

**Submission to the Human Rights Council of the United Nations Universal
Periodic Review of**

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Information and Research Center King Hussein Foundation

The Information and Research Center – King Hussein Foundation (IRCKHF) was initially launched in 1996 as part of the National Task Force for Children. Today, the IRCKHF mobilizes knowledge for positive social change. IRCKHF promotes the welfare of children, youth, women, families, communities, and vulnerable groups by providing objective, multidisciplinary research and analysis to practitioners and policymakers in Jordan and the region, enabling effective socio-economic planning and decision-making.

Enhancing Women's Agency in Jordan

1. Impact of Negative Social Norms on Women's rights

1.1 Understanding Masculinities: International Men and Gender Equality Survey (IMAGES) ¹ – a research of UN Women, undertaken in partnership with the University of Jordan's Center for Strategic Studies (CSS), the Information and Research Center at King Hussein Foundation (IRCKHF), and Equimundo. According to IMAGES Jordan, stereotypical beliefs persist within Jordanian society, especially related to gender-specific roles, responsibilities, and fundamental freedoms. Men hold largely gender-inequitable views about household roles, with the vast majority (87 per cent of men compared to 52 per cent of women) asserting that a woman's most important job is to take care of the home and cook for the family. A further 73 per cent of men (compared to only 40 per cent of women) agree that a man should have the final say in household decisions. While women overall seem to share similar attitudes to men when it comes to gender roles, more educated women hold more progressive ideas on most issues. Forty-four per cent of male respondents agree that "if resources are scarce, it is more important to educate sons than daughters". Furthermore, half of male respondents accepted that a woman should have the same rights to work outside the home as her husband. These all point to a reality where commonly held opinions are a long way from true equality. These beliefs have real-world effects related to education, work, independent life, and many other areas of life.

1.2 There are several laws that are discriminatory against women and perpetuate gender traditional gender roles, including Nationality Law No. 6 of 1954 as women cannot pass their nationality to their children if they are married to non-Jordanians, Residency and Foreigners Affairs Law No. 24 of 1973 is another egregious example of discrimination against women; in contrast to Jordanian men, Jordanian women are unable to confer residency to their non-Jordanian husband, nor are their children treated favorably. In addition, laws governing women's employment in the private sector presuppose that only women can take unpaid leaves to care for children or ill relatives.

1.3 Due to their family responsibilities, upper management in the public sector assumes that working women are unwilling to accept managerial positions, participate in training sessions

¹ UN Women (2022), Understanding Masculinities: International Men and Gender Equality Survey – Jordan. Available online [https://jordan.unwomen.org/sites/default/files/2023-01/ENG%20-%20Full%20Report%20of%20IMAGES%20Jordan%20-%20digital_3.pdf] last visited 13 May 2023. Using the 2015 Jordan Population and Housing Census as a sampling frame, 2,400 households were selected to participate in the household survey, using stratified cluster sampling for Jordanian national participants only. An additional 512 households of Syrian refugees were also selected. The sampling design utilized Probability Proportional to Size (PPS) methods to provide valid and reliable survey estimates across Jordan.

after work hours, or travel abroad².

1.4 According to the CEDAW Committee, the persistence of discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and in society is alarming. These stereotypes overemphasize the traditional role of women as mothers and wives, undermining their social status, autonomy, educational opportunities, and professional careers. It expresses concern that patriarchal attitudes are on the rise within State authorities and society, and that conservative groups are increasingly and openly challenging gender equality³. According to Arab Barometer, although clear majorities of Jordanians agree that women and men should have equal rights, but they are less in favor of women having equal roles in society⁴.

1.5 Studies have shown that job characteristics significantly impact how Jordanians feel about women in the workplace; for instance, while 96% of Jordanians (male and female) thought it was acceptable for women to work in general, only 38% thought it was acceptable for them to work in mixed gender environments⁵. This explains why many Jordanian women avoid working in factories or in jobs related to tourism. According to the Arab Barometer, the greatest impediment to women's participation in the workforce is a lack of childcare facilities, low wages, and the perception that doing so is socially unacceptable⁶.

1.6 Gender roles are reintroduced into educational curricula. A revision of Jordanian primary school curricula revealed that women's roles were misrepresented and limited to the private sphere as spouses and mothers in these textbooks. When they were introduced to the public, it was only as teachers and nurses, professions that are already stereotyped⁷.

1.7 In many cases, media outlets generate content that questions women's 'intellectual and moral capacity to perform successfully', thereby reinforcing stereotypical gender roles⁸. Newspaper articles, media advertisements, Arab and Jordanian dramas and films are replete with stereotypical images of men and women, which contribute to the perpetuation of masculinity and femininity norms and the legitimization of GBV practices. In the media, sexual harassment, misogynistic language, and bigotry continue to be normalized and reproduced

² IREX. (2017). Gender Audit Findings of Selected Public Organizations: An Overview of Findings. Available online [https://www.irex.org/sites/default/files/Gender%20Audit_Findings%20Report_EN.pdf] last visited 2023.

³ Committee on the Elimination of Discrimination against Women (2017). Concluding observations on the sixth periodic report of Jordan, CEDAW/C/JOR/CO/6, paragraph 29

⁴ Arab Barometer (2022). Jordan Country Report 2021-2022, p 44.

⁵ Ragui Assaad & Caroline Krafft & Irene Selwaness (2017). The Impact of Early Marriage on Women's Employment in the Middle East and North Africa," Working Papers 1086, Economic Research Forum.

⁶ Arab Barometer (2022). Jordan Country Report 2021-2022, p 46.

⁷ IREX (2017). Gender Role Assessment in School Textbooks, A Case for Content, Context and Environment Review. Available online [<https://jordankmportal.com/resources/gender-role-assessment-in-school-textbooks-a-case-for-content-context-and-environment-review>] last visited 13 May 2023

⁸ IRCKHF (2019). Gender Discrimination in Jordan. Available online [<https://irckhf.org/projects/gender-discrimination-in-jordan/>] last visited 13 May 2023.

without consequence⁹. In addition, women have been underrepresented in both private and public media platforms¹⁰.

1.8 In addition, not enough is being done to encourage the idea of shared family responsibilities or to address the challenges women face when trying to balance work and family commitments¹¹.

1.9 The evidence thus far suggests that women, and especially married women, regardless of their employment status, do most of the unpaid care work. Women in Jordan spent an average of 18.8 hours per week on unpaid care work, while men spent only 1.1 hours. Marriage appears to be a strong determinant of care work time for women, but not for men. Unpaid caregiving accounted for 26.7 hours per week for married women but only 7.3 hours for single women. However, men spend hardly any time on caregiving activities, whether they are single or married. The burden of unpaid caregiving is a significant barrier to women entering the workforce in Jordan, especially after marriage. This contributes to the country's already low female labor force participation rate¹².

1.10 The government's intention to enhance women's political involvement is clear, since temporary special measures known as "quotas" were used in the formation of political parties¹³, as well as in parliamentary¹⁴ and municipal level¹⁵ elections laws. Concerns have been made, however, that temporary special measures are not being used as a required strategy to speed the attainment of substantive equality between men and women in other sectors,

⁹ USAID (2020). USAID/Jordan Gender Analysis and Assessment, p 12.

¹⁰ For example, the proportion of gender and women-related news in the first quarter of 2019 did not exceed 5%. IRCKHF (2019). Empowering Civil Society through Media: 2019 Quarter One Report. Available online [<https://haqqi.info/en/haqqi/research/empowering-civil-society-through-media-2019-quarter-one-report>] last visited 13 May 2023.

¹¹ ARDD (2021). Redistributing Care Work in Jordan: Enacting Policy Reforms: Enacting Policy Reforms. Available online [<https://jordan.unwomen.org/en/digital-library/publications/2022/01/redistributing-care-work-in-jordan-enacting-policy-reforms>] last visited 13 May 2023.

¹² UN Women and ILO (2022). The Role of the Care Economy in Promoting Gender Equality: Progress of women in the Arab States 2020, pp 125-127.

¹³ The Political Parties Law No. 7. of 2022 established a 20% quota for women and a 20% quota for youth between the ages of 18 and 35 to create political parties, both of which are expected to increase the representation of women among young voters. (Article 11)

¹⁴ The Election Law No. (4) of 2022 increased the number of seats allocated to women on the "quota" track from 15 to 18, including one general electoral district at the level of the Kingdom. Additionally, they were permitted to run on the competitive track.

¹⁵ In accordance with Local Administration Law No. (22) for 2021, a minimum of twenty-five percent (25%) of the total number of council members must be women. (Article 13).

including employment and education¹⁶.

2. Recommendations:

2.1 Address the absence of sex and gender as prohibited grounds for discrimination in the Constitution and ensure that legislative measures to eliminate discrimination against women are in full conformity with international conventions, which, according to judicial precedents and the Constitutional Court, take precedence over national legislation¹⁷;

2.2 Expand the use of temporary special measures as stipulated in article 4 (1) of CEDAW to cover all areas which women are underrepresented or disadvantaged;

2.3 Remove traditional stereotypes and structural obstacles that may inhibit women's rights based on best practices in the region;

2.4 Adopt a comprehensive strategy to modify or eliminate discriminatory patriarchal attitudes and stereotypes, in collaboration with civil society and religious leaders;

2.5 Raise awareness of the significance of substantive gender equality, the importance of women's participation, and the benefits obtained at all levels;

2.6 Examine school curricula and textbooks at all levels of education to eliminate any patriarchal and stereotypical depictions of women's roles;

2.7 Take effective steps to eliminate traditional stereotypes and structural barriers that may discourage females from enrolling in traditionally male-dominated academic disciplines, such as science and technology;

2.8 Take effective steps to eliminate traditional stereotypes and structural barriers that may discourage females from enrolling in traditionally male-dominated academic disciplines, such as science and technology;

2.9 Systematically evaluate and monitor the implementation of all measures intended to eradicate negative social norms and traditional gender roles.

3. Mitigating the impact of Personal Status Law

¹⁶ Committee on the Elimination of Discrimination against Women (2017). Concluding observations on the sixth periodic report of Jordan, CEDAW/C/JOR/CO/6, paragraph 27.

¹⁷ Jordanian judiciary has established that treaties transcend national laws whether they were approved by Parliament or those deemed not needing this approval. The Constitutional Court also affirmed that it is not permissible to issue a law that contradicts the obligations established by a treaty ratified by law

3.1 Jordan has long been criticized for not including gender or sex as a basis for non-discrimination in article 6/1¹⁸. In an attempt to reduce this criticism, the constitution was amended in 2022 by changing the title of Chapter Two from “Rights and Duties of Jordanians” to Rights and Duties of Jordanian Men and Women.” Although changing the title of chapter two has no legal significance, this amendment, however, came at a high cost. In contrast to other laws, the Nationality Law and Personal Status Law are immune from the normal procedure for amending statutes because they require the approval of two-thirds of the Parliament.¹⁹

3.2 Personal Status Law of 2019, which is mostly derived from Hanafi Doctrine, perpetuates traditional gender roles, and gives the husband the upper hand; the wife cannot employ some of her privileges without his permission. For instance, a woman requires a man's permission to work, complete her education, and exercise her freedom of movement and residence²⁰ unless she adds stipulations to the marriage contract regarding these issues which is not a very common practice according to research and observations.²¹ If the wife does not obey the husband, she loses her right to alimony²². The law also discriminates against women in inheritance, and Sharia courts that administer it have no female representation.

3.3 There is no civil substitute for the Personal Status law.

3.4 Considering amending the personal status law can be a lengthy process, IRCKHF conducted extensive research on how to mitigate the impact of the law without amending it. The research focused on optimal use of stipulating terms and conditions in the marriage contracts to promote the rights of women and to ensure the protection of their rights²³.

3.4 Women in Jordan rarely exercise their right to stipulate in the marriage contract, due to lack of awareness.

3.5 The Jordanian Personal Status Law No. 15 of 2019 permits spouses to acquire any permissible conditions in the marriage contract. Article 37 regulates and clarifies the conditions made by spouses in the marriage contract, where it provides that “If a condition that is beneficial to either spouse or is not contrary to the marriage purposes is included in the marriage contract, then such conditions shall be observed.

¹⁸ Article 6/1 of the Jordanian Constitution of 1952 states “Jordanians shall be equal before the law. There shall be no discrimination between them as regards to their rights and duties on grounds of race, language or religion.”

¹⁹ Article 84/3, Jordanian Constitution of 1952.

²⁰ Article 61, Personal Status Law No. 15 of 2019.

²¹ Information and Research Center - King Hussein Foundation (2022). Improvement of Procedures Associated with Marriage Contracts: Optimal Use of the Conditions in the Marriage Contracts. Available online [<https://haqqi.info/en/haqqi/research/improvement-procedures-associated-marriage-contracts-optimal-use-conditions-marriage>]

²² Article 72, Personal Status Law No. 15 of 2019.

²³ Information and Research Center - King Hussein Foundation (2022). Improvement of Procedures Associated with Marriage Contracts: Optimal Use of the Conditions in the Marriage Contracts. Available online [<https://haqqi.info/en/haqqi/research/improvement-procedures-associated-marriage-contracts-optimal-use-conditions-marriage>]

3.6 Reviewing the fatwas on stipulations in marriage contracts issued by the Jordanian Iftaa' Department, it is observed that Fatwa No. 3443 confirms that a wife has the right to stipulate that her husband does not force her to leave her place of residence, while Fatwa No. 198810 permits the wife to stipulate in the marriage contract that her husband does not take co-wives, and Fatwa No. 95311 confirms that a wife has the right to stipulate in the marriage

3.7 Based on research findings²⁴, a number of cultural and social challenges prevent women for stipulating these conditions in the marriage contract. Furthermore, some procedural challenges and institutional practices prevent intending spouses from exercising their right to stipulate conditions in the marriage contract.

4. Recommendations:

4.1 IRCKHF proposes the following recommendations in order to surmount current challenges and advance women's rights:

- The Supreme Judge Department should begin appointing female sharia judges and marriage registrars, as neither sharia nor the law prohibits women from practicing in these capacities;
- The Supreme Judge Department should modify the contract marriage certificate and supplementary documents so that they contain priority clauses, allowing a spouse to choose any of them when a marriage contract is created. These priority conditions include the husband's refusal to accept additional wives, the wife's right to initiate a divorce, and the wife's right to work and continue her education;
- The best practices for concluding marriage contracts with stipulations should be outlined in an instruction manual that should be followed by all marriage registrants.

4.2 Ensure equal rights between men and women in marriage and divorce, and eliminate restrictions on married women's freedom of movement and right to work; ensure that upon the dissolution of marriage, women have equal rights over property acquired during the marriage;

4.3 Introduce legislation providing a civil alternative to the Personal Status Law, based on the principles of equality and nondiscrimination, to defend women and reduce their legal, economic, and social marginalization.

²⁴ Information and Research Center - King Hussein Foundation (2022). Improvement of Procedures Associated with Marriage Contracts: Optimal Use of the Conditions in the Marriage Contracts. Available online [<https://haqqi.info/en/haqqi/research/improvement-procedures-associated-marriage-contracts-optimal-use-conditions-marriage>]

4.4 In light of the discussions surrounding women shouldering the primary responsibility for household work and childcare²⁵, it is crucial to address and advocate for the implementation of an extended maternity leave policy. Recognizing the significance of this issue, it is highly recommended to consider the extension of maternity leave as a means to support and empower women in balancing their professional and personal responsibilities. By providing an extended period of leave, we can contribute to creating a more equitable and supportive environment for working mothers.

²⁵ Information and Research Center-King Hussein Foundation (2020), Jordan's Social Security Reforms and Women's Employment in the Private Sector. Available online
[<https://haqqi.info/en/haqqi/research/jordan%E2%80%99s-social-security-reforms-and-women%E2%80%99s-employment-private-sector>]