



EUROMED GENDER EQUALITY PROGRAMME

National Situation Analysis Report: Women's Human Rights and Gender Equality Jordan

***Enhancing Equality between Men and Women in the Euromed Region
(2008-2011)***

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List of Acronyms

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CIJD	Chief Islamic Justice Department
DV	Domestic Violence
EC	European Commission
EGEP	Enhancing Equality between Men and Women in the Euromed Region
ENPI	European Neighbourhood and Partnership Instrument
EU	European Union
Euromed	Euro-Mediterranean
EV	Economic violence
GBV	Gender-Based Violence
GE	Gender Equality
HKJ	Hashemite Kingdom of Jordan
JNCW	Jordanian National Commission for Women Affairs
NCFA	National Council for Family Affairs
PEV	Psychological and emotional Violence
PV	Physical violence
SV	Sexual violence
UNIFEM	United Nations Development fund for Women
VAW	Violence against women

1. Executive Summary

The programme “Enhancing Equality between Men & Women in the Euromed Region” referred to as the Euromed Gender Equality Programme (EGEP) is of three years duration (15 May 2008 - 15 May 2011); it is funded through the European Neighbourhood and Partnership Instrument (ENPI) and is implemented in the nine countries of the southern part of the EU neighbouring area: Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Occupied Palestinian Territory, Syria and Tunisia.

The programme has three main purposes:

- Purpose 1: Support and reinforce current dynamics that favour both de jure and de facto gender equality and that provide support to the promotion of women's rights in the region.
- Purpose 2: Improve understanding and knowledge of the various forms of violence against women
- Purpose 3: Ensure that the Istanbul ministerial conclusions on “Strengthening the role of women in society” are being followed up.

The present report is implemented under Purpose 1 of the EGEP programme. With the view of supporting current dynamics and strengthening the capacity of qualified actors in order to promote equality between men and women, National Situation Analyses have been conducted in eight partner countries (Algeria, Israel, Jordan, Lebanon, Morocco, Occupied Palestinian Territory, Syria and Tunisia). The process has been twofold: the drafting by a national expert of a Situation Analysis Report and the presentation, debating and validation of the findings of the Situation Analysis Report during a national multi-stakeholder validation workshop.

The **overall objective** of the national report is to conduct a situation analysis of women's human rights and gender equality, with an emphasis on legal reforms, participation in decision making in public and private life and gender-based violence.

The **specific objective** of this report is to provide an inventory of the national efforts towards the realization of women's equal rights. The analysis is conducted through the prism of CEDAW and the Istanbul Ministerial Conclusions, where the cross-cutting principles of both are analyzed within the national context.

The **methodology** used for the present report includes:

- Qualitative and quantitative data related to Jordanian women's role/participation in decision-making within both the public and private spheres as well as gender based violence;
- Comparative and analytical Matrix for assessing progress towards equality between women and men based on CEDAW and the Istanbul Ministerial Conclusions;
- Interviews with relevant individuals/institutions to fill a rapid assessment questionnaire intended to evaluate the progress made since the Istanbul Ministerial Conclusions (2006) in Jordan with respect to implementation, follow up and budgeting as well as recommendations and priorities for the future;
- Mapping of main stakeholders (state actors, civil society organisations) concerned and/or interested by the issues and expected results;
- Workshop for main stakeholders which presented the situation analysis and the themes, objectives, expected results and methodology.

Main findings: advancements and limitations to women's rights

There is a consensus among actors that the political authority is the chief contributor to the advancement of women in Jordan. However, change does not depend merely on political will but also on changing traditional cultural and religious interpretations that perpetrate gender inequalities.

Overall, actors acknowledge that the development of gender equality is relatively advanced as evidenced by legal reforms, women's access to decision-making and leadership positions and increasing economic participation. Women have improved access to health care facilities and education and revision of school curricula and textbooks are among the efforts to combat gender stereotypes.

The adoption of the Protection from Domestic Violence Law and the creation of special wards in the courts for family issues and domestic violence are among the main contributions to combat violence against women. Yet, there is still a need to review existing legislation to eliminate remaining discriminations against women, particularly in personal status matters related to marriage, divorce, child custody, nationality and inheritance rights.

Further efforts to tackle violence against women need to highlight the scope and impact of the phenomenon to inform policy making. This includes conducting surveys to determine the causes of violence and the size of the problem. Awareness-raising of service providers, of the general public and of women in particular is further needed. Specific measures to address honour crimes are another much needed area.

Clear progress has shown in the field of education, providing opportunities for girls at the levels of basic, secondary and higher education but these have not yet translated in improved and non-discriminatory access of women to the labour market. They remain a majority of the unemployed and are only marginally represented in higher positions both in the public and private sectors. State-subsidised day-care could support further incorporation of the female labour force.

A large gap between women in the capital city and women in the other Jordanian governorates remains with regard to employment, training and access to opportunities that contribute to the fulfilment of women's social and economic rights.

The perpetuation of a male-dominant culture still limits the full implementation and enjoyment of women's rights in society.

At the policy level, a national strategy for Jordanian women is in place and several initiatives have been implemented by line ministries. The Jordanian National Council for Women is at the forefront of reform and plays an active role in opening up legal debates on deepening women's rights.

A special initiative concerned with allocating gender-sensitive budgets is in place and gender units have been set up in several Ministries. Yet, lack of resources and capacities prevent these initiatives from reaching their full potential.

Further, the development of partnerships with civil society organisations that are able to supplement decision makers with programmes and measures that advance women's status would be a gainful support to implement international commitments.

While legal reforms in favour of women's rights have taken place (Labour Code, Penal Code, Law to protect from domestic violence, Personal Status Code), several conflicting dispositions remain and Jordan still holds reservations on CEDAW articles.

To strengthen and raise awareness on international standards on women's rights, follow up measures should be strengthened, for instance in the form of a national committee made up of several sectors and comprising civil society organisations.

National Priorities and Perspectives for future action

To strengthen the implementation of CEDAW, in line with the Istanbul Ministerial Conclusions, actors and other sources consulted for this report agreed that the following constitute the most important issues and priorities to be included in future plans of action:

- Strengthen women's political rights such as nationality and participation in public and political life;
- Combat violence against women by adopting legal procedures and providing adequate services;
- Conduct family guidance and awareness-raising activities on the Law of Personal Status;
- Adopt and implement measures in support of the economic empowerment of women;
- Harmonize national legislations with international agreements and reports;
- Activate the role of the judiciary bodies in the implementation of international conventions at the national level, among others, through training of judicial personnel;
- Work with the media to sensitize decision-makers and the general public on human and women's rights issues;
- Adopt gender-sensitive budgeting and gender mainstreaming;
- Ensure women's participation, equal opportunities and full enjoyment of rights in the labour market and the professional environment;
- Review Jordan's reservations to international agreements, particularly CEDAW.

Further areas of work encompass the elimination of gender stereotypes and the importance to address social, cultural and religious norms and values, including work with religious authorities.

2. Background and Objectives

2.1 Programme Context

The regional programme “Enhancing Equality between Men and Women in the Euromed Region” (EGEP) has been developed within the framework of the Istanbul Ministerial Conclusions on “Strengthening the Role of Women in Society” and is of three years duration (May 2008-May 2011). It is funded through the European Neighbourhood and Partnership Instrument (ENPI) of the European Union. The programme is implemented in the nine countries of the southern part of the EU neighbouring area: Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Occupied Palestinian Territories, Syria and Tunisia.

The overall objective of the programme is to enhance equality between men and women by building capacity of key actors, particularly State actors, and by supporting existing positive trends, and dynamics relative to women’s role in decision-making in the public as well as in the private domain, and to provide follow-up for the Istanbul Ministerial Conclusions.

The programme is based on three main purposes:

- Purpose 1: Support and reinforce current dynamics that favour both de jure and de facto gender equality and that provide support to the promotion of women’s rights in the region
- Purpose 2: Improve understanding and knowledge of the various forms of violence against women
- Purpose 3: Ensure that the Istanbul Ministerial Conclusions on “Strengthening the role of women in society” are being followed up

With the view of supporting current dynamics and strengthening the capacity of qualified actors in order to promote equality between men and women, National Situation Analyses have been conducted in eight partner countries (Algeria, Israel, Jordan, Lebanon, Morocco, Occupied Palestinian Territory, Syria and Tunisia).. The process has been twofold: the drafting by a national expert of a Situation Analysis Report and the presentation, debating and validation of the findings of the Situation Analysis Report during a national multi-stakeholder validation workshop.

2.2 Objectives of the Situation Analysis and Expected Results

The **overall objective** of the national report is to conduct a situation analysis of women’s human rights and gender equality, with an emphasis on legal reforms, participation in decision making in public and private life and gender-based violence.

The **specific objective** of this report is to provide an inventory of the national efforts towards the realization of women’s equal rights. The report identifies how women have progressed within economic, political and social spheres through national programmes, legislation and awareness campaigns. The report discusses the institutional and structural strengths and weaknesses and the opportunities, limitations and threats of strategies to improve the status of women. The report then analyzes how state and NGO actors have prioritized women’s issues and identifies future strategic interventions to encourage and remove obstacles to women’s empowerment. The analysis is conducted through the prism of CEDAW and the Istanbul Ministerial Conclusions, where the cross-cutting principles of both are analyzed within the national context.

3. Methodology

The **overall methodology** adopted to conduct the situation analysis is based on a desk review of primary and secondary sources and on the conduction of rapid assessment interviews with stakeholders. The analysis of the findings of both the review and the rapid assessment is embedded in the frameworks of the CEDAW and the Istanbul Ministerial Conclusions.

The situation analysis does not intend to prepare new assessments but rather at compiling existing information to allow State actors, civil society organisations and other regional and international partners to ensure consistency and reinforce synergies of efforts and interventions. Interviews were conducted with a representative sample of stakeholder to assess efforts and challenges in promoting women's human rights at the country level.

In the final stages of the situation analysis process, a national validation workshop was organised to allow all stakeholders to debate and validate the findings of the situation analysis and to agree on a set of national priorities. The planning and organizing of the workshop was conducted in close collaboration with the National Women's Machinery to ensure ownership and commitment at the national level. The workshop gathered representatives of the National Women's Machinery, line Ministries, parliamentarians, researchers, civil society and women's organisations, journalists and representatives of donor agencies. The findings of the report were debated and validated with all participants to build a consensus on the main findings, priorities and perspectives for future action.

The validated national situation analysis findings and priorities have been presented and debated at the regional roundtable organised in Brussels on 15-17 March 2010 and which gathered representatives from southern and northern Mediterranean countries with the objective to share, discuss and finalize the national situation analysis reports and the regional compilation report based on the national reports.

The **specific work methodology** used for the present report includes:

- Qualitative and quantitative data related to Jordanian women's role/participation in decision-making within both the public and private spheres as well as gender based violence;
- Comparative and Analytical Matrix for assessing progress towards equality between women and men based on CEDAW and the Istanbul Ministerial Conclusions;
- Interviews with relevant individuals/institutions to fill a rapid assessment questionnaire intended to evaluate the progress made since the Istanbul Ministerial Conclusions (2006) in Jordan with respect to implementation, follow up and budgeting as well as recommendations and priorities for the future;
- Mapping of main stakeholders (state actors, civil society organisations) concerned and/or interested by the issues and expected results;
- Workshop for main stakeholders which presented the situation analysis and the themes, objectives, expected results and methodology.

4. General information on the land and people

4.1 Geo-political context

Jordan, officially the Hashemite Kingdom of Jordan, is an Arab country spanning from the southern part of the Syrian Desert down to the Gulf of Aqaba. It shares borders with Syria to the north, Iraq to the north-east, the West Bank and Israel to the west, and Saudi Arabia to the east and south. It shares control of the Dead Sea with Israel, and the coastline of the Gulf of Aqaba with Israel, Saudi Arabia, and Egypt. Much of Jordan is covered with desert, particularly the Arabian Desert; however the north-western area, with the Jordan River, is regarded as part of the Fertile Crescent. Amman, the capital city lies in the north-west.

At the regional level, and considering Jordan's location as being in the middle of a conflict zone which has economic, demographic, social and political impacts, the country maintains a high level of political sensitivity. The country was affected by the refugee flows from Palestine and Iraq, and by economic instability associated with the oil industry in the neighbouring Gulf countries.

Total area of Jordan is 88,778 km². The official language is Arabic; the country's official religion is Islam. The currency is Jordanian Dinars and 1 dinar is the equivalent of 1.41 USD.

Jordan is a constitutional monarchy with a representative government. The reigning monarch is the head of state, the chief executive and the commander-in-chief of the armed forces.

The king exercises his executive authority through the prime minister and the Council of Ministers, or cabinet. The cabinet, meanwhile, is responsible before the democratically elected House of Deputies which, along with the House of Notables (Senate), constitutes the legislative branch of the government. The judicial branch is an independent branch of the government, whereas the legislations have to be endorsed by the king¹.

The Jordanian Constitution ensures that all Jordanian citizens have the freedom of expressing their opinions whether verbally, in writing and illustration, or through other means within the law's bounds, the Constitution allows Jordanians to hold gatherings and Jordanians can communicate their personal or public concerns to the public authorities according to a series of rules.

4.2 Development indicators and gender gaps

In 2007, the total population was 5,723,000, 37.3% of which are under 15 years of age, and 59.4% of which are between 15-64 years old. This characterizes Jordanian society as being a young society. The average household size according to 2007 statistics is made up of 5.4 persons².

According to 2007 data, in the education sector, the illiteracy average has decreased to reach 7.5% among the age group of 15 years and above. There is a difference between males and females: males' illiteracy level is three times that of females (11% compared to

¹ Jordanian Constitution, 1952

² Annual Statistics Reports, Department of Statistics, Jordan, 2007

4%). Within this age group, 38.2% had higher secondary education with a narrow difference between males (37.2%) and females (39.3%).

In the labour force, the differential in education levels is as follows: 58.7% of the total male labour force possesses less than secondary level education as opposed to only 13.1% for females. And, 52.3% of the total female labour force possesses bachelor's level or higher compared to only 18.9% for their male colleagues. The economic participation level is still low in Jordan. It reached 24.8% with a high difference between men's participation (40.2%) and women's (8.8%).³

³ Employment and unemployment survey, first round, Department of Statistics, Jordan

5. Overall Legal Framework and Context of Women's Rights and Gender Equality

5.1 Jordanian Legal System

Jordan's legal system is based on Islamic law and French codes. Jordan has multi-party politics. There are over 30 political parties in Jordan from a wide range of positions ranging from extreme left to extreme right.

Article 97 of Jordan's Constitution guarantees the independence of the judicial branch, clearly stating that judges are 'subject to no authority but that of the law'. While the king must approve the appointment and dismissal of judges, in practice these are supervised by the Higher Judicial Council.

The Jordanian legal system draws upon civil traditions as well as Islamic law and custom. Article 99 of the Constitution divides the courts into three categories: civil, religious and special. The civil courts deal with civil and criminal matters in accordance with the law, and they have jurisdiction over all persons in all matters, civil and criminal, including cases brought against the government. The civil courts include Magistrate Courts, Courts of First Instance, Courts of Appeal, High Administrative Courts and the Supreme Court.

The religious courts include Shari'a (Islamic law) courts and the tribunals of other religious communities, namely those of the Christian minority. Religious courts include primary and appellate courts and deal only with matters involving personal law such as marriage, divorce, inheritance and child custody. Shari'a courts also have jurisdiction over matters pertaining to the Islamic Waqfs. In cases involving parties of different religions, regular courts have jurisdiction.

Specialized courts involve various bodies. One such body is the Supreme Council which will interpret the Constitution if requested by either the National Assembly or the prime minister.

Despite being traditionally dominated by men, the number of women involved as lawyers in the Jordan legal system has been increasing. As of mid-2006, Jordan had 1,284 female lawyers, out of a total number of 6,915, and 35 female judges from a total of 630.

5.2 Personal Status Matters

5.2.1 Marriage and divorce

The **Law of Personal Status**, as amended No. 61 of 1976, is the law that is considered as the most addressing of women issues and protecting their rights. This is due to the fact that the law is intended to govern the relationship and effects of marital rights, and clarifies the rights of both husband and wife under the marriage contract.

The Jordanian Law of Personal Status was promulgated in 1976. A new provisional law was introduced in 2001 during parliamentary recess but it was rejected in June 2003 by a new parliament. A new version of the personal status draft law was prepared in 2010 by the Chief Islamic Justice Department (CIJD). The draft personal status law for 2010 includes new clauses and amendments to the current law of 1976, which according to the department are in favour of women. However women activists argue that despite some positive amendments, the new law maintains Sharia judges' authority to allow the marriages of girls between the ages of 15 and 18 and scraps the **Khuloe law** (divorce) that was passed as a temporary law in December 2001.

Indeed, prior to 2002 Jordan's legal system only allowed men to file for divorce. In 2008, Jordanian woman successfully filed for divorce; this was made possible by a proposal of the Royal Human Rights Commission established by King Abdullah to improve the status of women in Jordan.

According to the Khuloe law, women may file for divorce without providing any justification, but must return any money or jewellery given to them by their husbands before the wedding and forsake any right to alimony. If the judge cannot reconcile the couple, the woman is granted a divorce.

The Jordanian National Commission for Women Secretary General considers the Khuloe as a major achievement. It also criticizes the CIJD draft for stipulating exceptional situations in which the marriage of girls between the ages of 15 to 18 would be allowed. Of the 67,455 marriages that occurred in 2008, around 9,000 involved girls between the ages of 15 and 18, according to CIJD.

A "positive" amendment in the new draft law is the stipulation that property of the deceased should be registered in the name of the female immediately after death, and mandating a three-month waiting period before a female can waive her **inheritance rights**. This is very important because many women lost their inheritance rights because they were immediately approached by male relatives following the death of a relative and asked to sign documents that would waive their inheritance rights without knowing it. All citizens, including non-Muslims, are subject to Islamic legal provisions regarding inheritance. Under Shari'a as applied in the country, female heirs receive half the amount of a male heir's inheritance, and non-Muslim widows of Muslim spouses have no inheritance rights. A sole female heir receives half of her parents' estate; the balance goes to designated male relatives. A sole male heir inherits both of his parents' property. Male Muslim heirs have the duty to provide for all family members who need assistance.

Another positive change in the new draft is raising the age of **child custody** for divorced women to 15 instead of the age of puberty as well as the clause stipulating that divorced parents can see their children at their homes instead of police stations or at local organisations.

The establishment of an alimony fund, which ensures a divorced woman her financial rights by obligating her ex-husband to pay her alimony through the fund, was also an important addition to the draft law.

The law of personal status addressed the issue of the suitable **age for marriage**. It is required in civil marriage that the engaged couple have both completed eighteen years of age, as stated under the law amending the Personal Status Law of 2001, in conformity with the interests of women so as not to be married before they reach the age of maturity, unless there is an interest in marrying the girl who has completed fifteen years of age.

As part of the personal status law for women to have equal rights with her husband, a marriage contract for a woman who has not completed eighteen years of age with a man who is twenty years older than her is annulled, this contract can be considered legitimate only after the judge's consent, and his agreement that the marriage is in her interest.

One of the most important rights guaranteed by the law and stemming from the marriage contract is the **right to dowry** and that she is not obligated to furnish out of it, and that she has the right to an alimony, which includes food, clothing, housing and medication.

The personal status law has stated that the wife has the right to work, and deserves **alimony** if her work is legitimate and with the consent of her husband, the husband's silence is

considered consent, also implied consent is acceptable to determine an alimony to the wife, which includes the expenses of processing and shrouding his wife after her death.

The law gave the wife the right of separation at the availability of reasons which prevent the continuation of the marital life, like conflict, strife, injury, illness, or insolvency, this is added to what the amended law has introduced in 2001, which is the right of the wife to file for divorce, the so-called consensual divorce, and in the absence of adequate reasons, she will return her dowry and the waiver of the deferred dowry.

The law has covered the subject of returning to her guardians, if the female under 40 years of age refuses to return to her guardians, she will not receive her alimony, whereas the male is treated differently taking the same situation.

On the other hand, the law has dealt with the so-called mandatory custody, which must be due to the son's children in the event of the death of the son before his predecessor, and with no more than a third of the inheritance, whereas the daughter's sons are not given this right in the case of her death before her predecessor.

5.2.2 Christian Women

Officially recognized Christian denominations in Jordan include the Greek Orthodox, Roman Catholic, Greek Catholic (Melkite), Armenian Orthodox, Maronite Catholic, Assyrian, Anglican, Lutheran, Seventh-day Adventist, United Pentecostal, and Presbyterian Churches. Islamic Law is applied to Muslims in matters of personal status and is also applied to Christians in matters of inheritance. The personal status cases of Christians are heard in Ecclesiastical Tribunals. The Jordanian Constitution establishes separate religious and civil courts and Article 105 of the Constitution declares that the Sharia Courts have jurisdiction in personal status and blood money matters. Articles 108 and 109 establish Non-Muslim Tribunals. The Religious Tribunals hear the family matters of Jordanian Christians. Canon Law is applied according to the denomination of those involved.

Custody of Jordanian Christian children is generally awarded to the mother until the child is eighteen.

The Religious Courts have jurisdiction over personal status and inheritance matters. However, the personal status of foreign nationals comes under the jurisdiction of the Regular Courts (Nizamiya).

In cases of blood money where the parties are of mixed religion, the non-Muslim may agree to the jurisdiction of the Sharia court. Where there is no agreement the matter is heard by a special tribunal appointed by the Court of Cassation. These tribunals deal with cases where there is a dispute between the jurisdiction of two religious courts or between a religious and a civil court.

5.2.3 Child custody

A child must be registered by one or both parents and is given into the care of that one or both. Illegitimacy does not affect the rights of the child, as long as the father puts the child in the Family Book and registers his name on the birth certificate. A child is legitimate if born at least six months after the conclusion of a marriage, whether valid or irregular, and no more than one year after the absence or death of the husband or the date of divorce as stated in Article 148 of the Personal Status Code of 1976.

Adoption is not permitted as it contradicts Islamic Law, however Kafala, which is the Islamic equivalent to adoption, is allowed.

In the event of divorce the mother normally has the most right to custody of the minor child. Article 155 of the Personal Status Code stipulates that the custodian must be adult, sane, trustworthy and able to raise the child. She must not be an apostate, remarried to someone who is not a mahram of the child or live in a place where the child is unwanted. Although custody is lost if a Muslim custodian converts from Islam, there is no prohibition against a woman being a custodian if she was born into a religion other than Islam.

Leaving the child unattended can also result in the right of custody being lost. However, it should be noted that there have been several judgements issued by the Sharia Court of Appeal that hold that a woman may retain custody even if she leaves her ward to go out to work, as long as she provides suitable alternative care. In some circumstances the father may take custody if it can be shown that the mother does not meet the necessary criteria. These decisions are usually taken by the court on the basis of the child's welfare, which is judged by religious standards. If the mother is unable to fulfil the duty of custodianship, the right passes along the female line according to traditional Hanafi rules. The period of the mother's custody ends when the child reaches puberty if she has devoted herself to the raising of her children (Article 162). If the custodian is not the mother then custody ends at nine for a male child and eleven for a female.

Article 163 of the Personal Status Code guarantees the non-custodial parent contact at least once a week and once a month for the grandparents. Custody cannot be exercised abroad except with the agreement of the father. The court can specify the time and place for contact if an agreement cannot be made by the parents.

5.2 Women's Role and Status in the Public and Political Sphere

5.2.1 Women's participation in decision-making

A low percentage of women have managed to enter the field of politics: they make up 14,28% of the members of the Senate and 5.5% of the members of the House of Representatives in 2007. The proportion of women in Ministry positions are 4 women ministers out of a total of 28⁴.

Jordan is a Constitutional Monarchy in accordance with the provisions of the Jordanian Constitution of 1952 where the king enjoys wide powers such as the appointment and dismissal of the Prime Minister.

In accordance with the provisions of the Constitution, laws are proposed by the Council of Ministers for the approval of Parliament who also has the right to propose the promulgation of laws. All laws have to be approved ultimately by the king.

The National Assembly is formed by two houses:

- The Chamber of Deputies: the 110 members of the Chamber of Deputies (lower house) are elected by universal vote (one person, one vote) for a four-year term. There are quotas for minorities and women.
- The Senate: the Senate (upper house) has one-half of the number of the members in the lower house (55 members) and they are chosen by the King from among former

⁴ Draft report on the "free to work," funded by the European Union, Association of Arab Women, 2008

ministers and government, retired high-ranking officers of the army and other prominent persons.

The King summons the National Assembly to its ordinary session on the 1st of November each year. Laws pass by the lower house are followed by the upper house and finally by the King. Decisions are taken by a majority of votes for each house.

In this context, several national initiatives related to women have emerged, led by the political actors, the public and local communities. One of the most important of these initiatives has been the development of **women's quota**, to be allocated to candidates for membership of the Municipal Councils. The proportion of no less than 20% of the number of members of the Council will be allocated to those who manned the highest number of votes received. This initiative encouraged women to run for municipal elections.

Similarly, a quota system has been introduced in Parliament. Before the quota was introduced in 2003, only two women had ever served in the Lower House: Toujan Faisal, who won a Circassian seat in the 1993 elections, and Nuha Maaytah, who won a seat through parliamentary by-elections in 2001⁵.

As part of the support to women in leadership and decision-making positions, trainings have been conducted on the issues of supporting the participation of women in political and leadership offices. Campaigns were held to support voting for women candidates to the Parliament.

The main national legislations that regulate the political rights of women are encompassed in the Electoral Law and in the Nationality Act.

5.2.2 The Nationality Act

The Jordanian Nationality Act, No. 6 of 1954⁶, published on page 105 of the Official Gazette No. 1171 dated February 16th 1954, and last amended in 1987 regulates the granting of citizenship to citizens of Jordan. Article 9 of the Act provides that the children of a Jordanian man shall be Jordanian wherever they are born. Article 8 stipulates that a foreign woman who marries a Jordanian national may acquire Jordanian nationality if she so wishes by making a written statement to that effect:

- Three years after her marriage if she is an Arab;
- Five years after her marriage if she is not an Arab.

Two other paragraphs specify that:

- A Jordanian woman who marries a non-Jordanian and who acquires the nationality of her husband may retain her Jordanian nationality unless she renounces it in accordance with the provisions of this Law, in which case she may subsequently recover her Jordanian nationality by making an application if her marriage is dissolved for any reason;

⁵ Musa Hekhani, analytical reading of the results of the seats reserved for women in the House of Representatives

⁶ Jordanian Nationality Law No. 6 of 1954

- A Jordanian woman whose husband was or is being naturalized to acquire the nationality of another country because of special circumstances may retain her Jordanian nationality.

Article 11 of the Act provides that if a non-Jordanian widow or divorcee woman gets married to a Jordanian, her foreign-born children of a previous marriage do not acquire Jordanian nationality.

5.2.3 The Election Law

Since 1974, Jordanian women were granted the right to vote and stand for parliamentary elections. Women were granted the right to vote for the municipalities in 1982.

Article 3 of the Election Act, first paragraph, mentions that: each Jordanian who completed his/her eighteenth year of age on the first day of the first month of the election has the right to elect the members of the House if registered in one of the final elections list. This implies that women have the right to vote like men in accordance with the law. Similarly, Article 3 of the Law on election to the House of Representatives does not prevent women from the right to be nominated. The election of municipal councils according to the Municipalities Act No. 14 of 2007 provides that everyone has the right to include his name in the voters list, male or female who completed eighteen years of age. The Jordanian legislations thus grant women the right to vote and be elected in both the Legislative Council (lower house) and in the Municipal Councils. However this right remained mainly in the texts and without a guarantee for women's access to decision making.

Until 2003, the Jordanian Parliament witnessed the presence of only one woman. In 2003, an amendment of the Election Law of 2001 (Official Gazette No. 4497 dated 19/7/2001) including article 11 was passed by Parliament. The law included a quota provision reserving six seats (5.45 percent) for women in the national Parliament. The 6 seats are allocated to those women candidates who have achieved the highest percentage of all votes casted in their respective constituencies, apart from women who might be elected in the first place. As a result, the Government of Jordan launched a plan for the formation of five committees: the women's quota, the Constitutional Court, political parties, corruption and cronyism, and professional associations and civil society institutions. The Committee recommended an increase in the women's quota allocation and 8 seats for women in the House of Representatives.

In 2007, seven women were elected to the Lower House: six via the quota system, and the seventh, Falak Jamaani, became the first woman to win a seat in the Lower House through direct competition. In 2009, the Jordan National Committee for Women Affairs called for an additional temporary quota measures for women to Parliament while women's groups are calling for a 20 percent quota for women.

A study released in March 2007 (UNIFEM) attributed women's failure to reach Parliament to social and political factors, including the lack of trust in Jordanian society on the fact that women are capable of working in politics.

In May 2010, Jordan's cabinet has adopted a new temporary election law that expands the number of seats to be contested during the upcoming general election, but retains a controversial one-man-one-vote electoral system. The number of seats in the lower house will jump to 120 from 110. It also doubles the number of seats allocated specifically for women to 12. However, the JNCW as well as women activists considers that the percentage-based quota formula could prevent qualified women from reaching Parliament as it favours "inexperienced" women from smaller districts while excluding experienced women from larger

constituencies. It also does not guarantee representation for women in all governorates. The JNCW favours “20 per cent women through the quota and direct competition”.

5.3 Women's Participation in the Labour Market

5.3.1 Women in the public sector

The public sector remains the largest employer in Jordan, with half of all employed women and a third of all employed men working in this sector. It attracts educated workers, mainly because of the job security and prestige it offers, as well as its less demanding work routines, such as shorter working hours. The public sector is especially appealing to women, and seems to better fit their work preferences and family constraints.

However, the public sector is currently shrinking. In 2003, only 3.1% of all applicants for government jobs were appointed. The number of female applicants is significantly higher than the number of male applicants, while there is almost gender parity among those finally appointed. This may suggest that preference is given to men among applicants from all fields of education.

The civil service system and its amendment No. 30 of 2007

The Jordanian Constitution recognizes the basic principles of the right to work and equal opportunity for all its citizens in Articles 22 and 23. Workers and employees are described in gender-neutral ways in both the Labour Law (Article 2) and the Civil Service Ordinance. However, no provisions specifically prohibit gender discrimination in labour opportunities or in the workplace, and no provisions stress equal salaries for men and women who hold the same positions.

This must be nuanced by the Civil Service Ordinance (No. 55 of 2002) and its amendments for the year 2007 which govern employment in the public sector. Article 4 of the Civil Service Ordinance mentions the following principles and values:

- Equal opportunities through non-discrimination on the basis of gender, race, religion or social status;
- Merit and competitiveness in the selection of the right person to occupy any of the vacant posts in the civil service;
- Justice and equal opportunity in the treatment of staff with regard to their rights and duties and their responsibilities;
- Transparency and accountability through the development of clear working procedures;
- Efficiency in performance and outstanding service to citizens.

The Civil Service Ordinance grants a 90-day maternity leave, of which only 15 days are allowed before the birth of the child.

However, the Civil Service Ordinance discriminates against women by unequally distributing certain benefits to men, such as the family allowance and cost-of-living allowance.

In practice, women are underrepresented in senior civil service positions. Only about 4 percent of employees in the highest levels of the civil service system are women. The percentage of women increases in the third and lower class of the civil service, in which women constitute nearly 54 percent of the total number of employees. Overall, women constitute only 39 percent of civil service employees.

The judiciary system

A new strategy for reforming the judiciary was adopted in 2005. Its priorities included the training of judges on human rights issues and engendering the judiciary. As a result,

initiatives were taken to increase women's access to leading positions within the legislative and judicial bodies and, in 2006, 16 female judges served on diverse civil courts. In spite of this recognition, women are still underrepresented in judicial and legal decision-making positions.

Jordan witnessed the appointment of the first female judge in 1996, a number that has since grown to 48 women judges. Women's activists say the numbers are encouraging, although female judges still constitute only 7 per cent of the total number of judges. In this process, the role and support of both the Higher Judicial Council (HJC) and the Ministry of Justice is important. It has been reported that the HJC is planning to appoint a female general prosecutor, a move that women advocates have long been calling for.

5.3.2 Women in the private sector

The majority of the working population in Jordan is concentrated in the private service sector. Yet, Jordan is one of the Arab countries with the lowest employment rates for both men and women (65% for men and only 14% for women). The employment rate rises with the educational level, especially among women. Only 3% of women with less than secondary education and 49% of women with a first degree are employed. Half of the female active labour force has at least a first degree, compared with only 19% of men. Women with less education are more likely to remain inactive. The majority of women face problems in accessing the labour market, albeit for different reasons, and their unemployment rate is 25%, compared with 10% for men.

The unemployment rate is especially high for young women (up to 50%). The activity rate is twice as high for unmarried or never married women (20.5%) than for those who are or have ever been married (11.8%).

One of the reasons to these figures is the fact that employers prefer non-Jordanian workers (both men and women), mainly because they cost less, offer higher productivity and behave differently to Jordanian workers, who have high expectations, particularly regarding wages. In addition, working women suffer wage discrimination compared to men. The difference in payments reaches JD38 per month, as the average monthly wages of men in Jordan is JD315, while women's average payment is JD277. This gap is wider in the private sector and stands at JD66 a month, while it stands at JD27 in the public sector. Working women also suffer from discrimination related to opportunities for promotion and participation in training courses either in Jordan or abroad.

5.3.3 Labour legislation

Jordanian legislation concerning women's work is compatible with the relevant international labour standards, as expressed by the Labour Code in its Article 27/a which, for instance, prohibits the employer from terminating the female worker's services in three situations:

- Pregnant women from the sixth month of her pregnancy or during maternity leave;
- A female worker in military service or reserve duty;
- The worker during his/her annual leave or on a sick leave.

In this area, Article 70 states that "the working woman shall be entitled to get a motherhood leave fully paid before and after giving birth of a total of ten weeks. However, the legislation of the International Labour Organisation addressed the need to give working women a maternity leave up to 12 weeks instead of 10 weeks.

In addition, Article 77 gives the working woman the right for a leave to look after her children, stating that "the woman who works for an establishment that hires ten employees or more shall be entitled to an unpaid leave for a term that shall not exceed one year to dedicate her

time for upbringing her children after which she may get back to her position". The law went beyond that to emphasize that the employers should provide a suitable place for the children of the working women, stating in Article 72 that "the employer who hires at least twenty married female employees shall provide a suitable place under the custody of a baby sitter qualified for looking after the children of the working women whose ages are less than four years old provided the number of the same shall not be less than ten children".

While the legal text contains the necessary legal protection for women in the work environment, when implemented, these rights are violated. In the face of this, women's organisations recommend the amendment of laws to strengthen women's rights. Among these, the Social Security law should provide provisions for a special fund to cover costs of maternity leave and not leave these costs to the employer's discretion alone.

The Labour Code should be amended to guarantee equal wages for men and women, and to impose a certain threshold for women working in the private sector (quota), in addition to activate the role of labour inspectors to monitor violations related to the rights of employees either men or women. There is also a need to intensify campaigns that aim at encouraging women to join the labour market, and encourage employers to employ women.

At the policy level, the Ministry of Labour is investing in measures to obligate employers to adhere to the provisions of the law. This is performed through an independent Directorate inside the Ministry, the Directorate of Inspection, that has the task of following up on the commitments of employers and their implementation of the provisions of the Labour Code. A special unit was created in the Ministry to uphold the interests of women workers

The Amendment Act of 2008 to the Code grants the worker the right to leave work and be granted rights when faced with any form of sexual abuse. Under the new text, the Minister has the authority to shut down the institution in such cases.

Article 69 of the Code lists the sectors in which the employment of women is prohibited in hardship circumstances such as mining, chemical industries, construction, and storage. Also, some business operations are prohibited to the pregnant women, namely:

- Work involving exposure to atomic or nuclear radiation and X-rays during pregnancy;
- Work that requires exposure to vapours or fumes of any oil product;
- Work that requires exposure to materials that cause embryonic morbidity (teratogenic);
- Work that requires exposure to chemical elements.

On the other hand, the resolution prohibits the employment of women between eight o'clock at night and six in the morning except in the following:

- Work in hotels, restaurants, cafes, theme parks, theatres and cinemas;
- Work in the airports, airlines and tourism offices;
- Work in hospitals and clinics;
- Work in the transport of persons and goods by water, air and land;
- Work in the information technology sector and related professions.

5.3.4 Migrant domestic workers

According to a report of Amnesty International (30 October 2008), tens of thousands of women migrant domestic workers in Jordan face isolation, exploitation and abuse, with little or no protection from the state.

Migrant domestic workers are crucial to the economy in Jordan, contributing to the well-being of the households where they work and providing vital incomes for their own families and communities. Yet, many face hard conditions, working 16 to 19 hours daily, with no day off, and in conditions where physical, psychological and sexual abuse is common. Many are

effectively held captive in their employers' home and do not receive part or the total of the initially agreed wage.

Until the summer of 2008, the Labour Law in Jordan excluded domestic workers from the protection offered to other workers, such as minimum wage provisions, sick leave, or days off. Since, amendments were endorsed by the Jordanian Parliament to state that a separate regulation will be issued to define the terms of their working conditions. Yet, concrete measures need to ensure that the rights of women migrant domestic workers are protected in line with international standards.

6. Gender-based Violence

6.1 Nature and Scope

The issue of violence against women is associated with the issue of human rights and the international charters and conventions, which recognize the protection of women from all forms of physical, psychological and social abuse. It has been addressed in the Universal Declaration of Human Rights in general and the Convention on the Elimination of All Forms of Discrimination against Women in particular; at the Istanbul Conference, the articles of this Convention were reaffirmed as the international legislation containing the legal standards for women's rights.

Jordan has signed and ratified these international instruments. This places Jordan under an international commitment according to which it needs to review the legislations, and develop programmes and services to provide prevention, treatment, and rehabilitation to women victims.

Through the attention paid by the international community and international treaties to the issue of violence against women, it is evident that this phenomenon affects the security and the stability of society.

Violence against women is defined as any act that falls on women and results in a physical, sexual or psychological harm, or any other form of suffering, such as threats of violence, coercion or use of force or the deprivation of all rights, whether they occurred within the context of family, social or professional relationships. This definition includes violence against women and girls within the family and outside. Violence is not limited to physical violence, psychological and sexual, but other forms such as social violence, economic violence, and political violence.⁷

According to a study conducted in 2008 by the department of statistics, around 20 percent of Jordanian women report being beaten by husbands to discipline them. The study included nearly 15,000 families and 11,000 married women. Most of the respondents aged between 15 to 49 years old. Earlier studies also point out that in most cases women did not file complaints to the authorities.

6.2 Honour Killings and the Penal Code

An honour killing also called a customary killing is the murder of a (female) family or clan member by one or more fellow (mostly male) family members, where the murderers (and potentially the wider community) believe the victim to have brought dishonour upon the family, clan, or community. This perceived dishonour is normally the result of (a) utilizing dress codes unacceptable to the family, (b) wanting out of an arranged marriage or choosing to marry by own choice, (c) engaging in certain sexual acts or (d) engaging in relations with the same sex. These killings result from the perception that defence of honour justifies killing a person whose behaviour dishonours their clan or family.

⁷ The national framework for the protection of the family of Violence , National Council for Family Affairs, 2005

In Jordan, "honour" killings are sanctioned by law. Yet, according to Article 340 of the Criminal Code: "a husband or a close blood relative who kills a woman caught in a situation highly suspicious of adultery will be totally exempt from sentence." Article 98, meanwhile, guarantees a lighter sentence for male killers of female relatives who have committed an "act which is illicit in the eyes of the perpetrator."

It is estimated that, every year, between 20 and 25 women are reported killed in Jordan in the name of family honour. Reports indicate that most killers receive as little as six months in prison because they are deemed by the courts to have committed their crimes while in a rage and because their families dropped charges against them.

In the past few years, nationwide campaigns were launched to end honour killings and other types of violence against women. Yet, the lack of suitable facilities and the shortage of well trained staff in running women's support centres is a main concern for rights activists.

The Penal Code

The Jordanian judicial system has sought to control the practice of honour crimes, while also attempting to restrain the emergence of "unusual" sexual practices. This creates ambivalences in legal norms as evidenced by the Jordanian Penal Code (no. 16, 1960), Article 340, which listed as "Excuse in Murder":

- He who catches his wife, or one of his female relatives, committing adultery, and who kills, wounds, or injures one or both of them, is exempt from any penalty;
- He who catches his wife, or one of his female relatives, with another in an unlawful bed, and who kills, wounds or injures one or both of them, benefits from a reduction of penalty.

The historical and structural origins of this article come from three separate countries that made an impact on the early effects of the modernization of Jordan. The article itself is a combination of the French Penal Code of 1810 and the Ottoman Penal Code of 1858. This in itself carries the processes of tribal mentality into modern day judicial systems.

Article 93 (changed to 98 in 1960) further states that: "He who commits a crime in a fit of fury caused by an unrightfully and dangerous act on the part of the victim benefits from a reduction of penalty".

Since 1995, nine laws relating to women's rights have been amended. Only one of these amendments passed in 2001 deals specifically with honour crimes. Both late King Hussein and King Abdullah II have explicitly asked for discriminatory laws to be amended; yet from the resistance of Parliament, it is clear that such issues reach beyond legal regulations to question culture and tradition. In practice, government attempts to strike a balance between both crimes of passion and crimes of honour, while seeking to subdue various aspects of female sexuality, traditionally seen as Haram (sin).

6.3 Sexual Violence and Trafficking in Women

Sexual Violence is to compel or encourage sexual intercourse, or force into prostitution, or force to watch sexual acts. It includes rape, sexual harassment, unaccepted sexual remarks, and the use of unacceptable sexual methods that violate the rules of religion and morality. It refers to the use of power and authority to impose such an act.

There have been a number of amendments to the Penal Code since its enactment to criminalize these types of practices and behaviours; the latest such amendment took place in 2007.

The Penal Code criminalizes sexual violence against women in the family and the public sphere. These incriminated acts include: rape, indecent assault, acts that contradict public

ethics and moralities. Related punishments differ according to the age of the victim and the relationship with the assailant.

Prostitution and homosexuality, which exist in Jordan but to an unknown degree, are illegal.

Jordan is a destination and transit country for women and men from South and Southeast Asia for the purpose of forced labor. Jordan also faced issues of human trafficking of women from the Philippines, Indonesia, and Sri Lanka. There are also reports of Eastern European and Moroccan women being forcibly employed as "dancers" and prostitutes in illegal brothels.

On 25 January 2009, an Anti-Human Trafficking Law was endorsed by the government to severely restrict and prohibit all forms of human trafficking in the country. A Committee to promote public awareness on the issue was created and the law came into force on March 31, 2009. The new law prescribes penalties of up to ten years' imprisonment for forced prostitution.

Further, in cooperation with the Filipino Government, Jordan worked out an agreement which gives a wide range of rights and access to legal protection to domestic workers. While the phenomenon is widespread in the region, Jordan is the first Arab country to do so. The authorities also plan to set up a shelter for victims of trafficking to provide them with temporary accommodation before they are sent home. Violators of the law will be imprisoned for three years and tough measures will be taken against companies convicted of human trafficking, including permanent closure.

7. The Convention on the Elimination of all forms of Discrimination against Women

7.1 Ratification and Reservations to CEDAW

The Kingdom of Jordan signed the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1980, ratifying it in 1992, after the country's 2nd liberalization phase. It has been published in the official gazette in 2007. Jordan held reservations on articles that dealt with equal rights in the private sphere; specifically pertaining to equal rights within marriage. Considering that 72% of violence against women, including rape and honour crimes, happens within the home this is an essential sphere for women to gain equality.

The Jordanian government made reservations on Article 15, paragraph 4, which gives men and women the same rights with regard to legislation relating to the movement of persons and the freedom to choose their residence and domicile. The reservation was lifted in 2009. However, reservations are still applying for Articles 9.2 relating to the transmission of nationality to children, Article 16.1(c) relating to the rights arising upon the dissolution of marriage with regard to maintenance and compensation, Article 16.1(d) relating to equal rights of parents in matters relating to their children, and Article 16.1(g) relating to the right to choose a family name, a profession and an occupation.

CEDAW itself targets culture and tradition as key forces in the shaping of both gender roles and family relations. The reports of the CEDAW recurrently recognize that "laws still contain many measures that discriminate against women based on norms, customs and socio cultural prejudices." And the CEDAW Committee requires that "all states parties gradually progress to a stage where, by its resolute discouragement of notions of the inequality of women in the home, each country will withdraw its reservation in particular to Articles 9, 15 and 16 of the Convention." It is in these three articles that Jordan has drawn reservations, yet citing national legislation and not Shari'a as its reason.

Jordan also ratified other international human rights instruments such as the Universal Declaration of Human Rights and the International Conventions on Civil and Political Rights and on Economic, Social and Cultural Rights, published in the official gazette of June 15th, 2006.

Jordan signed the Convention on the Rights of the Child on August 29th, 1990. It submitted its first report to the Committee on Children's Rights in 1993 and the second in 1998.

7.2 Implementation of CEDAW

The first and second special reports to CEDAW were submitted in 1993 and 1997; the third and fourth reports were submitted combined in 2006. These reports have included an explanation of the legislative conditions, policies and programmes implemented in Jordan by the official governmental bodies and private and civil institutions, and in accordance with the provisions of the articles of the Convention. On the other hand, the reports have indicated the most important legislative gaps, and special needs to activate and implement the provisions of the Convention at all levels, especially those related to the adoption of appropriate

measures to eliminate legal discrimination between men and women, ensuring an equal opportunity, treatment, political participation, organisation of measures to prevent violence against women and others⁸.

The third report was submitted as a national joint initiative after interviews and meetings with a large segment of society, from government agencies and non-governmental organisations and experts⁹.

In terms of implementation, Jordan worked at the level of all institutions and sectors to study national legislations and identify measures to bring legislation in line with international conventions. Legislative amendments took place in several areas. The following are central to the enforcement of women's rights:

- Amending the Civil Status Law no. 82 for the year 2001 raising the marriage age to eighteen years for both sexes;
- Amending the Penal Code no. 86 for the year 2001, adding an item related to the implementation of punishment against custodians of a dependant of less than eighteen years of age;
- Amending the Labour Code no. 51 for the year 2002 and amending the Labour Law no. 48 for the year 2008, including groups that were previously excluded from the scope of the legal protection law, such as children workers, agricultural and domestic workers, especially women, workers in family enterprises.

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;
- 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 the Nationality Law to provide women equal rights to men's;
- Amend the Penal Law to criminalize violence against women (specifically, domestic violence and honour crimes), and make these and the divorce laws permanent, not provisional;
- Strengthen the Jordanian National Commission for Women (JNCW).

⁸ Jordan's Report on the Convention on the Elimination of All Forms of Discrimination against Women, second (1998) and third (2006) reports

⁹ Jordan's third report on the Convention on the Rights of the Child, 2006

Since, measures have addressed the ratification of CEDAW and its translation into national legislation and quotas for women's political participation at Parliament and Municipal Council levels.

Similarly, the Committee welcomed positive procedures toward compliance with its recommendations. It 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. Yet, procedures to incorporate articles into national laws are still in process.
- 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.
- Within the government's support to micro-finance initiatives, 70 % of the credit clients and entrepreneurs are women.
- 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.

In the context of the present report, national actors have underlined a range of possible measures and activities to ensure the effective implementation and follow-up of the CEDAW reports and observations received. These include:

- Form a committee consisting of members of various sectors to follow-up on the reports issued in accordance with the CEDAW and the reservations presented;
- Strengthen political participation of women and community development;
- Train public employees and stakeholders on CEDAW and reporting mechanisms, with an emphasis on training the judiciary and lawyers associations;
- Create an effective participatory mechanism between the relevant institutions in the drafting and follow up of reports of the Convention;
- Review legislation addressing women in line with the Convention;
- Monitor violations of women's rights in various fields;
- Raise awareness of the general public and of stakeholders on the Convention at the local and institutional levels;
- Consolidate the understanding of concepts and terminology of the Convention by relevant institutions to ensure that the rights are reflected at the legislative and executive levels;
- Ensure the provision of appropriate services for women-victims of violence;

- Work with the Direction of the media to ensure greater awareness on women's rights and to address the negative impact of cultural heritage and community values on women's rights.

A central issue is the consolidation of a culture of legal and human rights which reaches beyond legal amendments to ensure the implementation of legal reforms in favour of gender equality. This implies providing legal and judicial authorities with means and knowledge about such rights.

8. National Initiatives on Women's Rights and Gender Equality: Institutional Structures, Policies and Strategies

8.1 The Jordanian National Commission for Women

The Jordanian National Commission for Women (JNCM) was established in 1992 after the ratification of CEDAW. The creation of the JNCW was seen as an advance towards the position women deserve in society and called for progressive reform in legislation, politics, economics, social life, education and health. Since, it has been at the origin of the main initiatives for reform. In policy terms, it is at the onset of the design and implementation of the National Strategy for Women in Jordan.

8.2 Initiatives undertaken by government

National Strategy for Jordanian Women

The key policy that guides the implementation of gender equality and women's rights in Jordan is the National Strategy for Jordanian Women (2006-2010), which focuses on gender mainstreaming in the formulation of public policies.

The strategy includes a number of components: legislative, economic empowerment, women's participation in public life, communication and information, human security, social protection, which includes education, health, poverty and female headed households, violence, aging, the special needs of women, food security, environment, shelter and housing.

The strategy also aims at addressing social attitudes and stereotypes of women reproduced, among others, in the educational system and social care services. It addresses protection from domestic violence and conducts work on penalties to prevent and combat VAW, as well as improving protection and safety measures for victims. The strategy also focuses on raising the participation rate of women in decision-making positions and on improving their contribution to the activities of public life, by, among others, measures of community awareness-raising on the importance of women's role.¹⁰

At the level of policy formulation, other national strategies and plans have been developed: the National Plan for Early Childhood (2004-2013), the National Strategy for the Elimination the Worst Forms of Child Labour (2003), the Strategic Plan of the Ministry of Social Development and the National Assistance Fund, the National Anti-Poverty Strategy, the Government Strategic Plan at the economic and social levels and the draft National Youth Strategy (2005-2009).

National Strategy for the Jordanian Family

The National Council for Family Affairs (NCFA) was established in 2001 with the aim of supporting and coordinating the efforts at the national level of all actors involved in the affairs of the family, children and women, including civil society institutions. The Council developed the National Strategy for the Jordanian Family in consultation with relevant ministries, public

¹⁰ National Strategy for Jordanian Women 2006-2010, National Commission for Women

institutions and civil society organizations (September 2005). The strategy addresses the various aspects of family life and comprises eight modules, one for each aspect of the family life.

Education sector

At the level of education, a series of initiatives have been adopted for the integration of gender in the national vision for education and to support gender-sensitive development programmes. In an attempt to respond to the demands of the labour market and to technological changes, measures to support women's participation in vocational and technical education and the building of leadership skills and women's technical capacity have been developed.

In line with these initiatives, Jordan also embarked on the development and revision of curricula, textbooks and teacher guides by integrating gender sensitive analysis tools and a balanced picture of women to combat stereotypical images of women and girls. Training workshops on gender analysis and planning have been provided to staff by the Ministry of Education, including the design of pamphlets, booklets and instruction guidelines on gender strategies.¹¹

Gender mainstreaming and budgeting

Specialized staff trainings were conducted at the Ministry of Planning and International Cooperation and at the Ministry of Labour. Needs assessment was conducted to explore the types of trainings in accordance with CEDAW so as to promote awareness-raising campaigns and training on the integrated treatment and equal rights of women, and seek to establish a budget sensitive to gender issues and to promote and strengthen national capacity to systematically collect and analyze data disaggregated by gender.

In 2009, visible efforts have emerged, promoting the initiative of gender-responsive budgets, which at this stage require the intervention of the government and the Parliament to include and endorse the addition of special articles aiming at developing women programs.¹²

National efforts to address GBV

In 2010, the Noor Al Hussein Foundation's Institute of Family Health (IFH) launched the "Training Manual for Private Health Care Providers in Management of Victims of Violence against Women", to help health providers in the country in the detection, diagnosis and referral of victims to support services.

Established in 1986, the IFH aims to provide comprehensive family healthcare services and training for professionals and caretakers in family healthcare, childhood disabilities, gender-based violence, physical support and social work.

Some 115 medical cadres at nine private hospitals in the Kingdom have already started using the training manual, the first Arabic guide of its kind in the region, according to the IFH.

¹¹ Ministry of Education, Gender Unit

¹² Report on the framework of action for the 2006 Istanbul Conference, the mechanisms for review in 2008, Ministry of Planning and International Cooperation

The guide was compiled using practitioner expertise from the legal, social, psychological and medical fields, as well as from medical records, research and interaction with support service providers, according to the IFH.

8.3 Implementing the Istanbul Ministerial Conclusions

Through the interviews conducted and the literature reviews undertaken for the report, there is a well noticed lack of information by the governmental and nongovernmental associations and experts on the Istanbul Ministerial Conference on Strengthening Women's role in Society (Euromed, 2006).

Many institutions interviewed for the purpose of the report did not have sufficient knowledge of CEDAW and of the Istanbul Conclusions to be able to direct their goals and programmes to meet the recommendations of these instruments. On the other hand, other institutions have pointed out the key role of such instruments in addressing authorities and supporting women's rights.

All agreed on a set of actions to ensure the follow-up and evaluation of the Istanbul Ministerial Conclusions, including:

- Holding meetings and workshops for stakeholders on the Istanbul Conference and Conclusions;
- Develop a follow up mechanism for the implementation of the Conclusions through the creation of a national network of institutions involved in providing special reports and indicating gaps;
- Set national priorities according to the items contained in the Istanbul Conclusions to ensure that programmes and public budgets are in place;
- Use the media to raise community awareness on matters addressed by the Istanbul Conclusions;
- Develop an action plan to review national legislation in line with the Istanbul and CEDAW frameworks;
- Printing and disseminating the Istanbul instruments (Conclusions, reports) to stakeholders;
- Exchange experiences with Arab and international stakeholders;
- Activate the role of gender units in line ministries and related institutions;
- Develop follow up indicators at regional and national levels.

9. Findings and Priorities for future action

9.1 Main Findings of the Situation Analysis

There is a consensus among actors that the political authority is the chief contributor to the advancement of women in Jordan. However, change does not depend merely on political will but also on changing traditional cultural and religious interpretations that perpetrate gender inequalities.

Overall, actors acknowledge that the development of gender equality is relatively advanced as evidenced by legal reforms, women's access to decision-making and leadership positions and increasing economic participation. Women have improved access to health care facilities and education and revision of school curricula and textbooks are among the efforts to combat gender stereotypes.

The adoption of the Protection from Domestic Violence Law and the creation of special wards in the courts for family issues and domestic violence are among the main contributions to combat violence against women. Yet, there is still a need to review existing legislation to eliminate remaining discriminations against women, particularly in personal status matters related to marriage, divorce, child custody, nationality and inheritance rights.

Further efforts to tackle violence against women need to highlight the scope and impact of the phenomenon to inform policy making. This includes conducting surveys to determine the causes of violence and the size of the problem. Awareness-raising of service providers, of the general public and of women in particular is further needed. Specific measures to address honour crimes are another much needed area.

Clear progress has shown in the field of education, providing opportunities for girls at the levels of basic, secondary and higher education but these have not yet translated in improved and non-discriminatory access of women to the labour market. They remain a majority of the unemployed and are only marginally represented in higher positions both in the public and private sectors. State-subsidised day-care could support further incorporation of the female labour force.

A large gap between women in the capital city and women in the other Jordanian governorates remains with regards to employment, training and access to opportunities that contribute to the fulfilment of women's social and economic rights.

The perpetuation of a male-dominant culture still limits the full implementation and enjoyment of women's rights in society.

At the policy level, a national strategy for Jordanian women is in place and several initiatives have been implemented by line ministries. The Jordanian National Council for Women is at the forefront of reform and plays an active role in opening up legal debates on deepening women's rights.

A special initiative concerned with allocating gender-sensitive budgets is in place and gender units have been set up in several Ministries. Yet, lack of resources and capacities prevent these initiatives from reaching their full potential.

Further, the development of partnerships with civil society organisations that are able to supplement decision makers with programmes and measures that advance women's status would be a gainful support to implement international commitments.

While legal reforms in favour of women's rights have taken place (Labour Code, Penal Code, Law to protect from domestic violence, Personal Status Code), several conflicting dispositions remain and Jordan still holds reservations on CEDAW articles.

To strengthen and raise awareness on international standards on women's rights, follow up measures should be strengthened, for instance in the form of a national committee made up of several sectors and comprising civil society organisations.

9.2 Priorities for future actions

To strengthen the implementation of CEDAW, in line with the Istanbul Ministerial Conclusions, actors and other sources consulted for this report agreed that the following constitute the most important issues and priorities to be included in future plans of action:

- Strengthen women's political rights such as nationality and participation in public and political life;
- Combat violence against women by adopting legal procedures and providing adequate services;
- Conduct family guidance and awareness-raising activities on the Law of Personal Status;
- Adopt and implement measures in support of the economic empowerment of women;
- Harmonize national legislations with international agreements and reports;
- Activate the role of the judiciary bodies in the implementation of international conventions at the national level, among others, through training of judicial personnel;
- Work with the media to sensitize decision-makers and the general public on human and women's rights issues;
- Adopt gender-sensitive budgeting and gender mainstreaming;
- Ensure women's participation, equal opportunities and full enjoyment of rights in the labour market and the professional environment;
- Review Jordan's reservations to international agreements, particularly CEDAW;

Certain actors have been identified as fundamental in achieving these priorities and in supporting equal rights of women in society, namely the legislative and executive bodies, the media, and the local governors.

Further areas of work encompass the elimination of gender stereotypes and the importance to address social, cultural and religious norms and values, including work with religious authorities.

10. Bibliography

- Analysis of the legislation to the centre of civil and political rights and the protection of penal / National Council for Family Affairs 2008.
- Analysis of the provisions of the Penal Code relating to women, the National Council for Family Affairs, the study of the reality of the rights of working women in the Labour Code, the National Council for Family Affairs, 2009.
- Constitution of Jordan, 8 January 1952.
- Draft report on the "free to work" 2008, funded by the European Union, Association of Arab women.
- Haitham al-Maleh, the rights of the vulnerable, January 2002
- Jordanian women situation assessment in the light of the Beijing Platform for Action, 2003, United Nations Development Fund for Women.
- Jordan's report on the Convention on the Elimination of All Forms of Discrimination against Women, second (1998) and third reports (2006).
- Jordan's third report on the Convention on the Rights of the Child, September 2006.
- List of demands on women to members of the Council of the Nation XV, Jordanian National Commission for Women, 2008.
- Men and women in Jordan in Figures, Department of Statistics, 2008.
- Musa Sheikhani, Analytical reading of the results of the seats reserved for women in the House of Representatives, 2003.
- National Strategy for Jordanian Women 2006-2010, Jordanian National Commission for Women.
- On the road to equality, the General Arab Women in Jordan, 2007.
- Proposed amendments to the Law of Personal Status, presented to the nation by the National Council for Family Affairs, 2008.
- Report on the framework of action for the 2006 Istanbul Conference, the review of mechanisms, Ministry of Planning and International Cooperation, 2008.
- Statistical Yearbook, Department of Statistics, 2007.
- Study on the reality of violence against women in Jordan, National Council for Family Affairs, 2005.
- Survey of employment and unemployment, first round, Department of Statistics, 2009.
- The national framework for the family protection against Violence, National Council for Family Affairs, 2005.

- Women's rights in the Convention on the Elimination of All Forms of Discrimination against Women and the Jordanian laws and the provisions of Sharia, the Forum for Women's Rights, 2009.
- Working paper submitted by the Jordanian Women's Union in the meeting on the impact of specialized personal forfeiture in cases of rape of a child, the National Council for Family Affairs, 2004.