

QUICK GUIDE TO ADDRESSING WOMEN'S ISSUES DURING THE UNIVERSAL PERIODIC REVIEW ON JORDAN^[1]

These Guides include:

- A list of issues mentioned in the National Report (NR), the Compilation of official UN Documents and the Summary of Other Stakeholders Submissions, with references to the particular paragraphs in which they can be found.
- The full text of those paragraphs
- A reference to "gaps", that is, issues on which the NR should/could have applied a gender perspective but failed to do so.
- In those cases in which the Sexual Rights Initiative has submitted reports, we have included an Annex with our recommendations.
- In all cases we have included suggested questions and recommendations

References in the two working languages of the Council (English and French) have been kept in their original language.

Issues are highlighted, while **recommendations** are in bold and underlined. References from the National Report are *in Italics*.

All women's rights issues (included sexual rights' issues related specifically to women) are referred to in this Guide. Other sexual rights issues are referred to in the Sexual Rights Guides for each state under review

CEDAW ratified with reservations to Articles 9(2)^[2], 15(4)^[3], 16(1)^[4], (c)^[5], (d)^[6], and (g)^[7]. The National Commission on Human Rights (NCHR) stated that despite the great progress achieved in the area of enhancing women's rights and the ratification of CEDAW Jordan continued to maintain its reservations on the above mentioned articles (Para 6, Summary)

OP CEDAW not ratified. Rome Statute ratified

In 2007, the Committee on the Elimination of Discrimination against Women (CEDAW) called upon the speedily withdrawal of the reservations to the Convention (Para 1, Compilation)

The Special Rapporteur on violence against women, its causes and consequences requested a country visit in 2007; her request is not yet agreed upon. **Jordan has not replied to a single questionnaire sent by a Special Procedure in due time** including: report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/4/23), questionnaire on issues related to forced marriages and trafficking in persons sent in 2006; report of the Special Rapporteur on trafficking in persons, especially in women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67), joint questionnaire sent in July 2005; report of the Special Rapporteur on the right to education (E/CN.4/2006/45), questionnaire on the right to education for girls sent in 2005.

| Issue | National Report | Compilation | Summary |
|---|-----------------|---|--|
| Domestic workers | | Special regulation depriving them of protection (37) | Lack of labour rights and social security (29, 35); abuses against them (29, 33, 34, 35) |
| Early marriages | | Disposition in Personal Status Act allowing marriage below 18 (27) | |
| Economic rights | | Gender disparities, women at risk of poverty (34) | |
| Equality and non-discrimination | | Constitutional amendment to incorporate gender equality; gender equality law (12) | |
| Girl children | | Need to prevent and eliminate discrimination against them (13); amendment of Penal Code to provide equal protection than for boys against sexual exploitation (22) | |
| Harmful traditional practices | | As limiting women's progress and participation in society (13) | |
| 'Honour' killings | | Most extreme form of discrimination, figures (16); need to amend Penal Code to eliminate legal protection for perpetrators (16); special training to law enforcement personnel (47) | Figures and law penalties for perpetrators (11), lenient sentences imposed (11); girls at risk being placed in preventive custody (10) |
| Human Rights Education/Gender sensitization | | Training on CEDAW for judicial personnel (47) | |
| Laws that discriminate against women | | Need to modify them (12); nationality laws (15); equal protection against sexual exploitation (22); equal parental responsibilities (27) | Nationality laws (6) |
| Participation in public and political life | | Need for temporary special measures (12); success of quota system in Parliamentary participation (31); women | Need to increase number of women in Parliament up to |

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|---|--|--|---|
| | | in civil service and judiciary (31); training programmes on leadership (47) | 30% (28) |
| Polygamy | | Review of legislation to eliminate it (12) | |
| Refugee women | | | Difficult living conditions for Palestinian women (36) |
| Right to work | | Gender segregation, disparities in remuneration, work prohibited to women (11); amend Labour Code to prohibit discrimination and sexual harassment (32); vocational training (33) | |
| State mechanisms for women's rights | | Family Protection Unit (6) | |
| Violence against women | | Legislation on VAW (16) | Threatened women placed in preventive custody (10) |

Gaps: The National Report was not yet available at the time of producing this Guide.

Domestic workers

- With respect to domestic workers and migrants, CEDAW recommended that Jordan **speed up the law reform effort to ensure that their employment is covered by the Labour Code and to monitor and effectively enforce regulations relating to employment for their benefit** (Para 37, Compilation). The National Commission for Human Rights (NCHR) reported that despite Government's efforts to avail the enjoyment of the right to work, there are still some impediments, in particular the fact that domestic workers are subjected to the provisions of a special **regulation**, which can deprive them from the rights recognized to other workers. It also noted that there is no health insurance for them, and that they are not covered by social security (Para 29, Summary). Amnesty International (AI) AI called on the Government to **amend the Labour Code so that it clearly covers domestic work and guarantees labour rights to migrant domestic workers** (Para 35, Summary)
- NCHR stated that some workers were subjected to verbal violence and physical harm and sometimes to sexual assault (Para 29, Summary). Amnesty International (AI) said that during a visit it conducted to Jordan in March-April 2008 to research violence and discrimination against women, it found that **abuse** of women migrant domestic workers is widespread, particularly in the context of economic exploitation and that many are paid only part of their meagre wages or not at all, sometimes for years. AI reported that many women migrant

domestic workers face a demanding work schedule and are forced to work at least the first three months without pay, supposedly to cover the recruitment agency's costs, although this practice is banned under Jordanian law and that physical, psychological and sexual abuse is common (Para 33, Summary). AI mentioned that although illegal in Jordanian and under international law, it is common practice for the employer to confiscate the woman worker's passport, further diminishing her independence and her ability to leave an abusive or exploitative family. It added that at the end of their employment, many women migrant domestic workers are unable to leave the country because they lack up-to-date residency and work permits and that around 14,000 migrant domestic workers are said to be stuck in Jordan due to over-stay fines (Para 34, Summary). AI called on the Government to improve monitoring of recruitment agencies and working conditions and to ensure that employment contracts are enforced and that employers and representatives of recruitment agencies who abuse migrant domestic workers are brought to justice (Para 35, Summary)

Early marriages

- In 2007, CEDAW urged Jordan to eliminate the provision in article 5 of the Personal Status Act, which allows marriage of a person under 18 years, and to enforce the 18-years minimum age of marriage for both women and men, which was also subject of a Committee on the Rights of the Child (CRC)'s recommendation in 2006 (Para 27, Compilation)

Economic rights

- Major findings of the 2006 Common Country Assessment (CCA) include wide regional and gender disparities and the potential risk for large segments of near-poor to fall below the poverty line. Large households, women and youth in rural areas with fewer opportunities are the most affected (Para 34, Compilation)

Equality and non-discrimination

- In 2007, CEDAW reiterated its recommendations relating to the introduction of a constitutional amendment to incorporate gender equality. CEDAW also encouraged Jordan to enact a comprehensive gender equality law (Para 12, Compilation)

Girl children

- In 2006, CRC recommended that Jordan continue to address the problems faced by the girl child and suggested that local, religious and other leaders should take a more active role in supporting the efforts to prevent and eliminate discrimination against the girl child (Para 13, Compilation)
- CRC recommended that Jordan amend the provisions of the Penal Code to provide equal protection to boys and girls below the age of 18 against commercial sexual exploitation (Para 22, Compilation)

Harmful traditional practices

- The 2006 CCA noted that although the Constitution does not discriminate between men and women, tradition and social practice still limit women's progress and full participation in society

(Para 13, Compilation)

'Honour' killings

- The 2006 CCA noted that the **most extreme form of discrimination against women in Jordan** is the officially deplored practice of "honour" killings - the murder of women (usually from within the family or clan) over accusations of "immoral" behaviour. Official figures indicate a decrease in the numbers of cases- from 21 reported in 2002, to 13 in 2003, 19 in 2004 and 5 cases up until May 2005 (Para 16, Compilation). AI stated that women in Jordan continue to be victims of "honour killings"; that in 2007, 17 women were reported to have been killed in this way and that the perpetrators of such crimes generally receive only reduced sentences (Para 11, Summary)
- CEDAW recommended that Jordan **amend without delay applicable provisions of the Penal Code to ensure that perpetrators of "honour" crimes do not benefit from a reduction of penalty, and ensure that "honour" crimes are treated as seriously as other violent crimes in regard to investigation and prosecution.** In 2000 and 2003, Parliament rejected efforts to repeal Article 340 of the criminal code, which provides **legal protection for perpetrators** of "honour" killings under certain circumstances (Para 16, Compilation). In April 2008, AI expressed its concern to the authorities at what appeared to be disproportionately lenient sentences imposed in March 2008 on two men convicted of killing close female relatives (Para 11, Summary)
- CRC recommended that Jordan **provide special training to law enforcement personnel with a view to protecting girls who are in danger of "honour killing"** (Para 47, Compilation). Human Rights Watch (HRW) mentioned that governors place women and girls at risk of "honor killing" in protective custody, a form of administrative detention. HRW recommended that **the member states of the HRC should strongly urge the Government to refer all women in protective custody to the Government's Wifaq Center or alternative non-governmental shelters for women at risk of violence** (Para 10, Summary)

Human Rights Education/Gender sensitization

- In 2007, CEDAW recommended that Jordan **develop training on the provisions of the Convention for judges, lawyers and prosecutors in order to establish firmly in the country a legal culture supportive of women's equality and non-discrimination**(Para 47, Compilation).

Laws that discriminate against women

- In 2007, CEDAW reiterated its recommendations to modify or repeal **discriminatory legislation**, including discriminatory provisions in its Personal Status Act, Penal Code and Nationality Act (Para 12, Compilation)
- A 2006 UNDP report noted that paragraphs 3 and 4 of article 2 of the Jordanian Nationality Law, grant Jordanian **nationality** to children of a Jordanian father, or children born in Jordan to a Jordanian mother, if the father is unknown or stateless. CRC recommended that Jordan review and amend the Jordanian Nationality Act (Law No. 7 of 1954) in order to ensure that a Jordanian mother married to a non-Jordanian man has the right to confer her nationality to her children equally and without discrimination (Para 15, Compilation). The NGO Coalition^[8], also indicated that the indirect discrimination against children and mothers through the nationality law that does not grant citizenship to children of non-Jordanian fathers, is clearly a

violation of the rights of the child. The nationality law must be amended so that a Jordanian mother can ensure the citizenship of her child, thus promoting the best interest of the child (Para 6, Summary)

- The Committee on the Rights of the Child (CRC) recommended that Jordan amend the provisions of the Penal Code to provide equal protection to boys and girls below the age of 18 against commercial sexual exploitation (Para 22, Compilation)
- CRC recommended that Jordan consider revising domestic laws to ensure that men and women have equal parental responsibilities, regardless of their marital status (Para 27, Compilation)

Participation in public and political life

- In 2007, CEDAW recommended taking temporary special measures to increase the representation of women in elected and appointed bodies (Para 12, Compilation). A 2006 UNDP report noted that the adoption of quota systems increased women's parliamentary participation. The 2006 CCA noted that as for women's political participation, in 2003 6 seats in Parliament were reserved for women under a quota system adopted by the Government the same year (Para 31, Compilation). The NGO Coalition recommended increasing the number of women to 30 per cent of the members of Parliament (Para 28, Summary)
- A 2006 UNDP report also noted that in 2003 and for the first time in Jordan, three women were appointed to the cabinet of ministers. In addition, seven women were appointed as senators or ambassadors. In the judiciary sector, only 2.8 per cent of employees were women (Para 31, Compilation)
- In 2007, CEDAW recommended that Jordan conduct training programmes on leadership and negotiation skills for current and future women leaders (Para 47, Compilation).

Polygamy

- In 2007 CEDAW reiterated its recommendations to undertake a review of all existing legislation and policy on polygamy with a view to eliminating that practice (Para 12, Compilation)

Refugee women

- The NGO Coalition said that Palestinian refugee women in Jordan face many forms of exclusion and difficult living conditions (Para 36, Summary)

Right to work

- The ILO Committee of Experts, in 2008, asked the Government to continue to look into the underlying causes of the gender segregation of the public sector and its impact on disparities in remuneration between men and women (Para 11, Compilation)
- The ILO Committee also asked the Government to regularly review the list of work prohibited to women, so as to ensure that measures aimed at protecting women based on stereotyped assumptions, will be repealed (Para 11, Compilation)

- In 2007, CEDAW recommended that Jordan amend its Labour Code to prohibit discrimination against women and sexual harassment in both public and private sector employment, include mechanisms for redress of complaints of discrimination and sexual harassment, and ensure equal benefits for women and men (Para 32, Compilation)
- The ILO Committee of Experts noted that the Government has taken a number of measures in the area of vocational training as a means of increasing women's employment opportunities. The Committee also noted that under the National Project on the Employment of Women, activities have been carried out to reach out to women in remote areas and to promote their employment opportunities. In particular, the Vocational Training Institution has organized awareness-raising campaigns to encourage young women to join vocational training programmes aimed at improving their economic situation. The Committee asked the Government to continue to provide information on the activities carried out under the National Project on the Employment of Women (Para 33, Compilation)

State mechanisms for women's rights

- The 2006 Common Country Assessment (CCA) noted that in 1999 a Family Protection Unit was established as part of the Public Security Directorate, to deal with cases of domestic sexual and physical abuse (Para 6, Compilation)

Violence against women

- CEDAW recommended that Jordan address all forms of violence against women and girls and enact, as soon as possible, legislation on violence against women (Para 16, Compilation)
- Human Rights Watch (HRW) mentioned that governors place women and girls threatened with domestic violence in protective custody, a form of administrative detention. HRW recommended that the member states of the HRC should strongly urge the Government to refer all women in protective custody to the Government's Wifaq Center or alternative non-governmental shelters for women at risk of violence (Para 10, Summary)

Suggested Questions and Recommendations

- Ask what measures have been taken to assist those most at risk to fall below the poverty line - large households, women and youth in rural areas /Recommend that measures be taken to assist those most at risk to fall below the poverty line - large households, women and youth in rural areas
- Ask how CRC's 2006 recommendation on efforts to prevent and eliminate discrimination against the girl child has been implemented, and recommend that the issue be given priority in government action, involving civil society.
- Recommend that Jordan implements CEDAW recommendation to amend without delay applicable provisions of the Penal Code to ensure that perpetrators of "honour" crimes do not benefit from a reduction of penalty, and ensure that "honour" crimes are treated as seriously as other violent crimes in regard to investigation and prosecution /Ask what is the current status of Article 340 of the Criminal Code that protects perpetrators of 'honour' killings under

certain circumstances, and what plans does Jordan have to amend this disposition.

- While congratulating Jordan for having established a quota of 6 seats in Parliament for women, recommend that the number of reserved seats be increased to -at least- 30.
- Ask what programmes exist for Palestinian refugee women and recommend that Jordan takes all necessary steps to ensure their access to education, health, housing and work, on equal conditions with Jordanian citizens.
- While congratulating Jordan on the National Project on the Employment of Women, recommend that women's equality in the workplace be further enhanced by reducing gender segregation of the public sector and the list of occupations forbidden to women.

[1] These Guides were produced by the Sexual Rights Initiative, a coalition of organizations based in Africa, Asia, Eastern Europe, Latin America and North America whose mandate is to advance women's issues broadly and sexual rights issues in the Human Rights Council. For questions, comments, suggestions please contact Alejandra Sardá-Chandiramani at alejandra@mulabi.org.

[2] States Parties shall grant women equal rights with men with respect to the nationality of their children

[3] States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

[4] States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women

[5] The same rights and responsibilities during marriage and at its dissolution

[6] he same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount.

[7] The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

[8] Amman Center for Human Rights Studies (with ECOSOC Consultative Status), Arab Women's Association, the Arab Organization for Human Rights in Jordan, Amman, Jordan)