

Shadow NGO Report to CEDAW Committee Jordan

**Evaluation of national policy, measures and actual facts
on violence against women**

Forwarded to CEDAW Committee
By a Group of NGOs

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**VIOLENCE AGAINST WOMEN IN JORDAN
NGO ALTERNATIVE SHADOW REPORT on JORDAN'S
SUBMISSION TO THE CEDAW COMMITTEE**

1. OVERVIEW: CEDAW AND VIOLENCE AGAINST WOMEN IN JORDAN

1.1 Ending violence against women: a CEDAW imperative for Jordan's government

The prevalence of violence against women represents one of the greatest challenges to Jordan's government today. Not only is violence against women a threat to the human rights, personal security, and human potential of millions of individual Jordanian citizens and residents, but gender violence also undermines the State in its goals to ensure rights and protection under the law, human progress in education and health, and economic prosperity.

The UN Secretary General's report attributed the roots of violence against women to historically unequal power relations and pervasive discrimination in both the public and private spheres.¹ For this reason, CEDAW—the 1979 Convention on the Elimination of All Forms of Discrimination Against Women—is instrumental in Jordan's eradication of violence.

1.1.1 Monitoring and improving Jordan's compliance with CEDAW vis-à-vis violence

Jordan signed on to CEDAW in 1980, one of 185 nations to date. Countries that have ratified or acceded to the Convention are legally bound to put its provisions into practice.² The State's reporting on its implementation of CEDAW presents a parallel opportunity for Jordanian NGOs to propose key steps that would improve the Jordanian government's compliance and make a needed and substantial impact on violence against women.

1.2 Incomplete ratification of CEDAW, reservations still attached, allows more violence

In 1992, the government of Jordan ratified the UN Convention on the Elimination of All Forms of Discrimination Against Women, subject to reservations on Articles 9.2, 16(1-c-d-g), and 15.4, chiefly concerning women's nationality, marriage and family relations, and movement of persons. However, in the 15 years since CEDAW's ratification, no advance has been made on these issues. No steps have been taken to bring the ratification before the Jordanian Parliament for final approval, nor has CEDAW been published in the Official Gazette to make it legally binding on national legislation. The government of Jordan has not lifted its reservations from the specific articles of the CEDAW convention. The NGOs issuing this shadow report urge the Jordanian government to complete the final steps of ratification, with all reservations lifted. Reserving the right to deny women equal rights concerning nationality, marriage/divorce, and housing/residence inevitably condemns more women to endure abusive homes, marriages, threats from relatives, poverty, and vulnerability to harm. It contradicts the work being done

¹ *Ending Violence Against Women: From Words to Action*, Study of the UN Secretary General, October 2006

² UN Division for the Advancement of Women, CEDAW: <http://www.un.org/womenwatch/daw/cedaw/>

across the world and the seriousness of the issue as demonstrated by the Secretary General in the UN's 2005/6 report.³

1.2.1 Recommendations from CEDAW Committee to the government of Jordan

In 2000, the CEDAW Committee issued key observations and recommendations for action by the government in response to Jordan's 1st and 2nd combined report on compliance with the Convention. Expressing concern over the Jordanian government's laws and procedures related to women's rights and protection from all forms of discrimination, the CEDAW Committee asked for real efforts by Jordan to:

- Amend legal and social practices to control violence
- Address alarming habits, traditions, cultural practices and stereotypes which affect attitude towards violence against women
- Enact law criminalizing violence
- Expedite approval of CEDAW to become legally binding as national law
- Expedite political participation of women
- Stipulate equal pay for equal work in the Labour Law
- Amend Nationality Law to provide women equal rights to men's
- Amend Penal Law to criminalize violence against women (specifically, domestic violence and honour crimes), make these and the divorce laws permanent, not provisional
- Strengthen Jordanian National Commission for Women (JNCW)

1.2.2 Positive procedures toward compliance with CEDAW Committee recommendations

It is important to recognize the State's actions and steps to comply with several of the CEDAW Committee's recommendations and observations. Jordanian NGOs have noted the government's fulfillment of the following:

- In 2007, 20% of the seats in the Municipal Councils were assigned for women. In the same year, all Municipal Councillors were elected through national suffrage. Previously, half of the members were appointed.
- Women's political representation in Parliament was expedited through affirmative action, including a quota of six seats designated for women among the 110 seats in the Chamber of Deputies. In 2003, a total of seven women were appointed to the upper house of Parliament. Women were also appointed as Ministers, Ambassadors, and Mayors.
- Parliament approved the Convention of the Rights of the Child (CRC) to become legally binding as a national law. Procedures to incorporate articles into national laws are still slow.
- Four other international human rights conventions were published in the Official Gazette, namely: the 2 protocols of the Human Rights Declaration, the Convention against Racial Discrimination and the Convention against Torture.
- In the government's support of micro-finance initiatives, 70 % of the credit clients and entrepreneurs are women.

³ *Ending Violence Against Women: From Words to Action*, Study of the UN Secretary General, October 2006

- Several amendments to Jordanian Labour Law No. 8 (1996) have improved women's rights to childcare in the workplace, maternity leave, parenting and spousal leaves of absence from employment, and breastfeeding.

These are important and necessary examples of compliance and progress. However, the level of representation of women in Parliament does not respond to the demands of Jordanian women and does not comply to a satisfactory extent with the recommendation of increasing the participation of women in political life. A true critical mass of diverse women in Parliament will foster more gender-sensitive legislation that establishes rights and provides protection for women who are subject to violence.

On a positive note, there is certainly a critical mass of women entrepreneurs among the micro-finance initiatives. Women benefit in two ways from access to micro-finance capital—they will not find themselves mercilessly dependent on a spouse should he become abusive, and they will have the self-sufficiency and self-esteem to provide for themselves and their children if it becomes necessary to survive as a single parent.

Finally, the ratification by Parliament of several international human rights conventions helps remove the stated hurdles preventing approval of CEDAW; the Government Report suggests that Parliament's long hiatus led to a backlog of legislative proposals, among which priority was given to economic pacts.⁴

1.2.3 Non-compliance with CEDAW Committee recommendations

To date in 2007, several of the CEDAW Committee's recommendations remain unaddressed, and their concerns remain current.

For example, the Jordanian government states that it has undertaken limited policies or procedures to challenge “the persistent stereotypical attitudes about social roles.” This fails one of the recommendations given by the CEDAW Committee in 2000 that currently remains unaddressed.⁵

Moreover, the Government Report reinforces precisely these stereotypical attitudes about social roles by describing Jordanian society as “patriarchal in nature and women play a secondary role compared to men in family and in society.”⁶ The effect of this statement is to suggest that discrimination is rooted and perpetuated culturally, and not by institutions or power of the State. Such rationalization misleadingly blames gender discrimination and violence specifically on popular tradition, media influences, social education, family and tribal pressure. By distancing any role of the state, violence can be construed as a personal matter to which no outsider has any right to interfere. Such impunity would make Jordan's agreement to CEDAW contradictory, even hypocritical.

⁴ *Combined third and fourth reports of States Parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination Against Women*, Article 1, Paragraph 13, page 6

⁵ *Combined third and fourth reports of States Parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination Against Women*, Article 5, Paragraph 56, page 21

⁶ *ibid*, Article 5, Paragraph 56, page 21

1.2.4 Other negative policies, procedures, or failures to act by the Jordanian government

By not addressing and remedying key recommendations from the CEDAW Committee, the government of Jordan restricts the rights and advancement of women, and consequently curtails the progress and development of the nation. Violence in particular has a cascading and intersectional impact, causing damage in individual and family lives and amassing an institutional burden. At both the public and the private levels, without comprehensive interventions violence replicates and perpetuates itself through generations.

Some of the State's omissions and failures to enact the CEDAW Articles include:

- Inadequate protection mechanisms for women victims of violence (Articles 2, 6)
- CEDAW has yet to become legally binding in Jordan, nor has the government lifted its reservations, particularly on the Nationality Law (Articles 2, 3, 9, 15, and 16).
- No Law has been approved for criminalizing discrimination and violence toward women and girls (Articles 2, 3).
- Parliament rejected several decrees and legislation proposals that would have provided greater equality between men and women (Articles 2, 3, 15).
- Jordan lacks a constitutional Court to contest discriminatory laws as unconstitutional (Articles 2, 15).
- Family-based violence against women in the name of “honour” is a serious problem in Jordan, and women victims of sexual violence face numerous gender-specific legal and social obstacles (Articles 2, 3, 5, 6, 15).
- Illiteracy among women is up to 16%, while among men it is just 5.7% (Article 10).
- 58 % of Jordanian women who do not use contraceptives attribute this decision to their husband's opposition. Only 18 % of married women using contraceptives stated that the decision was made without their husbands' interference. A husband's approval is needed for tubal ligation (Article 5, 12).
- No Law criminalizes domestic violence (Articles 2, 3, 5, 6, 16).
- No gender-disaggregated data gathering has been initiated (Articles 3, 4, 5, 10, 11, 12, 13, 14, 15, 16).⁷
- Social customs continue to confine family property to the males of the family, exerting pressure on women to waive portions of inheritance, especially property, in favour of their brothers (Articles 5, 11, 13).

⁷ *Combined third and fourth reports of States Parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination Against Women*, Article 1, Paragraph 6, page 4

Links to Violence: The Impact of the Unequal Nationality Law on Women

Women in Jordan continue to be denied nationality and citizenship rights that are equal to those guaranteed to men, in violation of CEDAW's Article 9. The Jordanian Law on Nationality (1954) states that for children to have Jordanian nationality, the father must be Jordanian. This excludes a Jordanian mother from passing her citizenship directly to children she bears from her own body if she happens to be married to a non-Jordanian citizen. She is also prohibited from passing her citizenship to her husband. In the event that a Jordanian woman separates from a foreign-born husband, she may be unable to gain residency permits for her children to join her in Jordan. In contrast, a Jordanian man is permitted to pass his nationality to a non-Jordanian wife after a 3-5 year period.

When viewed through a lens about domestic violence, this means that a Jordanian woman married, divorced or separated from a non-Jordanian man may find it necessary to live outside the country to be near her children, ending up isolated from the shelter of family or friends. A Jordanian wife may be compelled to risk staying in an abusive marriage with a foreign spouse rather than leave her children behind. The economic and immigration difficulties that arise from family members being unable to live as citizens in Jordan also bears a risky burden on a Jordanian mother, putting her more at risk of the factors that trigger or exacerbate domestic violence and increase her vulnerability to harm. The husband must leave and come back every 3 months, looking for work, as the wife operates as a single mother. Furthermore, the children of a Jordanian woman and a non-Jordanian man do not have access to school enrolment rights, social entitlements, and political rights in Jordan, even if they are born and raised there.

The Jordanian Government Report maintains its reservation on Article 9.2 of CEDAW (States Parties shall grant women equal rights with men with respect to the nationality of their children), stating that political considerations have obliged the government to take this stand and that "nationality of two Arab States simultaneously is not permissible under a decision of the League of Arab States."⁸ This justification is troubling, as alternatives that do not stipulate discrimination against women's rights are obvious and available, and similar laws have been revoked in Egypt, Morocco, Tunisia, and Algeria. Furthermore, the policies of the Arab League are irrelevant for Jordanian women whose husbands are citizens of countries other than an Arab State. Given the current era of globalization and the reality that Jordan's population significantly consists of refugees, marriage between people of different nationalities has become a much more common event. We urge the State to update its Nationality Law in compliance with CEDAW Articles 9.1 and 9.2 as well as in recognition of the contemporary reality facing many families within Jordan's borders and beyond, if bred or wed to a Jordanian woman.

1.3 CEDAW and violence against women in Jordan

The state's insistence on harmful deprivation of rights concerning nationality, marriage/divorce, and housing/residence for women, plus its omission of laws criminalizing domestic violence and the delay of the final ratification of CEDAW constitute a violation of Article 2: "to pursue by all appropriate means and without delay a policy of eliminating discrimination against women." We

⁸ *Combined third and fourth reports of States Parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination Against Women*, Article 9.2, Paragraph 94, page 34

offer a set of detailed responses to the Government Report across the CEDAW Articles, bearing in mind the intersectional link violence has across society's public and private spheres.

2. EVALUATION OF PROCEDURES TO END VIOLENCE AGAINST WOMEN

2.1 Ending violence: civil society as CEDAW's constituents and advocates

Women's rights groups in Jordan have learned to deal with violence as a political issue and to link violence to women's legal rights and status. Exercising Article 7, NGOs and women's rights advocates have made great strides in placing women's rights at the centre of national political debate. A number of NGOs have had much success breaking the silence on the issue of domestic violence by lobbying decision-makers to denounce violence and by increasing debate in the media. Civil Society activities include lobbying for legal reforms, enforcement of legal rights, and better protection by government and law enforcement.

Much more than a private matter for women, violence persists as an issue in communities and institutions, delivering a negative impact on Jordan's development and progress as a nation and society. The consequences of violence on economics or health have private and public impact, not only affecting the lives of women and children but also the entire society by disrupting productivity and advancement.⁹ Therefore, the Jordanian government and populace should consider violence against women not only a civil crime against individuals, but also as a threat to social progress and prosperity. With this perspective, many more stakeholders have a responsibility to confront violence against women at its furthest roots. State has to recognize violence as a public matter, support the efforts of NGOs in fighting VAW and inequalities.

2.2 Laws, procedures, measures affecting impact-areas of violence and discrimination

Violence against women affects health, education, social status, economic situation, political participation and above all legal equality and equity. Legally, women in Jordan continue to be denied equal rights with men and face gender-based discrimination in the Family Law, Nationality and Citizenship Law and in the Penal Law. Moreover, hundreds of provisions of Civil Service Ordinance pensions and Social Security benefits deprive women of equal rights. As concerning violence, no Law for incriminating discrimination or violence is introduced or even drafted for discussion. Therefore, through the lens of the CEDAW Articles, we present a review of how the Jordanian authorities are dealing with challenges in these impact-areas and what actions they are taking or not which have the potential to mitigate or exacerbate violence against women.

2.2.1 Constitutional rights of women in Jordan: to prosecute or not to prosecute on VAW

According to the Jordanian constitution, men and women are equal in rights and duties.¹⁰ However, the constitution does not offer women the explicit right or law to live free from violence. Furthermore, there is discrimination in Jordanian laws and in the ways they are implemented regarding economic rights, social security, divorce, custody, and inheritance.

⁹ *In-depth Study on All Forms of Violence Against Women*, UN Secretary General's report, Paragraph 184, page 53, October 2006.

¹⁰ Article 6(1) of the Constitution states: "All Jordanians are equal before the law. There shall be no discrimination among them as regards their rights and duties on grounds of race, language, and religion."

Violence practiced by husbands against their wives commonly goes unpunished. Wives are fearful of filing complaints of domestic abuse (under the general law of assault & battery) because society rejects this behaviour of hers, rather than condemning his. If she reports the abusive incident, the wife will be ridiculed and met with indifference by police officers, the very ones responsible for issuing the report to start a penal process. Consequently, this can undermine her right to take the case to court. If the court looks into her complaint, the judge's decision will be influenced by the aforementioned factors and the verdict won't be serious enough to stop the aggressor. Restraining orders do not exist in Jordan, and Shari'a courts require a woman to produce two male witnesses to prosecute the case.

The National Council for Family Affairs conducted a Study on Domestic Violence: Knowledge, Attitudes and Society. Their results found that 50.5 % of the female interviewees stressed that they do not report violence against them, as a result of uncertain, unfair procedures taken by the governmental departments such as the police and the court system. Respondents felt that these institutions are not dealing seriously with cases on violence against women. Also in the study, 42 % see that procedures taken by the court are not adequate and do not prohibit abusers from repeating the assault and in more merciless ways.

Improving these mechanisms of protection for women victims of violence will bring Jordan into compliance with CEDAW Articles 2, 3, 4, 6.

2.2.2 Rights of Domicile/Residence: Personal Status Law, Article 37

Jordan's Personal Status Law, Article 37, states "a wife shall, once she receives the immediate dowry, obey and move to live with her legal husband any where he wants, even if this is outside the Kingdom provided that she is well secured and the marriage contract does not include any conditions other than that. If she refuses, she will lose her right to alimony."

This article of Jordanian law is in contradiction with CEDAW's Article 15 guaranteeing equality in legal and civil capacity, specifically paragraph 4 which states that "member states shall grant both men and women the same rights in terms of the law related to the mobility of people and the freedom in choosing their place of residence." Jordan in its reservations to the ratification of CEDAW stated that women's residency should be in her husband's house, and has not made any overture to withdrawing this reservation. The latest Government Report uncompromisingly states that Shari'a law governs the Personal Status Act and stipulates that a woman must live in her husband's domicile and accompany him if he changes domicile.¹¹

A woman has the right to insert in her marriage contract an exemption from this requirement, but the law will not guarantee this for her unilaterally. This unequal law punishes women victims of violence in particular by conjoining them to abusive marriages, by imposing the threat of relocation away from family and community support, and depriving them of alimony if they choose separation. We demand no less than unequivocal compliance with CEDAW Article 15.4, lifting Jordan's reservations with ratification of the Convention.

¹¹ *Combined third and fourth reports of States Parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination Against Women*, Article 15.4, Paragraph 240, page 88

2.2.3 Economic Situation

The Government Report acknowledges that the percentage of women in the nation's labor force has decreased, from 13.6 % in 1997 to just 10.4% in 2004. The reciprocal impact of women's economic status and gender-based violence is evident in Jordan. Violence undermines the factors for a woman's success in a job, enterprise, or vocation, affecting her wellness, self-esteem, availability, job performance, ambitions, access to financial resources, transportation, and opportunity. Rather than contributing to the family economy and national GDP, an abused woman is more likely to be less productive and will have needs that require greater social spending on hospitals, police, courts, and crisis response systems.

CEDAW emphasizes economic rights in Articles 11, 13, and 14. Several laws in Jordan require updating and revision in order to come into compliance with the Convention:

- Stereotypical traditional practices in Jordan place certain restrictions on the hours women can choose to pursue certain professions. As a result women's economic participation is concentrated in the socially accepted professions for women such as nursing and teaching.¹²
- No provisions specifically prohibit gender discrimination in labour opportunities or in the workplace.
- Gender plays a key role in determining eligibility for benefits. The Department of Civil Service Ordinance discriminates against women by unequally distributing certain benefits for men, such as the family allowance and cost-of-living allowance, which are not provided equally for women.¹³
- The Jordanian government does not recognize women's rights to pass on her retirement and social security benefits unless certain conditions are met. Women can pass their retirement pension, in the case of their death, to their sons, daughters, sisters, brothers and parents with the same conditions that apply to men. Yet, the retirement pension cannot be passed to the husband/widower unless he is totally disabled and has no income of his own.¹⁴
- Many women work in sectors not regulated by the labour law and therefore cannot enjoy the protection or benefits afforded by the law. Article 3 of the Labour Law states that it doesn't apply to:
 - domestic labour workers,
 - gardeners,
 - cooks and those in the same capacity,
 - Family members of the owner of a business who work in his projects without receiving pay.
- Sexual harassment in the workplace is not explicitly defined as forbidden in Jordanian Legislation.

¹² "Women's Rights in the Middle East and North Africa: Citizenship and Justice," Freedom House

¹³ "Women's Rights in the Middle East and North Africa: Citizenship and Justice," Freedom House

¹⁴ Jordanian Social Security Law No. 19 (2001)

- No social security is provided for the unemployed.
- No health insurance is provided for workers in the agriculture (mostly women).
- No health insurance is provided for workers in private sector and women in factories.

Several amendments to Jordanian Labor Law No. 8 (1996) have improved women's rights to childcare in the workplace, maternity leave, parenting and spousal leaves of absence from employment, and breastfeeding.

2.2.4 Political Participation:

The political participation of women in Jordan is still undeveloped and not regarded as a priority by government. Also, no significant procedures have been enacted to implement CEDAW's Article 7, Paragraphs a, b, and c. Women in Jordan are absent and invisible in political life which results in the woman's absence from the management of societal issues. This consolidates male ruling power, particularly in politics and decision making, which leads to the adoption of male thinking and neglect of women's needs. This dynamic is an impediment to women's access to and control over power and resources, and it strengthens discrimination against women and the stereotyping of women's roles.

A few women are represented in senior positions in the government. Earlier in 2007, the government of Jordan appointed the first woman as a head of a court. Except this new appointment, there is no female judges serving on the bench of the Court of Cassation, the Court of Grand Felonies, or Jordan Shari'a courts. This omission of women from public life also contradicts CEDAW Article 7: "States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right."

As a result of a one-person one-vote electoral system, women's participation in Parliament as voters and candidates is insufficient in Jordan, and the recent Election Law lessened women chances to win seats through candidacy. In 2003, the Council of Ministers issued a quota for women's representation in Parliament, and can apply it in consecutive elections if it is deemed in public interest. However, women gain only 6 seats out of 110 through this quota. Although a 20% quota was issued by the Law of Municipal Councils for women this year, the municipal Election Law was changed to be one-person one vote which will have negative impacts on the election of women as candidates.

The percentage of women participating in the political parties 9%¹⁵. The number of women in all political parties is 372 out of 4116.¹⁶ according to the Jerusalem Centre study on the status of women in the political parties, no woman act as a General Secretary of any party and few women are found in the executive boards of these parties or senior positions.

Further, when parties choose women representatives, they prefer those with submissive voice rather than the female liberal's opposing vote. Most strong liberal women politicians are out of

¹⁵ Women status in the Jordanian Political parties study, Jerusalem Center

¹⁶ Ibid

political life as they have experienced years of exploitation and abuse of their rights in the political parties.

Women's participation in professional associations is underrepresented at senior positions. In some associations, no woman is found on the executive committee or board of directors and in almost all there is representation by the presence of one woman and at most two. The underrepresentation of women in leadership roles of professional associations is also related to the number of active and employed women in these associations which is half or less of men in most of these associations.

The refugee woman in Jordan faces political violence as a result of non-recognition of her right to return to her homeland, in addition to difficult living conditions as a displaced person. Refugee women as well as migrant women are victims of wars, occupation and conflicts in our region. Since 1948's Israeli-Arab war, continuous aggressions from Israel, and the occupation of the West Bank in 1967, Palestinian women refugees have been living in refugee camps in Jordan. UNRWA in Jordan is providing relief and work for approximately one million Palestinian refugees living in 13 Palestinian Camps. However, women are suffering the burdens of social and political segregation, discrimination and violence. Government has yet to develop strategies to meet with the needs of refugee women in these camps.

Further, there are certain laws related to the public political life in Jordan that have a major impact on women political participation as a whole, such as:

1- Freedom of Assembly

According to Jordanian Law of Public Gatherings, organizers of events must obtain written approval from the governor after a request that must be submitted at least three days before and must include the names of the applicants, their addresses, signatures and the purpose, time and place. Police are sent to attend.

2- Freedom of Association

Professional associations and NGOs have come under pressure to abstain from engaging in political activities.

3- Freedom of Expression:

Government limits freedom of expression. It owns majority of broadcast media has power to close print publications and often censors potentially offensive articles.

All publications must be licensed by the government. The government has the power to issue fines, withdraw licenses, order media shutdowns and control editorials in newspapers. This fosters self-censorship among journalists rather than freedom of expression.

4- Political Parties Law

In 2007, a new Law was approved by Parliament with several prohibitions, in general, to founders, procedures and government interference. Previously women participated in the founding bodies of 28 of Jordan's 31 Political Parties representing 7 percent of the total number.

2.2.10 Social and Cultural Status

Violence against women remains a serious problem and protection mechanisms for women victims of violence are inadequate, especially in crimes related to 'honour.' Men and women receive different legal and social treatment based on their gender. In case of 'honour' crimes, women whose lives are threatened by their families are placed in prison for their protection. Their release is conditioned upon the consent of a male relative. When the government launched a shelter that was supposed to include these women, they were in fact excluded.

Said shelter is affiliated directly to the Family Protection Department, intended for victims of child abuse and sexual assault, and in limited degree domestic violence. Because FPD is a police unit, women who are unwilling to incriminate their abuser are inhibited from seeking shelter there. NGOs are not allowed to refer cases directly to the shelter—all must report to Family Protection Department first.

Victims of sexual assault, rape and homicide often waive or drop charges to avoid social stigma. In most cases, a victim of rape and molestation will avoid punishment if he marries his victim. There are no clear procedures to ensure the victim's consent to such a marriage.

A major effort in Parliament failed to repeal and only succeeded in amending Paragraph 1 of Article 340 of the Jordanian Penal Code, which gave impunity to a man who kills or injures his wife or one of his female kin whom he has just caught committing adultery. The new amendment drops the impunity clause and replaces it with "extenuating circumstances." Therefore, the husband or male relative can be liable to punishment, whereas before the amendment he was exempted and considered not guilty. The amendment has also introduced the same punishment for a wife who kills or injures her husband and/or his partner under similar circumstances but conditioned for women to take advantage of the reduction is that the adultery of the husband to be in the marriage bed. However, these amendments to the article 340 of the penal code were not in compliance with the civil society groups whereas they asked to cancel this article from the penal code and not guarantee the reduction in the penalty for women and men.

Unfortunately, both the amendment and Article 340 still give justification to violence against women and even forms of homicide under the cultural notion of 'honour crimes.' Although this article is not implemented year-round, it gives people something to think about the possibility of the murderer getting away with his crime.

Polygamy is allowed in Jordan for Muslim men with certain obligations such as informing the second wife of the first marriage and notifying the first wife of her husband's second marriage. If a man can satisfy "financial and legal" requirements, he can be legally married to up to four wives at one time.

Divorce: The previous law on "Qulu" (the wife's right to divorce provided that she returns the dowry) is conditioned by the approval of the husband. If he refuses, the wife looks for other reasons to get rid of her marriage life. Nevertheless, the modification gave the wife the right to put an end to her marriage upon her request if she was obliged to continue suffering in her marriage after she returns the dowry. Qulu (divorce law) is still provisional, and low-income

women lack the economic resources to take advantage of the process while supporting themselves. This law also does not provide women with the same facilitation for men in case of returning the dowry. While men can pay it in installments women have to pay the entire amount directly when registering a Qulu case.

2.2.11 Health

Violence places a direct impact on women's health, reproductive health, maternal mortality, and the financial burden placed on the state as well as the family. Obtaining coverage for medical expenses is a problem for a large percentage of women in Jordan; particularly for divorced and widowed women. Social attitudes deny women autonomy over their reproductive health choices.

- Service providers of contraceptives insist on the approval of the husband though it is not required.
- A husband's approval is needed for tubal ligation.
- 58 % of the women who do not use contraceptives attribute this decision to their husband's opposition. Only 18 % of married women using contraceptives stated that the decision was made without their husbands' interference.
- Jordanian women have a high chance of becoming widowed or abandoned after the age of 55.
- Women in the private sector (big enterprises only) do not get health insurance for their husband and children. Meanwhile, women working in small enterprises, services, NGOs, etc. get no guarantee of medical insurance at all.

Jordanian law requires health care personnel to report any evidence of a felony or misdemeanor. We recommend that the Jordanian government allocate funds for the corresponding training of medical personnel to identify signs of violence. Health care providers are likely to be the first line of intervention for a victim of violence. Further training and collaboration is urged with police, courts, and state agencies.

The government also neglects recognizing violence against women in particular as a public health issue and hence no strategies, policies or instructions provided for addressing the health consequence of violence on women.

2.2.12 Education

A life free of violence requires women to understand how violence undermines their power and dignity and results in women having less control over their lives and maintain inferior status for women in the society. Therefore, women must first become aware of the ideology that concedes male domination and perpetuates violence against them. A life of free of violence starts from women being able to have access to new ideas and information.

There is a law for compulsory education till grade 10, but follow up and activating the punishment of parents who do not send their children to schools is not applied. In this case the gap between law and practice is quite clear:

- Illiteracy among women is up to 16%, while among men it is just 5.7%
- Drop-outs of girls 1.37 elementary stage and 1.87 in the secondary because many schools are a way off, early marriage or the new law
- Dropping out because of early marriage: the amended Article 5 of the personal status law states that in order for the marriage to be valid, the prospective husband and wife must be of sound mind and have reached the age of 18, whereas previously it used to be 16 for the husband and 15 for the wife. Nevertheless, the judge can give, under certain circumstances, a special permission for a marriage contract to be concluded between the prospective husband and wife if they have reached the age of 15.

According to the UNICEF- Amman office: The number of early marriages has decreased in Jordan since the introduction of the law in 2001 but the reduction has not been as high as was hoped. The total number has fallen from 20 percent of all marriages in 1998 (37,681) down to 15 percent of marriages (33,365) in 2004. This is believed to be because the legislation allows certain exemptions and the right to these exemptions is widely exercised.

Current practice indicates that a judge can still allow children under the age of 18 to marry and these exceptions are becoming more frequent, according to the UN agency.

However, UNICEF has commended the efforts made by the government, especially in raising the age of marriage of both boys and girls from 16 and 15 years respectively, to 18 years: "The negative impact of early marriage is depriving girls from education. The majority would drop out of school when married. There are also many health hazards for women's health from early pregnancy and higher risk of morbidity and mortality."

Early marriage also runs against core components of the Convention on the Rights of the Child. The Convention promotes a variety of rights including freedom of choice, the opportunity for personal development, health, well-being, education and participation of the child

NGOs and Awareness Programmes

Women NGOs have been working for the last 5 decades to promote the status of women's freedoms in all aspects of life. They have worked hard to engage the government, human rights advocates and civil society in issues related to gender equality, domestic violence, political participation and legal reforms, particularly women under family law and gender-based domestic violence.

In Jordan, NGOs are able to advocate openly for the promotion and protection of women's rights, but stated laws prohibit engagement in political activities (Association Law of 1966, which still governs NGOs registered at the Ministry of Social Development). While some issues such as "honour crimes", "women's reproductive rights" and "sexual harassment" are not topics to be discussed as they are regarded with scepticism and doubt. In Beijing 4th Women Conference, Jordan reserved on "sexual orientation" as stated in the Plan of Action.

To affect "change in the political and legal arenas," women NGOs are learning to reframe the women's rights issues of the current cultural context to adopt a right-based argument. Such a shift is necessary to create a move that would shift the terms of debate towards promotion of women's rights and the overall development of Jordan.

Women NGOs are actively involved in the implementation of awareness-raising projects and programmes in almost all fields. Some have moved through numerous advocacy programmes targeting communities and local leaders in remote areas. As of 2006, a surge of activities concentrated on the approval of CEDAW after it has been placed before the Parliament. In 2006, a special "Alliance for the Recognition of Women's Rights" was established to promote final approval of CEDAW. Since then, the Alliance started to campaign for awareness creation among the grassroots by collecting signatures for endorsing CEDAW.

3.1 RECOMMENDATIONS

3.2

1. Constitution

Amendment of Article 6 paragraph 1 in the Constitution to indicate equality according to sex. Women are equal to men in rights, according to article 6 of the Jordanian constitution: “Jordanian in front of law are equal, no distinction between them in rights and duties.”

2. Withdrawal of reservations

Expedite withdrawal of reservation on article 9.2 of CEDAW concerning Nationality Law before discussion in Parliament.

3. CEDAW Optional Protocol

Call for signing the Protocol.

4. National Machinery

Strengthen the legal position of the Jordanian National Commission for Women- JNCW, to be given the mandate to receive complaints against discrimination and violence.

5. National Strategy to end violence

- a. Policies that enact Laws to end discrimination and violence
- b. Dialogues with all stakeholders on incrimination gender and domestic violence.

6. Media

- a. Refrain from highlighting stereotypes and bad images of women
- b. Support NGOs awareness Programmes

7. General Actions to affect change that ends violence:

- A woman does not have the right to choose her place of residence because she is attached to her husband, which is in violation of Article 15.4 of CEDAW. The Jordanian government should lift its reservation on this article.
- The government and parliament should amend the Jordanian Personal Status Law to remove articles that do not ensure women equal rights with men within the marriage.
- New legislations should be enacted to prohibit gender-based discrimination in all levels of employment and benefits, and to establish enforcement mechanisms to file complaints of discrimination and sexual assault against women in the workplace.
- Education and training affect social values learned by children and should not be permitted to promote discrimination or stereotypical roles for women and girls: whether in textbooks that confine women's roles to family settings and traditional occupations, or to social practices,

whereby daughters take care of sisters and brothers, fathers are looked to as providers and decision-makers in financial matters, etc. Through education and training, we can establish health and education staff capable of detecting cases of violence and dealing with them. This will only happen through an academic system supportive of the issue of violence and is interested in it.

- Government should establish a department to observe the application of relevant laws, to ensure non-discrimination against low-income women, and ensure equal opportunities and pay for both men and women, with a focus on the circumstances of domestic workers, private sector workers, and temporary workers.
- The government should amend the electoral system and election law to avoid tribe control over the results of elections through the existence of one-person–one vote system.
- A broad array of allies must come together to engage shifts in public policy, practices, and private lives that will put an end to violence against women. As stated by the World Health Organization, "Reducing violence against women will take concerted and coordinated action by a range of different sectors (e.g. health and social services, religious organizations, the judiciary and police, trade unions and businesses, and the media)."

One example of a measure to improve the delivery of legal rights and protection to women is the establishment of women's police stations or women's police cells in India and several countries of Latin America. A hospital-based method in the UK and Malaysia provides sexual assault victims with medical and psychological services while linking them to professionals who initiate the complaint process with the police.¹⁷

- Government should incorporate “women under threat” at the national shelter (Reconciliation House) and ensure their protection without sending them to Jail.

¹⁷ *Good Practices in Combatting and Eliminating Violence Against Women*, UN Division for the Advancement of Women in collaboration with UN Office on Drugs and Crime, May 2005, p19

The report is endorsed by:

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2. Collation of Women Empowerment.
3. Amneh Helweh, activist and Karama Jordan coordinator
4. Alliance for the Recognition of Women's Rights (72 Women NGOs)