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Women's Rights in the Middle East and North Africa 2010 - Jordan

By *Rana Hussein*

POPULATION: 5,915,000

GNI PER CAPITA: US \$2,708

Country Ratings	2004	2009
NONDISCRIMINATION AND ACCESS TO JUSTICE:	2.4	2.7
AUTONOMY, SECURITY, AND FREEDOM OF THE PERSON:	2.4	2.7
ECONOMIC RIGHTS AND EQUAL OPPORTUNITY:	2.8	2.9
POLITICAL RIGHTS AND CIVIC VOICE:	2.8	2.9
SOCIAL AND CULTURAL RIGHTS:	2.5	2.8

(Country ratings are based on a scale of 1 to 5, with 1 representing the lowest and 5 the highest level of freedom women have to exercise their rights)

INTRODUCTION

The women's rights movement in Jordan began in the early 20th century in the form of voluntary social and charitable activities. The Jordanian Women's Union was established in January 1945, and after the kingdom gained independence from Britain in May 1946, the movement became more active in demanding greater political, social, legal, and economic rights.¹ Educated women were granted suffrage in 1955, but it was not until 1974 that all women received the right to vote and run as candidates in parliamentary elections. In 1993, the first female candidate was elected to the lower house of parliament and the first woman was appointed to the upper house, as women increasingly occupied leadership positions and stepped up their involvement in the political and social spheres.²

From 2004 until the end of 2009, the women's movement made a number of important gains, including the publication of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in the official gazette, which gave it the force of law. Additionally, the government has taken steps to address the problem of domestic abuse, including the February 2007 opening of the country's first major women's shelter, the Family Reconciliation House, and the March 2008 promulgation of the Family Protection Law, designed to regulate the handling of domestic abuse cases by medical workers and law enforcement bodies. Gender-based violence, nonetheless, remains a serious concern, and women may be severely beaten, or even murdered, if they disobey their male family members or commit an act deemed "dishonorable," such as socializing with an unrelated man.

While Jordanian women now largely enjoy legal equality on issues such as their freedom

of movement, health care, education, political participation, and employment, they still suffer from discriminatory statutes like the nationality and citizenship law, which bars them from passing Jordanian citizenship to their spouses or children. Women also face gender-based discrimination in family laws, in the provision of pensions and social security benefits, and on the societal level due to deeply entrenched patriarchal norms. These legal obstacles, combined with domestic violence and traditional societal restrictions on the scope of female employment and property ownership, have prevented many women from fully participating in the economy or achieving financial independence. Divorced women, the elderly, and widows are most likely to experience poverty and deprivation, and they are often forced to depend on relatives, friends, or welfare support.

Women have continued to be politically active over the past five years, exercising their civic voice in a variety of ways. They have assumed high-level governmental positions in greater numbers, gaining appointments as ministers and lawmakers with increasing frequency. An average of three ministerial portfolios has been assigned to women in each cabinet since 2004, and a gender-based quota system, first introduced for the lower house of parliament in 2003, was expanded to municipal councils in 2007.

General political environment and legal restrictions on freedom of assembly and association have had an impact on the activities of women's groups and their ability to advocate for reform. The Public Gathering Law, though amended in 2008 to allow groups to hold internal meetings without prior approval, still requires government approval for demonstrations and "public meetings," including workshops and trainings. Additionally, the new Societies Law enacted in September 2008 places restrictions on civil society funding sources and permits the government, rather than the judiciary, to try local nongovernmental organizations (NGOs) for alleged violations of the law. The measure sparked fierce debate throughout Jordan, with women's rights activists complaining that it would allow the authorities to closely monitor and interfere with their activities, including by placing government officials on their boards.³ Activists convened a number of press conferences and meetings with state representatives to voice their objections, and by the end of 2008, the government was engaged in a dialogue with civil society groups on possible changes to the law.

Despite the new regulations, the number of registered NGOs stood at 3,000 by end of 2008, and women's rights groups continued to enjoy a fair amount of freedom to pursue their mission. They have called for the elimination of laws that discriminate against women, and have kept women's rights on the national agenda. Their continued success and ability to win government cooperation will be crucial in ensuring women's well-being and equality in practice, which in turn form key components of any plan for sustainable development in Jordan.

NONDISCRIMINATION AND ACCESS TO JUSTICE

The Jordanian government has held open dialogues with the women's rights movement over the past five years to discuss amending laws that discriminate against women, including statutes that prevent Jordanian women from passing their citizenship to their spouses and children, and laws that offer leniency to the perpetrators of so-called "honor crimes." While these laws remain in place, criminal courts have begun to issue stricter sentences for honor killings and a new specialized tribunal for cases involving honor crimes was created in 2009. Meanwhile, social norms often deter women from seeking justice and protection through the legal system on the premise that they are disobeying their family. Many women have internalized such cultural attitudes and believe that discrimination and abuse are unavoidable parts of their existence.

Jordanian laws are derived from the Napoleonic code (inherited from the Ottoman and Egyptian legal systems) and Shari'a (Islamic law), and have been influenced by tribal traditions. The highest court in Jordan is the Court of Cassation, followed by the Courts of Appeal. The lower courts are divided into civil courts and religious courts. In the civil court system, the Courts of First Instance have general jurisdiction over criminal and civil cases, and the Magistrate Courts largely handle smaller claims. The Shari'a Courts have jurisdiction over personal status for Muslims, including issues related to marriage,

divorce, and inheritance; parallel tribunals handle such matters for non-Muslim minorities.⁴ The rulings of religious courts can be appealed to the Courts of Appeal. Separately, the semi-military State Security Court hears cases on offenses against the state as well as drug-related crimes, and other special panels are empowered to interpret the constitution and laws at the request of political leaders.

Article 6(1) of Jordan's 1952 constitution states that all Jordanians are equal before the law, and discrimination is prohibited on the basis of race, language, or religion. Article 6 (2) of the constitution requires the government to ensure, "within the limits of its possibilities," work, education, tranquility, and equal opportunity for all Jordanians. While the constitution's repeated reference to the rights of "every Jordanian" is generally understood to include both men and women, the document fails to specifically prohibit gender discrimination. Many laws governing women's lives are not consistent with the concept of equality among Jordanian citizens, including those related to retirement and social security. However, the absence of a constitutional court makes it difficult for women to contest the constitutionality of discriminatory laws, and Jordanian NGOs that offer support or legal advice to victimized women lack the standing to file cases in higher courts on their behalf.

Under the Nationality Law (No. 6 of 1954), all children of Jordanian fathers are Jordanian nationals, regardless of where the children are born, and Jordanian men can transfer their citizenship to foreign spouses. By contrast, Jordanian women married to non-Jordanian men cannot pass their citizenship to their children or husbands, although they may retain their own Jordanian citizenship. The government maintains that allowing women to transfer their citizenship to their husbands and children would encourage the immigration and assimilation of non-Jordanians, particularly Palestinians, which in turn would undermine the effort to secure Palestinian statehood and the right of return for Palestinian refugees.

Lack of Jordanian citizenship creates obstacles for children, including a requirement that they pay fees to attend government schools, whereas the primary education is free for citizens. The alternative – enrollment in private schools – entails high tuition payments. Noncitizen children and spouses require a yearly residency permit to access government health services, and under the Law of Residency and Foreigners' Affairs (No. 24 of 1973), they must each pay 400 dinars (US\$564) in annual residency fees.

In civil courts, women have the right to be plaintiffs and defendants. They can testify as witnesses or experts, and their testimony is considered equal to that of men. Women can serve as translators in courts, and are free to appear before the police and the public prosecutor. However, access to justice for women is limited in a variety of ways. In Shari'a courts, for instance, the testimony of two women is equal to that of one man, and female expert witnesses and translators are not accepted. Additionally, women often fear social retribution if they were to testify against family members, and the prohibitive costs of court proceedings prevent women who are not financially independent from pursuing justice without securing support from their families. Further restricting women's ability to defend their legal rights is the fact that the actual implementation of Jordan's laws is often influenced by factors such as a lack of training of police and court officials and inefficiency in the judicial sector.

The Jordanian penal code (No. 16 of 1960) contains certain provisions that discriminate against women. For example, Article 308 allows rape charges to be dropped if the perpetrator agrees to marry the victim. He is prohibited from divorcing the woman for a period of three years. Another provision, Article 98, prescribes sentences of three months to two years in prison for murders committed in a fit of rage that stems from an unlawful or dangerous act by the victim. In practice this provision is applied to "honor killings" in which a woman is murdered by a relative for suspected extramarital sex or some other behavior that is deemed a slight to the family's honor. There are an estimated 20 such murders each year.

Sentences in these cases can also be reduced if the victim's family drops the charges, which often happens when victim and perpetrator belong to the same family. In one recent case in November 2008, a man faced a 15-year prison sentence for killing his

married sister, whose only fault was to temporarily leave her family's house to stay with friends after experiencing marital problems. Although the court rejected the defendant's plea that he committed the murder in a moment of rage, his sentence was cut in half after the family dropped the charges.⁵ The government has pledged to amend Article 98 on various occasions, either during workshops or in private meetings with lawyers, activists, and diplomats. However, the pledges remain unfulfilled to date. A few cases have been appealed by prosecutors, leading to stiffer sentences of up to 10 years in prison. Additionally, the Ministry of Justice established a special tribunal in July 2009 to hear cases involving honor crimes in the hopes that such a body would create coherence in related jurisprudence and speed up efforts to bring perpetrators to justice.⁶

The prevalence of honor killings has given rise to a unique form of gender-based arbitrary arrest and detention. Anyone who constitutes a danger to the community or whose life is under threat may be incarcerated by the regional governor under the Crime Prevention Law (No. 7 of 1954). Consequently, women whose lives are deemed to be threatened by their families, predominantly for reasons related to family honor, are often protected by being incarcerated. There are approximately 25 women "protected" in Jordanian prisons at any given time. Unable to petition for their own release, some have remained incarcerated for over 10 years. Their freedom turns on whether a male guardian signs a 5,000 dinar (US\$7,052) guarantee that he will not harm his female relative. Despite such pledges, these women are almost always killed shortly after their release. Prison officials can refuse to release a woman to her male guardian if they feel her life is still in danger.

A coalition of NGO representatives and government officials was formed in 2006 to find safe alternative solutions for women in protective custody, and has succeeded in helping several women to reconcile with their families or otherwise live in security beyond the prison walls. However, the widespread patriarchal attitudes and practices lead many women to believe that discrimination and violence are acceptable parts of their daily lives. Women's NGOs continue to operate a range of programs designed to minimize the effect of these cultural forces and prevent them from hindering women's advancement.

Jordan signed CEDAW in 1980 and ratified it in 1992, although the country included reservations concerning Article 9(2), on nationality; Article 15(4), on freedom of housing and movement; and Article 16(1), paragraphs (C), (D), and (G), related to marital, custody, and personal status issues.⁷ In May 2009, Jordan formally reported that it was lifting its reservation on Article 15(4), leaving just two reservations in effect. The convention's publication in the official gazette on August 1, 2007, represented a key step toward its full implementation. The move was the result of persistent efforts by the majority of women's organizations, and had the effect of giving CEDAW the force of law. Any violations of the convention can now be challenged in court through lawsuits, although it remains to be seen whether this will be an effective mechanism in practice.

Jordan's compliance with CEDAW is also monitored by the Jordanian National Commission for Women (JNCW), a semi-governmental body established in 1992 to craft policies and legislation concerning women's issues. Women's rights groups have continued to press the government to lift its reservations to CEDAW, and officials regularly discuss the matter in dialogues with the women's movement. A group of women's rights organizations prepared and submitted Jordan's first CEDAW "shadow report" in August 2007 detailing the government's areas of noncompliance and recommending policies to improve protection of women's legal rights.

Recommendations

- The nationality and residency laws should be amended to ensure that men and women have equal rights to pass on their citizenship and related privileges to their spouses and children.
- The government and civil society organizations should expand legal aid services for women to educate them about their rights and help those who cannot afford an attorney on their own. Outreach to rural areas is particularly important.

- The government should amend Article 98 of the penal code to eliminate leniency for murders committed in the name of family honor, and introduce new laws to increase the penalties for such murders.
- The government should remove the remaining reservations to CEDAW regarding citizenship rights and personal status law, and additional steps should be taken to implement and enforce the convention domestically. International bodies should provide training to local NGOs on how to practically utilize the government's obligations under CEDAW to defend women's rights.

AUTONOMY, SECURITY, AND FREEDOM OF THE PERSON

The Jordanian government has taken a number of steps over the last five years to improve women's personal security. It established the country's first well-resourced shelter for victims of domestic abuse in 2007, and new laws passed in 2008 overhauled the way law enforcement bodies handle domestic abuse cases and extended labor protections to domestic workers. However, widespread patriarchal attitudes within the society and court system routinely prevent women from taking full advantage of their legal rights and stigmatize victims of abuse. Jordanian women also continue to suffer from legal inequality with respect to marriage, divorce, and child custody.

Article 14 of the constitution guarantees freedom of religion, provided that religious practices are consistent with "public order and morality." Islam, Christianity, and Judaism are the only state-recognized religions, although the unrecognized Druze and Baha'i faiths are not prohibited. More than 95 percent of Jordanians are Sunni Muslims, and approximately 4 percent are Christians. Shiite Muslims, Druze, and Baha'is make up the remainder. Matters of personal status – such as marriage, divorce, child custody, and inheritance – fall within the exclusive jurisdiction of Shari'a courts for Muslims, Druze, and Baha'is, and are regulated by the Personal Status Law (No. 61 of 1976). State-recognized religious minorities have tribunals that apply their own personal status laws, which are not published in the official gazette. Shari'a does apply to the inheritance matters of non-Muslims, but Christian institutions often do not enforce this in practice.

Jordanian law upholds citizens' rights to move freely within the country and abroad, except in designated military areas. Under the current Provisional Passport Law (No. 5 of 2003), women are no longer required to seek permission from their male guardians or husbands before obtaining or renewing their passports. Nevertheless, the Personal Status Law allows fathers to prevent their children from traveling, and in several recent cases handled by women's rights groups, mothers involved in divorces were barred from traveling abroad with their children due to a travel ban imposed by their husbands. Social norms continue to play a major role in restraining women's freedom of movement in other ways, particularly in rural areas. For example, some families withdraw their girls from school at age 16 or refuse to allow them to attend universities, particularly if that involves moving to another place of residence.

Welaya (guardianship) is a system in Jordanian law whereby a male relative is appointed to act on behalf of and in the interests of a minor or any other person of limited legal capacity. Any single woman under the age of 40 – whether divorced, widowed, or never married – is considered a dependent of her guardian. Should such a woman rebel against her guardian's decisions, she will no longer be entitled to her financial maintenance. Although Islamic legal principles allow women to be the legal guardians of their children, the Personal Status Law in Jordan only allows men to act in this capacity.

Jordanian Muslims are required to marry according to Islamic marriage law. Muslim women are prohibited from marrying men of other religions unless the spouse agrees to convert to Islam, while Muslim men are permitted to wed Christian and Jewish wives. A marital contract is concluded between the prospective husband and the guardian of the prospective wife, although a woman marrying for the second time can do so without her family's approval. Under Article 19 of the Personal Status Law, a woman is entitled to make stipulations in the marriage contract, such as the right to obtain an education or work, provided that the conditions are not unlawful and do not affect the rights of any other person. In practice, however, this right is rarely exercised because many women

are either unaware that it exists or reluctant to risk their marriage by invoking it. Women's rights groups including the Jordanian Women's Union have suggested attaching a list of the possible conditions to the actual marriage contract in order to inform women of their available rights.

Amendments made to the Personal Status Law in 2001 raised the minimum age of marriage to 18 years, but the chief justice retains the discretion to permit the marriage of anyone who is at least 15 years old if it is deemed to be in his or her interest.⁸ Women's groups have reported several cases in which teenage girls aged 15 and above were still being married to older men, a practice that results in social problems and in some cases psychological, sexual, and physical violence, including murders.

While the Hanafi school of Islamic law, which is dominant in Jordan, does not require a male guardian to conclude a marriage contract on behalf of an adult Muslim woman, the government elected to adopt the position of the Maliki school in this matter. The consent of a Shari'a judge is required to conclude the marriage if the woman's guardian opposes it without lawful justification – in the absence, for instance, of any financial impediments that would prevent the prospective husband from supporting the woman. Article 66 of the Personal Status Law obliges a husband to provide for the financial maintenance of his wife, including food, clothing, housing, and medical care.

Polygamy is allowed for Muslim men, but a judge must verify that they have the means to financially maintain a new wife.⁹ In addition, the 2001 amendments to the Personal Status Law require the courts to inform each wife of the others' existence. If a man can satisfy all financial and legal requirements, he may be legally married to up to four wives at one time. Polygamy is reportedly uncommon in practice, with just one wife in 93.2 percent of Jordanian households. There are two wives in 5.9 percent of households, three in 0.9 percent, and four in 0.03 percent. The figures for rural areas are somewhat higher, with two wives in 8.1 percent of households and three in 1.4 percent as of 2002.¹⁰

The Personal Status Law also protect an employed woman's right to financial maintenance as long as her husband views her work as legitimate and has agreed to it. Once a husband has accepted the wife's work, he cannot negate her right to maintenance by subsequently withdrawing his approval. Similarly, the husband cannot object to his wife's work if she was already employed before they married. The concept that approval is necessary to legitimize a wife's choice of profession stems from the injunction in Shari'a that a wife should obey her husband, which some Jordanian jurists have interpreted as the husband's right to confine a woman to the home. In practice, the legal and social hardships that some women encounter while pursuing their right to financial maintenance diminishes the positive aspects of this right.

Men and women in Jordan have access to different forms of divorce. The most common form, available only to men, is *talaq* (arbitrary divorce), which permits a husband to divorce his wife without providing any legal reason. This can be initiated either orally or in writing, but it must eventually be registered by a court. Women who have been divorced by this method have the right to compensation equivalent to her maintenance for no less than one year and no more than three years; the amount is determined by the court based on the husband's financial status. Following *talaq*, the wife also has the right to keep her dowry and the maintenance she accumulates during the *iddat*, a compulsory three-month waiting period after the initial separation before the divorce takes full effect. The *iddat*, covered under Article 135 of the Personal Status Law, is designed primarily to ensure that the wife is not pregnant by the husband who is divorcing her. Although there is increasing social resistance to arbitrary divorce, there are no legal restrictions on this practice.

A woman seeking a divorce in Jordan has two options. She may file for a judicial divorce at the Shari'a court, but only if she can cite one of a limited number of valid reasons, which require strong evidence and witness testimony. While domestic abuse is a valid reason for initiating such a divorce, it is often very difficult for a woman to prove her case, because Shari'a courts require the testimony of two male witnesses. The testimony of the wife alone is not accepted as sufficient evidence. Other acceptable reasons include the husband's failure to provide a home or financial maintenance, and his

unjustified absence for more than one year. Divorce cases initiated through these means often last for years, and in the end the woman's petition is most often denied.

The second option available to women – added to the Personal Status Law in 2001 – is *khula*, a form of divorce permitted by Shari'a in which the wife can unilaterally end the marriage by returning her dowry and giving up all rights to future financial maintenance. She is not obliged to provide a reason or justification for her decision, other than stating that she detests living with the husband. The court will ask her to reconsider, but if she insists, the divorce will be granted. The *khula* provision remains on the books despite the lower house of parliament's attempts to ban the practice in 2003 and 2004. *Khula* eases the procedural and evidentiary burden on women seeking a divorce, but it is not a viable option for those who cannot afford to give up financial maintenance or return their dowry.

After a divorce, the woman has the right of custody of her children until they reach the age of puberty; at that point the children decide who they will live with. If the mother remarries, she loses custody and the children return to their father, his mother, or the wife's mother, as decided by a judge. Even when the mother holds the custody rights, the father is almost always considered to be the legal guardian of his children, permitting him the final say over decisions such as the place of residence and education.

Jordan remains a destination and transit point for men and women trafficked into forced labor from South and Southeast Asia, as well as a destination for women trafficked into prostitution from Eastern Europe and Morocco. Most domestic workers come from the Philippines, Sri Lanka, and Indonesia. Typically they are poor and uneducated, do not speak Arabic or English, and live essentially at the mercy of their employers and the recruitment agencies that brought them to Jordan. Approximately 40,000 registered migrant domestic workers live in Jordan, along with an estimated 30,000 more who are unregistered.¹¹

The parliament in January 2009 approved legislation designed to combat human trafficking, calling for penalties of up to 10 years in prison for forced prostitution and other serious crimes, and permanent closure for companies involved in illegal trafficking. The law also envisioned the establishment of shelters for trafficking victims awaiting repatriation. However, the authorities have not worked effectively to identify or protect victims, and its enforcement policies have reportedly encouraged victims to return home rather than remain in Jordan to pursue legal cases against their traffickers.¹² Several local NGOs such as the Jordanian Women's Union and foreign embassies offer limited protection services for abused domestic workers.

Gender-based violence – including spousal abuse, honor killings, and sexual violence – remains significant problem in Jordan (see more about honor killings in "Nondiscrimination and Access to Justice"). The attitudes of police officers, judges, and prosecutors regarding the treatment of victims of domestic violence and honor crimes have undergone a positive shift in recent years, although many problems remain, particularly in the rural areas. Investigations into the murders of women have been expanded and handled more seriously, and prosecutors consequently offer stronger evidence against alleged perpetrators of gender-based crimes. The media have also played a major role by highlighting the issue in general and reporting on individual cases.

Numerous projects and training efforts have helped raise the level of services provided to abused women. One major program was the Jordanian Family Protection Project, which ran from 2000 to 2005, focused on training judges, prosecutors, police, investigators, government physicians, religious leaders, and other experts working in this field. Many cases of domestic violence are now handled by the Family Protection Department, a specialized police center. The National Council for Family Affairs (NCFA) in September 2007 launched a five-year project targeting violence against women by using media campaigns, public events, private counseling sessions, and training for medical staff.¹³ Additionally, the JNCW opened the Women's Complaint Office in early 2009, which offers legal aid to women who are victims of violence or who need advice regarding labor disputes, the citizenship law, or other issues that directly affect women.¹⁴

In another sign of progress, the parliament enacted the Family Protection Law (FPL) in January 2008 after years of lobbying by governmental and civil society actors. The FPL alters the way in which the police, the courts, and medical authorities deal with victims of domestic violence, specifying the procedures each institution must follow as it handles such cases. It gives greater authority and jurisdiction to the police, allowing them to detain suspected abusers for 24 hours. Although a key goal of the legislation is to prevent the destruction of families, the FPL prescribes penalties of up to six months in prison and 100 to 200 dinars (US\$141 to US\$282) in damages for physical or psychological abuse. The most serious cases of violence may still be adjudicated in criminal courts under the ordinary penal code. The law also calls for the creation of mediation committees to manage problems that occur within families and reconcile the parties involved so that the case does not have to proceed to court, although none had been formed as of October 2009.

While the FPL includes many improvements, police are not required to enforce the law until the mediation committees are formed. Gender-based crimes continue to occur, and further efforts must be made to protect victims, prosecute offenders, and prevent future assaults from occurring. Activists have noted gaps in the law, including the fact that it only applies to families living together in the same house, and restricts its definition of domestic violence to acts committed in the home of the victim. Critics of the FPL also argue that it should have created a specialized family court to handle cases of domestic violence, and that a provision requiring follow-up meetings between government and social workers and the perpetrator has not been adequately enforced. If a suspected abuser apologizes to the victim and they agree to reconcile, he can return home.

Long-standing cultural attitudes stymie the effectiveness of laws like the FPL and other such efforts. Female victims continue to be blamed for the abuse they face. The social stigma and shame associated with crimes such as rape and molestation often discourage victims from turning to the authorities, and battered women are sometimes pressured by their families to drop the charges. In fact, in most cases, a perpetrator of rape or molestation can avoid punishment if he marries his victim in accordance with Article 308 of the penal code. Lawmakers justify this provision by stating that it protects the victim from social ostracism. There are no clear procedures to ensure that the victim approves of this solution, which is usually arranged through her male guardian.

The Family Reconciliation House (FRH) in Amman was created by the Ministry of Social Development in 2007 to provide shelter for domestic violence victims. Women's organizations run a few temporary shelters in the country, but their capabilities are quite limited compared to those of the FRH. In addition to providing housing, it employs social and legal experts who attempt to mediate conflicts between the victims and their abusers. Women can stay at the FRH for roughly six months, although the limit is reportedly more flexible. The FRH was originally intended to provide victims with rehabilitation and a long-term solution to their problems. However, government officials feared that it would be attacked by conservatives in society as a refuge for "bad women." As a result, women facing enduring threats from their families continue to be imprisoned for their own safety.

Women's rights NGOs have worked independently and in cooperation with the government, UNIFEM, USAID, and other donor agencies to address issues of gender-based and domestic violence. Hotlines, social and legal consultations, and other forms of assistance were offered by women's organizations including the Sisterhood Is Global Institute (SIGI) and the Jordanian Women's Union. The union has also consulted with the JNCW on possible amendments to the Personal Status Law.

Recommendations

- The government and parliament, in consultation with women's rights activists, should amend the Personal Status Law to remove provisions that infringe on women's equality within marriage, including the requirement that husbands approve of their choice of work or profession. Exceptions that allow underage marriages should be more tightly restricted or eliminated entirely.

- NGOs should make a concerted effort to raise women's awareness of their legal rights regarding marriage, and the government should work with legal experts and civil society groups to develop a list of sample stipulations that can be attached to marriage contracts. Officials should read these aloud to prospective spouses to accommodate individuals who may be illiterate.
- The government should take additional steps to protect the rights of migrant domestic workers and victims of human trafficking. Temporary shelters should be established by the government or NGOs to house victims of abuse or those with pending legal cases until their situations are resolved.
- To aid larger numbers of domestic abuse victims, the government should open branches of the Family Reconciliation House in governorates outside the capital, and its mandate should be expanded to provide rehabilitation and long-term housing solutions to its clients.
- The government should criminalize domestic violence and work with civil society organizations to raise public awareness of the problem and the need to support victims through media outreach and visits to rural areas.
- The government should revise the Family Protection Law to expand its narrow definitions of domestic violence and create a specialized family court to adjudicate domestic disputes.

ECONOMIC RIGHTS AND EQUAL OPPORTUNITY

The economic transformation in Jordan over the past two decades did not benefit all sectors of society equally, and women continue to suffer from a number of crucial disadvantages.¹⁵ According to a report presented by a group of activists in 2007, gender-based violence plays a role in undermining a woman's ability to participate in the economy.¹⁶ Women's economic competitiveness is also hindered by a legal framework that reinforces their traditional financial dependence on male relatives, affecting areas including inheritance, salary, and retirement benefits. While the laws and social norms place certain restrictions on women's working hours and job types, they have been slowly expanding into new categories of employment and increasing their overall presence in the workforce over the last several years.

Jordanian women have the right to own property and enter into business contracts, and do not require their husband's or guardian's approval for such activities. Nevertheless, according to a 2008 government report, only 15.1 of women own land and 19.4 percent of women over the age of 15 own apartments.¹⁷ Patriarchal attitudes, especially in rural areas, hinder women's ability to obtain economic resources, particularly for land ownership and finance.

There are no legal restrictions on the rights of women to enjoy their income and assets independently. However, it is the accepted norm for single working women, who represent the highest percentage of economically active women, to contribute to the family income by giving their salaries to their families. Working wives, on the other hand, often use their salaries to pay for family expenses directly.

Women are guaranteed the right to inheritance under Shari'a as applied in Jordan, but in many situations the woman is entitled to half the share of a male heir. This reflects the Shari'a requirement that, while a woman may use her inheritance for her sole benefit, a man also must use his inheritance to support all dependent members of his family. In addition, real assets are often transferred to male family members prior to the owner's death so as to circumvent inheritance rules. This is justified in part by the perceived need to keep property within the family and prevent women from taking their portions to other families when they marry. If a father dies before making such a legal transfer, no laws can prevent a daughter from receiving her share as calculated under Shari'a, but even in these cases women are pressured to waive their portions in favor of their brothers or other male family members. There are no legal procedures in place to protect

women from such pressure, and many women in rural areas may not be aware that they can refuse to waive their inheritance or know how to defend their rights in court.

Education up to age 16 is compulsory and free in government schools for all Jordanians under Article 20 of the constitution, though students are required to pay nominal "donations" ranging from 3 to 6 dinars (US\$4 to US\$8).¹⁸ Societal norms generally encourage families to enroll their children in schools and universities. Although the educational system does not contain policies that pro-actively discriminate against women and girls, the curriculum is conservative and lacks gender-sensitive language and concepts. The illiteracy rate among Jordanian women in 2007 was 11.6 percent, down from 16.5 percent in 2000, according to government figures.¹⁹ Meanwhile, 55 percent of university graduates over the past decade were females. Many of these graduates, however, do not contribute to the labor market, in part because they have acquired skills that are not in high demand.²⁰

Article 23 of the constitution protects the right to work and the principle of equal opportunity for all citizens. Workers and employees are defined in gender-neutral terms in both Article 2 of the Labor Law (No. 8 of 1996), which defines the worker as "each person, male or female, who performs a job in return for wages," and in the Civil Service Ordinance (No. 30 of 2007), which regulates public-sector employment. Nonetheless, no provisions specifically prohibit gender discrimination in employment or stress equal salaries for men and women who hold the same positions. Social discrimination against women is common and many Jordanians believe that women who enter the job market are doing so to supplement their family income rather than to become economically independent or to achieve meaningful career.

Women contributed 8 percent of the gross domestic product in 2007, and female employees constituted 37 percent of the workforce in the public sector and 12 percent in the private sector.²¹ Women's participation in the labor market reached 14.7 percent in 2007, up from only 2.6 percent in 1990.²² These gains are partly attributable to increases in the number of educated women and social acceptance of women in new economic roles. However, unemployment continues to affect women more severely than men. In 2008, for example, while the unemployment rate among men was 10.1 percent, the rate among women was 24.4 percent. Women's career paths are negatively affected by the continuing duty to perform traditional household chores, especially after marriage, as well as the expectation that they work near their family home, preferably in the government sector.

Women's freedom to choose their profession is influenced by legal regulations and cultural attitudes dictating what kind of jobs are appropriate for women. According to Article 23 of the constitution and Article 69 of the labor code, the minister of labor issues decisions specifying the industries and economic activities that are off limits for female workers, as well as the hours during which women are prohibited from working. Women are barred from working in mines and quarries and are not allowed to work between 8:00 p.m. and 6:00 a.m., except in places like hotels, theaters, restaurants, airports, offices of tourism, hospitals, clinics, and some transportation industries. Exceptions are also made for special conditions like annual inventories and preparations for seasonal retail sales, as well as jobs that involve a fear of financial loss. Evening work for women is limited to 30 days per year, and there is also a maximum of 10 working hours a day. Although these restrictions limit women's ability to compete with men in the job market, they are seen among many Jordanians as legitimate means of protecting women from harmful working conditions.

Over 60 percent of working Jordanian women are employed in "social" professions such as education (41 percent), health and social work (15.1 percent), and personal, social, and service activities (5.7 percent).²³ The salaries in these professions tend to be low. Women have also begun to challenge social norms by assuming jobs in male-dominated fields. They have become plumbers, garbage-truck drivers, demining technicians, power-line workers, pilots, and traffic police, among other professions. The percentage of women entrepreneurs in 2008 reached 6 percent in the formal sector. Similarly, the share of administrative and managerial positions held by women rose from 2 percent in 1998 to 11 percent in 2005.²⁴

Although gender-based discrimination in employment is not officially permissible, it is widespread in practice. According to Article 41(c) of the 2007 Civil Service Ordinance, public-sector employment is determined solely by the results of exams and personal interviews. Nevertheless, the ordinance favors men in the distribution of benefits like family and cost-of-living allowances. For example, a married man with children under 18 receives a monthly allowance of 15 dinars (US\$21), and a married man with no children receives 10, while a woman may receive this benefit only if she is a widow or her husband is disabled. This disparity is premised upon that fact that within the Jordanian legal, cultural, and religious value system, women technically have the right to be financially supported by husbands.

Gender also plays an important role in determining the length of employment necessary to qualify for retirement benefits, eligible beneficiaries, and the conditions under which benefits are provided in the event of the death of an employee. For example, under the Social Security Law, which largely regulates the private sector, the widow and dependents of a deceased male employee automatically qualify for the survivor benefits (pension). By contrast, the husband of a deceased female employee qualifies for such benefits only if he is completely disabled, has no other source of income, or his income is lower than his wife's pension.²⁵ In recent years, debates have raged regarding the need to amend related portions of the Civil Retirement Law and the Social Security Law that discriminate against retired women and their families, particularly because female workers pay the same share for such benefits as men. By the end of 2008 no such amendments had been made.

Among the provisions under discussion are also Article 14 of the Civil Retirement Law and Articles 44/45 of the Social Security Law. Both allow women to resign and withdraw their retirement fund after working for a certain period, giving them an incentive to quit jobs should their families encounter financial trouble. In a bid to encourage women's enrollment and long-term participation in the labor market, the government in 2003 increased the years of service required before women are eligible for such early retirement from 15 to 20. The regular retirement age for women is 55 and for men 60. While these policies were created to help women, they effectively prevent them from accumulating more years of service thereby leading to smaller pensions.

Women enjoy specific benefits in the workplace intended to help them balance their family demands with work. Article 105 of the Civil Service Ordinance provides for a 90-day maternity leave for women who work in the government sector, of which six weeks must be allowed immediately following the birth of the child. Women in the private sector are granted 70 days of maternity leave under Article 70 of the Labor Law. A private employer with 20 or more female workers must provide an onsite childcare facility for their children under the age of four if at least 10 children need such care. Furthermore, a working mother may take a year-long leave of absence without pay to raise her children under Article 67 of the Labor Law, and a mother is entitled to paid breaks to breastfeed her child during the first year after birth under Article 171 of the Labor Law. However, female workers often avoid taking advantage of the various maternity benefits out of fear of losing their jobs. Some employers are also reluctant to hire women because of the high cost associated with these benefits.

Sexual harassment in the workplace is not explicitly defined or prohibited by law, although under amendments made in July 2008, the Labor Law now addresses sexual assault. Specifically, Article 29 of the amended law allows victims to prematurely end their employment contract while retaining their end-of-service rights and the right to compensation for damages, but most women are unaware of this provision or the channels through which they can file complaints.

Foreign female workers, who are employed primarily as domestic helpers, receive few legal protections from gender-based discrimination. They often suffer cruel and inhuman treatment at the hands of their employers. Some are forced to work long hours without days off, are locked in their employers' homes, and suffer from physical and sexual abuse. They are often not paid the salary promised to them, if they are paid at all, and many have their passports confiscated by employers to prevent them from leaving the country. Women who escape or ask the authorities for help are often detained because

their employers have not properly registered them or have filed retaliatory complaints against them, such as theft. Out of desperation, some female domestic workers have attempted to escape their employers' homes by jumping from windows or balconies, and some have committed suicide.²⁶

Before July 2008, the protections of the Labor Law had not extended to domestic workers, farm workers, and cooks, the majority of whom are women. Although the amended law now covers these particularly vulnerable categories of employees and imposes a 1,000 dinar (US\$1,410) fine on employers who coerce a person to work, including by withholding passports,²⁷ it is unclear to what extent these measures have been enforced in practice.

Women's groups continue to advocate for greater economic participation by women and are lobbying for amendments to the Civil Service Ordinance and the Social Security Laws that would guarantee greater rights for retired women and their families. Women's organizations and other community development programs also run income-generation projects that are aimed at women. The Jordanian Forum for Business and Professional Women, for example, encourages female entrepreneurship through training and the provision of enterprise incubators. In the public sector, the JNCW has worked with the Civil Service Commission to move toward gender equality among state employees.

Recommendations

- The government and parliament should pass legislation banning gender-based discrimination in all stages of employment and within employment benefits. Enforcement mechanisms should be put in place that allow women to file labor discrimination complaints and receive justice.
- The government and parliament should pass legislation that clearly defines sexual harassment in the workplace and establish procedures for filing and adjudicating complaints. NGOs should initiate public awareness campaigns aimed at working women to educate them about the issue and provide practical advice on what steps to make to remedy the problem.
- NGOs and the government should collect and analyze data regarding the prevalence of sexual harassment and the various forms that it takes in the workplace. These statistics should be used in part to educate the public about the phenomenon.
- The government should amend the Civil Retirement and Social Security laws by revising provisions that are unfair to women, including the definitions and eligibility requirements for families of deceased female employees.
- NGOs should expand their efforts to actively educate women on their inheritance and property rights under the law, and the government should regulate large property transfers within families to ensure that potential heiresses are not unduly expropriated.

POLITICAL RIGHTS AND CIVIC VOICE

Women remain underrepresented in political parties, professional organizations, and positions of power in the government and legislature, but they have been increasing their political and civic participation in recent years. In 2007, the government added a quota for female members of municipal councils to an existing rule that reserved a small number of seats in the lower house of parliament for women. During that year's elections, female candidates won more seats than were set aside for them at both the national and municipal levels. Meanwhile, media coverage of women's issues has been growing despite certain restrictions on other topics deemed politically sensitive.

King Abdullah II is the ruler of the country, with powers ranging from dissolving the 110-seat Chamber of Deputies, the lower house of parliament, to appointing the prime

minister and the 55-member upper house, the Senate. The central government appoints the 12 regional governors, and the entire Chamber of Deputies is elected by the people every four years. The king serves as the head of the judiciary. Municipal councils were half elected and half appointed in 2003, but in 2007 this was true only for the Amman council, with the rest fully elected.

Women have had the right to vote and run as candidates under successive election laws since 1974. They face no legal barriers in their participation in politics and government bodies at various levels, but social barriers can sometimes limit their role. Most families expect women to focus more on their household and children than on civic affairs. The state has taken some steps to encourage women's participation in the public sphere, and there are currently four female ministers, 215 elected municipal council members, one mayor, one governor, seven members of each house of parliament, and two ambassadors.

Legislation passed in 2003 (No. 42 of 2003) reserved 6 out of 110 seats in the Chamber of Deputies for women. Previously, only one woman, in 1993, had won a seat in direct elections, although dozens ran as candidates before and after that year. The quota system was deemed necessary in part because of Jordan's single, nontransferable vote system, in which voters select only one candidate in their multimember district, and those with the most votes win seats. A female candidate did win a seat beyond the quota in the November 2007 parliamentary elections, and some observers attributed the achievement to society's growing acceptance of female lawmakers since the quota was introduced. The winner of the seventh seat had in fact served one term under the quota system already, and voters were apparently pleased with her performance. However, women's groups have argued that the single, nontransferable voting system continues to limit women's chances to win additional seats. Individuals generally cast their one vote based on tribal and family affiliations, and female candidates are less likely to become the chief representatives of such traditional social structures.

Women can also run and vote in municipal council elections, although they have generally shown less interest in races at this level. Responding to an initiative by women's organizations including the JNCW and the Jordanian National Forum for Women, the government introduced a 20 percent quota for the July 2007 municipal elections, which resulted in women winning a total of 215 seats across 93 municipalities (195 through the quota and 20 through direct competition). In addition, a female mayor was voted into office through direct competition with male candidates, although an earlier female mayor had been elected in 1995. Separately, in January 2007, the government appointed the first female governor in the country's history.

Women account for about 40 of more than 600 judges in Jordan's court system, although hundreds of women hold administrative jobs in the judiciary. In May 2007, Judge Ihsan Barakat was appointed as chief justice of West Amman Court of First Instance, but no female judges currently serve in the Court of Cassation or the Shari'a courts. In the same year, the Ministry of Justice set a 15 percent quota for women's membership in the Judicial Institute of Jordan, which is a prerequisite to becoming a judge; the previous female membership had been much lower, threatening the continuity of women's presence in the body.

Article 4 of the Political Parties Law (No. 32 of 1992) grants Jordanians the right to form and join political parties. Conditions for membership, as listed in Article 5, do not discriminate against women. Under a recent overhaul of the law (No. 19 of 2007), Article 5(a) requires each political party to have a minimum of 500 founding members representing at least five governorates, with at least 10 percent in each governorate. The measure consequently decreased the number of registered political parties from 36 to 12. A study prepared in 2008 indicated that women's participation in Islamist parties and organizations is on the rise, and that these entities are depending more on women to expand their membership base and address certain issues such as education and the right to work.²⁸ It remains unclear whether female members will have significant influence over the policies and proposals of such groups, however. According to a 2007 UNIFEM study, the percentage of leading positions in political parties held by women was 5.3.²⁹

Under the Public Gathering Law (No. 40 of 2008), political parties and NGOs can hold

internal meetings without prior approval from the regional governor, but demonstrations do require the governor's permit. If the governor fails to reply to a request for a demonstration within 48 hours, it can legally go forward. In practice, such requests are often denied without detailed explanation. A coalition of groups advocating reforms to the Personal Status Law was reportedly denied permission, without explanation, to hold a march in Amman in June 2008. NGOs have also been affected by the Societies Law enacted in September 2008, which restricts their funding sources, increases government monitoring of their internal activities and decision making, and allows government bodies rather than the courts to adjudicate alleged violations of the law.

Freedom of speech and freedom of the press are guaranteed in Article 15 of the constitution, and women, as well as men, are free to express their opinions in public and in the media within the confines of Jordanian law. A 2007 press law abolished imprisonment of journalists for ideological offenses; however, there were limited incidents of detention and imprisonment of journalists for defamation and slander. All publications must be licensed by the government, which has the discretion to issue fines, withdraw licenses, and order media shutdowns, enabling the state to control the editorial content of newspapers. Journalists writing on women's rights issues are generally not subjected to government interference, although they sometimes receive threats from within the society, including accusations of being "agents of the West." The number of media articles on gender topics – including domestic violence, honor killings, family laws, and working women – has been on the rise in recent years.

Women are increasingly participating in civic life through professional organizations, which frequently engage in political activity. Women currently constitute almost 21,000 of the 100,000 members of professional organizations in Jordan, including those for engineers, journalists, physicians, and lawyers.³⁰ However, they remain underrepresented in these associations and their governing bodies.

Women have relatively free access to information that can empower them in their civic and political lives. A growing number of women are taking advantage of Internet resources or attending lectures and other activities that will strengthen their knowledge and experience. More women are also beginning to use the latest online media platforms, including blogging, social-networking sites, and video-sharing sites like YouTube.

Recommendations

- The government should appoint more women as ministers, senators, and governors, and as senior officials in Jordan's diplomatic corps and civil service.
- The government should appoint female judges to the Court of Cassation and other high courts, as well as to the Shari'a courts.
- Professional associations and political parties should take steps to ensure that women have full and equal opportunities to participate as members and leaders in their organizations.
- The government and parliament should reform the voting system for Chamber of Deputies elections to improve the odds of success for female candidates, and consult with women's NGOs and other experts to devise the best possible model. The potential benefits of a single transferable vote system should be examined as part of this process.
- NGOs should organize lectures and training activities, including leadership institutes and debate classes, to encourage women to join and lead political parties.
- Domestic and international NGOs should initiate programs to train female campaign managers on how to effectively run political campaigns for women candidates. They should focus on campaign strategies that have proven successful for women in other Arab countries.

SOCIAL AND CULTURAL RIGHTS

Social tension between women's rights and family obligations continues to impede the advancement of the status of women. Some within the conservative establishment fear that calls made by women's groups for equality, independence, and the right to work might lead to the destruction of the family unit. As a result of these dominant cultural attitudes and the divide between public and private life, Jordanian women face particular challenges in obtaining full social rights.

Women are legally free to choose their own physicians, visit health clinics, and make decisions about most aspects of their health care. However, they face a number of social and financial restrictions on their independence. According to customs prevalent in rural areas, many women do not visit the doctor alone, especially if they are unmarried. Moreover, a majority of women are financially dependent on their husbands or fathers, who must pay for their medication. Most women, particularly those who do not work, are beneficiaries of their husband's or father's employment-based health insurance, though working women enjoy full health coverage if their employer provides it.

Female civil servants are eligible for health insurance for themselves and their dependents if their husbands are not also public employees.³¹ Women working in the private sector may also extend their coverage to their children if they are not already covered by the husband's insurance, although benefits for private-sector workers vary in practice. The prevailing female dependence on a husband's financial support and health insurance means that medical expenses are a particular problem for divorced and widowed women.³²

Under legislation covering family planning matters (Law No. 5 of 2004), a woman is not required to inform her husband or obtain his approval concerning her choice of contraception. However, contraceptive service providers seek the husband's approval in practice, and a husband's written consent is needed before a wife may undergo tubal ligation.³³ Forty-two percent of women were using contraceptives in 2007, while 40 percent discontinued the use of contraceptives after one year. Consequently, approximately 30 percent had unplanned pregnancies.³⁴

Abortion is illegal in Jordan except in special circumstances to preserve the life or health of the mother.³⁵ Article 321 of the penal code prescribes penalties of six months to three years in prison for women who perform abortions on themselves, and Article 322 assigns one to three years in prison to those who perform abortions on others, including doctors. If an abortion leads to the death of the mother, the culprit faces a minimum sentence of five years in prison. Under Article 323, those who perform an abortion on a woman against her will can be sentenced to a maximum of 10 years in prison, or a minimum of 10 years if the woman dies. Article 324 provides for reduced sentences – ranging from three months to two years – if a woman performs her own abortion to protect her family's honor, or if the individual carrying out the abortion does so to protect the honor of a female relative.

The government is currently promoting family planning in an effort to reduce the fertility rate, which stood at 3.6 children per woman in 2007.³⁶ A survey released in July 2008 indicated that 94 percent of married women and 90 percent of married men believe smaller families lead to a better quality of life. However, only 44 percent of married women and 50 percent of married men practice family planning due to social pressures that include cultural preference for boys and the desire to have larger families. The survey also revealed that, regardless of educational background, married women continue to prefer to give birth to boys. The survey indicated that for uneducated women, the ideal number of boys would be 2.2, compared with 1.9 girls, while those with a higher degree preferred 2.1 boys, compared with 1.7 girls.³⁷

A woman's right to housing is connected to her status as a wife or a daughter. According to Article 36 of the Personal Status Law, "the husband prepares a residence which includes the living necessities in accordance with his abilities." In the event of divorce, a woman only has a right to housing if she is nursing or has been given custody of the children. In general, social traditions discourage women from living alone, particularly

when they are single. However, anecdotal evidence suggests that more single, widowed, or divorced women, mainly in the upper middle class, are now defying these norms by choosing to live alone. The Law of Owners and Lessees (No. 11 of 1994) declares that property intended for purposes other than residence should be transferred to the heirs of the deceased and to his wife. The wife and children in an arbitrary divorce or an ecclesiastical separation (whereby the husband abandons them along with the leased property) have the right to continue to occupy the property as original lessees, provided that a final judgment is issued from a competent court.

The populations most affected by poverty in Jordan are the elderly, the sick, widowed women, the disabled, and those without family support. These groups are often uneducated, have poor-quality housing, and are dependent on cash assistance and welfare services. Government welfare payments typically amount to about 36 dinars (US\$51) a month per person for a family of five. The assistance varies based on the family's access to other income. Some are unable to gain access to welfare assistance and must depend on relatives, friends, or charity groups.

Widows, divorcees, abandoned women, and girls over age 18 with no provider are categorized as eligible for aid under the Law of the National Aid Fund (No. 36 of 1986). Jordanian women married to non-Jordanians are also eligible, but on an individual basis and subject to review by fund officials. In addition, emergency aid is provided to families if their financial provider has died, was imprisoned, or is ill, or if the family home was destroyed or affected by a natural disaster. Article 14 of the Regulation for Financial Assistance (No. 1 of 2008) states that this aid should not exceed 200 dinars (US\$282).

Women are able to advocate openly for the promotion and protection of women's human rights in Jordan. The country's legal restrictions on freedoms of speech, assembly, and association are not typically applied to women's issues. While advocacy on topics such as honor crimes, women's reproductive rights, and sexual harassment is often met with skepticism in society, activists continue to lobby for advances in these areas. Women's overall participation in NGOs is on the rise, and women's groups are engaging in debates over domestic violence and women's political participation. However, the percentage of women working in NGOs outside of Amman and other urban areas remains relatively low, meaning rural women still have difficulty accessing the services and information provided by these groups.

Women remain poorly represented in Jordan's media sector, particularly in senior, decision-making positions, although they participate in multiple media, including radio, television, and Internet blogging. According to the former president of the Jordan Press Association, Tareq Momani, the group's 800 members include about 150 female journalists. No woman has ever served as editor in chief or assumed a high position in the leading Arabic dailies. Women have been appointed as editors in chief of several local magazines, but these have usually dealt with women's issues. Even so, more often than not, the image of women portrayed in the media often works against harmful traditional views and supports improvements in women's status.

Recommendations

- The government should enact health care regulations that ensure the confidentiality of women's decisions regarding contraception.
- The parliament should pass legislation granting men and women equal opportunities to extend employer-provided health insurance to their spouses and children.
- The government and media leaders should provide additional training to journalists on women's rights issues, including investigative reporting, and facilitate the research capabilities of more women in order to encourage gender-related analysis of social policies.
- The government should ensure that all women, and particularly those who have

been divorced, abandoned, or widowed, have full access to a basic level of health care and housing, in part through the designation of special clinics and housing units for vulnerable populations.

- Women's rights organizations and governmental bodies should actively engage men in their grassroots outreach and educational campaigns to combat gender discrimination.

AUTHOR

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