



**Australian Government**  
**Refugee Review Tribunal**

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# Country Advice

## Jordan

Jordan – JOR40065 – Palestinians –  
Discrimination – Marriage – Honour  
Killings  
5 April 2012

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### 1. Please provide information on the treatment of people of Palestinian origin.

No information was located that suggested Jordanian nationals of Palestinian origin have, as a specific group, been subject to serious mistreatment over recent years in terms of suffering physical harm or imprisonment. However, a number of reports were found that claim Palestinian Jordanians are under-represented within the Jordanian government, military and in admission to universities. In April 2011, the US Department of State reported in respect to the treatment of Palestinians in Jordan that:

Palestinians were underrepresented in parliament and senior positions in the government and the military, as well as in admission to public universities. They had limited access to university scholarships.<sup>1</sup>

Similarly, a report by the International Crisis Group on political reform in Jordan, dated March 2012, found that since 1970 Palestinian Jordanians have been “mostly purged from state institutions, including the public sector and the security apparatus, while many turned away from political participation altogether”. The report notes that Palestinian Jordanians have not mobilised politically as a community and that their under representation in politics and state institutions has been driven by insecurity concerning their citizenship status and an electoral system that militates against their fair representation, rather than a government policy of discriminatory employment.<sup>2</sup> Insecurity of citizenship status for Palestinian Jordanians was also highlighted by Amnesty International in its 2011 Annual Report on Jordan. The report noted that:

The authorities continued arbitrarily to withdraw Jordanian nationality from citizens of Palestinian descent. Hundreds of thousands of people of Palestinian origin are recognized as Jordanian citizens. Those whose nationality was withdrawn had few means to challenge the decision and were effectively made stateless and denied access to health care and education facilities.<sup>3</sup>

Similarly, the above cited report by the US Department of State also refers to the revocation of citizenship status for some Palestinian Jordanians. The reports states that:

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<sup>1</sup> US Department of State 2011, *Country Reports on Human Rights Practices for 2010 – Jordan*, 8 April, Section 6 <<http://www.state.gov/j/drl/rls/hrrpt/2010/nea/154464.htm>> Accessed 5 April 2012

<sup>2</sup> International Crisis Group 2012, *Popular Protest in North African and the Middle East (IX): Dallying with Reform in a Divided Jordan*, 12 March, p. 12 <[http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/Iran%20Gulf/Jordan/118-popular-protest-in-north-africa-and-the-middle-east-ix-dallying-with-reform-in-a-divided-jordan.pdf](http://www.crisisgroup.org/~/media/Files/Middle%20East%20North%20Africa/Iran%20Gulf/Jordan/118-popular-protest-in-north-africa-and-the-middle-east-ix-dallying-with-reform-in-a-divided-jordan.pdf)> Accessed 5 April 2012

<sup>3</sup> Amnesty International 2011, *Annual Report 2011 – Jordan*, 13 May, <<http://www.amnesty.org/en/region/jordan/report-2011>> Accessed 5 April 2012

Local and international human rights organizations continued to charge that the government did not consistently apply citizenship laws, especially in cases in which passports were taken from citizens of Palestinian origin or in which national identification numbers were revoked, thereby revoking citizenship.<sup>4</sup>

In its 2008 report on the treatment of Palestinians in Jordan, Minority Rights Group International claims that the underrepresentation of Palestinian Jordanians amounts to discrimination against this group. The report states that:

Discrimination against Palestinians in private and state-sector employment remains common and a quota system limits the number of university admissions for Palestinian youth. Government security operations disproportionately target Palestinians, especially operations conducted in the name of fighting terror.<sup>5</sup>

In an earlier report dated February 2007 on the treatment of Palestinians by the Jordanian government, the Immigration and Refugee Board of Canada (IRBC) includes references that suggest Jordanian Palestinians are subject to discriminatory practices. The report states that:

Discrimination prevents Palestinian-Jordanians from being selected for positions in senior government and the military (ibid. Sec. 5; Freedom House 7 Sept. 2006). A Reuters news article states that while Palestinians are prominent in the business sector, their presence is believed to be insignificant in the public service, military and the upper echelons of government (6 Nov. 2006b).<sup>6</sup>

In December 2006, the Centre for International Development and Conflict Management assessed the situation in Jordan for persons of Palestinian descent and found that while the state is generally not repressive, Palestinian Jordanians do experience discrimination through restrictive access to employment in government and the military and political and social exclusion. The report stated that:

Given Jordan's relatively weak position in the region, its peace treaty with Israel and its political alliance with the United States, Jordanian governmental authorities keep a close eye on the Palestinian population, especially its most radical elements. One can view the condition and future of Palestinians in two ways: 1) The Palestinians are a disenfranchised majority in Jordan without equal rights or 2) Palestinians in Jordan by and large have it better than their ethnic brethren both economically and politically than in any other country in the region. Regardless of either position, there does not appear to be widespread sentiment among Jordanian Palestinians that the constitutional monarchy should be overthrown. While grievances against domestic policies exist, Palestinians in Jordan appear to be more concerned with the plight of Palestinians in the Palestinian Authority (PA) – controlled territory. The establishment of a Human Rights Department by the Jordanian Department of the Interior in 2006 may solely serve as rhetoric. However, it reflects a growing understanding by Jordanian government officials that issues of citizenship, equal economic and political rights need to be addressed for the Palestinians in Jordan.

Analytic Summary

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<sup>4</sup> US Department of State 2011, *Country Reports on Human Rights Practices for 2010 – Jordan*, 8 April, Section 2d <<http://www.state.gov/j/drl/rls/hrrpt/2010/nea/154464.htm>> Accessed 5 April 2012

<sup>5</sup> Minority Rights Group International 2008, *World Directory of Minorities and Indigenous Peoples – Jordan: Palestinians* <<http://www.unhcr.org/refworld/topic.4565c2252.4565c25f5f.49749cfcc.0.html>> Accessed 5 April 2012

<sup>6</sup> Immigration and Refugee Board of Canada 2007, *JOR12174.E – Jordan: Treatment of Palestinians by the government and its agents (2005-2006)*, 16 February <[http://www.irb-cisr.gc.ca:8080/RIR\\_RDI/RIR\\_RDI.aspx?id=450897&l=e](http://www.irb-cisr.gc.ca:8080/RIR_RDI/RIR_RDI.aspx?id=450897&l=e)> Accessed 5 April 2012

Palestinians constitute more than half of Jordan's population, and are Sunni Muslim by a significant majority. A people without a sovereign state of its own, Jordan's Palestinian community is comprised of those who found themselves under Jordanian rule when part of Palestine was incorporated into Transjordan upon its foundation in 1946 and those who fled to Jordan as a result of Israel's 1948 War of Independence and the 1967 Six-Day War, in which Israel occupied the Palestinian-populated West Bank and Gaza Strip.

Palestinians range from prominent individuals assimilated fully into Jordanian society to impoverished refugees. Linguistically and religiously, Palestinians are not distinct from Jordanians, but differ in historical origin. Although certain Palestinians have "made it" in Jordanian society, (i.e., the queen is Palestinian), as a whole, they suffer economic discrimination in areas such as appointments to positions in the Government and the military, in admittance to public universities, and in the granting of university scholarships. Politically, as well, Palestinians suffer restrictions and social exclusion. Although they represent more than half of the total population, the Palestinians are grossly underrepresented in governmental institutions. In 2006, Jordanians of Palestinian origin contributed 4 of 28 ministers. In the Parliament, 9 of 55 senators and 18 of 110 lower house members were of Palestinian origin. No Palestinians held any of the governorships in Jordan. In the electoral system, greater representation is given to regions with non-Palestinian populations. Additionally, approximately 150,000 Palestinian residents – mostly refugees or children of refugees who arrived from Gaza after 1967 – do not qualify for citizenship. Recognizing the large gap in political representation and economic opportunities between Jordanians and Jordanian-Palestinians, the government has recently conceded to offer mechanisms for upward social mobility and increased political representation. In 2006, the Department of the Interior established a Human Rights Department. Interior Minister Id Al-Fayiz sees the newly established Human Rights Department as responsible for promoting human and civil rights, as an ongoing series of new initiatives, including prison reform and modifications in qualifications for residence of Palestinians in Jordan. However, it is yet to be discovered as to whether this new department is anything other than political rhetoric.

While the Jordanian state is generally not repressive, (a notable exception being 1971's Black September crackdown), there are documented recent occurrences of arrests. There have been other instances of repression in recent years. On March 26, 2004, large rallies were held throughout the kingdom in response to the assassination of Palestinian Hamas Spiritual Leader Shaykh Ahmad Yasin. According to the government, rallies in the Al-Wihdat refugee camp spiraled out of control. According to some sources, more than 200 people were arrested, many accused of burning the Jordanian national flag. In addition, MP Tayseer al-Fitiani alleged that riot police beat him on his arrival at the scene after the demonstrators had dispersed.

The main conventional political outlet for Palestinians in Jordan is the Jordan People's Democratic Party and the Islamic Action Front; the main current militant organization is Hamas, whose members can live, but not operate legally, in Jordan. There have been no instances of Palestinian rebellion recently; and although political protest is discouraged, it occurs sporadically within the country. Thousands of Jordanians and Palestinians marched through the streets in October 1999 to protest recent Jordanian measures against the Islamic Resistance Movement (Hamas), and in August 2000, the Islamic Action Front organized several large demonstrations in support of Palestinian sovereignty over East Jerusalem. There was heavy police presence at these demonstrations; however, security forces did not prevent the demonstrations. In August 2001, more than 1,500 Palestinians demanded the Jordanian government cut ties with Israel made under a 1994 peace treaty. During 2002, a march by some 2,500 Jordanians and Palestinians, including members of the royal family (the queen is Palestinian), called for immediate intervention to end Palestinian suffering at Israeli hands. Also that year, in June 2003, at the Al-Ruwayshid refugee camp, residents staged a sit-in to protest their living conditions. While inter-communal conflict

has not occurred for many years, in 2006, a Jordanian of Palestinian origin shot and killed a British tourist and wounded six others at a popular Roman ruin in Amman.<sup>7</sup>

**2. Are there remedies or protection available to people who face discrimination based on their national origin?**

No information was located on the availability of protection for people who face discrimination based on their national origin.

**3. Please provide any available information on whether people of Palestinian origin are able to obtain state protection or face any discrimination in this regard.**

Limited information was located on the availability of state protection for people of Palestinian origin. The previously cited February 2007 research response by the IRBC included advice on this issue from the University of California which stated that access to state protection was dependent more on a family or individuals political connections, rather than their ethnicity. The advice stated that:

Should an individual, Palestinian or Jordanian, require assistance or protection from the government, the individual is best served if he or she is well-connected or comes from a prominent family (Professor 13 Dec. 2006). The Professor added that Palestinians are not as likely as Jordanians to have good connections or to come from well-known families, and therefore not as likely to benefit from such assistance (ibid.).<sup>8</sup>

**4. Please provide information on current attitudes in Jordan towards relationships prior to marriage.**

A number of reports were located that describe Jordan as a socially conservative society based on a mixture of tribal and Islamic traditions and refer to the „honour killing”<sup>9</sup> of women suspected of being in a relationship prior to marriage by family members. A website containing cultural information on different countries provides the following description on the social expectations for single women in Jordan:

Many of the country's laws are based on the Koran and the Hadith, a collection of Mohammed's sayings. These laws are enforced in religious courts called Sharia courts, which have jurisdiction over personal matters. Chastity is demanded of all single women. If a woman's chastity is compromised, a male relative may feel obligated to murder her to save the family's honor. When these cases go to court, often the charges are dropped or the murderer receives a short sentence.<sup>10</sup>

Commenting on honour killings in Jordan the *Global Post* reported in April 2010 that the practice has resulted in the death of about 20 people per year. The article notes that:

Though the overall number of honor crimes has not dropped, Enaam Asha, a member of the board directors at the Sisterhood is Global Institute in Jordan, said that her organization had begun to see

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<sup>7</sup> Centre for International Development and Conflict Management 2006, *Assessment for Palestinians in Jordan*, 31 December <<http://www.cidcm.umd.edu/mar/assessment.asp?groupId=66302>> Accessed 5 April 2012

<sup>8</sup> Immigration and Refugee Board of Canada 2007, *JOR12174.E – Jordan: Treatment of Palestinians by the government and its agents (2005-2006)*, 16 February <[http://www.irb-cisr.gc.ca:8080/RIR\\_RDI/RIR\\_RDI.aspx?id=450897&l=e](http://www.irb-cisr.gc.ca:8080/RIR_RDI/RIR_RDI.aspx?id=450897&l=e)> Accessed 5 April 2012

<sup>9</sup> According to a report by the Middle East Forum the honour of the Arab family or tribe, the respect accorded it, can be gravely damaged when one of its women's chastity is violated or when her reputation is tainted. Consequently, a violation of a woman's honour requires severe action.

<sup>10</sup> Countries and Their Cultures (undated), „Culture of Jordan” <<http://www.everyculture.com/Ja-Ma/Jordan.html>> Accessed 5 April 2012

a slight cultural shift in how people handled incidents that could have previously resulted in honor crimes.

Now, when a young woman had relations with a man before marriage, rather than escalating to violence, Asha said some families were willing to resolve the situation through non-violent methods, such as marrying the couple. Additionally, she noted, the local media had begun reporting on honor crimes in such a way that was empathetic toward the victim. In the past, many news reports would condemn the murdered woman.<sup>11</sup>

On 6 December 2009, an article in *The Telegraph* highlighted the practice of honor killings in Jordan. The article noted that:

The "dishonour" involved was not just committing adultery, or having a secret boyfriend. Women have been attacked for talking to a stranger; in January, a 13-year-old girl was killed by her 17-year-old brother because she had been given a piece of paper with a phone number on it.

In the most seemingly outrageous cases, women who have been raped by relatives - cousins, or in one case a brother - are killed by the family, while the rapist is left unharmed, since the dishonour is felt to be attached to the woman. Most recently, in August, a 16-year-old girl who became pregnant after being raped by her cousin was allegedly killed by the cousin's father.<sup>12</sup>

Reporting in 2008, *Reuters* noted that social attitudes towards the murder of women suspected of violating family honor in Jordan were changing at a slow pace. The article states that:

Women can easily fall under male suspicion in Jordan's conservative society, where tribal and Islamic traditions coexist uneasily with the inroads of modernity and consumerism.

Honor crimes are nothing new; authorities in Jordan prosecuted 18 cases in 2006 and a similar number in 2007, although some rights activists say the real figures are higher.

Attitudes are slowly changing, rights campaigners say. Judges are less ready to accept the fit of fury defence, and efforts to deal with broader domestic violence are underway.<sup>13</sup>

In 2006, an article in *The Media Line* reported on social attitudes in Jordan towards women engaging in sexual relationships prior to marriage. The article stated that:

Women rumoured to have improper relations are sometimes taken for hymen examinations. To fail could be fatal. Some women undergo hymen reconstruction surgery in private clinics prior to marriage. In conservative Arab society, virginity is essential for a new bride: failure to bleed on her wedding night could result in a girl being sent back to her family by her new husband and being declared "divorced."

Last year, Ahmad strangled his sister to death at their family home just two days after she was sent back by her husband for not being 'pure' on their wedding night. Ahmad was jailed for only three months after his brother testified that Ahmad was acting out of anger and did not know what he was doing.<sup>14</sup>

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<sup>11</sup> Peter, T. 2010, „Jordan honor killings draw tough response. Finally’, *Global Post*, 30 May

<<http://www.globalpost.com/dispatch/jordan/100323/honor-killings-jordan>> Accessed 5 April 2012

<sup>12</sup> Spencer, R. 2009, „Queen Rania of Jordan takes on hardliners over honour killings’, *The Telegraph*, 6 December <<http://www.telegraph.co.uk/news/worldnews/middleeast/jordan/6736576/Queen-Rania-of-Jordan-takes-on-hardliners-over-honour-killings.html>> Accessed 5 April 2012

<sup>13</sup> „Jordan still wrestles with honour crimes’ 2008, *Reuters*, 28 January < <http://www.abc.net.au/news/2008-01-28/jordan-still-wrestles-with-honour-crimes/1025700>> Accessed 5 April 2012

<sup>14</sup> „Honour Killings: Murder in the name of tradition’ 2006, *The Media Line*, 20 April, <CISNET Jordan CX151747>

The same article reported that some unmarried couples were arranging temporary unofficial marriages, called 'urfi' marriages, in order to be able to engage in sex outside of marriage. The article noted that although a temporary marriage was not recognized socially or legally, it did enable the couple to have sex without the obligation of an official marriage. The article states that:

In a country where tradition and religion prevent couples from having sex outside of wedlock, some young men have found what is known as "urfi" marriage the only psychologically acceptable means of having sex without the obligation or financial burden of an official marriage. This unofficial alternative to conventional marriage is usually kept secret, and involves just two witnesses, a paper stating the agreement and a repeated pledge of "I wed you." The marriage is not accepted either socially or legally, and can be annulled by simply tearing up the piece of paper.

Last year, a 32-year-old woman was "brutally stabbed and hit over the head several times with a spanner" by her younger brother because he did not approve of such an alternative wedding. The brother reportedly said he killed his sister after learning from another family member she had entered into an "urfi" marriage.<sup>15</sup>

In a more dated report on honour killings in Jordan the *Middle East Forum* states that the type of behaviour that may violate family honour is not codified but is generally anything that:

...involves an unsupervised contact of a female with a male that may be interpreted by society as intimate. Such contact can be trivial: a 15-year old Jordanian girl was stoned to death by her brother who spotted her "walking toward a house where young boys lived alone."<sup>16</sup> As for rape, society perceives the violated woman not as a victim who needs protection but as someone who debased the family honour, and relatives will opt to undo the shame by taking her life. Failure to do so further dishonours the family.<sup>16</sup>

## 5. What is the procedure in Jordan for a valid marriage?

Limited information was located on the procedure in Jordan for a valid marriage. Reports broadly note that in Jordan, marriage laws for Muslims are based on Shari'a law. The US Department of State's information flyer on forced marriage abroad provides the following information on the procedure for getting married in Jordan:

In Jordan, marriage laws are based on religious law, either Shari'a or Ecclesiastical depending on the religion of the parties involved. Generally speaking, marriage law dictates that the minimum marriage age in Jordan is 18 for both men and women. However, exceptions can be made according to the prevailing circumstances. For Muslims, with the permission of her or his father a person can marry as young as 15 years based on the Islamic Hijiri calendar; i.e., 14 years, 7 months and 4 days according to the Gregorian calendar. For Christians, marriage can occur at the age of 16 provided that both parents give their approval.

Marriage in Jordan requires the consent of both parties; forced marriages are banned in Jordan. However, a person has to explicitly express to a Shari'a Judge or a priest that she or he is entering a forced marriage in order to stop the union. The Department of Shari'a Law has developed a system where they can circulate an alert to all Shari'a courts to prevent any forced marriage from taking place. Moreover, if someone indicates that she or he has entered a forced marriage, the person is entitled to file a complaint to end the marriage contract.

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<sup>15</sup> „Honour Killings: Murder in the name of tradition' 2006, *The Media Line*, 20 April, <CISNET Jordan CX151747>

<sup>16</sup>Feldner, Y. 2000, „Honor Murders – Why the Perps Get off Easy', *The Middle East Quarterly*, Vol. VII, No. 4, pp.41-50 <<http://www.meforum.org/50/honor-murders-why-the-perps-get-off-easy>> Accessed 5 April 2012



Marriages are usually arranged between families or through neighbours, though marriages arranged by the individuals themselves are becoming more common, and even family arranged marriages do not usually go ahead without the consent of both parties involved. Typical age of marriage is 30 or younger for men and 25 or younger for women. There is a great deal of social pressure to marry, especially for women as they approach the age of 25 or 26.<sup>17</sup>

A broader description of the marriage process in Jordan is provided by the travel website, *Countries and Their Cultures*. The site states that:

Most marriages are arranged by the father of the bride. Often cousins marry each other, and the couple may barely know each other until the engagement is announced. The wedding has two celebrations: an engagement party and a wedding party. After the engagement party, the process of dating and getting to know each other begins. After the engaged woman and man have signed the papers at the engagement party, they are legally married. If they choose not to proceed, even though they have not lived together, they must divorce. Brides must be virgins on the wedding night. After marriage, every aspect of a woman's life is dictated by her husband.<sup>18</sup>

Further detail on the procedure for a valid marriage in Jordan and the importance of a pre-marriage contract is provided in an article on a website titled, 'Marriage Customs in Arab Society'. The article states that:

Before any marriage at all can take place in an Arab society a marriage contract must be signed. This can be a virtual formality, or it can be the subject of fierce negotiations, often spread out over months. Briefly what is specified in a typical contract is: what the bridegroom will contribute what the bride will contribute and what happens in the case of a divorce.

Extra clauses can however be inserted on the request of the bride, usually concerning her education as mentioned above, or her right to take a job after the marriage. In this case, it is seldom necessary to specify that her salary is her personal property, and it is for her to decide how to spend it - this is invariably taken for granted by all parties concerned. She will usually spend her money on small (or large) luxuries, perhaps family holidays or excursions, her personal needs like makeup or perfume, clothes for the children etc.

In general, the poorer the families involved, the more difficult the financial negotiations are likely to be.

It should be remembered that no marriage exists officially until it has been consummated. In theory anyway, right up to that point, the participants can change their minds. The traditional Arab consummation of a marriage is seldom practised today; the "Western practice" has taken over.<sup>19</sup>

An article on the legal website, Expert Law, sets out a number of Islamic legal provisions for a marriage to be recognised by Shari'a law. The site refers in particular to the need for a marriage contract that must be agreed to by both parties before the marriage can take place. According to the article, the contract should set out the amount of the bride's dowry, as well

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<sup>17</sup> US Department of State (undated), *Forced Marriage Information Flyer – Jordan* <[http://travel.state.gov/travel/tips/safety/safety\\_5479.html](http://travel.state.gov/travel/tips/safety/safety_5479.html)> Accessed 5 April 2012

<sup>18</sup> Countries and Their cultures (undated), 'Culture of Jordan', <<http://www.everyculture.com/Ja-Ma/Jordan.html>> Accessed 5 April 2012

<sup>19</sup> Caswell, R, 2003, 'Marriage customs in Arab society' <<http://www.jordanjubilee.com/meetfolk/marriage.htm>> Accessed 5 April 2012

as other provisions that may relate to divorce, freedom of movement for the bride after marriage or the groom's right to another wife.<sup>20</sup>

## 6. What is the procedure for a valid divorce?

Limited information was located on the procedure in Jordan for a valid divorce. Reports note that Jordanian laws regarding divorce are adjudicated in religious courts. If the marriage partners are Muslim, disputes will be resolved before a Sharia court judge who will apply principles of Islamic law. A commercial law firm specialising in international family law provided the following advice in respect to the procedure for a valid divorce in Jordan:

Jordanian laws regarding divorce and custody of minor children are adjudicated in religious courts. If the marriage partners are Muslim, disputes will be resolved before a Sharia court judge who will apply principles of Islamic law.<sup>21</sup>

Similarly the Embassy of the United States in Amman, Jordan provides guidance on the legal jurisdiction of divorce in Jordan:

Religious courts have jurisdiction over all matters of "personal status". This includes most family law matters such as marriage, divorce, child custody, and adoption or guardianship. Consequently, there is no civil marriage or divorce in Jordan.<sup>22</sup>

The previously cited travel website, „Marriage Customs in Arab Society’, includes a description of the divorce procedure in Jordan. The site states that:

If things go really wrong, he can take her back to her parents, for a short or a longer period. However much she might protest, she can do nothing but obey. Of course, she might decide to go back to her parents of her own accord!

If the parents cannot patch things up, then a divorce will eventually be pronounced. Although the actual procedure might be simple, the tractations are at least as complicated as in the West, possibly worse. Any divorce must have the confirmation of the courts; financial arrangements are made, taking into account the both the provisions made in the contract and the needs of modern life. Children will always be given to the father to bring up, but a wife can insist on certain rights here as well, and providing she manages to keep on reasonably good terms with her husband she might have the care of them.<sup>23</sup>

The legal website, Expert Law, sets out the divorce process in those countries governed by Shari'a-based family law. The site notes that Shari'a-based family law systems recognise three types of divorce; *talaq* (divorce by the act of the husband or wife), (2) *khula* (divorce by mutual agreement), and (3) *tafriq* (divorce by judicial order).

In respect to a *talaq* divorce the site states that:

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<sup>20</sup> Uhlman, K. 2004, „Overview of Shari'a and Prevalent Customs in Islamic Societies-Divorce and child Custody’, Expert Law, January, Part 2 <[http://www.expertlaw.com/library/family\\_law/islamic\\_custody-4.html#\\_ftn52](http://www.expertlaw.com/library/family_law/islamic_custody-4.html#_ftn52)> Accessed 5 April 2012

<sup>21</sup> The Law Office of Jeremy D. Morley (undated), „Jordan: Family Law’, <<http://www.international-divorce.com/ca-jordan.htm>> Accessed 5 April 2012

<sup>22</sup> Embassy of the United States (undated), *Jordan Fact Sheet*, <[http://jordan.usembassy.gov/acs\\_fact\\_sheet-.html](http://jordan.usembassy.gov/acs_fact_sheet-.html)> Accessed 5 April 2012

<sup>23</sup> Caswell, R, 2003, „Marriage customs in Arab society’, <<http://www.jordanjubilee.com/meetfolk/marriage.htm>> Accessed 5 April 2012



Under Shari'a, a husband has the right to divorce his wife through *talaq*, or repudiation, provided that he has reached the age of majority, is sane, and is acting on his own free will. A husband's repudiation of his wife may be pronounced by himself or through an authorized agent with power of attorney. A wife may also acquire the right of divorce through *talaq* by including this right as an additional condition in the marriage contract.

A *talaq* divorce may be effected through any form of expression that denotes the end of the marriage. According to the Sunni schools, the repudiation may even be expressed in a metaphor so long as the intention to divorce is clear. The Shia schools, however, require the repudiating party to clearly indicate the party being divorced, and to explicitly state the intention to divorce by saying that the person "is repudiated." Sunnis and Shias also differ on the formula that may be used in a divorce pronouncement. While the Sunnis allow the repudiation to be absolute, unconditional, with immediate effect, or contingent on a certain condition or future event, the Shias only recognize the absolute unconditional formula. An absolute pronouncement takes effect immediately.<sup>24</sup>

## **7. Please provide information on the prevalence of "honour" killings or crimes in Jordan, particularly in relation to the targeting of men.**

Reports indicate that the number of honour killings or crimes of women in Jordan ranges from between 15 and 20 each year. Limited information was located concerning honour crimes that target Jordanian men. A media source claims that there are no reports or any official figures on any honour killings of men in Jordan. However, expert advice provided to the IRBC confirmed that such crimes do occur in Jordan.

In April 2011, the US Department of State's annual report on human rights in Jordan noted in respect to honor killings that:

Authorities prosecuted 16 officially reported instances of homicides related to "honor" crimes that occurred over the past three years. Activists reported that many such crimes went unreported.<sup>25</sup>

On 1 April 2010, *AFP* reported that between 15 and 20 women are murdered in honour killings each year in Jordan despite government efforts to fight such crimes.<sup>26</sup> An article by *Al Shorfa*, dated 30 January 2010, provides a similar estimate of cases but suggested that the number of honor killings in Jordan was in fact increasing. The article stated that:

Honour crimes continue to rise in Jordan, generating controversy both at home and abroad. The total number of honour crimes rose to 22 cases in 2009 compared with 18 cases in 2008. Based on the records of the high criminal court, the last three murders occurred in December 2009.<sup>27</sup>

In September 2009, a report by Human Rights Watch on honor crimes in Jordan noted little change in the frequency of such acts. The report noted that:

The rates of "honor" crimes in Jordan have remained almost constant over the years. One recent study estimates that an average of 25 killings of women each year fall in this category.<sup>28</sup>

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<sup>24</sup> Uhlman, K. 2004, „Overview of Shari'a and Prevalent Customs in Islamic Societies-Divorce and child Custody', Expert Law, January, Part 2 <[http://www.expertlaw.com/library/family\\_law/islamic\\_custody-4.html#\\_ftn52](http://www.expertlaw.com/library/family_law/islamic_custody-4.html#_ftn52)> Accessed 5 April 2012

<sup>25</sup> US Department of State 2011, *Country Reports on Human Rights Practices for 2010 –Jordan*, 8 April, Section 6 <<http://www.state.gov/j/drl/rls/hrrpt/2010/nea/154464.htm>> Accessed 5 April 2012

<sup>26</sup> „Brother jailed 10 years for honour killing' 2010, *AFP*, 1 April < <http://m.smh.com.au/world/brother-jailed-10-years-for-honour-killing-20100401-rf87.html>> Accessed 5 April 2012

<sup>27</sup> Zaydeh, S. 2010, „Punishment for honour crimes in Jordan stiffens, but incident rate continues to increase', *Al-Shorfa*, 30 January <[http://al-shorfa.com/cocoon/meii/xhtml/en\\_GB/features/meii/features/main/2010/01/30/feature-01](http://al-shorfa.com/cocoon/meii/xhtml/en_GB/features/meii/features/main/2010/01/30/feature-01)> Accessed 5 April 2012

## Targeting of men

Limited information was located concerning honour crimes that target Jordanian men. An article by *AFP* on honour crimes in Jordan claims that “there are no reports or any official figures on any honour killings of men in Jordan”.<sup>29</sup>

However, in 2004 the IRBC prepared a research response on male honour crimes in Jordan which included expert advice confirming that such crimes do occur. The response included advice which asserted that while honour crimes in Jordan are more often directed toward women, “men can also be the object of such crimes”. According to the advice, the strong social stigma associated with illicit sexual relations means that threats of ‘violent revenge’ are commonplace, and these threats are directed at both the woman and the man involved in the affair.<sup>30</sup>

The advice went onto to state that:

A man who has an illicit relation with a girl but does not want to marry her, or the man who seduces a married woman and is discovered would do well to seek refuge elsewhere. When people talk about violent revenge this is always stated in terms of death. A severe beating of the man who violated the honour of a family is not sufficient to clear the blemished honour.<sup>31</sup>

Also included in the research response was expert advice received from a professor of anthropology at Linköping University in Sweden, who specializes in gender development in Jordan. On the occurrence male honor crimes, the professor agreed that in Jordan, men who are accused of having illicit affairs can also be subject to threats. However, she then commented that in Jordan:

...she had never come across a case in which a man had been killed in an honour crime, as women are generally blamed when an honour crime involves illicit sex.<sup>32</sup>

## 8. To what extent do the Jordanian authorities provide protection against such crimes?

Sources indicate that the Jordanian government has taken a number of measures to provide protection to the victims of honour crimes including amendments to the Penal Code, development of the proficiency of judges and the establishment of a Family Protection Directorate to provide assistance for individuals threatened by violence. However, media

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<sup>28</sup> Human Rights Watch 2009, *Tribunals No Substitute for Reform on ‘Honor Killings’*, 9 September <<http://www.hrw.org/news/2009/09/01/jordan-tribunals-no-substitute-reforms-honor-killings>> Accessed 5 April 2012

<sup>29</sup> ‘Jordan ‘honour killings’ cover for other crimes’ 2008, *AFP*, 2 September <<http://afp.google.com/article/ALeqM5h5r-5iGd2uDI-WbAAy3HgXUigyYA>> Accessed 5 April 2012

<sup>30</sup> Immigration and Refugee Board of Canada 2004, *JOR42883.E – Jordan: Risk to men who have been accused by relatives of a girl, off engaging in an illicit, and threatened with death; protection available to such men; examples of cases in which men have been honoured killed*, 2 September <[http://www.irb-cisr.gc.ca:8080/RIR\\_RDI/RIR\\_RDI.aspx?id=428480&l=e](http://www.irb-cisr.gc.ca:8080/RIR_RDI/RIR_RDI.aspx?id=428480&l=e)> Accessed 5 April 2012

<sup>31</sup> Immigration and Refugee Board of Canada 2004, *JOR42883.E – Jordan: Risk to men who have been accused by relatives of a girl, off engaging in an illicit, and threatened with death; protection available to such men; examples of cases in which men have been honoured killed*, 2 September <[http://www.irb-cisr.gc.ca:8080/RIR\\_RDI/RIR\\_RDI.aspx?id=428480&l=e](http://www.irb-cisr.gc.ca:8080/RIR_RDI/RIR_RDI.aspx?id=428480&l=e)> Accessed 5 April 2012

<sup>32</sup> Immigration and Refugee Board of Canada 2004, *JOR42883.E – Jordan: Risk to men who have been accused by relatives of a girl, off engaging in an illicit, and threatened with death; protection available to such men; examples of cases in which men have been honoured killed*, 2 September <[http://www.irb-cisr.gc.ca:8080/RIR\\_RDI/RIR\\_RDI.aspx?id=428480&l=e](http://www.irb-cisr.gc.ca:8080/RIR_RDI/RIR_RDI.aspx?id=428480&l=e)> Accessed 5 April 2012

reports suggest that the impact of these measures on reducing the number of honour crimes has been limited.

The above cited US Department of State's advisory fact sheet on marriage in Jordan includes information on the type of assistance provided by Jordanian authorities for individuals who do not wish to proceed with a forced marriage and fear becoming the victim of an honour killing. The advice states that:

For some members of the Jordanian population, it may be difficult in practice for children to go against their family's wishes if the parents are strongly in favour of a match. In some cases this may result in threats of violence against the person, particularly if the family views the marriage as a matter of family honor. Individuals facing this situation may seek help from the Family Protection Directorate, a unit of the Jordanian Public Security Directorate. If there is a need to flee the country in order to avoid forced marriage, obstacles include travel holds and US passport requirements for minors. Under Jordanian law, a travel hold may be placed by a family member upon any minor, or by a male relative upon any female relative. The Embassy is unable to lift these holds.<sup>33</sup>

In addition to the establishment of Family Protection Directorate, reports by human rights groups claim that the government has made a number of temporary amendments to the Penal Code to prevent leniency in sentencing men convicted of killing female relatives in the name of family honour. In its 2011 annual report on Jordan, Amnesty International comments that:

The government introduced temporary amendments to the Penal Code to prevent leniency in sentencing men convicted of killing female relatives in the name of family "honour", including to Article 98 which allows reduced sentences for those who kill in a fit of rage caused by an unlawful or dangerous act on the part of the victim. However, the Court of Cassation sent two such cases back to the Criminal Court for it to consider reducing the sentences in accordance with Article 98.<sup>34</sup>

Similarly, Human Rights Watch in its 2011 World Report finds in respect to women's rights in Jordan that:

On May 3, 2010, the government decreed amendments to the penal code to ensure that perpetrators of so-called "honor" crimes receive the full penalty of the law for killing female relatives suspected of illicit relationships. The new article 345 bis excludes consideration of mitigating circumstances for committing crimes in a "state of fury" (art. 98) if the victim is under 15 or female.<sup>35</sup>

Reports suggest that to date the impact of these measures on reducing the number of honour crimes has been limited. The above cited article by *Al Shorfa* maintains that the number of honour crimes continues to rise and that more changes are needed. Quoting a human rights activist the article states that:

The measures taken by the government against honour crimes, such as the amendment of the laws, the development of the proficiency of judges, toughening sanctions, and the creation of special committees are very important but are not enough," Inam al-Ashi, a civil rights activist and director of programmes and activities for the International Institute for Women Solidarity, told Al-

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<sup>33</sup> US Department of State (undated), *Forced Marriage Information Flyer – Jordan* <[http://travel.state.gov/travel/tips/safety/safety\\_5479.html](http://travel.state.gov/travel/tips/safety/safety_5479.html)> Accessed 5 April 2012

<sup>34</sup> Amnesty International 2011, *Annual report 2011 – Jordan*, 13 May, <<http://www.amnesty.org/en/region/jordan/report-2011>> Accessed 5 April 2012

<sup>35</sup> Human Rights Watch 2011, *World Report 2011 - Jordan*, 24 January <<http://www.hrw.org/en/world-report-2011/jordan>> Accessed 5 April 2012

Shorfa. "The increase of these cases to 22 after this number dropped in past years to 16 and 17 crimes is a very negative indication that requires consideration", she said, saying that more efforts should be made to change the way women are perceived in society.<sup>36</sup>

A similar claim was made by *AFP* when it reported that the number of honour killings has remained between 15 and 20 despite government efforts to fight such crimes.<sup>37</sup> A 2007 IRBC research response on the capacity of the Jordanian authorities to protect Palestinians from being physically assaulted by Jordanian tribes included expert advice which claimed that an individual's protection depended on the connections of their family. The response stated that:

Jordan is a state where the rule of law exists as well as ample opportunities to access the legal system (President 12 Dec. 2006). However, the Professor of International Relations stated that although Jordan has laws to address matters such as physical assault, protection from assault and the ability to redress such incidents depend on whether an individual – Palestinian or Jordanian – is well-connected or comes from a prominent family (13 Dec. 2006). The Professor noted that East Bank Jordanians are more likely than Palestinians to have such connections (13 Dec. 2006).<sup>38</sup>

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<sup>36</sup> Zaydeh, S. 2010, „Punishment for honour crimes in Jordan stiffens, but incident rate continues to increase’, *Al-Shorfa*, 30 January <[http://al-shorfa.com/cocoon/meii/xhtml/en\\_GB/features/meii/features/main/2010/01/30/feature-01](http://al-shorfa.com/cocoon/meii/xhtml/en_GB/features/meii/features/main/2010/01/30/feature-01)> Accessed 5 April 2012

<sup>37</sup> Brother jailed 10 years for honour killing’ 2010, *AFP*, 1 April < <http://m.smh.com.au/world/brother-jailed-10-years-for-honour-killing-20100401-rrf87.html>> Accessed 5 April 2012

<sup>38</sup> Immigration and Refugee Board of Canada 200, *JOR102173.E – Jordan: interethnic relations between Palestinians and Jordanian tribespeople; state protection available to Palestinians who are physically assaulted by Jordanian tribespeople*, 24 January <[http://www.irb-cisr.gc.ca:8080/RIR\\_RDI/RIR\\_RDI.aspx?l=e&id=450873](http://www.irb-cisr.gc.ca:8080/RIR_RDI/RIR_RDI.aspx?l=e&id=450873)> Accessed 5 April

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