural areas have received loans for agricultural development, compared to 43% of male-headed households.⁹¹

⁷⁹ Jordanian Women's Union (2012), p.40

⁸⁰ CEDAW (2010), pp.83-84

⁸¹ Arab Women Organization (2012), p.33

⁸² CEDAW (2010), p.89

⁸³ Jordanian Women's Union (2012), p.40

⁸⁴ CEDAW (2010), p.73

⁸⁵ Arab Women Organization (2012), p.36

⁸⁶ World Bank (n.d.)

⁸⁷ Japan International Cooperation Agency (JICA) (2009), pp.25, 29

⁸⁸ Arab Women Organization (2012), p.6

⁸⁹ CEDAW (2010), p.81

⁹⁰ Microfinance Information Exchange (2013) Database

⁹¹ Japan International Cooperation Agency (JICA) (2009), p.25

5. Restricted civil liberties

Although freedom of movement and **access to public space** is guaranteed under the Constitution,⁹² women face various legal restrictions on their free access to public space and freedom of movement. Recent amendments to the Passport Act give women the right to apply for their own passports without having to obtain permission from their husbands; however fathers still have the right to prevent their children from leaving the country.⁹³ In addition, as of 2012, these amendments were still temporary and had not yet been signed permanently into law.⁹⁴ Following a legal decree issued in 2009, women have the right to choose their place of residence.⁹⁵ In practice, the Civil Status Department still demands that women provide written permission from their husbands or fathers before it will issue a passport.⁹⁶ It is considered socially unacceptable for women to enter certain public spaces without male accompaniment, including Sharia courts.⁹⁷

Married women cannot work without their husbands' consent, although this is not the case if a woman was already working when she married, or if the marriage contract stipulates that she should have the right to work.^{98, 99}

Migrant domestic workers often face restrictions on their freedom of movement, including confiscation of passports and being confined to their employers' homes.¹⁰⁰

With regards to political voice, women in Jordan have the right to vote since 1974. There are no discriminatory clauses in Elections laws. A 5% **quota** was allocated for women in the Parliament, but according to the 2010 Elections Law the quota was raised to 10.8%, which equals 15 out of the 150 seats in Parliament.¹⁰¹ Women's political participation is still low.¹⁰²

There is a 25% quota for women at municipal elections, raised from a previous level of 20%.¹⁰³ No information was found regarding the number of women elected in the most recent municipal elections. However, as of August 2013, 473 women were standing as candidates for the forthcoming municipal elections, compared to 2333 men.¹⁰⁴

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There are no provisions in the Labour Code specifically outlawing discrimination on the basis of gender in **employment**, or stipulating that men and women should be paid the same.¹⁰⁵

⁹² CEDAW (2010), p.84

⁹³ Human Rights Watch (2013), p.566

⁹⁴ Jordanian Women's Union (2012), p.41

⁹⁵ Decree No. 4,476 approving "the withdrawal of Jordan's reservation to article 15, paragraph 4 of the Convention on the Elimination of All Forms of Discrimination against Women, under which States Parties shall accord to men and women the same rights relating to the movement of persons and the freedom to choose their residence and domicile."

⁹⁶ Jordanian Women's Union (2012), p.40

⁹⁷ Jordanian Women's Union (2012), p.41

⁹⁸ Hussein, Rana (2010), pp.201, 209

⁹⁹ Jordanian Women's Union (2012), p.41

¹⁰⁰ Amnesty International (2012), p.143

¹⁰¹ Jordanian Women's Union (2012), p. 17

¹⁰² Jordanian Women's Union (2012), p.9

¹⁰³ Pietrobelli, Marta (2013)

¹⁰⁴ The Jordan Times (2013)

¹⁰⁵ Hussein, Rana (2010), p.208

In 2010, The initiative New Work Opportunities for Women supported young female graduates from eight community colleges in their transition to employment. In addition to skills training for the graduates, the project included job vouchers, which acted as short-term financial incentives for firms to hire female graduates lacking work experience. Female employment rose, and 57% of women expected to keep their jobs once the scheme ended.¹⁰⁶

Pregnant women in Jordan are entitled to 10 weeks' paid **maternity leave**.¹⁰⁷ While on maternity leave, women receive 100% of their salary. Maternity Leave is financed through the Social Security System.¹⁰⁸

In recent years, there has been increased coverage of gender issues in the **media**, including gender-based violence and women's political participation, although some journalists writing on gender issues have faced hostility from wider society and have been accused of being 'agents of the west'.¹⁰⁹ According to media monitoring carried out by the Global Media Monitoring Project, in the broadcast media, while women were the majority of presenters (93%) and reporters (61%), women formed the subject of news reports in just 13% of cases.¹¹⁰ Another report by the International Women's Media Foundation notes that women are underrepresented in managerial and editorial positions in the Jordanian media.¹¹¹

¹⁰⁶ To learn more visit

<http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/MENAEXT/0,,contentMDK:22872667~menuPK:3949143~pagePK:146736~piPK:226340~theSitePK:256299,00.html>

¹⁰⁷ Labour Code, Article 70

¹⁰⁸ International Labour Organization (ILO) (2011): Social Security Law, Articles 42, 45

¹⁰⁹ Hussein, Rana (2010), pp.204, 212, 215

¹¹⁰ Global Media Monitoring Project (GMMP) (2010), p.67

¹¹¹ Byerley, Carolyn M. (2011), p.10

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