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Submitted by: Tafilah women charitable society (TWCS), Amal Center for Family Counseling, Jordan, and the Information and Research Center - King Hussein Foundation (A joint Submission)

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Tafilah women charitable society TWCS:

Tafilah women charitable society (TWCS) was founded in 2011 and operates in Tafila Governorate¹ (southern Jordan). It is a non-profit voluntary women's association. The vision of the association lies in the advancement of women and empowering them culturally, socially, economically and legally, the association seeks to: raise awareness of the family counseling process by helping individuals to perform their social roles and contribute to solving family problems and negative manifestations facing family members.

Amal Center for Family Counseling:

Amal Center for Family Counseling is one of TWCS main programs and was founded in 2014, focusing on family in the first place, and on the empowerment of battered women, providing them with free counseling and raising and enhancing their awareness of their human rights. The center also works on adolescent girls' programs and on empowering them concerning matters of abuse and violence and providing counseling and care services for people with disabilities, especially women. The Amal center currently provides a family counseling hotline and a case management office.

The Information and Research Center – King Hussein Foundation:

The Information and Research Center – King Hussein Foundation was founded in 1996 as part of the National Task Force for Childhood. Today, the center works to activate knowledge for positive social change, and the welfare of children, youth, women, families, communities, and vulnerable groups, by providing objective, impartial, and multidisciplinary research and analysis to decision-makers in Jordan and the Middle East region, which shall enable more effective socio-economic planning and decision-making.



Challenges to Address Gender Based Violence

1. Introduction:

1.1 Studies and reports carried out by the Tafilah women charitable society (TWCS) have shown that gender-based violence (GBV) is an important and ongoing issue in Jordan, as it not only affects the physical and psychological well-being of survivors, but also undermines the fabric of Jordanian society and women's ability to contribute to the well-being of their families, communities and country.

1.2 Women in Jordan continue to be affected by social and legal discrimination, as well as social norms and concepts that weaken women, such as early marriage, or lack of access to institutional and legal protection services. Despite the magnitude of the problem, few survivors seek help from key service providers because many of the abused women live under the same roof with perpetrators (husband, brother, father...).

1.3 Key service providers in Tafilah governorate as well as in the rest of the governorates of the Kingdom lack sufficient capacities and suffer from a lack of resources; and battered women find it difficult to reach them.

2. Observations from the filed

2.1 Police are usually the first line of support and response to violence. In 2003, family and juvenile protection became an independent department to meet the enormous needs, yet women currently do not feel confident about involving the police when they experience violence, due to the fact that family protection agencies and the police have limited capacity to investigate domestic violence cases. One of the key service providers in Tafilah governorate says: ***"Employees in the Family Protection Department are seconded from police stations and do not have sufficient professional experience to deal with cases of violence, and there is an urgent need for specialized professional training for the cadres."***²

2.2 The cultural and social beliefs focus on promoting reconciliation, which is often not in the interest of battered women. Extended family members begin to seek reconciliation and communicate with the police services to contain the issue and return the battered women to their families as if nothing had happened³. Key service providers in Tafilah governorate state that they cannot file complaints submitted by women and girls if the concerned battered woman or girl does not want to do so. ***"No party can intervene except with advice and***



guidance, even the Family Protection Department, it can only make a reconciliation attempt. However, if the battered woman was declared, by virtue of a medical report, that she has sustained a temporary disability for 10 days or more, because of the violence she was subjected to, then the Family Protection Department will refer the perpetrator to the judiciary even without a complaint by the victim.”⁴

2.3 Article (6/A) of the Protection from Domestic Violence Law No. 15 of 2017 obliges the Family Protection Department to respond to every complaint, report, request for assistance or protection related to domestic violence as immediately as possible; however, some cases of domestic violence that have been monitored by Amal Center for Family Counseling showed that the Family Protection Department did not act immediately when the victim reported the violence against her. ***"There was a case of a woman who contacted the Family Protection Department at night, at a moment she was being subjected to domestic violence by her husband, however, the Family Protection Department asked her to attend to the department the next day and to document the complaint in writing. The husband's violence against her continued throughout that night."***

2.4 Some working police officers do not believe in the role that the Family Protection Department can play in helping victims of violence due to the presence of the tribal patriarchal mentality that is still entrenched in the society, which often hinders the assistance of women and girls victims of violence. One member of the key service providers among policemen in Tafilah governorate says: ***"If my wife went to the Family Protection Department, I would divorce her". "It can be concluded that the patriarchal tribal mentality is still entrenched in the working professional cadres".⁵***

3. Shelters for Protection against Violence

3.1 Women survivors of violence cannot easily access the five homes run by the Ministry of Social Development due to the current procedures that require an official referral by the Family Protection Department in order to access them.⁶ Noting that these homes have limited capacity to accommodate large numbers and have many restrictions, add to that the quality of social services provided needs to be improved, and when the survivors of domestic violence are officially referred to these homes, they cannot take their children with them, they are also unable to leave shelters to go to work, for example.⁷

3.2 Article (6/b/4) of the Protection from Domestic Violence Law No. 15 of 2017 requires the Family Protection Department to transfer the victim to a safe place, if necessary, in



coordination with the Ministry of Social Development. However, Tafilah governorate has no safe places (shelters), and women –victims of domestic violence—refuse to move to a safe place outside the governorate for reasons of taking care of their children, in addition to the prevailing societal culture that stigmatizes women who leave without a male guardian.

3.3 Civil society organizations can contribute positively to improving the referral system or supervision of shelters, but their sustainable financial resources remain very limited. The number of shelters is very small, and they are not properly distributed to cover different geographical areas, which is another obstacle for women in having access to them.

4. Judiciary and Justice System:

4.1 In governorates and rural areas, women are less likely to report violence or have access to the justice and judicial system. And upon commencement of the judicial procedures, the survivor of violence faces many challenges, most importantly is that workers in the judiciary are males, and that privacy is absent because the litigation proceedings are public, and that the survivor of violence is often required to disclose details about her case to the judiciary members, which may cause fears for them to provide their full testimony.

4.2 On the other hand, families do not support decisions of women, survivors of violence, to approach the justice system and legal representation, or to proceed with case proceedings, which leaves women in a state of uncertainty regarding their physical and psychological well-being.

4.4 Article (11/A/2 + 3) of the Protection from Domestic Violence Law No. 15 of 2017 states that the competent court, based on reports from social and psychological specialists, may decide to implement certain measures –provided that they will be included in the decision to ratify the settlement—such as: prohibiting the perpetrator of domestic violence from entering any place or premises for a period not exceeding 6 months; or enrolling the parties to the conflict in psychological or social rehabilitation programs or sessions organized by the Ministry of Social Development. Despite of that, it was found through the cases of violence reported to Amal Center for Family Counseling that the settlement ratification measures are not implemented, due to lack of reports from social and psychosocial specialists, in addition to the lack of qualified social and psychological specialists seconded by the Ministry of Social Development.

5. Health Services:



5.1 Only 6% of patients in healthcare centers in Jordan reflects that assistance and response to violence were available.⁸ Regarding health services and dealing with women survivors of violence, a forensic doctor at Al-Bashir public hospital said that the hospital established a department for domestic violence, but this department is in dire need of many material and human resources in order to work according to professional standards needed for performance of the required service. In addition, staff of public and private hospitals in Jordan lack need training for the detection of domestic violence cases. A doctor working in a private hospital expressed that doctors and medical staff need to be constantly trained on matters of domestic and gender-based violence.

5.2 A member of the key health service providers in Tafilah governorate confirmed that if the woman survivor of violence does not request to report the matter to the police, some doctors and health workers will not report cases of physical violence even if such violence was associated with noticeable signs such as fractures; as ***"some of them prefer not to magnify the problem, while some may secretly advise the battered woman that she has the right to file a complaint, while others might be afraid to help the battered woman so they [i.e. the service providers] do not get hurt. However, some of them may take the appropriate measures and notify the Family Protection Department, provided that the injury causes a disruption of more than 10 days"***.

6. Women with Disabilities and Access to Justice

6.1 The King Hussein Foundation, represented by the Information and Research Center, and the Institute for Family Health Care, in cooperation with the 'I am a Human Society for the Rights of Persons with Disability', prepared a policy paper in 2021 on: "Gender-based violence and discrimination against women and girls with disabilities: Access to justice." A number of national institutions, including the Jordanian National Commission for Women, the Higher Population Council, the National Council for Family Affairs, and the Higher Council for the Rights of Persons with Disabilities, have contributed to the preparation of said policy paper.

6.2 According to the policy paper, women and girls face double the discrimination on the basis of gender on the one hand and disability on the other, and that they are more vulnerable to gender-based violence compared to women without disabilities. Violence towards women with disabilities often remains invisible due to the isolation to which they are subjected, and their lack of knowledge of their legal rights and how to access the justice system. According to a quantitative study, 71% of women and girls with disabilities lack a system of protection against



violence⁹. When it comes to seeking help when they are subjected to violence, 42% of them indicated that they do not resort to help; while 61% of them indicated that they do not have knowledge about providers of legal aid.¹⁰ The policy paper highlighted a number of challenges, as follows:

- **First: Public Utilities and Infrastructure:**

With regard to access to justice for women and girls with disabilities, it was found that judicial facilities have poor environmental, physical and accessibility structure, the same applies to police stations as well, which is as an obstacle impeding accessibility by women and girls with disabilities. Despite that the building of the Palace of Justice in Amman [i.e. the court of Amman] was adapted to allow access for persons with physical and visual disabilities¹¹, this initiative was not implemented in the rest of the courts in the Kingdom.

Although Article (31) of the Rights of Persons with Disabilities Law of 2017 emphasizes the need to include, in the relevant policies, strategies, plans and programs, measures to ensure that persons with disabilities exercise their right to have access to litigation on equivalent basis as others and whether they are plaintiffs or defendants; and although the law obliges the Ministry of Justice and the Ministry of Interior, "each according to its competence", and in coordination with the Higher Council for the Rights of Persons with Disabilities, to make all amendments within a period not exceeding five years from the date the Law on the Rights of Persons with Disabilities of 2017 comes into force, yet, until 2021, Article 31 of the said law has not been enforced.

- **Second: Access to Legal Information Easily:**

Poor dissemination of information on protection and legal rights in alternative forms results in women and girls with disabilities not being aware of the abuse or violence when it occurs and not knowing where they can obtain or access support and rights. In addition, poor alignment of formal policies, institutional procedures and interventions with the needs of women and girls with disabilities, and the absence of training within these institutions, law enforcement agencies, and the judiciary, on how to deal with women and girls with disabilities and the violence to which they were subjected, all affect women's and girls' access to services related to gender-based violence. It must be recognized that there is a significant weakness in information and accessibility to take into account different types of disability; and that there is lack of easy access to information by women and girls with disabilities and their families, in relation to information on rights and access to justice.¹²



7. Training and Raising Awareness

7.1 Article (31) of the Rights of Persons with Disabilities Law of 2017 obliges the Ministry of Justice to qualify accredited experts to facilitate communication with persons with disabilities in the investigation and litigation stages, including sign language interpreters and educational experts to communicate with persons with intellectual, auditory and visual disabilities; and to train working cadres, including judges and law enforcement officers, and to make training manuals on the rights of persons with disabilities available, in addition to the terms and contents of the International Convention on the Rights of Persons with Disabilities, and to eliminate barriers that impede access to justice for women and girls with disabilities, in addition, to enhance communication skills, procedural facilitation, reasonable accommodation, and the like.

7.2 Despite the fact that the Higher Council for the Rights of Persons with Disabilities has implemented a series of training courses for judges and employees of the Ministry of Justice to facilitate access to justice for persons with disabilities, and the issuance of instructions for the accreditation of sign language interpreters by the council, and the provision of a list of accredited interpreters to the concerned authorities through a circular issued by the Prime Ministry, the reality is that the actual application of the provisions of the law has been weak five years after its issuance.

8. Legal Aid

8.1 To ensure women and girls with disabilities have access to their right to justice, timely legal aid must be provided to them either free or at an affordable cost, especially if they are subjected to violations and violence or loss of fundamental freedoms and rights such as the right to life, liberty, personal integrity, property, housing and autonomy in decision-making. The availability of legal assistance and counseling to women and girls who are subjected to violence is of paramount importance in their reintegration and the restoration of their rights. Despite the enactment of the legal aid regulation of 2018 which is supervised by the Ministry of Justice, which emphasizes the provision of legal aid fees for persons with disabilities pursuant to certain bases and objectives,¹³ the results of the quantitative study for 2020 demonstrated, show that approximately 60% of women and girls with disabilities are not aware of the existence of local entities or institutions that provide legal aid.¹⁴

9. Recommendations:



9.1 Enforcing the role of the Family Protection Department and providing it with qualified and competent civilian cadres, who are not members of police forces, and keep the police forces for law enforcement only.

9.2 Enforcing the mandatory reporting of cases exposed to domestic violence, by key service providers in Tafilah governorate and the rest of the Kingdom's governorates. Establishing hotlines to report violence by citizens and raising and publicizing awareness.

9.3 To train key service providers (police, health services, judiciary, family protection centers, women NGOs in remote areas and others) on the terms of gender-based violence and domestic violence, and on the ideal ways to provide services perfectly and professionally.

9.4 To ensure having a psychologist in the Family Protection Department offices in all governorates of the Kingdom.

9.5 To implement the principle of free and informed consent of persons with auditory and visual disabilities to conform with the Law on the Rights of Persons with Disabilities, and that is by amending Article 132 of the Civil Code and Article 215 of the Personal Status Law, so that these articles include an explicit stipulation that an assistant must be appointed to assist persons with auditory and visual disabilities, not a guardian that assist them in litigation proceedings.

9.6 Amend the Protection from Domestic Violence Law to include more protection for battered women and girls who are reluctant to report violence or file a complaint; and add mechanisms and procedures concerned with the protection of witnesses and whistleblowers, and not to limit mandatory reporting of violence to service providers only, instead, it must include NGOs that are active in combating GBV including domestic violence and members of the society.

9.7 Issue administrative instructions by the Public Security Directorate, the Ministry of Social Development, the Ministry of Justice, and the Judicial Council, to train and qualify working cadres and employees to deal with persons with disabilities in a legal and correct manner.

9.8 Restructuring and adapting buildings and facilities of courts and security centers in accordance with the building requirements code in terms of allocating parking lots for the use



of persons with disabilities, and adapting entrances and all facilities to ensure ease of access and use.

9.9 Instruct the Ministry of Justice to provide free legal aid and legal representation before the judiciary to women and girls in need, and to raise awareness of persons with disabilities and the community as a whole regarding the existence of such services.

9.10 Provide and disseminate all information related to access to legal protection and rights in accessible formats to facilitate access by persons with disabilities and ensure access to information during the investigation and trial period "litigation stage" is in accessible formats appropriate for persons with disabilities.

9.11 The Ministry of Social Development should arrange for shelters for women survivors of violence to be accessible by women and girls with disabilities and should train staff working there on how to deal with cases of violence and the methods of detecting violence and physical and psychological abuse.

9.12 Involve the private sector and civil society organizations when working with shelters for women survivors of violence, and deal with cases of violence against women in general and women with disabilities in particular through the purchase of services or volunteering.

¹ Tafilah Governorate is located in the south of the Hashemite Kingdom of Jordan, [particularly], in the southwestern part of the Kingdom, about 183 km from the capital, Amman. The area of the governorate is 2209 km², equivalent to 2.5% of the total area of the Kingdom. The governorate includes three counties (AlKasbah, Al-Hasa, and Basira). Estimated population of the governorate for year 2018 amounted to (104,000), while unemployment rate in the governorate until end of 2018 amounted to 23.5%

² Tafilah Women Charitable Society A Survey Study in Al-Hussein Area in Tafilah Governorate: Gender-Based Violence, 2019-2020.

³ USAID / Jordan, Gender Analysis and Assessment, January 2020. URL: https://pdf.usaid.gov/pdf_docs/PA00WDSP.pdf

⁴ Tafilah Women's Charitable Association, A Survey Study in Al-Hussein Area in Tafilah Governorate: Gender-based Violence, 2019-2020.

⁵ Tafilah Women's Charitable Association, A Survey Study in Al-Hussein Area in Tafilah Governorate: Gender-Based Violence, 2019-2020.

⁶ UN Women, Review of Health, Justice and Police, and Social Essential Services for Women and Girls Survivors of Violence in the Arab States. URL: [jordan_infographic_report_2-12-2020_signed_off.pdf \(unfpa.org\)](https://www.unwomen.org/en/news/stories/2020/12/jordan-infographic-report-2-12-2020-signed-off.pdf)

⁷ USAID / Jordan, Gender Analysis and Assessment, January 2020. URL: https://pdf.usaid.gov/pdf_docs/PA00WDSP.pdf

⁸ A study conducted by the UN Population Fund (UNFPA) <https://www.jordantimes.com/news/local/women-unaware-gbv-health-services-%E2%80%94study>.

⁹ The quantitative study sample included 278 participants from women and girls with disabilities and their families, and 52 institutions that provide services to them. It showed that 71.7% of women and girls with disabilities lack a



system of protection against violence directed against them, and that 78.8% of service providers lack such a system as well. Source: Results of the quantitative study on gender-based violence against women and girls with disabilities, conducted in 2020. The Information and Research Center

¹⁰ The Information and Research Center – King Hussein Foundation, Policy Paper: Gender-based Violence and Discrimination against Women and Girls with Disabilities, and Access to Justice, 2021.

¹¹ Legal Paper: The Reality of the Situation of Persons with Disability in Jordan, 2021, Justice Center for Legal Aid, URL: <https://bit.ly/3hsQ6FF>

¹² The first annual report monitoring the rights of persons with disabilities indicates that the communication services and website services of the 21 ministries and institutions that were monitored have shown that 7 sites are adapted for the use of persons with disabilities.

¹³ Legal Aid Regulation No. 119 of 2018, issued under Article 208 of the Criminal Procedures Law of 1961.

¹⁴ Ibid, No. 4.