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Rapport de la Rapporteuse spéciale sur la violence à l'égard des femmes, ses causes et ses conséquences, Rashida Manjoo

Additif

Mission en Jordanie*

Résumé

Le présent rapport contient les conclusions que la Rapporteuse spéciale sur la violence à l'égard des femmes, ses causes et ses conséquences a formulées à la suite de la mission qu'elle a effectuée en Jordanie du 11 au 24 novembre 2011. Dans le rapport, la Rapporteuse spéciale aborde d'un point de vue global les droits des femmes à l'égalité et à la non-discrimination, la violence dans le couple, les féminicides et la violence à l'égard des migrantes et des réfugiées. Elle examine également les mesures prises par l'État en vue de prévenir ces formes de violence, de protéger les femmes qui en sont victimes et leur offrir des recours, et de poursuivre et punir les auteurs.

* Le résumé du présent rapport est distribué dans toutes les langues officielles. Le rapport proprement dit est joint en annexe au résumé, et il est distribué dans la langue originale et en arabe seulement.

Annexe

Report of the Special Rapporteur on violence against women, its causes and consequences, on her mission to Jordan (11–24 November 2011)

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I. Introduction

1. At the invitation of the Government, the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, conducted an official mission to Jordan from 11 to 24 November 2011. She visited Amman, Karak and Tafila. The objective of the visit was to examine the situation of violence against women in the country in a comprehensive manner, including violence that is perpetrated within the family, in the community, in institutional settings and in the transnational arena.

2. The Special Rapporteur met with the Minister of Social Development and the Minister of Labour and held consultations with high-ranking officials of the Ministries of Justice, Interior, Religious Affairs, Political Development, Health, and Education. She also met with judges at the Court of Cassation, the president of the National Centre for Human Rights (NCHR), the Ombudsperson, and representatives of the National Council for Family Affairs (NCFA) and the Jordanian National Commission for Women (JNCW), including its patron, Princess Basma Bint Talal.

3. The Special Rapporteur also met with representatives of civil society, including women's organizations, and representatives of United Nations agencies, funds and programmes. She had the opportunity to visit the government-run Dar Al Wifaq women's shelter and the Juweidah Reform and Rehabilitation Centre (for women), where she heard testimonies from a number of women. The Special Rapporteur also visited health-care and education facilities and met with service providers from the Palestinian refugee camps of Wehdat, Baqa'a and Jerash.

4. The Special Rapporteur wishes to express her appreciation to the Government for its openness and full cooperation, prior to and throughout her visit. She is also grateful to the United Nations Country Team for the support extended during the visit. The Special Rapporteur looks forward to a fruitful and continued dialogue with the Government and other stakeholders on the implementation of her recommendations.

II. The economic and political context of Jordan and its implications for women's rights

5. The economic development of Jordan is challenged by its limited natural resources; only 11.5 per cent of its land is arable,¹ it is among the world's most water-poor countries, and agricultural production is very limited. With 82 per cent of the country's population being urban-based,² efforts towards development are mainly focused on its human resources. The economy continues to depend highly on foreign aid and overseas remittances, mostly sent by skilled Jordanian workers in neighbouring Gulf countries.

6. Jordan was classified as a medium Human Development Index country in the latest *Human Development Report*³ and has made considerable advances in achieving the Millennium Development Goals in education and health. Jordan has also taken positive steps in the eradication of poverty and hunger. It reduced the percentage of population

¹ World Bank figures for 2009. Available from <http://data.worldbank.org/indicator/AG.LND.AGRI.ZS>.

² About 72 per cent of the population is concentrated in the country's three largest urban areas. United Nations, *Common Country Assessment: Jordan* (2006), p. 5.

³ United Nations Development Programme (UNDP), *Human Development Report 2011—Sustainability and Equity: A Better Future for All* (New York, 2011), p. 128.

living in extreme poverty, from 6.6 per cent down to less than 1 per cent, between 1992 and 2008.⁴

7. Jordan has a very high dependency ratio, with approximately four non-economically active persons per worker.⁵ Unemployment among young persons and women is a particular challenge. This is due to a very young population (37 per cent under the age of 15 in 2009⁶), but also to the low participation of women in the economy. The total economic participation rate in Jordan is 40.1 per cent of the population, and the rate for female economic participation is 14.9 per cent.⁷ It is estimated that in 2009 the unemployment rate reached 24.1 per cent among females, compared to 10.3 per cent among males.⁸ There is also a high concentration of unemployment among young persons, with 42.8 per cent of unemployed women and 50.1 per cent of unemployed men being in the 15-24 age group.⁹

8. It is estimated that 78 per cent of unemployed females are educated and hold an intermediate college or higher diploma.¹⁰ This reflects a disparity between the high levels of education that women are achieving and their possibilities of integrating into the labour market. During her interviews with representatives from the Ministry of Labour, the Special Rapporteur was informed how women's career choices are to a large extent driven by what is perceived as appropriate or safe professions for them, such as jobs within the government sector, particularly in the education and health sectors. Women not residing in Amman are often discouraged by their families from seeking jobs outside their governorates. Women may also be discouraged from entering the workforce, as they will face the double burden of housework and formal employment, and more so in a context of a lack of pay parity.¹¹ Therefore, most married women will not search for a job unless there is a need to supplement the family income.

9. With regard to women's political participation, there have been some improvements. Jordan is a constitutional monarchy with a bicameral parliamentary system. The upper house—the Senate—is composed of 60 members, who are appointed by the King; there are currently nine female Senators. The lower house—House of Representatives—is comprised of 120 members who are popularly elected; currently, 13 seats are held by women. Whether men or women, the 108 candidates who receive the most votes are selected and 12 seats—one in each district—are reserved for those women who obtained the highest percentage of votes nationwide, yet not enough to win a seat in the direct election.¹²

10. In 2007 the Government, in the new Municipalities Act (No. 14), introduced a quota allocating 20 per cent of municipal seats to women. Currently, 27 per cent of seats are held by women: 20 per cent through the quota, and 7 per cent elected directly, in addition to one

⁴ Jordan, Ministry of Planning and International Cooperation, and United Nations in Jordan, *Keeping the Promise and Achieving Aspirations: Second National Millennium Development Goals Report—Jordan 2010*, p. 10.

⁵ International Labour Organization (ILO), *Decent Work Country Programme: Jordan* (2006), p. 3.

⁶ Jordan, Department of Statistics, *Jordan Population and Family Health Survey 2009* (Amman, 2010), p. 13.

⁷ Jordan and United Nations in Jordan, *Keeping the Promise*, p. 22.

⁸ *Ibid.*

⁹ Jordan, Department of Statistics, table 9.1: Jordanian Unemployed Persons Age 15+ Years by Sex and Major Age Groups (Percentage Distribution). First Round-2011. Available from www.dos.gov.jo/owa-user/owa/emp_unemp.show_tables1?lang=E&year1=2011&round=1&t_no=41.

¹⁰ Jordan and United Nations in Jordan, *Keeping the Promise*, p. 23.

¹¹ A study conducted in 2010 by JNCW noted a gap of 24 per cent in salaries between the sexes in the public sector and 44 per cent in the private sector. NCHR, *Seventh Annual Report on the Human Rights Situation in the Hashemite Kingdom of Jordan for 2010* (Amman, 2010), para. 167.

¹² The temporary Elections Act of May 2010 raised the number of reserved seats for women from 6 to 12. See The Quota Project, available from www.quotaproject.org/uid/countryview.cfm?country=113.

female mayor. The quota was further increased to 25 per cent in July 2011. Furthermore, women have increasingly assumed high-level positions in the cabinet, with an average of three women ministers in each cabinet since 2004.¹³ Currently there are two women ministers in the 29-member cabinet: the Minister of Social Development and the Minister of Higher Education.¹⁴

11. Although the number of women participating in public life is increasing, this does not necessarily translate into women's issues being more actively discussed or promoted. During interviews with service providers, the Special Rapporteur was informed of how some women, particularly in rural areas, are still pressured by men to vote for the candidates who are supported by their families or their tribes. Furthermore, the public sphere is still mainly dominated by men, so decision-making tends to favour the interests of male citizens and continues to reflect social beliefs and value systems that are discriminatory against women.¹⁵ During a communal meeting, the Special Rapporteur witnessed how young women's voices were dismissed or silenced by elder traditional leaders who questioned their right to speak on behalf of the community. Clearly, the perceptions regarding the situation of women and the prevalence of violence against women in this region were divergent; yet tribal leaders seemed to have the prerogative to rebuff the views of other participants, particularly the younger speakers, and to have the final say in the matters that were being discussed during the meeting.

III. Manifestations of violence against women and girls

A. Domestic abuse and sexual violence

12. There is currently no coordinated multi-agency data-collecting and -processing mechanism to quantify the prevalence of domestic violence in Jordan. Governmental institutions that investigate complaints and provide services to victims, such as the Family Protection Department in the Public Security Directorate and the Ministry of Social Development, maintain their own records, as do non-governmental and semi-governmental organizations working with victims. Similarly, the Ministry of Justice records the cases of family violence heard in courts and the Ministry of Health registers all cases of sexual abuse and murder of women examined by its forensic experts.

13. Other limitations arise from the definitions used to classify the information, as most institutions focus on "family violence" and not specifically on violence perpetrated against women. Furthermore, challenges relating to underreporting prevent the authorities from having an accurate picture of the phenomenon in the country. Reasons for underreporting include, among others: fear of family fragmentation, fear of losing custody of children in the case of divorce, and fear of affecting the family's reputation.¹⁶

14. According to statistics from the Family Protection Department (FPD), 6,236 cases of violence against women and children were examined in 2011.¹⁷ Of these cases, 27.5 per cent (1,664 cases) were transferred to the courts, 61 per cent (3,782 cases) were transferred to the Department's Social Services Office, and 12.5 per cent (790 cases) were transferred

¹³ Rana Husseini, "Jordan", in *Women's Rights in the Middle East and North Africa: 2010 Edition*, Sanja Kelly and Julia Breslin, eds. (New York, Freedom House, 2010), p. 194.

¹⁴ Information provided during interviews at the Ministry of Political Development.

¹⁵ Reem M. Abu Hassan and Widad Adas, "Jordan", in *Women's Rights in the Middle East and North Africa 2005*, Sameena Nazir and Leigh Tomppert, eds. (Freedom House, 2005), p. 107.

¹⁶ NCFA, *Status of Violence against Women in Jordan* (Amman, 2008), p. 20.

¹⁷ FPD data for 1 January–30 September 2011.

to governors. The total amount of cases handled by the Department has steadily increased, from 4,312 cases in 2008 to 6,416 in 2009, and 8,605 in 2010, with cases of violence against adult women increasing from 675 in 2007 to 1,306 in 2010. However, the proportion of cases referred to the above-mentioned institutions (courts, social services and governors) has largely remained unchanged.¹⁸

15. Since 2007, the Department has examined 8,028 cases of sexual, physical and other forms of violence against women and girls. Of the 4,975 cases involving adult women, 1,061 were cases of sexual abuse, and 3,914 were cases of physical abuse.¹⁹ It is clear that these statistics show a steady increase in the total number of cases received by the Department, but it is unclear if this increase is a result of greater awareness and reporting among victims, or an increase in the prevalence of family violence.

16. According to a 2008 study by NCFA, psychological and verbal violence are the most common forms of abuse experienced by women. It is common for husbands to exert control over their wives, sometimes limiting their freedom of movement or not allowing them to express their opinions.²⁰ It is not uncommon for this violence to escalate to physical or sexual violence. The NCFA 2008 report indicates that in 2004, a high percentage of the society still believed women to be inferior to men and approved of women being disciplined by their husbands for not fulfilling their responsibilities as wives and mothers.²¹ Some stakeholders also referred to the deteriorating economic conditions, the lack of education and awareness, the influence of violent messages through mass media, and the deteriorating communication within families, as factors increasing the risk of domestic violence.

17. With regard to sexual violence, most interviewees stated that this is not a major problem in the country. According to information provided by NCHR, there were 67 reported cases of rape during 2010. The women's movement managed to push for changes in the Penal Code during 2010 and penalties were increased for perpetrators in cases where victims are under the age of 18, have a disability or are under the care or legal authority of the perpetrator.²² Through Law No. 8 of 2011, article 292 of the Penal Code was amended to include harsher sentences for all cases of rape, and particularly for cases in which victims are minors.²³ Marital rape is not a crime under the Penal Code.

18. Currently under the law, rapists may be exempt from punishment by marrying their victims. This provision is justified as a way of conferring protection and some sort of compensation to the victim, for the social stigma associated with rape. Although this provision is allegedly only applied with the full consent of the victim, societal pressures may push victims to accept this solution as the only way to be reintegrated into their communities.

19. Several activists raised the issue of women with disabilities and the greater risks they face, not only of experiencing sexual assault and rape, but also of suffering serious violations of their reproductive rights, including forced sterilization. It was reported to the Special Rapporteur that families resort to this illegal practice to avoid the social stigma associated with unwanted pregnancies of disabled women who have been victims of rape.

¹⁸ Ibid.

¹⁹ Data collected up until 30 September 2011.

²⁰ NCFA, *Status of Violence*, p. 19.

²¹ Ibid.

²² Information provided by representatives of NCHR during interviews.

²³ Mission to Jordan: comments by the State on the report of the Special Rapporteur (A/HRC/20/16/Add.5).

20. With regard to cases of incest, it is reported that prevalence rates for the last 10 years has been three cases per annum per 10,000 inhabitants.²⁴

21. Also worth noting is that the law does not provide for legal abortion in cases of pregnancies that result from incest or rape.

22. Finally, according to some interlocutors, economic violence is also very common. Men restrict women from working or force them to do so and then retain their salaries. Women are also sometimes pressured to renounce their inheritance rights, or not allowed to get married as a way for families to continue receiving their salary.²⁵ By law, women have the right to own property, engage in business, work and enjoy their income—without having to obtain the approval of their husbands or guardians. However, it is usually expected for women to give away their salaries, either to their guardians or their husbands.²⁶ These accepted and expected practices limit women's access to financial and economic independence, which is a crucial element for women fleeing abusive situations. Furthermore, the practice reflects a situation in which women's participation in the labour market does not generally contribute to their own development or empowerment, and their financial contribution to the family income does not translate into greater power or influence in decision-making within the family.

B. Gender-motivated killings of women in the family

23. As a result of awareness-raising campaigns carried out in the late 1990s, which enjoyed the support of the press, the Royal Family of Jordan and human rights and women's organizations in the country, the number of gender-motivated killings of women in Jordan has steadily decreased in the last years. However, this is still a phenomenon of concern in the country, and estimates of the number of so-called "honour killings" vary between 10 and 25 per year, depending on the source.

24. In many of these cases, violence against women is perpetrated by husbands, guardians and other male relatives, when women act in ways that are considered "dishonourable" in the eyes of society. Women, whether married or unmarried, who have engaged in pre- or extra-marital sex even face the risk of being murdered so as to "restore the family honour". Moreover, given the high levels of scrutiny under which some women live, leaving the home without permission or talking to an unrelated man are acts that have also resulted in the killing of women in the name of "honour".²⁷

25. An important gain made by the women's rights movement was the amendment of article 340 of the Penal Code in 2001, which no longer exonerates perpetrators of crimes committed in the name of "honour". However, perpetrators of such crimes may still get more lenient sentences under other Penal Code articles, such as article 98, which reduces penalties for crimes committed in a fit of rage, and article 99, which reduces by half a perpetrator's sentence when he is excused by the victim's family. Interviews with women at risk in both the Juweidah Reform and Rehabilitation Centre and the Dar Al Wifaq women's shelter revealed that family members, particularly younger brothers, are the main perpetrators of violence and killings committed in the name of honour. Both activists and

²⁴ Ibid.

²⁵ NCHR reports on a study undertaken by the Irbid governorate which indicates that 76 per cent of women in the governorate did not receive their full inheritance rights, of which 15 per cent waived their rights voluntarily. NCHR, *Seventh Annual Report* (footnote 11 above), para. 167.

²⁶ Husseini, "Jordan", p. 207.

²⁷ See for example, Rana Husseini, "Killer receives a reduced sentence following cassation order," *Jordan Times*, 23 September, 2002 and Rana Husseini, "One year in, amendments to Article 340 appear to have made little difference", *Jordan Times*, 22 December, 2002.

government officials explained how families who are already grieving the loss of their daughters, and wishing to avoid further pain, might decide to renounce their right to seek justice and have the perpetrator released from prison earlier. According to a study conducted by NCFR, of 50 cases of murder of women committed between 2000 and 2010, in 78 per cent of the cases perpetrators benefited from reduced sentences due to families waiving their personal rights.²⁸

26. While perpetrators of honour killing may still benefit from some loopholes in the law with regard to sentencing, some criminal courts have increasingly issued stricter sentences of up to 10 years in prison. Additionally, the amendments made to the Penal Code in 2011 created article 308 bis, which establishes the inadmissibility of mitigating factors if the victim is under 18 years old (A/HRC/20/16/Add.5). Furthermore, in July 2009 the Ministry of Justice established specialized units within five courts to hear cases involving so-called honour crimes, which will hopefully create more responsive jurisprudence on the matter and improve and expedite efforts to bring perpetrators to justice.

27. An ongoing issue of concern is the interpretation of preventive detention laws. The Crime Prevention Act contains some preventive measures that allow Governors to place persons who may constitute a danger to the community in administrative detention. However, this provision is also used to detain women whose lives might be threatened by their families and who are placed in custody “for their own protection”. At the time of the Special Rapporteur’s visit, 120 women were in administrative detention in the Juweidah Centre, of whom 25 were women at risk of suffering a so-called honour crime.²⁹

28. Whether in shelters or in prison, protective custody seems to be the main system used to prevent violence against women. Although efforts have been made to refer women to the Dar Al Wifaq shelter, it is still common practice for Governors to sign administrative orders by which women at risk are sent to the Juweidah Centre, when family reconciliation is not possible. The Special Rapporteur was informed that the release of women from “protective detention” is conditional upon the consent of a male relative and/or a guarantor.

C. Violence against migrant domestic workers

29. It is estimated that there are currently 70,000 migrant women working as domestic workers in Jordan, of whom only 40,000 are registered.³⁰ Most migrant domestic workers come from Indonesia, Sri Lanka or the Philippines; they are frequently poor and uneducated women with few livelihood opportunities in their own countries. Many are single mothers who do not have the financial support of a spouse, and who work abroad to support family members back in their home countries.³¹

30. Most of these women come into the country through Jordanian recruitment agencies, which sign agreements with agencies in the countries of origin. When a potential candidate is identified, the agency in Jordan issues an individual work contract that needs to be approved by the foreign embassy in Amman. Then the Jordanian authorities issue immigration and work visas for the domestic worker.³²

²⁸ Information provided by JNCW.

²⁹ Information provided by FPD.

³⁰ Husseini, “Jordan”, p. 203.

³¹ Tamkeen and Human Rights Watch, *Domestic Plight: How Jordanian Laws, Officials, Employers, and Recruiters Fail Abused Migrant Domestic Workers* (2011), p. 20.

³² It is reported that although Memorandums of Understanding had been signed between Jordan and the embassies of Sri Lanka (2006), Indonesia (2009) and the Philippines (2010), by August 2010, all

31. Migrant domestic workers arriving in Jordan are usually leaving their home countries for the first time. They do not know the language, or the culture in Jordan, and usually have little knowledge of their rights or their contractual agreements. It is reported that the abuse of migrant domestic workers begins in their home countries, where recruiting agencies deceive them with regard to the working conditions and responsibilities specified in their contracts. The Special Rapporteur received information indicating that some embassies provide short induction sessions to new recruits, but even if/when this is provided, most workers are unaware of their rights and of the possible avenues for redress in case of abuse. In most cases migrant workers are taken directly to their employers' homes upon arrival, or they spend a few nights at their recruitment agency, yet have little contact with the outside world from the moment they arrive into the country.³³

32. The most common human rights violations reported against migrant domestic workers include being kept forcefully confined within the home, having passports and identification documents withheld, receiving salaries that are below the country's minimum wage of 150 Jordanian dinar (US\$ 212) per month, not receiving salaries on time (or at all), and being forced to work long hours without any rest. The Special Rapporteur also received reports of physical, psychological and sexual abuse perpetrated against migrant domestic workers by either employers or staff of recruitment agencies.

33. Through confidential interviews, the Special Rapporteur was informed of cases in which migrant domestic workers would be coerced to have sexual relations with their male employers in exchange for "gifts", better working conditions, or permission to leave the home. There was no real possibility to unilaterally end these relationships given the power imbalances and disadvantaged situation of the workers. The Special Rapporteur also received reports of women being forced to shave off or cut their hair, and being mistreated and beaten by their female employers.

34. In most cases of abuse, "running away" is the only option for the employees, and workers seek assistance from their embassies or their recruitment agencies. Usually migrant women just aim to return home, and do not want to get involved in the criminal justice process. However, recruiters tend to favour reconciliation between employers and employees, so as to avoid financial losses, and may in some cases return workers to abusive employers. The Special Rapporteur also received information indicating that recruitment agencies are sometimes pressured by corrupt government officials to settle matters in a way that favours the employers.

35. For the women, obstacles to their return include having to pay "over-stay" fines for each day they remained in the country without residency status, and securing funds to pay for their return flight. Although they are entitled to a ticket paid by their employers, this is only the case after they complete two years of service, and even in those cases, employers do not always comply with this responsibility.³⁴ When the Special Rapporteur visited the Juweidah Centre, there were 77 foreign women in detention, most of them domestic

three countries had formally suspended deployment of their nationals as domestic workers to Jordan. As of May 2011, only Sri Lanka had lifted such suspension. The reasons for the suspension include: (a) the high number of abuses against migrant domestic workers; (b) the difficulty in returning migrant domestic workers stranded at the embassies to their home countries; and (c) the lack of progress in negotiating higher salaries with recruitment agencies (Tamkeen and Human Rights Watch, *Domestic Plight*, pp. 22-23). Unfortunately, it was not possible for the Special Rapporteur to meet with representatives of these three embassies while in Amman.

³³ Information provided during a meeting with a recruitment agency.

³⁴ Tamkeen and Human Rights Watch, *Domestic Plight*, pp. 61 and 67.

workers who had fled their jobs, whose employers were refusing to pay for their return home, and whose embassies were reluctant to assist.³⁵

36. Structural causes of abuse against migrant domestic workers stem from both formal and cultural discrimination. Legislation is in itself discriminatory when it states that a domestic worker is not allowed to leave the house unless the employer has given her permission and has been informed of her whereabouts.³⁶ Yet these restrictions are deemed acceptable and normal among employers, even those who strive to provide good working conditions to their employees, due to the same overprotective views that restrict the independence of Jordanian women. Migrant domestic workers may be kept under tight control to avoid their exposure to negative influences and to men, to prevent them from “getting into trouble” and in some way bringing shame into their employer’s families.

37. An important source of discrimination and abuse is the tendency to “otherize” foreign women and feed into racist or prejudiced misconceptions about their sexuality and moral standing. Some employers will not afford the same kind of “respect” to these working Asian women that they normally would show towards Jordanian women.³⁷

D. Violence against refugee women

1. Palestinian refugees

38. Currently there are almost 2 million Palestinian refugees registered with the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) who live in Jordan.³⁸ Most of them arrived following the Arab-Israeli War in 1948 and were granted Jordanian citizenship under the Jordanian Nationality Act of 1954.³⁹ They enjoy all political rights, including the right to vote, and also have full access to government services.

39. In addition, there is a smaller group of Palestinian refugees who were forced to move to Gaza as a result of the 1948 war, and later fled to Jordan when Israel occupied the Gaza Strip in 1967. UNRWA estimates that there are currently 136,617 of these ex-Gazan refugees living in Jordan. With the exception of a few families, most of these refugees did not qualify for citizenship and hold temporary residency permits.⁴⁰

40. The Special Rapporteur visited Jerash camp, near Amman, where a large number of ex-Gazan refugees live and where she met with refugee women, service providers, teachers and young refugee students. Most of the interviewees are part of a third generation of ex-Gazan refugees who were born and raised in Jordan.

41. The population of Jerash camp amounts to 20,000 persons living in an area of 750,000 m² (0.75 km²). According to a door-to-door survey conducted by UNRWA in May 2007, Jerash camp is among the poorest of the Palestinian refugee camps in Jordan, with high unemployment and illiteracy rates.⁴¹ The Special Rapporteur was informed that about

³⁵ Information provided by FPD.

³⁶ Article 5, paragraph (a)(5), of the Regulation on Domestic Workers, Cooks, Gardeners, and Their Like (October, 2009) and article 6 of the Unified Standard Contract (2003).

³⁷ Information provided during a meeting with a recruitment agency.

³⁸ According to UNRWA, Jordan hosts the highest number of refugees of all five fields of UNRWA operations.

³⁹ Information provided by UNRWA during interviews.

⁴⁰ This does not include a third category of unregistered refugees (estimated by the media at between 100,000 and 150,000) who fled Gaza in 1967, do not meet the definition of Palestinian refugee and have limited access to both government- and UNRWA-sponsored services.

⁴¹ The unemployment rate is estimated at 39 per cent, compared to 14 per cent for Jordanians and other Palestinian refugees. The illiteracy rate is 13.8 per cent, compared to 7.5 per cent for the rest of

9.8 per cent of the Jerash camp population are currently registered under the UNRWA Special Hardship Case programme and receive financial and in-kind assistance from the agency.⁴² UNRWA reports that dwellings are overcrowded, not regularly maintained and very cold during the winter. This is coupled with health risks deriving from the lack of an adequate sewerage system.

42. Ex-Gazan refugees face several legal restrictions deriving from their lack of citizenship. Not only are these refugees limited with respect to political rights, such as the right to vote, to be represented in parliament or to register a political party, they also face restrictions in terms of their access to work, education, health and other rights and benefits.

43. With regard to higher education, Gazan refugees are considered as international students, which means they have to pay higher fees in both undergraduate and postgraduate programmes at universities. The only exception is for those refugees who manage to obtain a seat through a Royal Quota that reserves 5 per cent of public university seats for refugee camp residents in the country. It is therefore very difficult for ex-Gazan refugee girls to find a place in public university, and if they do, it is not necessarily in the faculty of their choice. For most of them, the prospect of attending private university is unthinkable due to the impossibility of paying the high fees.

44. In terms of their access to employment, Gazan refugees are not allowed to work within the government, which is currently the major employer in Jordan, particularly for women. Furthermore, activities in the spheres of law, agriculture, engineering, journalism and accounting may only be carried out by persons enjoying Jordanian nationality or by foreigners enjoying “reciprocal treatment”, which Gazan refugees do not.⁴³ With regard to employment in the health-care sector, which is also an attractive and common area of work for women, refugee doctors and nurses are allowed to work if they hold a practicing license, but this needs to be renewed every year and is strictly linked to a specific hospital or clinic.

45. During interviews with ex-Gazan refugee girls and women, the Special Rapporteur heard about the effects that these restrictions have on refugee women, particularly in terms of facing extra pressure to marry early as a means to lessen the economic burden on their highly disadvantaged families. Another concern shared by refugee girls in Jerash is how parents sometimes prioritize the education of their male children, because (a) it will be easier for the young men to find jobs, and (b) they feel their daughters will ultimately get married and, if employed, will contribute their salaries to their husband’s families, and not their own.

46. This forces refugee girls and women to perpetuate a cycle of economic dependence on their male relatives and restricts them from achieving the financial independence that would be required for them to gain their own livelihood, which is particularly important if they face a situation of abuse.

47. Interviewees confirmed that violence within the community is rare, and that women and girls are rarely disrespected or assaulted by men in the camps. Girls know their families and the community as a whole will stand by them and protect them if such a situation occurred. However, refugee women do not enjoy the same kind of support with regard to violence occurring within the family, as the community still regards this issue as a private matter that will bring shame to the family if disclosed. Some interviewees explained that

Jordan. About 27 per cent of camp residents lived under the poverty line of \$1 per day, and the percentage increases to 64 per cent when considering a poverty line of \$2 per day.

⁴² While 2.6 per cent of refugee families are identified by UNRWA as Special Hardship Cases, the percentage rises to 4.2 per cent among ex-Gaza families.

⁴³ As ex-Gazan refugees do not hold Palestinian nationality either, they are not eligible for these entitlements enjoyed by other foreign workers.

domestic violence is accepted and sometimes even justified by the society as a form of discipline. This largely restricts victims from speaking out and seeking support. Refugee women face an additional layer of fear, due to their disadvantaged position before the authorities. They will not reach out to the available support systems, such as those provided by the Family Protection Department, as this is part of the Public Security Directorate and reporting would, in their view, open up a door for further scrutiny and control of their communities by the police.

2. Iraqi and other non-Palestinian refugees

48. Although Jordan is not a State party to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto, the Jordanian authorities hosts asylum-seekers and refugees, particularly from Iraq. However, the Government does not refer to them as refugees, but as “guests”. On 18 June 2011, a general amnesty was issued by the King, which included a waiver of all overstay fees and fines incurred by asylum-seekers and refugees in Jordan.

49. The Government’s legal framework with regard to refugees is a Memorandum of Understanding signed with the Office of the United Nations High Commissioner for Refugees (UNHCR) in 1998, which contains the refugee definition, confirms the principle of non-refoulement, provides the legal basis for the stay of asylum-seekers in Jordan, and allows mandate refugees a maximum stay of six months after recognition. There is no possibility of local integration in Jordan, therefore, UNHCR must resettle refugees in third countries or assist them to voluntarily repatriate, which is not a plausible option for most Iraqis.

50. As of 30 September 2011, 33,747 Iraqi and 2,666 non-Iraqi asylum-seekers and refugees had been registered with UNHCR in Jordan, of which 16,501 were Iraqi women. However, according to official government records, the overall number of Iraqis in 2007 was between 450,000 and 500,000.⁴⁴ The presence of large numbers of Iraqis has put a strain on the country’s economy, resources and infrastructure.

51. Refugee women are affected by the same conservative attitudes that prevent Jordanian women from taking full advantage of their legal rights and that stigmatize victims of abuse. Refugee women also suffer from legal inequalities with respect to marriage, divorce and child custody. With regard to sexual and gender-based violence, not only do refugee women fear the same social stigma and shame associated with these types of crimes, but their unwillingness to report and seek justice is exacerbated by the uncertainty of their status in the country.

52. In 2011, UNHCR dealt with 128 cases of sexual and gender-based violence against refugee women, most of which occurred in the home. Causes and risks factors for violence against women in the refugee population include loss of security, lack of alternatives to cope with socio-economic changes, disrupted roles within the family and community, and a breakdown of social structures, in addition to the lack of knowledge of their individual rights in national and international laws.⁴⁵

⁴⁴ Jordan, Department of Statistics, *Iraqis in Jordan: Their Number and Characteristics*, p. 8. Available from www.dos.gov.jo/dos_home_e/main/Iraqis%20in%20Jordan.pdf.

⁴⁵ Information provided by UNHCR during interviews.

IV. Legislative framework

1. Equality and non-discrimination

53. According to article 6 (i) of the Constitution, all Jordanians are equal before the law, and discrimination is prohibited on the basis of race, language or religion. In addition, the National Charter of 1991 establishes that Jordanian men and women are equal under the law and that there shall be no distinction between them in rights and obligations. Despite these provisions, there are currently some laws that are discriminatory to women, such as those relating to nationality and marriage.

54. In early 2011, following the rise of pro-democracy movements in the Arab region and in response to demonstrations and protests taking place in the country, King Abdullah II initiated a process of political and economic reform, and established the Royal Committee on Constitutional Review. This was seen by the women's movement as an ideal opportunity to raise the issue of non-discrimination and to advocate for the word "gender" to be added to article 6 of the Constitution. Women's rights activists and organizations carried out a nationwide campaign with the support of prominent activists and parliamentarians and with the endorsement of JNCW. However, despite the positive expectations and popular support for the proposed changes,⁴⁶ in its final recommendations presented in August 2011, the Royal Committee on Constitutional Review did not include adding the word "gender" to article 6. Despite further lobbying carried out by the women's movement at the Parliamentary level, the decision was confirmed by the Cabinet and both Houses of Parliament, when the Constitutional amendments were passed in September 2011.

55. During interviews with the Special Rapporteur, several activists argued that including the word "gender" would have given women an instrument they could use to challenge discriminatory laws or policies and help harmonize current legislation with the international obligations of Jordan. Among the arguments made by Parliamentarians who rejected the amendment was that the Constitution already provides equal rights to "all Jordanians" and that the word "Jordanians" includes both sexes. However, some NGO stakeholders asserted that the addition was rejected due to fears of upsetting the religious leadership, who were actively demanding political changes in the country.

56. Furthermore, the approved Constitutional amendments included the addition of the following text in article 6: "The family is the foundation of the society. It is founded on religion, morals and patriotism. The law preserves its legal entity, strengthens its ties and values, protects under it motherhood and childhood and cares for youth and people with disabilities and protects them from exploitation."⁴⁷ This text further entrenches a traditional view of women as mothers and as individuals in need of protection.

57. Jordan ratified the Convention on the Elimination of All Forms of Discrimination against Women on 1 July 1992, yet the Convention only became enforceable after its publication in the *Official Gazette* on 1 August 2007.⁴⁸ The Convention was ratified with

⁴⁶ According to the Arab Women Organization (AWO), at least one opinion poll showed that 89 per cent of respondents supported adding "gender" into article 6. AWO, Mosawa Network, members of the My Mother is Jordanian and Her Nationality is My Right campaign, "Substantive equality and non-discrimination in Jordan", shadow report submitted to the Committee on the Elimination of Discrimination against Women at its fifty-first session, p. 16.

⁴⁷ Recommendations made by the Royal Committee on Constitutional Review. Available from www.jordanembassyus.org/new/pr/prdocs/EnglishAmendments.Final.pdf.

⁴⁸ As per Court of Cassation decision No. 818/2003, "international treaties and conventions take precedence over domestic law, and have priority of application in the event of any incompatibility.

reservations to article 9, paragraph 2 (regarding nationality), article 15, paragraph 4 (regarding freedom to choose a place of residence and domicile), and article 16, paragraph 1 (c), (d) and (g) (regarding marriage and divorce, parental rights and responsibilities, and personal rights under marriage, respectively).

58. In 2003, the interim Passports Act was enacted, which allowed women and their children to obtain passports without the written permission of their husbands. Accordingly, in August 2009, Jordan lifted its reservation to article 15, paragraph 4, of the Convention. Following her country visit, the Special Rapporteur was informed that the 1969 Passport Act was being reviewed to incorporate the provisions of the interim Act through the proper constitutional channels.⁴⁹ However, while this review is being completed the temporary Act has been annulled, including provisions allowing women to obtain their own passports, to travel, and to choose a place of residency without the consent of their guardians.⁵⁰

59. Jordan still maintains reservations on article 16 of the Convention, which advocates for taking all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations. Under Jordanian law, women still do not enjoy equal rights and responsibilities with regard to marriage, divorce, custody issues and personal status. Jordan also maintains its reservations to article 9, paragraph 2, and women are still denied the right to confer their nationality to their children.

2. Nationality

60. Under the current Nationality Act (No. 6 of 1954), only Jordanian men can transmit their nationality to their children or their foreign spouse. Jordanian women do not enjoy this right when marrying a foreigner, although they may retain their nationality. According to Act No. 24 of 1973 on Residence and Foreigners' Affairs, children and spouses who are not Jordanian nationals require a yearly residency permit to access government health services and must pay individual annual residency fees. Arguments in support of these provisions include that allowing women to transfer their nationality would encourage the immigration and assimilation of foreigners, which, in the case of women married to Palestinian men, would affect efforts to secure the right of return.

3. Personal status

61. Matters of personal status for Muslims in Jordan, including marriage, divorce and child custody issues, fall within the jurisdiction of sharia law, on which the Personal Status Act (No. 61 of 1976) is based.

62. A guardianship system still applies whereby a male relative acts on behalf of an unmarried woman under the age of 40 (whether divorced, widowed or single), and she is considered his economic dependent. Therefore, marital contracts are signed between a man and a woman's guardian, with an exception for women marrying for the second time (who do not require family approval) or if a sharia judge decides a guardian's opposition to the marriage is legally unjustified.⁵¹

63. Amendments made to the Personal Status Act in 2001 and 2010 have introduced a number of changes for women, which are considered extremely positive by several

No provision of domestic law may prevail over the provisions of an international convention" (CEDAW/C/JOR/5, para. 8).

⁴⁹ Musa Keilani, "Jordan to scrap regulation on passport for women", *Gulf Today* (United Arab Emirates), 12 January 2012. Available from <http://gulftoday.ae/portal/c0602421-8238-49e2-af64-e0408b0014c9.aspx>.

⁵⁰ AWO and others, "Substantive equality" (footnote 46), para. 212.

⁵¹ *Ibid.*, paras. 200-201.

advocates, as they refer to controversial issues that had not been open to discussion previously. For example, the minimum age of marriage was increased for both boys and girls to 18 years of age. However, the Special Rapporteur was informed that the marriage of a girl over 15 years of age can still be approved by a judge if he or she finds such marriage to be in the best interest of the girl. This provision is exclusive to girls and therefore highly discriminatory, as it reinforces views of girls having different rates of physical and intellectual development than boys, and further obstructs girls' possibilities of completing their education before marriage.

64. Under article 19 of the Personal Status Act, a woman is entitled to set certain conditions before agreeing to marry, such as being entitled to finish her education. It is argued, however, that this right is rarely exercised by women, as they are unaware of these provisions in the Act or feel they may jeopardize their marriage by attempting to exercise them.⁵² Article 66 of the Act establishes men's obligations to provide materially and financially for their wives. Men are allowed to marry up to four wives, but only if a judge verifies that they are financially capable of providing support to all. Also courts need to ensure that women are aware of the existence of other wives. However, this might only be communicated after the marriage has taken place as there is no requirement that women be consulted or informed prior to the marriage. The practice of polygamy is legally sanctioned, but it is not a common practice, mainly due to financial constraints.

65. With regard to divorce, men have the right to divorce their spouses without providing any reasons. The divorce has to be registered by a court and women are entitled to continue receiving financial support for at least a year after the divorce takes place. Women are also entitled to keep their dowry in these cases. Women may file for a judicial divorce at the sharia court, but they have to provide evidence and witnesses to support their application. Grounds for divorce can include domestic abuse, the husband's failure to provide financially, or unjustified and prolonged absences. It is reported that these divorce processes are often lengthy and are usually denied. Alternatively, women can also resort to *khula*, which is the unilateral ending of the marriage where women have to return the dowry and renounce any future financial support from husbands. In these cases, women are not required to provide a valid reason or justification. This is not a feasible option in a context of financial dependence.⁵³

66. As regards child custody within marriage, the Personal Status Act only allows for men to act as guardians of children. After a divorce, a woman has custody of her children until they reach the age of puberty and children then decide who they wish to live with. If a woman remarries, she will lose custody of her children, who will return to their father or his family. Even when the mother has custody of a child, the father is still considered to be the legal guardian and final decision-maker with regard to issues such as the child's education.⁵⁴ The Act also allows fathers to prevent their children from travelling abroad with their mothers.⁵⁵

4. Labour

67. The right to work and to equal opportunities is established through article 23 of the Constitution. Article 2 of the Labour Code (Act No. 8 of 1996), defines workers as "each person, male or female, who performs a job in return for wages". Similarly, equal consideration of men and women as workers is provided in the Civil Service Ordinance

⁵² Ibid., para. 199.

⁵³ Husseini, "Jordan", p. 202.

⁵⁴ Ibid., p. 203.

⁵⁵ AWO and others, "Substantive equality" (footnote 46), p. 47.

(No. 30 of 2007), which regulates employment in the public sector.⁵⁶ However, there are no specific provisions within Jordanian labour laws prohibiting discrimination on the basis of sex and/or gender.

68. Women also face certain legal restrictions (under article 23 of the Constitution and article 69 of the Labour Code) to participate in specific activities or engage in night-time labour. These provisions are intended as protective measures to ensure safe working conditions for women. Through amendments made in 2008, article 29/6 of the Labour Code now addresses sexual abuse and harassment, and allows women victims to terminate contracts and claim compensation for damages. However, some interviewees reported that women are still unaware of these provisions and do not know how to file a claim. Furthermore, the Code only provides for compensation if the abuse was committed by the employer and does not include cases in which the perpetrator is another employee.⁵⁷

69. Other discriminatory provisions are reflected in the Social Security Act, which refers to benefits for surviving spouses of women employees. Unlike the spouses of male employees, who would receive their pension automatically, surviving spouses of female employees need to meet certain criteria, such as being completely disabled or having no other source of income, to receive these benefits.⁵⁸

70. With regard to migrant workers, article 3 of the Labour Code was amended in August 2008 to include agricultural workers, domestic workers, cooks, gardeners and other migrant workers. Although regulations were issued in October 2009 to monitor employment contracts, recruitment methods, and compliance with fair working hours, effective inspection by the Ministry of Labour is reportedly still a challenge.⁵⁹

5. The Protection against Family Violence Act

71. In January 2008, the Parliament enacted the Protection against Family Violence Act with the aim of “preserving family ties and minimizing the impact of criminal acts in cases of violence among family members” (CEDAW/C/JOR/5, para. 29). The Act is also aimed at establishing the confidentiality of the proceedings, imposing alternative penalties, and establishing precautionary measures for the safety of victims and other family members.

72. The Act established “family reconciliation committees” to enable parties to find amicable solutions before a case is taken to court. According to article 7 of the Act, “preference shall be given to referrals to family reconciliation committees prior to taking any of the protective measure stipulated in this Act, providing that the family’s best interest is taken into consideration”.⁶⁰ The Special Rapporteur was informed that regulations for the Act were recently adopted and family reconciliation committees have been established.

73. The Act provides for the court to issue protection orders when necessary and establish penalties against perpetrators for violating protection orders and re-offending. Courts might also establish the payment of compensation to victims (CEDAW/C/JOR/5, para. 29). The Act allows the police to enter a location where victims are at risk and take the necessary measures to protect them from perpetrators. Perpetrators may sign pledges promising not to commit any harm, but the police may also decide to remove perpetrators from the location, based on their risk assessment. Other protective measures include police

⁵⁶ Husseini, “Jordan”, p. 208.

⁵⁷ CEDAW Alliance Coordinator: Jordanian Women’s Union, shadow report submitted to the Committee on the Elimination of Discrimination against Women, 2012, p. 31.

⁵⁸ Husseini, “Jordan”, p. 210.

⁵⁹ Tamkeen and Human Rights Watch, *Domestic Plight* (footnote 31 above), p. 75; AWO and others, “Substantive equality” (footnote 45 above), para. 238.

⁶⁰ Translation provided by the Ministry of Foreign Affairs.

detaining perpetrators up to 24 hours and courts restricting perpetrators from approaching the shelters where victims are living.⁶¹

74. Despite positive provisions in this legislation, obstacles still remain with regard to the definition of violence, which is limited to violence occurring within the family; the explicit focus on family reconciliation as a preferred solution; and the low levels of implementation of this Act by the courts since it was enacted. The norm is a practice of resolving cases through reconciliation and not through accountability measures such as prosecution and punishment of perpetrators.

V. Institutional framework

75. Several national institutions are involved in the fight against family violence, with NCFA as the lead organization. It was under the umbrella of NCFA that efforts were coordinated in 2005 to launch the National Framework for Family Protection, aimed at coordinating all ministerial efforts to assist victims of violence, as well as the National Strategy for Family Protection (2005–2009) to enhance partnerships and coordination between governmental and non-governmental institutions working on family affairs. As a direct result of these two initiatives, the Protection against Family Violence Act was enacted in 2008 and special departments on family violence were established within the Ministries of Health, Education, Justice, and Social Development. NCFA also serves as the secretariat of the National Team for Family Protection, a multi-agency, high-level technical team composed of both governmental and non-governmental institutions that oversee the implementation of the National Framework and the National Strategy for Family Protection. One of the main contributions of NCFA as regards violence against women has been the development and sharing of expertise on family counselling services with both governmental and non-governmental service providers.

76. Another crucial institution working on the promotion of women's rights and the elimination of violence against women is JNCW. This Commission is the national institution for women and is in charge of promoting the economic, social, cultural and political advancement of women through the implementation of the Government's National Strategy for Women. The strategy for the period 2006-2010 included the elimination of violence against women as one of its key objectives, and it strove to develop human rights-based approaches to the issue. As part of these efforts, the Sham'a ("candle") network was established to monitor the violence against women component of the National Strategy for Women and to conduct training and awareness activities for law enforcement officers and other actors within the judicial system.

77. As the national human rights institution, NCHR has also joined institutional efforts to address the issue of violence against women using a human rights-based approach. It is in a privileged position to inform national efforts, as part of its mandate includes receiving individual complaints and issuing recommendations on human rights violations, including cases of violence against women.

78. Finally, specific structures to address violence in the family have been established at the ministerial level in at least three crucial ministries:

(a) FPD is part of the Public Security Directorate and has a distinct mandate to investigate and handle cases of domestic violence and sexual abuse. The department is mandated to carry out investigations, follow up on cases, and provide victims with specialist services, including legal, social and psychological services. FPD works in close

⁶¹ UNDP, "Violence against women: assessing the situation in Jordan", p. 13. Available from www.undp-jordan.org/index.php?page_type=publications&press_id=176.

partnerships with other institutional stakeholders, particularly with the Ministry of Social Development;

(b) The Ministry of Social Development is the main institution in charge of providing women victims of violence with services, in cooperation with non-governmental organizations. In 2007, the Ministry established the Dar Al Wifaq shelter to provide lodging and protection for women victims of domestic violence and their children. It is currently leading intergovernmental efforts to establish a new centre for, in particular, women who are at risk as regards so-called honour killings. As with most of the institutional efforts to address this issue, the main goal of the Ministry is to achieve family reconciliation between survivors and their families;

(c) Within the Ministry of Health, the Woman and Child Health Directorate has a specific section on domestic violence, which has designed and disseminated specialized manuals and training for medical service providers to identify and refer cases of family violence against women and children. Pilot programmes have been launched in three hospitals and six health centres in Amman, Zarka and Irbid, and Family Protection Committees have been established in each of these institutions, with specialized medical staff in collaboration with forensic medicine specialists. The Forensic Medicine Directorate within the Ministry has played a pivotal role in raising awareness and providing technical expertise in the identification and proper handling of domestic violence cases.

79. Although these institutions work in a coordinated manner and have established clear referral systems for cases of violence against women, adequate data collection and monitoring systems are still lacking. Furthermore, most services provided by these institutions are limited to the short term, and no long-term solutions are currently available for survivors, particularly for women who do not enjoy any family support and/or who are at risk.

VI. Main remaining challenges

80. The status of women in Jordanian society has been gradually changing, and today women enjoy, in principle, equal rights with men with regard to issues such as political participation, education and employment. Through the ratification of international human rights instruments, amendments to national legislation, and the design and implementation of relevant policies and programmes, the Government has taken positive steps towards gender equality in the country. Nevertheless, women still suffer discrimination in law and in practice. As discussed in section IV above, current legislation still discriminates against women in issues such as nationality and citizenship rights, as well as pension and social security rights. Even in cases where positive legislative amendments have been made, the implementation of the law is still hampered by the persistence of patriarchal cultural norms and customs which result in de facto discrimination against women.

81. Many of the obstacles faced by the Government in its attempts to achieve women's empowerment, their participation in public and political life and the elimination of violence against women, emerge at the community level, through gender stereotypes that the society has come to accept as norms. Several stakeholders, both from the Government and from civil society, referred to Jordanian society as a conservative, patriarchal and tribal society, in which limitations to women's empowerment come from within families and communities, including community leaders. Another recurring message from several interviewees was that tradition, and not always religion, is at the source of discrimination and violence against women in the country. It is in the way that religion is interpreted that socially created gender stereotypes which increase society's reticence to change are perpetuated. Obstacles emanating from traditional and religious leaders, some

parliamentarians, and local authorities sometimes undermine efforts undertaken by the executive branch to promote more progressive views on the role of women within society.

82. Although the Jordanian culture is highly respectful of women, among the conservative sectors of the country, this respect appears to be conditional upon women's behaviour and adherence to their traditional roles as mothers, daughters and wives. Some sectors of the society still struggle to see women as independent, empowered and autonomous individuals. Therefore, many of the efforts to protect women against violence tend to be paternalistic and restrictive, under the justification of protection.

83. A paternalistic view of women as vulnerable individuals in need of protection is particularly evident in the prevalence of the *Welaya* or guardianship system which is currently still in place. Available legal responses to violence against women, which prioritize reconciliation and women's reintegration into the family structure, are also a reflection of the lack of real opportunities for survivors of violence to rebuild their lives independently, as this is viewed as socially unacceptable.

84. Several interlocutors made reference to being raised in a culture of mistrust and fear: fear of the unknown, fear of their male schoolmates or work colleagues, fear of walking alone or taking a taxi, and, especially, fear of being judged by society. Fear of social stigma is particularly worrying, as it represents an important obstacle for women victims of violence, particularly sexual violence, to speak up and seek legal redress. A culture of fear also has direct effects on women's sense of empowerment and agency and plays a role in their educational and career choices, which are not necessarily based on women's real interests or the development needs of the country. Choices are thus limited by perceptions of security and appropriateness, which then limit women's active participation in the country's economic, political and social development.

VII. Conclusions and recommendations

85. **The Government of Jordan has acknowledged the need to ensure equality and non-discrimination for women in the country, and has taken some important steps to achieve their integration into education, employment and politics. However, given the traditional roles that the majority of women have conventionally undertaken, a purely legal or programmatic approach will not be sufficient to achieve the ultimate goal of substantive and not just formal equality.**

86. **Holistic solutions are required that address both the individual empowerment of women and also the social, economic and cultural barriers that are a reality in their lives. Empowerment must be coupled with social transformation to address the systemic and structural causes of inequality and discrimination, which often lead to violence against women.**

87. **In the light of the above, the Special Rapporteur would like to address the following recommendations to the Government of Jordan.**

Law and policy reforms

88. **The Special Rapporteur recommends that the Government:**

(a) **Approve the necessary amendments to include the explicit prohibition of discrimination on the basis of sex and gender within article 6 (i) of the Constitution. This would provide a more effective legal tool to assist in challenging discriminatory laws and policies and also would serve to educate and raise awareness of the human rights of women;**

(b) Amend the Nationality Act to grant Jordanian women the right to confer their citizenship on their children, and remove the reservation to article 9 of the Convention on the Elimination of All Forms of Discrimination against Women with regard to granting equal rights to women with respect to nationality;

(c) Enact a new and permanent passport act that recognizes the right of women to obtain passports for themselves and their children without the written permission of their husbands or guardians, as well as to travel and choose their place of residency;

(d) Approve additional amendments to the Personal Status Act to ensure that women enjoy equal right as men in issues relating to marriage, divorce and child custody; eliminate the Welaya (guardianship) system for adult women; and remove reservations to article 16, paragraph 1 (c), (d) and (g), of the Convention on the Elimination of All Forms of Discrimination against Women;

(e) Adopt further affirmative action measures to increase the participation of women in the political life, in order to reverse gender imbalances, including by appointing a larger number of women to the judiciary and as senior level officials in the executive and judicial branches at the national and local levels;

(f) Provide for additional temporary special measures, including quotas and preferential treatment, to advance women's integration into education and the economy, and continue providing incentives to increase the employment of women within the private sector;

(g) Amend the Labour Code to eliminate any legal restrictions to the participation of women in any activity and explicitly prohibit discrimination against women in the workplace. Ensure that the Social Security Act recognizes equal rights for male and female employees;

(h) Strengthen the role of the Directorate of Domestic Workers to monitor and regulate the practices of employment agencies and ensure the implementation of relevant provisions in the Labour Code to prevent violence and abuse directed against women migrant domestic workers, and ensure that cases of abuse are thoroughly investigated and punished;

(i) Amend articles 98 and 99 of the Penal Code to ensure that such provisions are not applicable in cases of violence against women, in order to ensure adequate and fair sentences in cases of killings of women committed in the name of "honour". Judges should also ensure that past histories of violence are taken into account before considering any mitigating circumstances for offenders;

(j) Further amend the Protection against Family Violence Act:

(i) To ensure the adequate defining and criminalization of all forms of violence against women, including marital rape;

(ii) To provide for sufficient and adequate services and shelters for women victims of violence, including refugee women and migrant domestic workers, including in governorates outside the capital;

(iii) To ensure that family reconciliation is not privileged over the individual human rights of women victims of domestic violence, and that there is redress and accountability for all acts of violence against women;

(k) Eliminate the practice of protective custody of women in the Reform and Rehabilitation Centres and, together with non-governmental organizations, establish programmes to guarantee long-term rehabilitation and housing solutions for women

victims of violence who do not have the support of their families, and/or who are under threat;

(l) Launch pilot programmes in courts, together with the specialized family violence units, to adequately prosecute and punish perpetrators of violence against women, in accordance with the law;

(m) Eliminate any restrictions in the access of the refugee population to education, jobs, property, health services and social benefits. Promote the effective access of refugee women to judicial and other services;

(n) Continue cooperating closely with non-governmental organizations to ensure their full participation and capacity-building in all efforts aimed at eliminating violence against women;

(o) Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the 1954 Convention relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness and International Labour Organization Convention No. 189 (2011) concerning Decent Work for Domestic Workers.

Societal change and awareness-raising

89. The Special Rapporteur recommends that the Government:

(a) Design and launch targeted awareness-raising campaigns to educate and change societal attitudes, particularly those that view women's bodies as repositories of family honour, and which place women under extreme scrutiny by the family and society;

(b) Train and sensitize the media in issues related to women's rights generally and violence against women in particular, in order to contribute to changing the predominant social and cultural beliefs and attitudes that perpetuate harmful stereotypes and myths about women;

(c) Continue strengthening, systematizing and tailoring capacity-building and training activities for all those involved in providing services to women who have been subjected to violence, including policymakers, judicial officers, health-care professionals and other service providers.

Statistics and data collection

90. The Special Rapporteur recommends that the Government:

(a) Establish a standardized system for the collection and analysis of data, disaggregated by sex, race, age, ethnicity and other relevant characteristics, in order to understand the magnitude, trends and patterns of violence against women in the country;

(b) In cooperation with civil society organizations, develop monitoring and evaluation tools to evaluate progress made in eradicating violence against women in a clear systematic way, and integrate such tools in the country's periodic demographic and health surveys.