

Universal Periodic Review Report
Submitted by the Arab Women Organization (AWO)
Subject: Women's Rights & Gender Equality

Introduction:

Gender equality in Jordan remains a pressing issue, as evidenced by the country's Gender Gap Index. Although women's literacy rates are commendable and there have been improvements in education and healthcare, women's opportunities for leadership in social, economic, and political spheres are severely limited.

Despite amendments to the Jordanian Constitution in 2022 signaling a move towards gender equality, notably, the title of Chapter Two was revised to include "Jordanian women," making it "The Rights and Duties of Jordanian Men and Women." a significant discrepancy persists between constitutional principles and practical law application. For instance, the nationality law, which prevents Jordanian women from passing their nationality to their children, contradicts the spirit of the constitutional amendments.

Jordan received 71 recommendations related to women's issues during the Universal Periodic Review in the previous session, 44 of which were accepted by the Jordanian government and the government stated that it was informed of the remaining recommendations, totaling 27 recommendations. This number of recommendations is an indicator of the deterioration of women's rights in Jordan.

This report underscores the urgent need for effective reforms to eradicate discrimination and violence against women, and to ensure equal rights.

1. Gender-Based Violence:

Despite amendments to the Jordanian Constitution promoting gender equality, a significant gap persists between constitutional principles and practical legislation, particularly in addressing violence against women and girls. This issue is highlighted by the nation's Gender Gap Index and the Social Institutions and Gender Index (SIGI), which indicates an 89% rate of discrimination against women and girls within families [2].

Gender-based violence is a major concern, especially among vulnerable groups like refugees, with societal acceptance of violence against women being alarmingly high. Over 46% of women and 69% of men aged between 15 and 49 believe that a husband is justified in beating his wife [4]. The government's steps to address domestic violence, such as the Protection from Domestic Violence Law of 2008, have been slow and ineffective due to their lack of gender sensitivity and vague definitions [5].

Early marriage is prevalent, with 5,824 marriage contracts signed for girls last year, representing 9.1% of all signed marriage contracts [7]. Among Syrian refugee girls in Jordan, 35% get married before they turn 18 [8]. This practice limits girls' opportunities and aspirations, particularly in education and employment. Jordan ranks second to last globally in women's economic participation, ranking 145 out of 146 countries economically according to the Global Gender Gap Report [9].

The legal system allows mitigating excuses for honor crimes, with 15 to 20 women and girls killed by family members every year for violating social norms and expectations.

2. Discriminatory Laws against Women and Girls:

A. The Personal Status Law (PSL) No. 15 of 2019 in Jordan

The law is heavily influenced by religious principles, is predominantly interpreted and enforced by male-dominated religious institutions. This results in a gender disparity in decision-making roles within these institutions, with women largely excluded. This extends to both Islamic and Christian religious institutions, which oversee personal status issues for their respective communities. According to the Social Institutions and Gender Index (SIGI), laws pertaining to divorce and inheritance are 100% discriminatory against women and girls.

Key discriminatory laws within the PSL include:

Article 61: A wife can only work outside the home and receive alimony if her husband gives explicit consent under specific conditions.

Article 10: Allows religious judges to marry off girls under 18 years of age, permitting marriages for girls as young as 15.

Article 13: Allows a man to marry up to four wives (polygamy).

Article 173 (B): A mother loses custody of her children if she remarries a non-relative.

Article 223: The father is the legal guardian of his children, not the mother.

Article 279 (D): The children of a deceased daughter are not entitled to inheritance when the grandfather passes away, unlike the children of a deceased son.

Article 292: In matters of inheritance, a son inherits twice as much as a daughter.

Article 30 (4): A Muslim woman cannot marry a non-Muslim man.

Divorce: A wife must provide valid and legitimate reasons for seeking a divorce, while a husband does not.

Marriage approval: A woman getting married for the first time requires the approval of a male guardian, while a man does not.

Divorce by women (Khulu'): Women can divorce their husbands through Khulu', but they must return the dowry and renounce all financial rights.

B. The Jordanian Penal Code No. 16 of 1960 and its amendments

The law is rooted from the 1858 Ottoman Law and influenced by the French Criminal Law of 1810, contains several articles that discriminate against women:

Article 62 (2) allows parents to discipline their children in a manner that does not cause harm, according to public norms, potentially permitting child abuse.

Marital rape is not criminalized. Article 292 excludes wives who might be raped by their husbands from seeking judicial recourse.

Abortion is criminalized under Articles 321-325, even for women and girls who have been raped.

The 1954 Crime Prevention Law uses administrative detention as a "protective" measure for women at risk of being killed by family members, placing them in an inferior position.

Articles 97 and 98 provide mitigating excuses for crimes. Article 97 reduces penalties for felonies that carry the death penalty to at least one year of imprisonment. However, the mitigating excuse cannot be used if the act is committed against a female outside the provisions of Article 340.

The 2017 amendment to the Penal Code prevents the perpetrator from benefiting from the mitigating excuse if the act is committed against a female, but it still allows the use of the excuse if it falls within the scope of Article 340, which justifies certain killings of women.

Articles 99 and 100 regulate mitigating factors, reducing punishments for certain felonies and allowing the court to convert imprisonment into a fine and criminal penalties into penalties for misdemeanors.

C. The Jordanian Nationality Law No. 6 of 1954

Despite recent amendments, continues to discriminate against women. While it now allows women who renounced their Jordanian nationality to regain it without requiring a divorce or the husband's death, it still only permits men to confer nationality to their children and spouses. This violates the equality and non-discrimination principles set forth in the CEDAW convention, particularly Article 9 (2).

In 2014, the Jordanian government approved "Mazaya" privileges for children of Jordanian women married to non-Jordanians, granting them access to public and higher education, jobs, driver's licenses, healthcare, and business ownership. However, these privileges have not been fully implemented, and children of Jordanian mothers married to non-Jordanians still face difficulties in obtaining IDs due to the complications and high costs of required documents.

Despite these privileges, discriminatory practices persist. Children of Jordanian women married to non-nationals face obstacles in obtaining a driving license, are not allowed to work in governmental agencies, and Jordanian women are unable to include their children in their passport. Furthermore, these children are considered foreigners and cannot donate blood even to their mothers or relatives without paying a fee.

D. The Jordanian Labor Law No. (8) of 1996

Despite amendments, does not fully guarantee equal rights and access for women in the workforce. The law lacks specific provisions prohibiting gender discrimination. In 2020, amendments were made to prohibit unequal pay, but a significant gap remains, particularly in the private sector. Paternity leave of

three days was introduced, and provisions were established for hiring disabled employees.

However, legal restrictions on the types and working hours of professions for women, such as prohibiting them from working in mines, quarries, and certain manufacturing industries, still exist. These restrictions are based on perceived physical delicacy of women, limiting their career choices.

In 2017, regulations on flexible work arrangements were introduced to increase employment opportunities, particularly for women, and to help balance work and family responsibilities. However, these arrangements require employer approval and only apply to specific employee categories. Despite informal implementation by many employers, the regulations have not been widely adopted due to lack of awareness and the need to revise employers' bylaws and employment contracts. There is a call for incentives for employers and raising awareness to encourage greater adoption, and to ensure that flexible work arrangements do not negatively impact employees' social security entitlements.

3. Economic Participation:

The official rate of women's economic participation is low at 13.8%, but this figure may underestimate the reality, particularly in the informal sector where 27% of women are represented. Informal workers often lack legal and social protection and face subpar working conditions.

Women in the workforce often earn lower wages than men, with a significant gender pay gap in the private sector where women earn 41% less than their male counterparts. Despite the National Strategy for Jordanian Women (2020-2025) emphasizing women's economic empowerment, implementation remains insufficient, resulting in Jordan ranking second-to-last in women's economic participation, rating 145 among 146 nations.

Persistent social norms and laws, such as the Personal Status Law, hinder women's involvement in the labor market by reinforcing the expectation that men are the primary breadwinners. The Social Institutions and Gender Index (SIGI) indicates that women encounter 75% discrimination in laws concerning their freedom of movement and 100% discrimination in laws related to workplace rights.

Although Jordan committed to a Decent Work Country Program in 2006 and has ratified 26 international labor conventions, a gap exists between policy and practice, leading to a discrepancy between stated objectives and actual conditions on the ground.

4. Political participation:

Women representation in power circles remains limited. As of 2019, women accounted for only 1.2% of legislators, senior officials, and managers, 15% in the Cabinet, and 20% in diplomacy, with only 11% serving as ambassadors. In the judiciary, women's participation has increased, but they are primarily in lower-level positions, with no female judges in the Sharia Courts. Women represent 34% of professional union membership but only 8% of professional union boards, and their participation is particularly low in chambers of commerce (0.5%) and chambers of industry (8%). Women account for 35.5% of membership in political parties, compared to 64.5% for men.

The 2018 Women in Parliament Index ranks Jordan 129 out of 193 countries, with women representing 12% of Parliament Members in both the upper and lower houses. However, beyond a 15-seat quota, only one woman was able to secure a seat by competition after the death of the male parliament member who got more votes than her in the recent 2020 election. Female politicians face numerous challenges, including a lack of political reform, corruption, skewed understanding of gender politics, and more media scrutiny compared to their male counterparts. Current legal constraints also prevent adequate support for female candidates, ensuring the legislature remains largely male-dominated.

Recommendation:

- Develop a comprehensive gender equality law that ensures protection from violence and eliminates discrimination against women and girls, with a clear timeline for its implementation and review.
- Undertake a thorough review of all existing laws and legislations within the next two years to identify and rectify any inconsistencies with the amended Jordanian constitution, focusing on ensuring gender equality and non-discrimination.
- Repeal Article 340 of the Penal Code and amend Article 292 within the next legislative session to include marital rape under the definition of rape.
- Reform the Personal Status Law to ensure equal rights for women in matters of marriage, custody, divorce, and inheritance, and specifically amend Article 36 to prohibit child marriage.
- Lift reservations on Articles 9 (2) and 16 paragraph 1 (c), (d), and (g) of the CEDAW within the next two years, ensuring full civil rights and equal treatment for children of Jordanian women married to non-citizens.
- Implement the United Nations Resolution No. 1325 by activating the national action plan for the prevention and protection from gender-based violence within the next year.
- Ensure full implementation of ratified international conventions related to gender equality and women's rights at the national level within the next five years.
- Launch comprehensive public education programs to raise awareness about the importance of gender equality, dispelling traditional biases against women's participation in public life.
- Increase women's access to credit and capital to enable them to confront violence and achieve economic independence.
- Establish robust enforcement mechanisms to ensure effective implementation of gender equality laws and policies, including oversight bodies and improved reporting mechanisms.
- Organize ongoing training programs for members of the judiciary to ensure their understanding of gender issues and enable them to apply the law in a gender-sensitive manner.
- Increase penalties for perpetrators of violence and "honor" crimes to deter such crimes.
- Repeal provisions of the Civil Status Law that define the head of the family within the next two years.
- Establish more multi-sectoral services and safe spaces for survivors and those at risk of gender-based violence within the next two years.
- Amend the Jordanian Constitution to explicitly prohibit gender-based discrimination, ensuring that all laws align with this principle.

- Amend the Nationality Law No. 6 of 1954 to allow Jordanian women to confer nationality to their children and spouses, in line with CEDAW Article 9 (2).
- Review and amend the Personal Status Law No. 15 of 2019 to ensure gender equality in matters related to marriage, divorce, custody, and inheritance.
- Amend the Labor Law No. (8) of 1996 to explicitly prohibit gender discrimination in the workplace, ensuring equal pay for equal work and equal opportunities for career advancement.
- Implement a comprehensive strategy to increase women's representation in all levels of government to 50%.
- Strengthen laws and enforcement mechanisms to combat violence against women, including domestic violence and so-called "honor crimes".
- Amend the Penal Code to criminalize marital rape, providing legal protection for all women.
- Implement stricter laws and regulations to combat sexual harassment in the workplace, providing a safe and respectful environment for all employees.
- Amend the Personal Status Law within the next year to raise the minimum age of marriage to 18 for both genders, with no exceptions.
- Review and amend the Personal Status Law to limit the practice of polygamy, ensuring the protection of women's rights.
- Implement a strategy to increase the representation of women in the judiciary, including in Shari'a courts.
- Encourage the inclusion of women in decision-making roles within religious institutions.
- Promote flexible work arrangements to help women balance work and family responsibilities, without negatively impacting their social security entitlements.
- Implement a national strategy to increase the availability and affordability of childcare services, enabling more women to participate in the workforce.
- Develop and implement a plan within the next three years to provide safe and affordable transportation options for women, facilitating their participation in the workforce.
- Encourage private sector investment in industries and sectors that employ women.
- Implement mandatory gender sensitization training for all government employees to promote a gender-equal work environment.
- Increase funding and support for services addressing gender-based violence, aiming to expand their reach and effectiveness.
- Implement a strategy within the next five years to increase the representation of women in diplomacy, aiming for 50% representation.
- Encourage media outlets to portray women in diverse and empowering roles, aiming to reduce gender stereotypes.
- Implement gender-responsive budgeting in all government departments to ensure equitable allocation of resources.
- Incorporate gender equality education in school curricula to promote gender equality from an early age.
- Implement programs within the next three years to encourage girls and women to pursue education and careers in STEM fields.
- Implement and expand programs to support women entrepreneurs, aiming to increase the number of women-owned businesses.

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